

2438

Declassified E.O. 12356 Section 3.3/HND No.

785016

ACC

10000/142/272

PROSTIT
FEB. 194

/142/272

PROSTITUTION, BROTHELS, & VENEREAL DISEASE IN ITALY
FEB. 1944 - JUN. 1945

2440

Declassified E.O. 12356 Section 3.3/NND No.

785016

FILE CLOSED 14 JUNE 1945

131

RVIII/19/7000

1st. Ind.

JWW/eg.

Regional Legal Office, Headquarters Toscana Region, AMG- 14 June 1945.
 TO: Legal Sub-Commission, Headquarters, A.C.

1. Forwarded for your information.

For the Regional Commissioner:

John K. Weber
 JOHN K. WEBER,
 Colonel, Infantry,
 Regional Legal Officer.

	LEGAL SUB-COMMISSION	
→	CLO	W
	DELO	
	Chief Counsel	
	CLO	
→	Italian Section	*
	CL RKS	

HEADQUARTERS
LIVORNO PROVINCE
ALLIED MILITARY GOVERNMENT

Puro
96B

12 June 45.

File: P.L.O. 1376 B/H

Subject: Prostitution.

To: Regional Commissioner - TOSCANA Region.
(Attn: R.L.O.)

1. Prostitutes tried by the Pretore in Livorno since the inception of the method of dealing with prostitutes, on 8 May 1945, were sentenced as follows:

<u>Date</u>	<u>Offense</u>	<u>Sentence</u>
17 May 1945	Clandestine Prostitution Art. 191 T.U.L.P.S.	6 months imprisonment Lire 1,000 fine.
17 May 1945	Disobeying order of Questura Art. 157 T.U.L.P.S.	40 days imprisonment.
17 May 1945	Obscene Acts Art. 527 P.C.	5 months imprisonment.
7 June 1945	Disobeying order of Questura Art. 157 T.U.L.P.S.	2 months imprisonment.
7 June 1945	Disobeying order of Questura Art. 157 T.U.L.P.S.	2 months imprisonment.
7 June 1945	Disobeying order of Questura Art. 157 T.U.L.P.S.	1 month imprisonment.

2. The big majority of women apprehended are first offenders and, if they are not from Livorno Province, they are ordered by the Questura to return to their homes pursuant to authority contained in Article 157 "Testo Unico Leggi di Pubblica Sicurezza". Violators of this order are subject to from 1 to 6 months imprisonment. Women apprehended who live in Livorno Province are warned not to practise prostitution.

3. The new method of dealing with prostitution has proven to be very satisfactory.

For the Provincial Commissioner:

129

Arber Johnson
ARBER JOHNSON,
1st Lt., Inf.,
PIO, Livorno Province.

AJ/an.

SWV/ag

ALLIED COMMISSION
LIAISON OFFICE
BARI

Tel. 14152

Ref: LA / 6126

7th June, 1945

Dear Brigadier Parkinson

- BARI 1945

1. I wonder if the following information relating to prostitutes in this area being allowed out "on bail" during the hearing of appeals against their sentences will interest you, in view of the possibility that similar circumstances exist elsewhere.

"LUPOLI Caterina:- This woman was arrested on the 9th November, 1944 and charged with prostitution. The case was heard on the 29th November, 1944 and during the interim the woman was free. She was sentenced to four months imprisonment, but appealed against the sentence on the 20th March, 1945. Again during the interim she was not under any restraint. The sentence was reduced to one month and ten days imprisonment. LUPOLI has again given notice of appeal and is still free.

PATERNÒ Grazia:- This woman was arrested on the same day as LUPOLI and charged. She made the same appeals and has never carried out any part of her sentences.

BOILLE Rosa:- On the 21st December, 1944 this woman was arrested and charged with keeping a house for prostitution. The case was heard on the 25th January, 1945 and she was sentenced to one year's imprisonment and a fine of 1,000 lire. This woman is still appealing against the decision and is still free.

COVIELLO Angela and CAMPOLO Maria:- Both these women were arrested and charged with prostitution on 11th of January 1945 and on the 5th March, 1945 were sentenced to seven months imprisonment and a fine of 2,000 lire. These women were not held by the Carabinieri and both have absconded and cannot be traced."

TRANSLATION

PROCURA GENERALE DEL
REGNO

Bari, 29th day, 1945

Ref: 5716, Div. 1

TO : Procuratori del Regno del Distretto.
Liaison Officer, A.C., Bari.
Avvocati Generali of LECCE and LUCERA.

SUBJECT: Trial "per direttissima" in the cases of
Prostitution.

I order that all the Preture deal "per direttissima" with cases of prostitution.

As the cases will be held under the Arts 502 and 505 of the I.P.C., the Pretore will try them "per direttissima"; the persons charged with prostitution will be "detained" as it is not possible to arrest them without an order issued by judiciary authorities.

This proceeding is justified by the fact that the arrest cannot be considered arbitrary a priori without the previous penal behaviour of the accused being ascertained, and that is not possible because of the short time. The third para. of the Art. 246 of the I.P.C. confirms the Pretore orders the accused to be "detained" in case of trial "per direttissima".

Please notify that this disposition will be carried out.

/s/ Camillo TACCIA
Procuratore Generale
del Regno.

5716
1945

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

10/1022/L.

984
EJ/pa.
1st Feb 45.

SUBJECT : VD - Italian Law.

TO : AFHQ, C-5 Section.

- 920
1. Reference is made to your letter C-5 726.1 of 20 January 1945.
 2. The provisions concerning the notification of VD are contained in the following laws :-

- (a) Consolidated Text of Sanitary Laws No. 1265 of 27 July 1934
- (b) Regolamento No. 846 of 25 March 1923.

A copy of the pertinent Articles with some explanatory notes is enclosed herewith as Appendix A.

3. The criminal liability for infection with syphilis and blennorrhagia is established by Art. 554 a copy of which (English translation) is also appended as Appendix B.

For the Chief Commissioner

[Signature]
G. H. URJEN, Brig.
VP CA Sec
Dep COM AC

Encls.

945
App. A.RATIFICATION OF VI.

Testo Unico 27 luglio 1934 n. 1265 delle Leggi Sanitarie.

ART. 294 :-

" Il sanitario che nell'esercizio della sua professione sia venuto a conoscenza di un caso di malattia infettiva o diffusiva o sospetta di esserlo, pericolosa per la salute pubblica, deve immediatamente farne denuncia al podestà e all'Ufficiale sanitario comunale e occorrerà, se occorrerà, nella esecuzione delle disposizioni emanate per impedire la diffusione delle malattie stesse e nelle cautele igieniche necessarie."

" Il contravventore è punito con l'ammenda da lire 300 a 5000, alla quale si aggiunge, nei casi gravi, la pena dell'arresto fino a 6 mesi. Il prefetto adotta o propone dagli organi competenti i provvedimenti disciplinari del caso. "

Il Ministro per l'Interno o il Prefetto, per la sua Provincia, possono ordinare - in linea di misure sanitarie ai sensi del T.U. L.S. - che chiunque sia colpito o da una malattia infettiva, di cui si vuol impedire la diffusione, deve immediatamente farne denuncia al Sindaco o all'Ufficiale Sanitario.

In tal caso, a chi non osserva l'ordine sarebbe applicabile l'Art. 260 T.U. L.S. :-

" Chiunque non osserva un ordine legalmente dato per impedire l'invasione o la diffusione di una malattia infettiva dell'uomo o' punito con l'arresto fino a 6 mesi e con l'ammenda da lire 200 a 5000. Se il fatto è commesso da persona che esercita una professione o un'arte sanitaria la pena è aumentata ". (Vedi Art. 61 Cod. Pen.)

Oltre a queste norme generali, applicabili a tutte le malattie infettive, comprese quelle veneree, vanno tenute presenti le disposizioni particolari per la profilassi delle malattie veneree (blenorrea, sifilide, gonorrea e sifilide).

ART. 295 T. U. L.S. :-

" I medici sono tenuti a denunciare qualsiasi caso di malattia venerea accertato:

negli istituti di ricovero e di cura, negli opifici industriali e in tutte le collettività civili e militari ;

nei locali di meretrizio e in persona delle meretrici ¹²⁵ soggette a vigilanza.

Debbono inoltre denunciare qualsiasi caso di sifilide trasmessa per balneatico e di oftalmoblenarrea.

Chi trascura di eseguire le denunce o' punito con l'ammenda da lire trecento a cinquemila".

Il D.M. 23.4.1940 obbliga i medici a denunciare qualsiasi caso di malattia venerea accertato in persone di militari. In caso di contravvenzione si applica l'art. 294 T.S. L.S.

Al sensi dell'art. 294 T.S. L.S., l'autorità sanitaria può far sottoporre a visita medica ogni persona, fondatamente ritenuta affetta da malattia venerea, se, per la sua professione o mestiere, può diffonderla ad altri.

L'art. 15 del Regolamento 25.3.1935 n. 346 sulla profilassi delle malattie veneree impone ai "medici visitatori" dei locali di meretricio l'obbligo di denunciare immediatamente all'autorità sanitaria le donne riscontrate affette da malattie veneree contagiose nei postriboli ed in genere tra le meretrici soggette alla loro vigilanza, sotto pena di sospensione o revoca dall'Ufficio e, nei casi più gravi, di sospensione dall'esercizio professionale da 1 a 6 mesi.

Il testo degli articoli 1 e 15 del suddetto Regolamento è il seguente: -

ART. 1.

"Le malattie, alle quali si applicano le disposizioni che seguono, sono:

- a) la blenorragia;
- b) l'ulcera semplice contagiosa;
- c) l'infezione sifilitica;

considerate nel periodo di loro contagiosità."

ART. 15.

"I medici visitatori hanno l'obbligo di denunciare immediatamente all'autorità sanitaria le donne riscontrate affette da malattie, di cui all'art. 1, con manifestazioni contagiose, nei locali di meretricio ed in genere tra le meretrici soggette alla loro vigilanza.

Devono perimenti denunciare quelle che riscontrino affette da tubercolosi, tigna, scabbia, pediculosi, tracoma o da altre malattie a carattere diffusivo.

I medici visitatori devono altresì indicare, sui moduli che saranno stabiliti dal Ministero dell'Interno, e che dovranno conservarsi presso il locale di meretricio, il risultato di ogni visita.

Hanno infine l'obbligo di vigilare che i locali siano mantenuti in condizioni di igiene e di pulizia soddisfacenti, di assicurarsi che siano forniti i mezzi per eseguire le misure profilassi individuale prescritte, e di vietare l'adesione nei locali stessi delle donne che non siano state vaccinate da tre anni.

La contravvenzione a tali obblighi è punita con la sospensione o la revoca dall'ufficio, da pronunciarsi dal prefetto, a norma dell'articolo precedente, e, nei casi più gravi, potrà a carico del sanitario contravventore essere applicata la sospensione del libero esercizio professionale per la durata da uno a sei mesi, da determinarsi dal Ministro dell'Interno.

an

Il D.M. 23.4.1940 obbliga i medici a denunciare qualsiasi caso di malattia venerea accertata in persona di militari. In caso di contravvenzione si applica l'art. 254 T.U. L.8.

Ai sensi dell'art. 291 T.U. L.8., l'autorità sanitaria può far sottoporre a visita medica ogni persona, fondatamente ritenuta affetta da malattia venerea, ne, per la sua professione o mestiere, può diffonderla ad altri.

L'art. 15 del Regolamento 25.3.1923 n. 846 sulla profilassi delle malattie veneree impone ai "medici visitatori" dei locali di meretricio l'obbligo di denunciare immediatamente all'autorità sanitaria le donne riscontrate affette da malattie veneree contagiose nei postriboli ed in genere tra le meretrici soggette alla loro vigilanza, sotto pena di sospensione e revoca dall'ufficio e, nei casi più gravi, di sospensione dall'esercizio professionale da 1 a 6 mesi.

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- a) la blenorragia;
- b) l'ulcera semplice contagiosa;
- c) l'infezione sifilitica;

considerate nel periodo di loro contagiosità."

Art. 15.

"I medici visitatori hanno l'obbligo di denunciare immediatamente all'autorità sanitaria le donne riscontrate affette da malattie, di cui all'art. 1, con manifestazioni contagiose, nei locali di meretricio ed in genere tra le meretrici soggette alla loro vigilanza.

Devono pure denunciare quelle che riscontrino affette da tubercolosi, tigna, orribia, pediculosi, tracca o da altre malattie a carattere diffusivo.

I medici visitatori devono altresì indicare, sui moduli che saranno stabiliti dal Ministero dell'Interno, e che dovranno conservarsi presso il locale di meretricio, il risultato di ogni visita.

Hanno infine l'obbligo di vigilare che i locali siano mantenuti in condizioni di igiene e di pulizia soddisfacenti, di assicurarsi che siano forniti i mezzi per eseguire le misure profilassi individuale prescritte, e di vietare l'andata nei locali stessi delle donne che non siano state vaccinate da tre anni.

La contravvenzione a tali obblighi è punita con la sospensione o la revoca dall'ufficio, da pronunciarsi dal prefetto, a norma dell'articolo precedente, e, nei casi più gravi, potrà a carico del sanitario contravventore essere applicata la sospensione del libero esercizio professionale per la durata da uno a sei mesi, da determinarsi dal Ministro dell'Interno.

»»

Appx B.

94

OFFENSE, COMMITTED BY ANY WOMAN WHO EXPOSES HERSELF AS A PROSTITUTE
WHEN SHE IS INFECTED WITH SYPHILIS.

According to Art. 594 Italian Penal Code,

"Whoever, being affected with syphilis, conceals such state and carries out on any person acts such as to occasion to the latter the risk of infection, shall be punished, if infection supervenes, with penal servitude from 1 to 3 years."

"The guilty party shall be punished on action being initiated by the injured party. If the guilty individual has acted with the object of causing the infection, the provisions of Articles 583, 584, and 585 (aggravating circumstances) shall apply."

Inoltre il Ministro per l'Interno o il Prefetto della Provincia potrebbero vietare in generale, a sensi del T.U. L.8., il mercatizio delle prostitute infette da malattie veneree, indipendentemente dall'effettivo contagio di cui l'Art. 594 Cod. Pen. In caso di contravvenzione, sarebbe applicabile il surriferito Art. 266 T.U. L.8., come pure, eventualmente, l'Art. 650 Cod. Pen. (Non observance of orders of the Authorities).

HEADQUARTERS ALLIED COMMISSION

JFO 394

LEGAL SUB-COMMISSION

AS/4028/1.

SUBJECT : Prostitution and V.D.

TO : Regional Commissioners (Attn: Regional Legal Officers), TOSCANA, EMILIA, LIGURIA, PIEMONTE, LOMBARDIA, VENETIA Regions.

/rlo.

30 January 1945.

1. The military authorities are constantly requesting assistance from the various sub-commissions of AC concerned (Public Health, Public Safety, Legal, etc.) in order to secure from the Italian authorities full cooperation in their endeavors to minimize the diffusion of venereal diseases among Allied troops.

2. The Legal Sub-Commission in turn has made strong representations to the Minister of Justice with a view to obtaining the result that the Italian legal procedure followed by Italian judicial and police officials in relation to VD offences be tightened up.

3. Consequently, the Ministry has issued a number of directives and memoranda to the various officials concerned and it will be the duty of IOS in the field to see that these directives are implemented.

4. It must be borne in mind that Italian law gives the judicial and police officials ample means to fight prostitution and the various activities connected therewith. IOS should see that the "Pubblico Ministero" and the judges are given no latitude in applying the letter of the law in the spirit set out in the Minister's instructions to all Procuratori Generali and Procuratori del Re.

5. A synopsis of the provisions of the law in relation to prostitution together with copies of a number of directives and memoranda published by the Minister of Justice and Interior and a translation of RIL 194 are enclosed in order that IOS may be in a position to supervise the activities of the Italian officials concerned.

6. Such supervision will obviously be easier in all territory where IOS can give direct instructions to all Italian officials. In restored territory particularly, however, IOS should report at once to this sub-commission all actions by Italian judicial personnel tending to evade, set aside or ignore the formal instructions received by them from their superior officials in the above connection.

By command of Rear Admiral STONE:

G. G. 122 (CD)

3. Consequently, the Ministry has issued a number of directives and memoranda to the various officials concerned and it will be the duty of LOS in the field to ensure that these directives are implemented.

4. It must be borne in mind that Italian law gives the judicial and police officials ample means to fight prostitution and for various activities connected therewith. LOS should see that the "Pubblico Ministero" and the judges are given no latitude in applying the letter of the law in the spirit set out in the Ministry's instructions to all Procuratori Generali and Procuratori del Re.

5. A synopsis of the provisions of the law in relation to prostitution together with copies of a number of directives and memoranda published by the Minister of Justice and Interior and a translation of D.L. 194 are enclosed in order that LOS may be in a position to supervise the activities of the Italian officials concerned.

6. Such supervision will obviously be easier in the territory where LOS can give direct instructions to all Italian officials. In restricted territories particularly, however, LOS should report at once to this sub-commission all actions by Italian judicial personnel tending to evade, set aside or ignore the formal instructions received by them from their superior officials in the above connection.

By command of Her Majesty STCE:

S. G. 122

It. Col.
Officer i/c Italian Section,
for Chief Legal Adviser.

6 Incls: (Attachments)

- Incl 1 - Appendix A - Synopsis of law
- Incl 2 - Appendix B - Compulsory Report of Masters (Min of Interior)
- Incl 3 - Appendix C - Instructions to Judges and Prosecutors (Min of Justice)
- Incl 4 - Appendix D - Instructions to Allied Authorities
- Incl 5 - Appendix E - Memo for Allied Authorities
- Incl 6 - Appendix F - Decree 194 (concerning acts 25, 26, 27, 28 and 29 of the

2PF (arrests in flagrancy and provisional liberty)

Incl 6 - Appendix F - Cir of Min of Justice on prostitution.

APPENDIX A

Synopsis of the Law Public Safety of 18 June 1931 No. 773, Chapter VII, Articles 190 to 208

Art. 190: At the request of the keeper or at their discretion, Public Safety authorities may declare premises where prostitution is exercised to be licensed premises.

Art. 191: No premises of this type can be opened without the license referred to in the preceding article; this provision is also applicable to premises where one person only exercises this practice. Penalty up to one year and 1,000 lire fine.

Art. 192: Public Safety authorities can close any such premises in the interest of morality, decency and public order.

Art. 193: Whoever desires to open a house of prostitution must fill in a special form provided by Public Safety authorities in which are determined the conditions under which he may exercise his profession.

Art. 194: No premises used for prostitution can be modified without the authorization of the PS authority. List of persons who exercise prostitution in licensed premises must be supplied to the PS authority. If through negligence sanitary measures are not taken and an infected person is admitted, even for a short time, in the licensed premises, penalties up to one year and 5,000 lire can be upheld.

Art. 195: Hours of opening are determined by the PS authorities.

Art. 196: The following are forbidden in premises where prostitution is exercised:

- a. Gambling, dancing and any type of celebration.
- b. The ready sale of food and drink.
- c. Access to minors under 18.
- d. Entering the premises carrying arms.

Penalties up to 6 months and 3,000 lire fine.

Art. 197: Full rights of requisition at any time by PS authorities - and also of evacuation of all inmates.

Art. 198: The keeper cannot receive gifts of money or other articles from the inmates. Penalty - up to 3 months and 5,000 lire.

Art. 199: The keeper cannot retain an inmate wishing to leave the premises. Penalty up to 3 months and 5,000 lire fine.

Art. 200: Prostitution premises shall be closed when:

1. Venereal diseases are prevalent.
2. Minors are found among the inmates.
3. Sanitary visits are not properly carried out.
4. The keeper tries to prevent such visits.
5. The keeper becomes an habitual offender under Art. 195 & 196.
6. The house is in any case.

Art. 201: All such premises can also be closed for general hygiene motives or other

Art. 196: The following are prohibited:

- a. Gambling, dancing and any type of celebration.
- b. The ready sale of food and drink.
- c. Access to minors under 15.
- d. Entering the premises carrying arms.

Penalties up to 6 months and 3,000 lire fine.

Art. 197: Full rights of requisition at any time by PS authorities - and also of evacuation of all inmates.

Art. 198: The keeper cannot receive gifts of money or other articles from the inmates. Penalty - up to 3 months and 5,000 lire.

Art. 199: The keeper cannot retain an inmate wishing to leave the premises. Penalty up to 3 months and 5,000 lire fine.

Art. 200: Prostitution premises shall be closed when:

1. Venereal diseases are prevalent.
2. Minors are found among the inmates.
3. Sanitary visits are not properly carried out.
4. The keeper tries to prevent such visits.
5. The keeper becomes an habitual offender under art. 195 & 196.
6. The lease is at an end.

Art. 201: All such premises can also be closed for general hygiene motives or other reasons left at the discretion of PS authorities.

Art. 202: The keeper who maintains the premises open after the date of closing is liable to one year's imprisonment and 5,000 lire fine.

Art. 203: Whoever contravenes the above provisions cannot receive a license for a period of five years.

Art. 204: One year is the minimum limit of time before any closed premises can be opened.

Art. 205: PS authorities can at any time order sanitary visits of the inmates or send them to special cure places.

Art. 206: Licenses are withdrawn if the keeper requests it when the premises are not used anymore for the exercise of prostitution.

Art. 207: All appeals against PS authority action can be made to a Commission convened by the Prefect, etc.

Art. 208: Incitement to debauchery is also forbidden, even by indirect means, in any public places.

It is also formally forbidden:

- a. to solicit by deeds or words in the streets
- b. to stand in public places in an indecent attitude
- c. to expose one's person at the windows or on the threshold of licensed premises
- d. to give the address or indicate in any way the location of licensed premises or to offer means of procuring.

Penalty up to six months.

APPENDIX

Ministry of the Interior

TO ALL PREFECTS.

The Allied authorities have informed the Italian Government that private concerns the first military personnel for whom real diseases do not respect the other to proper quarters, as they are required to do by law. Thus the adoption of disinfecting and military measures by the military authorities is an impossibility. In order to obviate these difficulties, all you must inform the medical observations to the effect that soldiers are considered as "living in the community" and therefore in accordance with the provisions of the Ministerial Decree of 23 April 1945, it is compulsory for the doctors to report all cases of syphilis, gonorrhea and venereal ulcers affecting military personnel which they may obtain knowledge of in the course of their professional activities.

All doctors shall be punished under the terms of art. 214 of the consolidated text of the existing sanitary legislation. Please acknowledge.

The Minister.

ANNEX C

Instructions to the following of art. 214 have been issued to all Procureurs Generali - Avvocati Generali - Procuratori del Re - Senato.

Instructions for the cooperation with the Allied authorities in order to eliminate the spreading of V.D. among troops.

AC have requested the effective cooperation of the judicial authorities in order to prevent the spreading of V.D. among Allied troops.

It has been agreed with the Ministry of the Interior that, when necessary, mixed squads of Allied and Italian police shall be organized to patrol the streets and prevent prostitution, from circulation, the liquidity and thus making easy contact with Allied soldiers. New observation centers have also been created in town to increase the surveillance of courtesans, venereal diseases and of detecting symptoms of suspicious character (false and persons may be kept at these centers until cured).

It has been requested that the doctors in jail of court-ordered prostitution, who have been either self-examined (sterilized or operated (sterilized), and who have not been cured, be taken to healthy ones tends to increase the spread of the disease, especially when there are large numbers of these women.

The attention of all Procureurs Generali and Regional Prosecutors is therefore directed to the gravity of these facts which have a direct effect on Allied military activity and they are hereby instructed to lead every measure in their power to this end, in addition to the Allied authorities. Moreover, the judicial police will be instructed to take all necessary steps to prevent prostitution and raising their standard broad from the judicial authorities.

Furthermore, in cases of prostitution either apprehended for reasons of public safety or arrested, the following rules shall apply:

Instructions for the organization of the field activities in order to

eliminate the spread of Y. P. and P. P.

It has been requested that the attention of the Director of the Institute be

drawn to the fact that the Director of the Institute has been directed to

the fact that the Director of the Institute has been directed to

the fact that the Director of the Institute has been directed to

the fact that the Director of the Institute has been directed to

(1) The Director of the Institute has been directed to

(2) The Director of the Institute has been directed to

(3) The Director of the Institute has been directed to

(4) The Director of the Institute has been directed to

* All those found to be infected or suspected of being infected shall be segregated from the healthy ones and given adequate treatment at the prison.

APX D

MEMORANDUM FOR JUDICIAL AUTHORITIES CONCERNED AS PERTAINED BY
MINISTRY OF JUSTICE

A. By Italian law there are two distinct ways in which a person can be arrested by the police:

1. "Arresto". This corresponds roughly to our own idea of arrest and is regulated by rules laid down in the Code of Penal Procedure, Arts. 244 and 250. It is usually effected under an order or warrant issued by the judicial authorities. And when "arresto" can be made without such an order or warrant (as set out in the Code of Penal Procedure, Arts. 235, 236, 237, 239 and following) these three persons are caught in the act of committing an offence (Migrante delicto). However, unrestricted and other offenders arrested in flagrancy may be granted provisional liberty under Art. 277 of the CPP. In certain cases the giudice istruttore or the pretore may release the respondent under the provisions of Art 269 of CPP, making an arrest. (B) when they had not heard a warrant, and (c) when they must proceed to arrest without a warrant.

In all cases, however, the person arrested must be placed by the police at the disposal of the judicial authorities within 24 hours of making the arrest unless a longer period of custody is ordered by the Procureurs or Pretore (Arts. 244 - 248 Code of Penal Procedure).

2. "Fermo". The distinction between this method of arrest and "arresto" above lies not in its immediacy to effect upon the person arrested, for in either case he is taken into custody, but in the procedure adopted towards such a suspected person after arrest.

"Fermo" is regulated by Art. 232 of CPP modified by a Royal Decree No. 45 of 30 January 44 and Art. No. 406 of 6 December 44 whereby the police are empowered to apprehend or take into custody any person suspected of having committed a crime or vice, in being intercepted by the police, attempts to escape. But the police may apprehend in this manner only such persons reverting when they have reasonable grounds for suspecting a having committed or being concerned in, a crime for which they issue of a warrant of arrest would be necessary. Apprehension in such cases must be immediately notified to the judicial authorities.

Under Art. 157 of the "Legge di Pubblica Sicurezza" a person may be apprehended by the police without being accused or even suspected of committing an offence, simply because he looks suspicious or immoral life and when questioned by the police refused to give the necessary explanation. By Art. 154 however, the powers of the police in such cases are limited to ordering that the suspected person return to his domicile of origin, by a compulsory travel order (Decreto di via obbligatorio). However, when it is ascertained

In all cases, however, the person arrested must be placed by the police at the disposal of the judicial authorities within 24 hours of making the arrest and a lawyer's period of detention shall be ordered by the Procureur or Judge (Art. 244 - 248 Code of Penal Procedure).

2. Summary. The distinction between this method of arrest and arrest without a warrant is that the person arrested, for in either case he is taken into custody, but in the procedure without a warrant such a suspected person after arrest.

3. Procedure. According to Art. 236 of the Code of Penal Procedure, Art. 45 of the Code of Penal Procedure and Art. 406 of the Code of Penal Procedure, the police are empowered to apprehend or take into custody any person suspected of having committed a crime or who, in being interrogated by the police, attempts to escape. But the police may apprehend in this manner only such persons as they have reasonably grounds for suspecting as having committed or being concerned in, a crime for which the issue of a warrant of arrest would be necessary. Apprehension in such cases must be immediately notified to the judicial authorities.

4. Under Art. 157 of the "Loi sur l'arrestation" a person may be apprehended by the police without being accused or even suspected of committing an offence, simply because he is in a suspicious or immoral life and when questioned by the police refuses to give them any explanation. By Art. 154 however, the power of the police in such cases is limited to ordering that the suspected person return to his domicile of origin, by a compulsory travel order (ordonnance de voyage obligatoire).

However, when it is difficult to establish the identity of the person so apprehended, he or she may be detained in custody for over a period of time until the police are satisfied as to his identity and morals.

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5. It is to be observed that, since the law on preventive measures are concerned, many more are apprehended by police patrols operating in town during the hours of darkness for security measures than are arrested for a specific offence.

Preventive measures are apprehended by the police who are found to be disordered or be detained in prison until cured. Where persons are arrested (under Art. 154), with or without warrant, must be dealt with in accordance with the Code of Penal Procedure, where it is laid down that such persons may be treated outside the jail.

The officers and agents of the judicial police and of the public forces shall arrest any person who is caught in the act of committing any offense against the personality of the State which is punishable by a term of detention (non-remuneration) or by a more severe penalty, or committing any other offense, not being one "without criminal intent", for which the maximum penalty prescribed by law is imprisonment (reclusion) for not less than five years or any more severe penalty.

Likewise they shall arrest any person declared to be an offender, habitual, professional or by tendency, or who is subject to any measure of personal restriction, or is subjected to a personal restrictive measure, or, whenever any such person shall be caught in the act of committing any offense punishable by imprisonment (pena de reclusion) for a maximum term of not less than two years.

When the offense is one punishable on the warrant (querrela) of the party injured, arrest on the spot must be carried out in those cases not out in this article. Whenever the party injured declares to the officer or agent of the judicial police or of the public forces there, stating that it is his desire to prosecute such a complaint.

Art. 3

The officers and agents of the judicial police and of the public forces shall have the power to arrest any person caught in the act of committing any offense for which the maximum penalty prescribed by law is imprisonment for not less than two years. Likewise they shall have the power to arrest any person declared habitual criminal, habitual, professional or by tendency or who has been subjected to a measure of personal restriction or who has been sentenced more than twice to detention for any offense not being one "without criminal intent" (non culposus) or who has been previously sentenced to a detention for an offense of the same kind, or who has no fixed residence within the territory of the state, whenever such a person shall be caught in the act of committing any offense not being one "without criminal intent" (non culposus) the penalty for which is established by law as imprisonment (reclusion).

When the offense is one punishable by the offender's penalty on the complaint of the party injured, arrest in flagrant delicto shall be carried out wherever the party injured shall declare to the officer or the agent of the judicial police or of the public forces that he desires to prosecute such a complaint.

The officers and agents of the judicial police and of the public forces shall have also the power to arrest any person caught in the act of committing an offense when it is regard to arms or explosive material, provided for in the penal code or other laws or any contravention provided for in arts. 670, 671, 688, 707 and 708 of the Penal Code and who shall have been declared to be an habitual or professional contravenor, whenever he shall have committed a contravention of the same nature as that for which he has been declared an habitual or professional offender.

Art. 4

A warrant for arrest shall be issued against the accused for:

- (1) offences against the personality of the State for which the law establishes a minimum penalty of not less than five years imprisonment or a heavier penalty;
- (2) wilful murder, committed or attempted, for robbery, for extortion or for seizure of a person for the purpose of robbery or extortion;
- (3) every other offence for which the law establishes the penalty of death or hard labor for life (ergastolo).

Similarly the warrant for arrest must be issued against any person accused of any offence, not being an offence without criminal intent ("non doloso"), for which the maximum penalty prescribed by law is imprisonment for a term of not less than five years, whenever the offender has been declared an offender, habitual, professional or by tendency, or is in such condition as is required by Art. 102 of the Penal Code for a declaration of habituality in crime to be made against him, or is assigned to an agricultural colony or a labor institution or is subjected to liberty under supervision.

Art. 5

A warrant of arrest may be issued against the accused for:

- (1) offences against the personality of the State for which the maximum penalty prescribed by law is imprisonment for not less than three years.

- (2) offences, not being offences without criminal intent ("non doloso"), for which the maximum penalty prescribed by law is imprisonment for not less than five years.

- (3) offences without criminal intent ("non doloso"), for which the maximum penalty prescribed by law is imprisonment for not less than two years whenever the accused shall have been declared to be an offender, habitual, professional or by tendency or who is subjected to some measure of personal restriction or has been sentenced more than twice to penal detention for an offence not being an offence without criminal intent or shall have been previously sentenced to deportation for an offence of the same kind or has no fixed residence within the territory of the State or when it appears that he has fled or intends to flee. The judge in deciding whether to exercise his power of issuing a warrant for arrest shall take into account the moral and social conditions of the person and the circumstances of the case.

Art. 6

When during the formal investigation ("instruccion") the period of preventive custody for the offence concerned has exceeded four months the arresting officer shall immediately report to the President of the Republic the reasons why the investigation is not yet completed. The President, after having examined the documents if he thinks that necessary, shall make the appropriate provisions for accelerating the proceedings and whenever such is the case for discovering the responsibility for the delay. The

TRANSMISSION

APPENDIX

LEGISLATIVE DECREE OF THE LEVINGEN GENERAL - NO. 194 OF 19 AUG 44.

Temporary limitations in case of arrest, issue of warrant of arrest and preventive custody.

HARMONY OF SAVOY, etc.

By virtue of the authority delegated to us;

Ref Arts 235, 236, 237, 238 and 272 Code of Penal Procedure;

Ref the DLI No. 151 of 25 June 1944;

Ref RDL No. 2/5, 30 October 1943;

Ref RDL No. 141, 20 May 1944;

The Council of Ministers having deliberated;

On the proposal of the Minister for Prison and Justice

We have sanctioned and promulgated the following:

Art. 1

During the actual state of war and until six months after the conclusion thereof, the provisions contained in the present decree shall apply to penal procedure as modifying articles 235, 236, 237, 238 and 272 of the Code of Penal Procedure.

Art. 2

The officers and agents of the judicial police and of the public forces shall arrest any person who is caught in the act of committing any offence against the personality of the State which is punishable by a term of detention (even when the offence is a more severe penalty, or committing any other offence, not being one without criminal intent), for which the maximum penalty prescribed by law is imprisonment (reclusion) for not less than five years or any more severe penalty.

Likewise they shall arrest any person declared to be an offender, habitual, professional or by tendency, or who is subject to any measures of personal restriction, or is subjected to a personal restrictive measure, or, whenever any such person shall be caught in the act of committing any offence punishable by imprisonment (even when the offence is a more severe penalty, or committing any other offence, not being one without criminal intent), for a maximum term of not less than two years.

When the offence is one punishable on the complaint (querrel) of the party injured, arrest on the spot must be carried out in these cases set out in this article whenever the party injured declares to the officer or agent of the judicial police or of the public forces there present that it is his desire to prosecute such complaint.

Art. 3

The officers and agents of the judicial police and of the public forces shall have the power to arrest any person caught in the act of committing any offence for which

When in proceedings within the jurisdiction of the Court the period of preventive detention for the offense concerned shall not exceed thirty days and the order for trial has not been issued, the accused shall be freed; the order shall immediately make a report to the Procurator del Re concerning the reasons for the delay. The Procurator del Re shall report in the responsibility for the delay and inform the Procuratore Generale thereof.

Art. 7

Whenever Articles 235, 236, 237 and 254 of the Code of Penal Procedure or other laws in force are cited, it shall be understood that Articles 2, 3, 4 and 5 of the present decree are referred to in their stead.

Whenever par. no. 2 of Article 254 of the Code of Penal Procedure is cited in the above mentioned laws, it shall be understood that par. no. 3 of Article 5 of the present decree is referred to.

Art. 8

If during the proceedings already commenced at the date of the coming into force of the present decree, the delays not set out in the first paragraph of Article 6 have expired, or in cases within the jurisdiction of the Tribunal where they have not expired, or in cases within the jurisdiction of the Court of Appeal where they have not expired, or in those within the jurisdiction of the Court of Cassation where they have not expired, the delay of the said delay is respectively prorogued to three and six months from the date of the coming into force of the present decree.

Art. 9

This decree shall come into force on the date of its publication in the Official Gazette - Special Series, etc.

Whenever Articles 235, 236, 237 and 238 of the Code of Penal Procedure are cited in the laws in force are cited, it shall be understood that Articles 2, 3, 4 and 5 of the present decree are referred to in their stead.

Wherever par. no. 2 of Article 234 of the Code of Penal Procedure is cited in the above mentioned laws, it shall be understood that par. no. 5 of Article 5 of the present decree is referred to.

art. 6

If during the proceedings already commenced at the date of the coming into force of the present decree, the delays set out in the first paragraph of Article 6 have expired, or in cases within the jurisdiction of the Tribunal there are less than three months to run, or in those within the jurisdiction of the Court of Appeal there are less than six months to run, the expiry of the said delays in respect of the proceedings referred to shall be counted from the date of the coming into force of the present decree.

art. 7

This decree shall come into force on the date of its publication in the Official Gazette - Special Series, etc.

TRANSLATION

Apix P

MINISTRY OF PARDON AND JUSTICE
Office of the Director General
for Penal Matters

Rome, 14 January 1945

Off. I .P.
Prot. No. 131.12/207 Fasc. 44.
Circular No. 2988

TO:

Their Excellencies First Presidents of
Courts of Appeal
Prosecutors General of Courts of Appeal of
the Kingdom.

SUBJECT : Use of the power to grant provisional liberty in proceedings for offences concerning prostitution.

This Ministry has had occasion to point out that the prevention of certain offences, particularly of those concerning prostitution, is considerably impeded by the at times excessive use of the power to grant provisional liberty in the relative proceedings.

The legislator recently intervened in the repression of the phenomenon of prostitution, which at the present time is assuming increasingly serious proportions due to the commonly known and social situation, by enacting the D.L. No. 323 of 12 Oct 1944 thereby effecting a timely increase in the penalties for offences established in this field by the Consolidated Text of the Public Safety Laws.

It is advisable that then rigorous criterion laid out by the legislator himself be followed by the judicial authority in each case where the option to grant provisional liberty is to be exercised in proceedings involving the offences under consideration; and particularly so in cases in which a sentence of conviction has already been rendered by the court of first instance and appeal lodged against it.

Furthermore, whenever it is decided to accord the benefit of provisional liberty, it would be advisable, always in the interest of the prevention of crime, to exercise frequently and carefully the power authorized by 2nd par. of Art. 283 Code of Penal Procedure to forbid the persons released of prostitution or of inebriation remaining in localities visited by military personnel.

It would be appreciated if your Excellencies would kindly issue the necessary instructions in this matter to the subordinate offices, advising the Ministry accordingly.

THE MINISTER

(sgd) Tupini

MINISTERO DI GRAZIA E GIUSTIZIA
Direzione Generale degli Affari Penali

Off. I. R. P.
 Prot. No. 131.12/207 Fasc. 333.
 CIRCOLARE N. 2936

Roma, 11.12.1947

Alle LL. EE.
 I PRIMI PRESIDENTI DELLE CORTI DI APPELLO
 I PROCURATORI GENERALI PRESSO LE CORTI
 DI APPELLO del

R E G I O

SOGGETTO: Uso della facoltà di concedere la libertà provvisoria, nei procedimenti per reati concernenti la prostituzione.

Questo Ministero ha avuto occasione di rilevare come la prevenzione di alcuni reati, e specialmente di quelli che concernono la prostituzione, trovi un notevole ostacolo nell'uso talora smodato dell'esercizio della facoltà di concedere, nei relativi procedimenti, la libertà provvisoria.

Contro il fenomeno della prostituzione, che attivamente, per la ben nota triste situazione sociale, dilaga in modo impressionante, il Legislatore è di recente intervenuto, con la D.L. 12.10.1944, n. 323, in cui ne opportunamente inasprito la sanzione relativa ai reati previsti, nella suddetta materia, dal T.U. delle leggi di P.S.

Questo criterio di rigore, adottato dallo stesso Legislatore, è opportuno sia seguito dall'Autorità Giudiziaria ogni qual volta debba fare uso della facoltà di concedere la libertà provvisoria, nei procedimenti che hanno per oggetto uno dei reati in questione. Già avvenute nel caso in cui sia già intervenuta una sentenza di condanna di primo grado e vi sia stata impugnazione.

Sarebbe inoltre opportuno, sempre ai fini della prevenzione penale, che, qualora si decidesse di concedere il beneficio, si facesse un uso frequente ed esclusivo della facoltà prevista dal 2° comma dell'art. 282 C.P.P. vietando alle persone imputate di prostituzione o di adescamento al libertinaggio, di dimorare nelle località frequentate da militari.

Si gradirebbe che la V. M. volesse compiacersi di impartire in proposito le opportune direttive agli Uffici dipartimenti, dandone assistenza a questo Ministero.

IL MINISTRO

f.to Tupini

4025
ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

WGE/thh

G-5 726.1

28 January 1945

SUBJECT: VD - Italian Law

TO : Headquarters, Allied Commission
(Attn: Legal SubCommission)
APO 394.

1. This Section has received a communication from the Provost Marshal as follows:

" 1. It would be greatly appreciated if this office could be notified as to the Italian law on the subject of notification of VD.

" 2. It is believed that a regulation exists, quite apart from the question of medical examination of registered prostitutes, whereby any woman, registered or not, commits an offence if she exposes herself as a prostitute when she is infected with Syphilis.

" 3. It is requested that this, and the question of notification of Syphilis under Italian law, may be checked and confirmed."

2. It would be appreciated if you could let us have your opinion on the points raised for the purpose of reply.

For the Acting Asst. Chief of Staff, G-5:

LEGAL SUB COMMISSION
CIO
DCS
Chief Counsel
CIO
Italian Section
GL RAJ
30 JAN 1945

W. G. ELDER,
Lt. Colonel,
Cdn. Prov. Corps.

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HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4028/L.

ES/ap.

27 January 1945.

SUBJECT : Prostitution. Primo Pretore APICELLA, Bari.

TO : H. E. The Minister of Pardon and Justice.

1. Enclosed for Your Excellency's consideration is copy of a communication directed by the Legal Officer of Bari to the Procuratore Generale del Regno, Bari.

2. The instances set out in the enclosure bear out the contention of this Sub-Commission that further continuation in office of Cav. APICELLA is leading to ever increasing difficulties. Could, therefore, action please be taken on letter AC/4028/L of 9 January 1945 to which no definite reply has been received as yet from the Ministry.

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G. G. HANNAFORD,
Lt. Colonel,
Officer i/c Italian Branch,
for Chief Legal Advisor.

Incl: Copy of letter dtd. 20
Jan 45 -Major M. SUTTON.

ALLIED COMMISSION
LEGAL OFFICE
BARI

20 Jan 45

Ref: BZ/LEG/2/6125

Subject:- Charges against PACIONE Pasqua of running
unlicensed brothels

To :- H.E. PROCURATORE GENERALE del REGNO BARI

Copy :- Procuratore del Regno, BARI
Primo Pretore, Pretura Unificata di Bari

For information : R.L.O. Southern Region, Naples
(Ref para 5 of this HQ's letter
BZ/CA/1/41 of 7.12.44 and para
5 (i) of this HQ's letter BZ/LEG/2/6125
of 28.12.44).

and to : O.C. 1051 at M.P. Co. (Avn), BARI

1. Your Excellency is requested to refer to this HQ's letter No BZ/LEG/2/6120 of 28 November 1944 in connection with the abovenamed.
2. At the time this HQ's addressed the letter referred to in the preceding paragraph to Your Excellency, PACIONE Pasqua had been convicted for the third time of keeping an unlicensed house of prostitution and had been granted, conditional suspension of her sentence.
3. This HQ's begs to inform Your Excellency that since then, this woman was again arrested on 27 Dec for the same offence tried, convicted and for the fourth time granted conditional suspension.
4. Finally, PACIONE Pasqua was arrested for the fifth time on 11 January 1945 by the Allied Military Police and is at present awaiting trial for the same offence again.

- and to : 0001 103
1. Your Excellency is requested to refer to this HQ's letter No BZ/LEG/2/6120 of 28 November 1944 in connection with the abovenamed.
 2. At the time this HQ's addressed the letter referred to in the preceding paragraph to Your Excellency, PACIONE Pasqua had been convicted for the third time of keeping an unlicensed house of prostitution and had been granted, conditional suspension of her sentence.
 3. This HQ's begs to inform Your Excellency that since then, this woman was again arrested on 27 Dec for the same offence tried, convicted and for the fourth time granted conditional suspension.
 4. Finally, PACIONE Pasqua was arrested for the fifth time on 11 January 1945 by the Allied Military Police and is at present awaiting trial for the same offence again.
 5. In brief, within the short period between September 1944 and the beginning of January 1945, the notorious record of this woman appears to have been the following.

1st Offence-Arrested 4.9.44-Keeping an unlicensed brothel-6 months imprisonment and 1000 lire fine (appeal entered)			
2nd Offence-Arrested 31.10.44- Unlicensed brothel - 6 months imprisonment and 1000 lire fine <u>suspended</u>			
3rd Offence-Arrested 2.11.44-	"	"	- 6 months imprisonment and 1000 lire fine <u>suspended</u>
4th Offence-Arrested 27.12.44-	"	"	- 6 months imprisonment and 1000 lire fine <u>suspended</u>

5th Offence-Arrested 11.1.45-Unlicensed brothel - Awaiting trial

6. The list of PACIONE Pasqua's activities is sufficiently eloquent to suggest that the Pretura of BARI is either deliberately assisting this woman to escape just punishment for her crimes or so badly organized as to be unaware of her previous convictions each time it grants conditional suspension of the sentence.
7. The continued freedom of this woman which enables her, apparently with impunity and certainly with an absolutely impudent disregard of the law and those responsible for enforcing it and administering it, to run unlicensed brothels which Allied Military personnel are constantly found to frequent, constitutes a grave menace to the health of troops in this Area.
8. This HQ's therefore demands firstly that immediate steps be taken to deal with any pending appeals which PACIONI may have filed so as to finalise the various sentences and revoke the successive suspensions granted to her, and secondly that it be ensured that she serves these sentences in their entirety.
9. This HQ's would further be grateful if immediate and thorough measures could be taken by Your Excellency to prevent the continuance of the present state of disorder which appears to prevail in the Bari Pretura which has so far permitted three successive grants of conditional suspension of sentence to be made to this hardened offender.
10. This HQ's will be interested to hear in due course of the outcome of PACIONI Pasqua's fifth trial on the charge of maintaining an unlicensed house of prostitution in BARI.

/s/ M. Setton
/t/ M. SETTON

Major

Legal Officer

112

MS/im

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

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AC/4028/L.

ES/ap.
27 January 1945.

SUBJECT : Prostitution in BARI Zone.

TO : Regional Commissioner, SOUTHERN Region
(Attn: Regional Legal Officer).

The communication forwarded with your L-3007 of 24 January was transmitted to the Ministry of Justice for action.

By command of Rear Admiral STONE:

G. G. HANNAFORD, *111*
Lt. Colonel,
Officer i/c Italian Branch,
for Chief Legal Advisor.

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HEADQUARTERS
SOUTHERN REGION, ALLIED COMMISSION
LEGAL DIVISION
APO 394, U.S. Army

L-3007

24 January 1945

SUBJECT: Prostitution in Bari Zone.

TO : Chief Legal Adviser, HQ., C.M.F.

1. I refer to my evenly numbered letter dated 29 Dec. '44 and previous correspondence in the above connection.

2. I attach hereto copy of a letter which I have this day received from L.O. Apulia and Calabria.

3. The letter speaks for itself and is further evidence in support of the complaints which are now being made by Service Commanders in this Region about the ineffectiveness of certain of the Italian Courts.

4. I invite attention to your AC/4028/L dated 16 December 1944 in reply to the Regional Commissioner's letter No R/1280 dated 13 Dec. '44.

For Regional Commissioner.

L. F. Dawson.

L.F. DAWSON,
Lieut. Colonel, G.I.,
Reg. Legal Officer

LFD/ap.

Copy to : L.O. Apulia and Calabria at Bari
(Your BZ/LEG/2/6125 dated 20 January '45 to Proc. Gen. del Regno refers).

LEG	SUBC-1A
L.O.	
Chief Counsel	
Chief	
Italian Section	
CL PYS	27 Jan. 1945

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HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

4028
10/4/53/1/1.

CCM/pe.
22 Jan 45.

SUBJECT : Prostitution.

TO : Regional Commissioner, SOUTHERN Region.
(Attn: R.L.O. for ~~Genl 56 Area~~)

- 85A
1. Reference ~~was~~ 19/2 (G) of 18 Jan 1945 from 56 Area -
 2. The Minister of Justice at the request of this Sub-Commission has issued two circulars to the Italian judicial officials on the question of prostitution. These have been forwarded to RLO Southern Region and no doubt communicated to military authorities.
 3. The Minister observed that it was practically impossible for him to alter basic Italian legislation or to deprive the judges of their right of appreciation under the fundamental Constitution of the Kingdom.
 4. He ventured to suggest that the prosperity of brothels depended largely on the "law of supply and demand". If the demand was controlled through strict disciplinary action, in all probability keepers would not be so interested in providing the supply at all cost.
 5. Although he was of opinion that brothels keepers and pimps should be mercilessly hunted down, he believed that the phenomenon of prostitution was inherent to the presence of a large Army and the present economic situation. He did not think that excessive punishment would have other results than to congest the already inadequate goals with a population of wretched and miserable women.
 6. Under these circumstances he had used the best weapon at his disposal. He had issued instructions to all judicial officials, through the Procura Generale, directing them to use relevant articles of the Code in order to deny to the offenders the benefit of provisional liberty in cases of prostitution and other offences affecting Allied interest.

By command of Rear Admiral STONE :

W. E. WHEATON,
Colonel, 104
Deputy Chief Legal Advisor.

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HEADQUARTERS ALLIED COMMISSION

APO 394

CIVIL AFFAIRS SECTION

WHE/pa.
26 Jan 45.

AC/4008/L.

SUBJECT : Prostitution.

TO : See Distribution List.

1. Cases have occurred recently in which prostitutes have been charged with and convicted of an offense under Prec. 1 Art. V Sec. 45 on the sole ground that they had had or solicited intercourse with a member of the Allied Forces.

2. Intercourse with or solicitation of a member of the Allied Forces per se is not an act to the prejudice of the safety or security of the Allied Forces or of any member thereof, and cannot therefore properly be made the subject of a charge under this Section.

3. Such intercourse or solicitation is prejudicial to the safety of the Allied Forces if undertaken by a person infected with venereal disease; such cases therefore may properly be made the subject of such a charge. Evidence must be produced however that at the time of the offense the accused was suffering from such disease. It is immaterial in such a case whether or not the accused knew that she was so suffering.

4. Italian law provides ample means to fight prostitution and the various activities connected therewith. The relevant laws are contained in the Law of the Public Safety of 18 June 1931, No. 773 Ch VII Art. 8 190-208, a synopsis of which is attached as Appx A hereto. Prostitutes found contravening these provisions should be handed over to the Italian Courts for trial.

5. Violations of these Italian laws can of course be tried in AMG Courts under Prec. 1, Art. VII, subject to the provisions of Art. 14 of the Consolidated Instructions for Allied Military Courts. It is however most undesirable for this course to be adopted save in most urgent and exceptional cases.

By command of Rear Admiral STONE :

3. Such intercourse or solicitation is prejudicial to the safety of the Allied Forces if undertaken by a person infected with venereal disease; such cases therefore may properly be made the subject of such a charge. Evidence must be produced however that at the time of the offense the accused was suffering from such disease. It is immaterial in such a case whether or not the accused knew that she was so suffering.

4. Italian law provides ample means to fight prostitution and the various activities connected therewith. The relevant laws are contained in the Law of the Public Safety of 13 June 1934, No. 773 Ch VII Art. 190-208, a synopsis of which is attached as Annex A hereto. Prostitutes found contravening these provisions should be handed over to the Italian Courts for trial.

5. Violations of these Italian laws can of course be tried in AMG Courts under Proc. 1, Art. VII, subject to the provisions of Art. 14 of the Consolidated Instructions for Allied Military Courts. It is however most undesirable for this course to be adopted save in most urgent and exceptional cases.

By command of Rear Admiral STONE :

G. R. UPJOHN, Brig.
VP CA Sec
Dep COS AC
108

TO : SACOs 5th and 6th Armies.
ASs (for RLOS) Sicily, Southern,
Lazio-Umbria, Abruzzi-Marche, Sardegna,
Toscana, Emilia, Liguria, Piemonte,
Lombardia and Venesia Regions.

APPX A

Synopsis of the law of Public Safety of 18 June 1931 No. 773, Chapter VII, Articles 190 to 208

Art. 190: At the request of the keeper or at their discretion, Public Safety authorities may declare premises where prostitution is exercised to be licensed premises.

Art. 191: No premises of this type can be opened without the License referred to in the preceding article; this provision is also applicable to premises where one person only exercises this practice. Penalty up to one year and 1,000 lire fine.

Art. 192: Public Safety authorities can close any such premises in the interest of morality, decency and public order.

Art. 193: Whoever desires to open a house of prostitution must fill in a special form provided by Public Safety authorities in which are determined the conditions under which he may exercise his profession.

Art. 194: No premises used for prostitution can be modified without the authorization of the PS authority. List of persons who exercise prostitution in licensed premises must be supplied to the PS authority. If through negligence sanitary measures are not taken and an infected person is admitted, even for a short time, in the licensed premises, penalties up to one year and 5,000 lire can be upheld.

Art. 195: Hours of opening are determined by the PS authorities.

Art. 196: The following are forbidden in premises where prostitution is exercised:

- a. Gambling, dancing and any type of celebration.
- b. The ready sale of food and drink.
- c. Access to minors under 18.
- d. Entering the premises carrying arms.

Penalties up to 6 months and 3,000 lire fine.

Art. 197: Full rights of requisition at any time by PS authorities - and also of evocation of all inmates.

Art. 198: The keeper cannot receive gifts of money or other articles from the inmates. Penalty - up to 3 months and 5,000 lire.

Art. 199: The keeper cannot retain an inmate wishing to leave the premises. Penalty up to 3 months and 5,000 lire fine.

Art. 200: Prostitution premises shall be closed when:

1. Venereal diseases are prevalent.
2. Minors are found among the inmates.
3. Sanitary visits are not properly carried out.
4. The keeper tries to prevent such visits.
5. The keeper becomes an habitual offender under Art. 195 & 196.
6. The lawso if any arise.

Art. 201: All such premises can also be closed for general hygiene motives or other reasons left at the discretion of PS authorities.

after the date of closing is

d. Entering the premises carrying arms.

Penalties up to 6 months and 3,000 lire fine.

Art. 197: Full rights of requisition at any time by PS authorities - and also of evacuation of all inmates.

Art. 198: The keeper cannot receive gifts of money or other articles from the inmates. Penalty - up to 3 months and 5,000 lire.

Art. 199: The keeper cannot retain an inmate wishing to leave the premises. Penalty up to 3 months and 5,000 lire fine.

Art. 200: Prostitution premises shall be closed when:

1. Venereal diseases are prevalent.
2. Minors are found among the inmates.
3. Sanitary visits are not properly carried out.
4. The keeper tries to prevent such visits.
5. The keeper becomes an habitual offender under Art. 195 & 196.
6. The lease if any ends.

Art. 201: All such premises can also be closed for general hygiene motives or other reasons left at the discretion of PS authorities.

Art. 202: The keeper who maintains the premises open after the date of closing is liable to one year's imprisonment and 5,000 lire fine.

Art. 203: Whoever contravenes the above provisions cannot receive a license for a period of five years.

Art. 204: One year is the minimum limit of time before any closed premises can be opened.

Art. 205: PS authorities can at any time order sanitary visits of the inmates or send them to special cure places.

Art. 206: Licenses are withdrawn if the keeper requests it when the premises are not used anymore for the exercise of prostitution.

Art. 207: All appeals against PS authority action can be made to a Commission convened by the Prefect, etc.

Art. 208: Incitement to debauchery is also forbidden, even by indirect means, in any public places.

It is also formally forbidden:

- a. to solicit by deeds or words in the streets
- b. to stand in public places in an indecent attitude
- c. to expose one's person at the windows or on the threshold of licensed premises
- d. to give an address or indicate in any way the location of licensed premises or to offer means of procuring.

Penalty up to six months.

86A

HEADQUARTERS ALLIED COMMISSION
 Art 394
 LEGAL SUB-COMMISSION

AC/4011/L

/mt.
20 January 1945.

SUBJECT : Circulars of Ministry of Pardon and Justice - Offences
 against Allied interests and prostitution.

TO : (See Distribution list).

Attached for your information are the Italian texts and English translations of the following two circulars which have been directed by the Ministry of Pardon and Justice to the First Presidents and Procuratori Generali of Courts of Appeal:

- a. Circular No. 2989: Issuance of warrant of arrest and use of the power to grant provisional liberty in proceedings for offences committed to ^{the} the Office of Allied Forces.
- b. Circular No. 2988: Use of the power to grant provisional liberty in proceedings for offences concerning prostitution.

2 Incls:

- Incl. 1 - Circ. No. 2989 and Eng. translation
 Incl. 2 - Circ. No. 2988 and Eng. translation.

R. R. Thacker
 R. R. THACKER,
 Lt. Col.,
 Italian Branch,
 for Joint Legal Advisor.

DISTRIBUTION LIST:

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 SC.O 8th Army 1

Copy to:

File AC/4104/16/L

File AC/4028/L ←

107

TRANSLATION

85B

MINISTRY OF PUBLIC PROSECUTION
Office of the Director General
for Penal Matters

Rome, 16 January 1945

Off. I. A. P.
Prot. No. 131.12/207 Pass. Gen.
Circular No. 2988

TO:
Their Excellencies First Presidents of
Courts of Appeal
Prosecutors General of Courts of Appeal of
the Kingdom.

SUBJECT : Use of the power to grant provisional liberty in proceedings for offenses concerning prostitution.

This Ministry has had occasion to point out that the prevention of certain offenses, particularly of those concerning prostitution, is considerably impeded by the at times excessive use of the power to grant provisional liberty in the relative proceedings.

The legislator recently intervened in the repression of the phenomenon of prostitution, which at the present time is assuming increasingly serious proportions due to the commonly known and social situation, by enacting the D.L. No. 323 of 12 Oct 1944 thereby effecting a timely increase in the penalties for offenses established in this field by the Consolidated Text of the Public Safety Law.

It is advisable that then rigorous criterion indicated by the legislator himself be followed by the judicial authority in each case where the option to grant provisional liberty is to be exercised in proceedings involving the offenses under consideration; and particularly so in cases in which a sentence of conviction has already been rendered by the court of first instance and appeal lodged against it.

Furthermore, whenever it is decided to record the benefit of provisional liberty, it would be advisable, always in the interest of the prevention of crime, to exercise frequently and carefully the power authorized by Art. 282 Code of Penal Procedure to forbid the persons accused of prostitution or of incontinent wandering in localities visited by military personnel.

It would be appreciated if your Excellencies would kindly issue the necessary instructions in this matter to the subordinate offices, advising the Ministry accordingly.

THE MINISTER
(sgd) Tupini

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MINISTERO DI GRAZIA E GIUSTIZIA
Direzione Generale degli Affari Penali

UFF. I A.P.
 Prot. No. 131.12/207 Fasc. Gen.
 CIRCOLARE N. 2988

Roma, li 16 gennaio 1945

Alle LL. EE.
 I PRIMI PRESIDENTI DELLE CORTI DI APPELLO
 I PROCURATORI GENERALI PRESSO LE CORTI
 DI APPELLO del

R E G I O

OGGETTO: Uso della facoltà di concedere la libertà provvisoria, nei
 procedimenti per reati concernenti la prostituzione.

Questo Ministero ha visto con dolore di rilievo come la prevenzione
 di taluni reati, e conseguentemente di quelli che concernono la prostitu-
 zione, trovi un notevole ostacolo nell'uso talora esagerato dell'esercizio
 della facoltà di concedere, nei vari tipi procedimenti, la libertà prov-
 visoria.

Contro il fenomeno della prostituzione, che attualmente, per la ben
 nota triste situazione sociale, dilaga in modo impressionante, il
 Legislatore è di recente intervenuto, con il D.L. 12.10.1944, n. 323,
 il quale ha opportunamente inasprito le sanzioni relative ai reati pre-
 veduti, nella materia, dal R.U. della legge di P.S.

Questo criterio di rigore, indicato dallo stesso Legislatore, è
 opportuno sia seguito dall'Autorità Giudiziarie ogni qual volta debba
 fare uso della facoltà di concedere la libertà provvisoria, nei proce-
 dimenti che abbiano per oggetto uno dei reati in questione. Ciò spe-
 cialmente nel caso in cui sia già intervenuta una sentenza di condanna
 di primo grado e vi sia stata impugnazione.

Sarebbe inoltre opportuno, anche ai fini della prevenzione penale,
 che, qualora si decidesse di concedere il beneficio, si facesse un uso
 frequente ed oculato della facoltà prevista dal 2° comma dell'art. 282
 C.P.P. riservando alle persone imputate di prostituzione o di adescamento
 al libertinaggio, di disporre nella località frequentata da militari.

Si gradirebbe che le VV. LL. volessero compiacersi di impartire in
 proposito le opportune direttive agli Uffici dipartiti, dovendo essi
 curazione a questo Ministero.

IL MINISTRO

F.to Tupini

TRANSMISSION

MINISTRY OF PARDON AND JUSTICE
Office of the Director General
for Penal Matters

85^c
Ram. 16 January 1945.

OFF. I.A.P.
Prot. No. 131.12/207 Pres. Gen.
Circular No. 2989

TO:

Their Excellencies First Presidents of
Courts of Appeal
Prosecutors General at the Courts of
Appeal of the Kingdom.

SUBJECT : Issuance of warrant of arrest and use of the power to grant
provisional liberty in proceedings for offences committed
to the prejudice of Allied Forces.

This Ministry has pointed out on several occasions that in proceedings involving offences committed to the prejudice of Allied Forces in respect of which the issuance of a warrant of arrest is optional only, according to Art. 5 of D.L.L. No. 194 of 10 August 1944, the judicial authority has failed to use such power.

The present contingencies, however, which emphasize the necessity for intensifying in all possible ways the war effort against the common enemy, require that the aforesaid offences be prosecuted with the maximum rigor authorized by law.

It would, therefore, be advisable that the judicial authority in exercising its discretionary power to issue warrants of arrest in such cases, should follow this concept of rigor counselled by the present political situation.

Analogous concepts of severity intended particularly to prevent the release of the same offenders, should be followed in the exercise of the power to grant provisional liberty.

In this respect if application is made for provisional liberty pending the proceedings on appeal, in evaluating the advisability of granting the liberty, consideration should be given, not only to the interests injured by the offence, but also to its nature and type and to the personality of the accused as prescribed by law, taking into account also the result of the proceeding in the Court of first instance.

It would be appreciated if Your Excellencies would kindly issue the necessary instructions in this matter to the subordinate offices advising this Ministry accordingly.

THE MINISTER *103*
(sgd) Tapini

MINISTERO DI GIUSTIZIA
Direzione Generale degli Affari Penali

Uff. I A.P.
 Prot. n. 131.12/207 Fasc. Gen.
 CIRCOLARE N. 2989

Roma, lì 16 gennaio 45

Alle IL. EE.
 I PRIMI PRESIDENTI DELLE CORTI D'APPELLO
 e
 I PROCURATORI GENERALI presso le Corti
 d'APPELLO del

REGNO

OGGETTO: Emissione di mandato di cattura ed uso della facoltà di concedere la libertà provvisoria, nei procedimenti per reati commessi in danno delle Forze Alleate.

Questo Ministero ha avuto talvolta occasione di rilevare come, nei procedimenti commessi in danno delle FF. AA., in ordine ai quali la emissione del mandato di cattura sia soltanto facoltativa, ai sensi dell'art. 5 del D.L.L. 10.8.1944, n. 194, l'Autorità Giudiziaria non abbia fatto uso di tale facoltà.

Le attuali contingenze, viceversa, che mettono in rilievo la necessità di potenziare in tutti i modi possibili lo sforzo bellico contro il comune nemico, impongono che i reati suddetti siano perseguiti con il massimo rigore consentito dalla legge.

Sarebbe quindi opportuno che l'Autorità Giudiziaria, nell'esercizio della sua facoltà di emettere, in tali casi, il mandato di cattura, sia guidata da questo criterio di rigore, consigliato dall'attuale situazione politica.

Analoghi criteri di severità, intesi al fine di prevenire particolarmente la recidiva nel medesimo reato, dovrebbero essere seguiti nell'uso della facoltà di concedere la libertà provvisoria.

Al riguardo, ove la libertà provvisoria sia richiesta nelle more del giudizio di appello, l'opportunità o meno di concederla deve essere valutata, oltre che alla stregua degli interessi offesi dal reato, della natura e specie di questo e della personalità dell'imputato, come la legge prescrive, anche tenendo presente i risultati del giudizio di primo grado.

Si richiede che le IL. VV. volessero compiacersi di dare in proposito le opportune direttive agli uffici dipendenti, dandone assicurazione a questo Ministero.

IL MINISTRO

f.to Tupini

Subject:- Security.

SECRET

Legal Office,
Allied Commission.

15 (G)

(85A)

The following example, as reported by 312 FSS, of persons evading sentence for their crimes, is forwarded for your information.

"A certain Filomena AMENDOLA a brothel keeper in TORRE ANNUNZIATA appealed against a sentence of 11 months imprisonment. Pending the appeal she was set at liberty, reverting to her normal trade for which she was again arrested and sentenced. A second appeal once more obtained her liberty with the result that her brothel flourishes without cessation".

Field.
18 Jan 45.
HNB/HAL

M. C.
Brigadier.
Cmd 56 Area.

Copy to:- File 18/11(G)

CA ANNATORT

104

by Col. H. H. H.

84A

Lieutenant-Colonel

G. G. HANNAFORD

Officer-in-Charge Italian Branch
Legal Sub-commission
HEADQUARTERS
ALLIED COMMISSION CMF

13 January 1945

L/3007

My dear *Hannaford,*

1. Many thanks for your AC/4028/L, dated 9 January 1945, and for the legal note attached thereto.

2. I appreciate your difficulties in the matter of the operation of DLL Number 194, dated 10 August 1944, as I see you fully appreciate mine.

3. The note by your Italian Legal Advisor will serve a very useful purpose and has already enabled me, together with your letter, to deal with more complaints about the operation of this decree which have just been directed to me by Headquarters 56 Area.

4. If the issue of the circulars you mention can be expedited, it will give me so much more strength to my elbow.

Yours, *Sincerely,**L. D. Stanton.*

13 January 1945

U/6001

My dear *Behrend*,

1. I attach hereto for your information copies of complaints which have just reached me from Headquarters 56 Area re the practical operation of DLL Number 194, dated 10 August 1944, which I have been thrusting upon your attention, probably ad nauseam. I can assure you that I am getting just about as tired of it as you probably ~~am~~ already are.

2. I also attach for your information my reply to the Area Commander's complaints.

3. I am writing you this letter, together with the annexes, in order to put you into the picture at the earliest possible date so that you may be fully aware of the position in the event of the matter being pursued at AFHQ level.

Yours *Sincerely,**A. J. Dawson.*

—

SUBJECT:- Civil Administrators
Superior Court Naples

A 15/3

Regional Commissioner
Allied Commission
NAPLES

1. Complaints have been received at this HQ regarding the system in force in the above mentioned Court whereby accused persons defeat the ends of justice by having their cases postponed indefinitely or by appealing against Sentences awarded in the Local Court.
2. Reports of two instances of this nature received from APM 56 Area are forwarded for your perusal and return please.
3. Should these reports represent the true situation it is evident strong representations are necessary to bring about a change in the present lax administration.
4. It is requested a full explanation be given of the present legal procedure in the a/m Court, and why convicted persons are able to obtain release after being committed to prison, if such is the case.

In the Field.
9 Jan 45.

Lt. Col,
AA & QMG,
HQ 56 Area.

Subject:- Superior Court, Naples..

No 2 Section, 510 Provost Coy.,
C.M. Police.

To

The Officer Commanding
510 Provost Company.
C.M. Police.

Sir,

Reference the above Court. I would like to point out that civilians who appear before the local court under arrest and are sent before the Superior Court, Naples, are, in nearly every case granted liberty within about four days, however serious the charge may be.

I have questioned many people who have been sent to the Superior Court and all of them say that they appealed and are granted liberty pending the result of the appeal.

On the 23rd November, 1944 a woman by the name of FILOMENA AMENDOLA was arrested as the Padrona of a brothel and was sentenced to 14 months imprisonment by the Local Court. She appealed and was released by the Superior Court. She was again arrested by me on the 15th December, 1944 on the same charge and was sentenced to 6 months imprisonment by the Local Court. She appealed to the Superior Court and was again released.

I would like to point out that when Amendola was arrested the second time she said that she had plenty of money and would be out within a few days, which she was.

I have also been informed that when a person has appealed he can have his case postponed by a lawyer as often as he wishes, with the hope that the war will be finished shortly and then the case will be washed out.

C.M.F.
2nd January, 1945

No. 2717767./s/.J.Nolan.Sgt..

/t/ J.Nolan.
510 Provost Company C.M. Police
100

COPYCONFIDENTIALOC 15 Base APODI NATALE MARIO

1. The a/n Italian, a former employee at 15 Base APO was convicted of theft on the 27th Nov 44 and sentenced to be confined in the Penitentiary for a minimum period of 12 months, or, if necessary until he attained the age of 18 years. He was 15 years of age at the time of his conviction.
2. Two members of 15 Base APO saw DI NATALE MARIO walking with his brother in the neighbourhood of Vomero on the 30th Dec 44.
3. This information is passed to you, Sir, in case you wish to have enquires made as to why he has gained his liberty so easily after his conviction.

15 Base APO
31.12.44

agd L.T. King Cpl,
N.C.O. i/c 'D' Section

HEADQUARTERS
SOUTHERN REGION, ALLIED COMMISSION
LEGAL DIVISION
APO 394

LFD/jc

L/6001

13 January 1945

SUBJECT: Civil Administration Superior Court Naples.

TO : Commander, Headquarters 56 Area.
(Copy to: 3 District Commander, Headquarters)

1. Your A 16/3, dated 9 January 1945, and annexes thereto refer.

2. I take it that by the term "Superior Court Naples" you mean the Italian courts functioning in the Naples Zone and not the Allied ~~Supreme~~ Military Courts functioning in the AMG area of Naples.

3. The matters of which you complain are not peculiar to the Italian courts in Naples but are, in fact, the result of the Italian judicial procedural system. I have, in fact, had complaints of a similar character from other parts of the southern region.

4. The difficulties arise chiefly out of the provisions of DLL Number 194, dated 10 August 1944.

5. Briefly, the legal position is that the tendency of all convicted persons to enter appeals, however frivolous, has been accentuated by the effect of this law which, by increasing the number of persons at liberty previous to trial, increases the number of persons who can continue at liberty by the simple expedient of filing an appeal against a sentence of imprisonment. Until such an appeal, which may, in certain cases, be carried as far as the Court of Cassation itself, the highest court of appeal in the country, has been decided, the execution of any sentence of imprisonment is suspended.

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6. This headquarters has made many and strong representations to Allied Commission Headquarters on the practical working out of the law in question and Allied Commission Headquarters has in its turn given these representations full and careful consideration and has discussed the matter very closely and minutely with

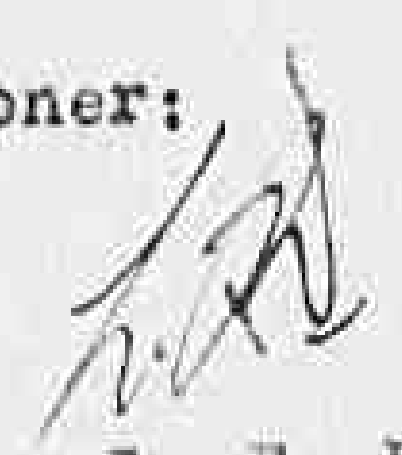
the highest authorities in the Italian Government with a view to finding a satisfactory solution.

7. For reasons which it is not necessary to go into now but of which one, at any rate, is the urgent necessity to prevent congestion in the prisons from assuming unmanageable proportions, it has been decided that the law can be neither repealed nor modified by legislative action; but it is hoped very shortly that two circulars directed to the First President and Procuratore Generale of the various courts in the country, dealing with cases affecting Allied interests and particularly with prostitution and setting out the Ministry's view on the proper exercise of the optional power of arrest and on the granting of provisional liberty, will be issued. Such circular instructions may have the effect of eliminating the grounds of your present complaints.

8. In compliance with the request made in paragraph 4 of your letter for a full explanation to be given of the present legal procedure relating to the enlargement of arrested and convicted persons by the Italian courts, I attach hereto for your information and future guidance a copy of a full note on the whole subject which has been prepared by the Legal Advisor to the Legal Sub-commission of the Allied Commission after a thorough study of the legislation. I am advised by Allied Commission Headquarters that it is not practicable at this juncture to effect the changes of the substantive law proposed in para 3 of the note.

9. It will be appreciated if you will bring the legal position, as I have endeavored to explain it in this letter, fully to the notice of all concerned.

For the Regional Commissioner:


L. P. DAWSON,
Lt. Col., G.L.,
Regional Legal Officer.

Encl. Copy of note.

83A

HEADQUARTERS ALLIED COMMISSION
APO 374
LEGAL SUB-COMMISSION

AC/4011/L.

/rlp
18 January 1945

SUBJECT : Offences Against Allied Interests and Prostitution.

TO : Regional Commissioner (A ttn: Regional Legal Officer),
SOUTHERN Region.

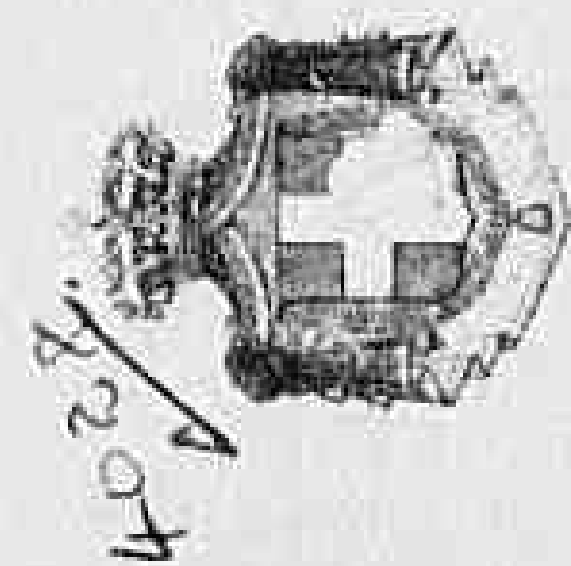
1. You will find enclosed the two circulars referred to in previous correspondence. The translation has followed the text closely and does not read too well, it is however accurate. On the whole the Minister appears to have done his best in the light of the memorandum on the subject, a copy of which you already have.

2. As you say your problems are fully appreciated here, but it is sometimes difficult to obtain for you all the help you are undoubtedly entitled to.

By command of Rear Admiral STONE.

G. G. HANNAFORD,
Lt. Col.,
Officer i/c Italian Branch,
for Chief Legal Advisor.

2 Incls;
Incl 1 - Circ No. 2988 and translation sgd Min Tupini
Incl 2 - Circ No. 2989 and translation sgd Min Tupini
Copy to, AC/4028/L - AC/4104/18/L.



4023/1
 Mod. 1348 MC
 82A
Ministero di Giustizia
 DIREZIONE GENERALE DEGLI AFFARI PENALI

UFF. IO A.P.

Prot. n. 131.12/207

CIRCOLARE N.

Roma, 11 gennaio 1945

Alle LL.EE.

I PRIMI PRESIDENTI E I PROCURATORI GENERALI
 presso le Corti d'Appello del

R E G N O

OGGETTO: Uso della facoltà di concedere la libertà provvisoria,
 nei procedimenti per reati concernenti la prostituzione.

Questo Ministero ha avuto occasione di rilevare come la prevenzione di taluni reati, e segnatamente di quelli che concernono la prostituzione, trovi un notevole ostacolo nell'uso talora smodato dell'esercizio della facoltà di concedere, nei relativi procedimenti, la libertà provvisoria.

Contro il fenomeno della prostituzione, che attualmente, per la ben nota triste situazione sociale, dilaga in modo impressionante, il Legislatore è di recente intervenuto, con il D.L. 12.10.944 n. 323, il quale ha opportunamente inasprito le sanzioni relative ai reati preventi, nella soggetta materia, nel T.U. della Legge di P.S.

I PRIMI PRESIDENTI E I PROCURATORI GENERALI
presso le Corti d'Appello del

R E G N O

OCCETTO: Uso della facoltà di concedere la libertà provvisoria, nei procedimenti per reati concernenti la prostituzione.

Questo Ministero ha avuto occasione di rilevare come la prevenzione di taluni reati, e segnatamente di quelli che concernono la prostituzione, trovi un notevole ostacolo nell'uso talora smodato dell'esercizio della facoltà di concedere, nei relativi procedimenti, la libertà provvisoria.

Contro il fenomeno della prostituzione, che attualmente, per la ben nota triste situazione sociale, allaga in modo impressionante, il Legislatore è di recente intervenuto, con il D.L. 12.10.944 n. 323, il quale ha opportunamente inasprito le sanzioni relative ai reati preventi, nella soggetta materia, del T.U. della Legge al P.S.

Questo criterio di rigore, indicato dallo stesso Legislatore, è opportuno sia seguito dall'Autorità Giudiziarla ogni qual volta debba fare uso della facoltà di concedere la libertà provvisoria, nei procedimenti che abbiano, per oggetto uno dei reati in questione.

Sarebbe inoltre opportuno - sempre ai fini della prevenzione penale - che - qualora si accia di concedere il beneficio - si facesse un

./.

uso frequente ed oculto della facoltà sancita nel 2° comma dell'art. 282 c.p.p., vietando alle persone imputate di prostituzione o di aumento al libertinaggio, di dimorare nelle località frequentate da militari.

Si gradirebbe che le V.V. volessero compiacersi di impartire in proposito le opportune direttive agli Uffici alpenquarti, onde assicurare a questo Ministero.

IL MINISTRO



HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4028/L.

9 January 1945.

SUBJECT : Prostitution and Allied interest cases
at Bari. First Pretore Cav. APICELLA.

TO : Regional Commissioner, Southern Region
(Attn: Regional Legal Officer).

1. Reference is made to your L-3907 of 29 Dec 44 forwarding the letter No. R2/LEG/2/6125 of the Legal Officer, Bari, dated 27 Dec 44.

2. Pursuant to your request this Sub-Commission has applied to the Ministry for an immediate substitution of the First Pretore APICELLA; the Minister has at once requested a report from the Acting Primo Presidente of Bari with a view of taking a speedy action.

3. At the request of this Sub-Commission the Ministry is preparing two circulars directed to the First Presidents and Procuratori Generali dealing with cases affecting Allied interests and particularly with prostitution and setting out the Ministry's view on the proper exercise of the optional power of arrest and on granting of provisional liberty. Copies of the circular will be forwarded to you as soon as received from the Ministry. Attached is synopsis of a memorandum prepared by the legal adviser of this Sub-Commission after a thorough study of the legislation. The main conclusions of the memorandum have been accepted by the Ministry as a basis for the circulars. However, it is not practical at this juncture to effect the changes of substantive law such as proposed in para 3 of the synopsis.

By command of Rear Admiral STONE:

Copy to : AC/4039/L.
AC/4011/L.
AC/4104/18/L.

G. G. HANNAFORD,
Lt. Colonel,
Officer i/c Italian Branch,
for Chief Legal Advisor.

79A

HEADQUARTERS ALLIED COMMISSION

NO. 394

LEGAL SUB-COMMISSION

AC/4020/1.

RS/ps.
2 Jan 1945.

SUBJECT : Prostitution cases at Bari. First Pretore Cav. APICELLA.

TO : H.H. The Minister of Pardon and Justice.

1. Further to the discussion in the last meeting with Your Excellency on the subject of effective repression of prostitution at Bari.

2. The grave situation which has developed in Bari must, pursuant to the reports of the local legal officers, be largely attributed to the weakness and utter lack of understanding displayed by the First Pretore Cav. Apicella. This official, although not hostile to the Allied forces, is unadaptable and not inclined to exert himself in order to assist Allied interests; furthermore he has little control over the other Pretori and over the subordinate officials of the Court.

3. The following few instances quoted from reports of legal officers and Allied Military Police authorities would seem to offer an adequate illustration of the above statement:-

- (a) One ROBERT BROWN is still at liberty after 4 convictions for operating an unlicensed brothel. A fifth charge is now reported pending against him.
- (b) On 4 Dec after a discussion with representatives of the Allied Commission the First Pretore undertook that no further suspended sentences would be imposed. On 7 Dec CASSANO Maria and another were tried by the Pretura of Bari and a suspended sentence of 6 months' imprisonment was imposed on a conviction for operating an unlicensed brothel.
- (c) SPERANZA Francesco was arrested by American Military Police on 21 Feb 1944 on charge of operating an unlicensed brothel. On 28 Feb 1944 he was acquitted. He was similarly arrested on 27 Jun 1944 and acquitted on 18 July 1944. He was again arrested on 17 Aug 1944 and acquitted on 30 Sept 1944. He is now facing again a charge of the same nature.

4. In the above circumstances an immediate replacement of Cav. Apicella by a more cooperative magistrate of strong personality appears to be a matter of utmost urgency and is requested by all interested Allied authorities.

5. This Sub-Commission would appreciate a confirmation that this matter is receiving an immediate consideration by Your Excellency.

G. C. HANFORD,
Lt. Colonel,
Office i/c Italian Branch
for Chief Legal Advisor.

Copy to : AC/4020/1.

HEADQUARTERS
SOUTHERN REGION, ALLIED COMMISSION
LEGAL DIVISION
APO 394, U. S. Army

L-3007

29 December 1944

SUBJECT: Prostitution.

TO : Chief Legal Advisor, Legal Sub-Commission,
Allied Commission, HQ., C.M.F.

1. R.C.'s letter No. R/1230 dated 13 December 1944 together with annexure, your reply AC/4028/I dated 16 December 1944 and my letter L/3007 dated 22 December 1944 (copy to you) all refer. *not received*

2. I attach a copy of a letter BE/126/2/6125 dated 27 December 1944 which I have this day received from L.O. Apulia & Calabria.

3. I support the application he makes in para. 6 of this letter and request that the present First Pretore be immediately transferred from the office he at present holds.

4. A copy of the report referred to in para. 3 of the annexure is attached. You are already in possession of a copy of BE/CA/1/A1 dated 7 December 1944.

For the Regional Commissioner:

L. F. Dawson

L. F. DAWSON,
Lieut. Colonel, G.I.,
Reg. Legal Officer,

LFD/no

ENCLOS-

1 copy ltr d/d 27 Dec. '44
1 copy ltr d/d 26 Dec. '44
both from L.O. Bari.

31 DEC 1944

*to take action on letter
and make report.*

unl

ALLIED COMMISSION
LEGAL OFFICE
BARI

78B

REF : BZ/LE3/2/6125

27 Dec 44

SUBJECT : Prostitution.

TO : R.C.L.O., Southern Region AC, Naples

1. Ref your L-3007 of 22.12.44 and HQS AC/4028/L of 16.12.44 contents of which are noted.
2. The Italian Court in BARI which will as result of the decision of HQS AC continue to deal with prostitution cases is that presided over by the Primo Pretore of BARI, Cavaliere APICELLA, Mario.
3. Comments with respect to this magistrate have already been submitted to your HQS. See, in particular, para 4 (xii) of my report submitted under reference BZ/LE3/2/5148 of 26.12.44 and para 4 of my BZ/GA/1/41 of 7.12.44.
4. This magistrate has been interviewed again and again by officers of this HQS. In the opinion of this HQS this magistrate is NOT deliberately hostile to the Allied Forces, but he is undoubtedly unadaptable and less inclined than are his colleagues on the Superior Courts of Bari to exert himself in order to assist Allied interests. It is further clear that he has little control over the other Pretori and over the subordinate officials of his Court. No evidence is available as to any improper contact between subordinate officials of this Court and the principle unauthorized brothel keepers of BARI, but it is considered that an impartial investigation might be illuminating.
5. Attention is invited to the following specific cases:
 - (i) The examples given in para 5 of this HQS letter BZ/LE3/41 of 7.12.44. It may be added that a 5th charge is now pending against PACIONI Pasqua.
 - (ii) On 4 Dec the First Pretore was interviewed by Major Setton and by IO Apulia & Calabria. After a long dis-

file 4043/4

by 76B

forces, but he is undoubtedly unadaptable and less inclined than are his colleagues on the Superior Courts of Bari to exert himself in order to assist Allied interests. It is further clear that he has little control over the other Pretori and over the subordinate officials of his Court. No evidence is available as to any improper contact between subordinate officials of this Court and the principle unauthorized brothel keepers of BARI, but it is considered that an impartial investigation might be illuminating.

5. Attention is invited to the following specific cases:

- (i) The examples given in para 5 of this HQs letter B2/DEB/41 of 7.12.44. It may be added that a 5th charge is now pending against PACIONI Pasqua.
- (ii) On 4 Dec the First Pretore was interviewed by Major Setton and by LO Apulia & Calabria. After a long discussion in which the point of view of the Allied Forces was once again put to this magistrate, he undertook that no further suspended sentences would be imposed. On 7th Dec CASSANO, Maria and another were tried by the Pretura of Bari, and a suspended sentence of 8 months' imprisonment was imposed on a conviction for running an unlicensed brothel. The First Pretore's explanation was that the magistrate who tried the case had disobeyed his instructions.

(iii) Case of SPERANZA Francesco.

This man was arrested by American Military Police on 21.2.44 on charge of operating an unlicensed brothel. On 28.2.44 he was acquitted. He was similarly arrested on 27.6.44 and acquitted on 18.7.44.

He was again arrested on 17.8.44 and acquitted on 30.9.44. He is again facing a charge of the same nature.

- 6. In the above circumstances it is recommended that Cavaliere APICELLA be transferred immediately to another and less arduous appointment, and that a co-operative magistrate of strong personality be sent to relieve him at the earliest possible moment in this increasingly important position.

JABC/ak

L.O. Apulia & Calabria

Major

AP-166

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

(77A)

AC/4028/L.

WEB/ap.

16 December 1944.

SUBJECT : Prostitution at Bari.

TO : Regional Commissioner, Southern Region
(Attn. Regional Legal Officer).

1. The recommendation which is put forward in your R/1280 of 13 December 1944, that the AMG courts in Bari be authorized to try cases under Arts. 191 and 208 of the Law of Public Security 1931, has been carefully considered.

2. It is felt, however, that this course cannot properly be adopted.

3. In the first place it is not considered that it would be in accordance with the Restoration terms to take over the trial of such cases from the Italian courts in present conditions.

4. Secondly, it is not a practical policy to reduce VD by legal proceedings against the prostitutes concerned. Any such reduction must depend upon unit discipline.

5. The whole question, including particularly the acquittals of SPERANZA Francesco is being raised with the Minister of Justice. It is clear from your letter that the problem is a local one in Bari and he is being asked to stress this point in any action he takes.

6. The question of arrests before trial under D.L.D. No. 194 has been frequently raised by L. O. Bari, but as you are aware this decree was passed on the specific request of AC in order to deal with the problem of overcrowding in gaols. It is felt that even in Bari and certainly in other parts of Italy this problem will recur if the provisions of the decree are changed.

By command of Rear Admiral STONE:

G. S. Parkinson
G. S. PARKINSON, Brig.,
A/VP C A Sec
Dep COS

Copy to : AC/4174/L.

✓ 4028

Legal Sec

HEADQUARTERS

SOUTHERN REGION, ALLIED ~~CONTROL~~ COMMISSION
OFFICE OF THE REGIONAL COMMISSIONER
APO 394

(76A)

R/1280

13 December 1944

SUBJECT: Trial of Offences relating to Prostitution.

TO: Headquarters, Allied Commission. ✓

1. I forward herewith a letter which has been received from Bari Zone, pointing out the difficulties which are being experienced in that area owing to the reluctance of the Italian Courts to take firm action in prostitution cases. One of the principle difficulties arises from the frequent practice of release of accused pending appeal. Bari Zone has asked that the AMG Courts already constituted in Bari be allowed to take cognizance of prostitution offences.

2. It is quite true that in Naples where AMG Courts already exist, prostitution cases are not dealt with in such Courts, but are all handled in the Italian Courts, in fact, however, Italian Courts in Naples show themselves cooperative and the sentences imposed appear to be sufficiently deterrent.

3. I therefore recommend for your consideration the proposal that the powers given to AMG Courts now sitting in Bari be extended to cover offences under articles 191 and 208 of the Law of Public Security 1931.

4. It is clear that to tackle effectively the problem of prostitution in Bari, more will be needed than the reinforcing of the legal machinery. I am proposing to have a special conference in Bari at an early date to see what other steps may be practicable.

JKD/jh

1 Incl.

Copy to: Comr, Bari Zone,
Legal Sec (HQ SR AC)

J. K. Dunlop
J. K. DUNLOP,
Brigadier,
Regional Commissioner.

HEADQUARTERS

14 DEC 1944

A.

C.

LEGAL SUBCOMMISSION

CLO

DSLO

Chief Counsel

CJO

Bureau

CLERO

15 DEC 1944

SOUTHERN REGION
ALLIED COMMISSION
BARI ZONE

REF : BZ/GA/1/41 (copy to LEG/1/6112)

7 Dec 44

SUBJECT : Trial of offences relating to prostitution.

TO : HQS, Southern Region A.C., Naples (in duplicate).

1. This HQS has had occasion to note for some time the number of offences relating to prostitution (in particular offences under Arts 191 and 208 of Law of Public Security 1931) committed in the BARI area, and the ineffectiveness of the Italian Courts in dealing with the matter. Having regard to the large number of Allied troops in this area, this question has given rise to some concern.
2. During the last two months 82 such cases have been brought to trial in BARI. Of this total 35 were acquitted and 4 amnestied, and 7 were given suspended sentences, while 18 received terms of imprisonment of less than three months.
3. In practice however the situation is worse than appears from above. By virtue, inter alia, of the provisions of D.L.L.194 of 10.8.44 - in respect of which previous representations have been made by this HQS - arrests before trial cannot be made in the case of these offences, and consequently the mere filing of an appeal secures release even where a term of imprisonment has been imposed. Consequently so far as can be ascertained in every case where imprisonment has been imposed, the accused have appealed to the Tribunale regardless of the merits of the appeal.
4. Apart also from the inherent difficulty caused by the unsatisfactory nature of Italian procedure, the First Pretore of BARI and his colleagues have on a number of occasions imposed suspended sentences in these cases. The matter has been again and again brought to the attention of the First Pretore, who has now been warned that any further recurrence of such sentences will involve a report to higher authority. He is undoubtedly a magistrate more concerned with the niceties of procedure than with assisting the Allied effort.
5. One example is that of PATIERNO, Grazia. This woman was convicted on 30.10.44, and sentenced to the quite proper sentence of one

- imprisonment of less than three months.
3. In practice however the situation is worse than appears from above. By virtue, inter alia, of the provisions of D.L.194 of 10.8.44 - in respect of which previous representations have been made by this HQs - arrests before trial cannot be made in the case of these offences, and consequently the mere filing of an appeal secures release even where a term of imprisonment has been imposed. Consequently so far as can be ascertained in every case where imprisonment has been imposed, the accused have appealed to the Tribunale regardless of the merits of the appeal.
 4. Apart also from the inherent difficulty caused by the unsatisfactory nature of Italian procedure, the First Pretore of BARI and his colleagues have on a number of occasions imposed suspended sentences in these cases. The matter has been again and again brought to the attention of the First Pretore, who has now been warned that any further recurrence of such sentences will involve a report to higher authority. He is undoubtedly a magistrate more concerned with the niceties of procedure than with assisting the Allied effort.
 5. One example is that of PATIERNO, Grazia. This woman was ²⁸convicted on 30.10.44, and sentenced to the quite proper sentence of one year's imprisonment. She appealed, was released, and was again convicted of the same offence (under Art.191 of Law of Public Security) and given a suspended sentence of three months. She is still at liberty, with two more charges of the same offence outstanding against her. The First Pretore points out that technically the suspended sentence was in order as the first sentence having been appealed was not technically a sentence.
 - There is at least one other case of an accused, one PACIONI, Pasqua, who is still at liberty after 4 convictions for running a brothel.
 6. By way of further example there is attached as appendix to this letter a report received today from 1051 Military Police Company (U.S.). This NOT only supplies a further example of the ineffectiveness of the Italian Courts in dealing with this class of case, but also illustrates the justifiable exasperation of the police agencies who have to deal with this class of case. It may be added by way of illustration of the scale of the problem that reports of 16 charges of this nature have been received in the last 24 hours.

7. The position will be in no degree improved by D.L.L. 323 of 12.10.44, as this D.L.L. leaves untouched the procedural difficulties which when taken in conjunction with an unco-operative magistrature are the essence of the problem. It is however proper to say that even the most co-operative magistrature could NOT give real assistance without breaking the rules of Italian procedure.
8. Under A.C.Hqs letter ACC/4173/1/L of 12.11.44 the Permanent Allied Military Courts in BARI are NOT permitted to try cases of this nature.
9. It is submitted that the injury to the Allied war effort occasioned by these offences is at least as serious as that caused by the majority of the cases of thefts of ammunition and stores at present being tried by Allied Military Courts.
10. It is therefore requested that authority be obtained to extend the jurisdiction of these Courts to include all offences relating to prostitution in areas where concentrations of Allied troops are present.

TA Bred - (L. T. M.)
M. J. M. (L. T. M.)

Vicent. Colonel
 Zone Commissioner
 BARI Zone

(A.C.D., also offered draft)

Copy to : HQs 54 Area (A)
 A.P.M. 54 Area
 Zone Police Officer, A.C., Bari.

87

- 2 -

Copy to : HQs 54 Area (A)
 A.P.M. 54 Area
 Zone Police Officer, A.C., Bari.

Lieut. Colonel
 Zone Commissioner
 BARI Zone

(A.C.O., also affixed draft)

Major, Legal Officer

C o p y

1556

We apprehended Speranza Francesco operating a house of prostitution without a licence from the Italian Authority. This is his fifth formal complaint and we of the American Military Police demand that Speranza Francesco to be confined to jail for a period of time justifiable to Speranza's previous record.

Listed as follows is the record of Speranza Francesco:

Speranza Francesco was apprehended on 21st of February 44 for operating a house of Prostitution without a licence from the Italian authorities. He was tried by the Italian authorities for the above charge and was acquitted on the 28th of February.

SPERANZA Francesco was again arrested on the 27th of June 44 for pimping and on the 18th of June 44 was again acquitted. Then on the 17th of August he was again apprehended and arrested for operating a house of prostitution without a licence from the Italian Authorities. And on the 30th of Sept 44 he again was acquitted.

On his arrest we request action to be taken against Speranza Francesco.

Speranza Francesco is also being charged with Refusing to assist a Military Police Man in the execution of his duty and obstructing Military Policeman in his line of duty, and refusing to obey an order of a Military Policeman. All through this incident there was a Carabinieri present as a witness.

25A

ALLIED COMMISSION

APR 1944

LEGAL SUB-COMMISSION

AC/4021/L.

AC/4021/L.
12 Dec 44.

SUBJECT: Directives.

TO: Regional Commissioner, Emilia Region.
(also Regional Legal Officer)

With reference to your letter AC/4021/L. of 5 Dec 44:

(1) There is no specific order forbidding AMG Courts to deal with prostitution cases and no directive has been issued on this point.

The present policy is that as prostitution cases generally are normally more easily handled by the Italian Courts, they should be left to the Italian Courts, except where there is some special reason for any particular case to be tried by AMG.

As regards your question of a woman infecting an Allied soldier, this might perhaps be considered as a special reason for the case to be heard before an AMG Court for, as you know, the offence of infecting another person with venereal disease is triable only on the "querela" of the person affected (Art. 364 C.P.), and it might perhaps be considered undesirable for an Allied soldier to appear in an Italian Court in the capacity of such a complainant.

We note that you have Directive AC/4021/L. of 12 April 44. The Italian law on prostitution is contained in the Codice Penale Arts. 534 et seq., Legge di Pubblica Sicurezza Arts. 19 et seq and in the Regolamento della Legge di Pubblica Sicurezza Arts. 345 et seq. See also Decreto Legislativo longotenenziale No. 323 of 12 Oct 44 which increases the penalty for keeping in unlicensed brothel and makes it an offence for any person to solicit for or assist in any way, the prostitution of another.

(2) No Directive has been issued to the effect that the possession of Allied cigarettes is not to be regarded as an offence unless the cigarettes were obtained from a civilian. Cigarettes are as much Allied property as any other article. The action to be taken in such cases must depend on the particular circumstances of each case and no hard and fast rule can be laid down to say which cases should and which should not be prosecuted.

(3) We enclose herewith a copy of a memorandum prepared and issued in June 44 by the then M. A. 5th Army, which deals with the question of "Proper means of identification" that you raise in para 3 of your letter.

85

By command of Commander STONE:

V. A. THURMAN,
Colonel,
Deputy Chief Legal Advisor.

Copy to: AC/4021/L.

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

74A

ES/pe.
9 Aug 44.

ACC/4028/L.

SUBJECT : Draft Decree on repression of prostitution.
TO : H.E. the Minister of Pardon and Justice.

1. This Sub-Commission has the honour to confirm herewith that the above draft submitted by Your Excellency covers all proposals put forward by this Sub-Commission.

G.G. HAINFORD,
Lt. Colonel,
Officer i/c Italian Branch,
for Acting Chief Legal Officer.

Copy to ; ACC/4104/L.

73A

4028

TRANSLATION

Draft of Legislative Decree containing Regulations for the
repression of prostitution.

A R T . 1

Para 4 of Art. 191 of the Consolidated Text of the Law of Public Security approved by Royal Decree 18 June 1931 No. 773 is hereby modified in the following manner :-

" Any person contravening (the regulation) shall be punished by imprisonment (arresto) for from six months to two years and by a fine (ammenda) of from one thousand to ^{ten} two thousand lire "

A R T . 2

Unless the act constitutes a more serious offence, any person who, independent of any unlawful keeping of a brothel, does any act of soliciting in aid of prostitution (faccia opera di adescamento per agevolare etc.) shall be punished by the penalty established in the foregoing article.

Any person investigates another - who cannot be brought to trial (inquisibile) - to commit such acts of soliciting, Art. 111 of the Penal Code shall be applied.

The above penalty shall also apply in respect of prostitutes (persona che fa commercio clandestino del suo corpo) for whom the act of soliciting has been committed.

A R T . 3

This decree shall come into force etc...

Unless the act constitutes a more serious offence, any person who, independent of any unlawful keeping of a brothel, does any act of soliciting in aid of prostitution (faccia opera di adescamento per agevolare etc.) shall be punished by the penalty established in the foregoing article.

IF ANY person investigates another - who cannot be brought to trial (inesttabile) - to commit such acts of soliciting, Art. 111 of the Penal Code shall be applied.

The above penalty shall also apply in respect of prostitutes (persona che fa commercio clandestino dal suo corpo) for whom the act of soliciting has been committed.

A R T . 3

This decree shall come into force etc...

4028

NOTE ON THE DRAFT OF THE LEGISLATIVE DECREE CONTAINING REGULATIONS
FOR THE REPRESSION OF PROSTITUTION.

Prostitution, which not assuming any alarming proportions, must definitely be attacked as regards some of its more recent developments, which if allowed to remain unpunished, could contribute to aggravate an evil which might have serious social repercussions.

One of the more frequent of these developments is the opening of an illegal brothel, which through its secrecy, escapes every control on the part of the public authorities.

Such an act is at present penalized by Art. 191 of the Consolidated Text of the Law of Public Security approved by R.D. 18 June 1933, No. 773; But the maximum penalty established therein does not seem adequate. Hence it was considered necessary to increase this penalty and to that end Art. 1 of the draft of the Legislative Decree provides that the maximum penalties of imprisonment and fine (arresto e ammenda) contained in the last paragraph of the aforesaid Art. 191 shall be increased.

Another frequent activity too, note is the act of ~~sex~~ soliciting in aid of prostitution. On the whole, it is not rare to find cases of a family organization for prostitution when, for instance, a relation of the woman who is willing to prostitute herself, solicits. Such acts have not even been brought within the provision of the Penal Code, which are particularly directed to the defence of the person who is willing to prostitute herself. However, in the cases indicated above there is present the full consent of such a person who works through her family relations and another willing individuals.

For all such illegal acts Art. 2 para 1 of the draft provides the penalty of ~~MM~~ imprisonment (arresto) for from six months to two years and fine of from one thousand to ten thousand lire. Always providing that the action does not constitute a more serious offence.

Art. 2 para 2 provides for cases when the soliciting is done by a person who cannot be brought to trial (non imputabile) & 5. minors of less than fourteen years of age. Regarding such cases of exactness, to the general rules

Legislative Decree provides that the maximum penalties of imprisonment and fine (arresto e ammenda) contained in the last paragraph of the aforesaid Art.191 shall be increased.

Another frequent activity ~~top~~ note is the act of ~~the~~ soliciting in aid of prostitution. On the ~~whole~~, it is not rare to find cases of a family organization for prostitution when, for instance, a relation of the woman who is willing to prostitute herself, solicits. Such acts have not even been brought within the provision of the Penal Code, which are particularly directed to the defence of the person who is willing to prostitute herself - However, in the cases indicated above there is present the full consent of such a person who works through ~~him~~ her family relations ~~and~~ another willing individuals.

For all such illegal acts Art.2 para 1 of the draft provides the penalty of ~~MM~~ imprisonment (arresto) for from six months to two years and fine of from one thousand to ten thousand lire.^{oo} Always providing that the action does not constitute a more serious offence.

Art.2 para 2 provides for cases when the soliciting is done by a person who cannot be brought to trial (non imputabile) §.5. minors of less than fourteen years of age. Regarding such cases reference is made, for the sake of exactness, to the general rules established by Art.111 of the Penal Code according to which where an offence is committed by a person who cannot be brought to trial the person who urged such a person to commit the offence is to be held guilty ~~and~~ the penalty is increased.

By para 3, finally, the prostitute for whom such soliciting has been made is also punished by the aforesaid penalty.

By this draft the Government intends to contribute by the necessary severity of Penal provisions ~~to~~ the suppression of prostitution which must be most energetically attacked on account of the moral degradation it brings and on account of the other dangerous consequences of a social nature that spread among the population.

^{oo} Translator's note : Italian version of the Relazione says two thousand lire but Italian version of draft decree says ten thousand.

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M.G. SECTION
APO 394

30 GIU. 1944

Ref/382/54/GA

28 June 1944

EXECUTIVE MEMORANDUM)

NUMBER 66)

ASSISTANCE TO CHILDREN OF PROSTITUTES IN VD HOSPITALS

1. The Ministry of Interior has issued circular No. 15949-3-9, Div. 1 on the above mentioned subject. The circular and translation are enclosed.
2. In Military Government Territory, Regional Commissioners will instruct Prefetti to put the provisions of this circular into effect.
3. In Italian Government Territory, Regional Commissioners will determine that Prefects have put the order in operation.

M.S. Lush
M.S. LUSH
Brigadier
Executive Commissioner

DISTRIBUTION:

R.C.'s Regions I, II, III, IV, V, VI, VII, VIII and IX.
Rome Region.
S.C.A.O's 5 & 8 Armies.
Admin. Section (for Public Health Sub-Commission.)

MSL/JR

81

APPENDIX "A"MINISTERO DELL'INTERNODirectorate - General Civil Administration

N. 15949-3-9

Salerno 17 June 1944

SUBJECT: Assistance to Children of Prostitutes in VD Hospitals.

TO: All Prefetti of Liberated Provinces.
The High Commissioner, Sicily.
The High Commissioner, Sardinia.
The Prefetti of Naples, Benevento,
Avellino, Foggia and Campobasso.

This Ministry has been notified that frequently prostitutes cared for in VD Wards are obliged to keep their children with them during their stay, for lack of anyone to care for the children.

Such conditions in addition to being a disturbance to the normal course of hospital activity, are harmful to the children themselves because of the serious moral effect which they may have on the minds of children often in an impressionable stage of development, who are in contact with such an environment.

Your Excellencies are authorized, therefore, in the above mentioned cases to arrange for the care of the children in question in the most suitable institutions for the period of the mother's stay, assuming there are no relations with whom they may be placed.

It remains understood, however, that the children must be returned to the mothers as soon as the latter are released from hospital.

The expenses of the stay are the responsibility of this Ministry. Your Excellencies will take care to notify the Ministry of the children so placed and afterwards submit the relevant account.

APPENDIX "B".

MINISTERO DELL'INTERNO

Direzione Generale Amm.ne Civile

Salerno 17.6.1944

N° 15949-3-9

Div. I

OGGETTO: Assistenza ai bambini figli
di prostitute ricoverate nella
sale celtiche.

ALLE LL. EE. I PREFETTI DELLE PRO-
VINCE LIBERATE.

A. S. E. L'ALTO COMMISSARIO CIVILE
PER LA SICILIA.

A S. E. L'ALTO COMMISSARIO CIVILE
PER LA SARDEGNA.

ALLE LL. EE. I PREFETTI DI NAPOLI
BENEVENTO, AVELLINO, FOGGIA, CAM-
POBASSO.

E' stato segnalato a questo Ministero che spesso le prostitute rico-
verate presso le sale celtiche sono costrette a tenere presso di sé
durante la degenza, i propri figli, non avendo a chi affidarli.
Detta circostanza, oltre a generare intralcio per il normale svolgi-
mento dell'attività ospedaliera, è deleteria per gli stessi bambini
a causa delle gravi ripercussioni morali che si verificano sul loro
animo quando, spesso in condizioni di sviluppo, vengano a trovarsi
a contatto di un tale ambiente.

Si autorizzano, pertanto, LL. EE., nei casi suddetti, a disporre il
ricovero dei bambini di che trattasi negli Istituti ritenuti più ido-
nei, per il periodo di degenza delle madri, e sempre che mancino pa-
renti cui possono essere affidati. Resta intesa, però, che i bambini
stessi devono essere riconsegnati alle madri non a pena queste saranno
dimesse dall'ospedale.

Le spese di degenza saranno a carico di questo Ministero, al quale le
LL. EE. avranno cura di segnalare, volta per volta, i ricoveri disposti
e di far pervenire poi le relative contabilità.

IL MINISTRO
F.to Aldisio

4028 Franklyn - 287644

Prohibition - Ex admission

unsubstantiated -

Vetus suggestion?

= Person without visible
means of subsistence.
man or woman

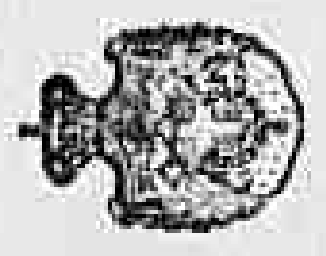
Suspected
of unwise
life.

= Gaeta - jail.

but puris latente promissoria
to hostilities.

= ? diffida

file push but



Stanzalone Reparto II

Bari, 10 giugno 1944

70

R. Questura di Bari

URGENTE A MANO

Divisione 3a A. di prot. 306418

Proposta a nota

Oggetto: assassinio.

alla Commissione Alleata di Controllo
Ufficio Legale

Allegati N.

B A R I

In esito alla nota di esdebito Ufficio del 27 maggio decorso, si trasmette
no i dati richiesti per il periodo 10 gennaio 1944-31 maggio u.s. :

- 1) prostitute arrestate N. 1649
- 2) prostitute ricoverate sala coltice F. 551
- 3) prostitute denunziate N. 86
- 4) prostitute attualmente processate N. 12
- 5) sentenze e loro esito emesse E. 15, di cui :

- a) 9 di condanna e mesi 1 di arresto;
- b) 1 di condanna e mesi 3 di arresto;
- c) 1 di condanna e mesi 6 di arresto;
- d) 1 di condanna e giorni 35 di arresto;
- e) 3 di assoluzione per insufficienza di prove;
- f) 7 di assoluzione per non aver commesso il fatto;

78

In esito alle note di colloquio del 25 marzo scorso, si trasmette
 no i dati richiesti per il periodo 1° gennaio 1944-31 maggio 1944.

1) persone arrestate 1545
 2) persone ricoverate solo esilio 50
 3) persone denunciate 15
 4) persone effettivamente processate 13, di cui :
 5) sentenze e loro ordine emesse 11.

78

- a) 3 di condanna a mesi 1 di arresto;
- b) 1 di condanna a mesi 3 di arresto;
- c) 1 di condanna a mesi 6 di arresto;
- d) 1 di condanna a giorni 30 di arresto;
- e) 1 di esenzione per insufficienza di prove;
- f) 1 di assoluzione per non aver commesso il fatto;
- g) 1 di proscioglimento per amnistia.

SECRETARY OFFICE

11 June

IL 12/05/44

(F. A. di ...)

cale di meretricio aperto abusivamente" si intende ogni casa, albergo o abitazione o parte di tali luoghi, in cui senza la "preventiva" dichiarazione di locali per meretricio fatta dall'autorità di P.S. sia attuato il fatto della prostituzione a scopo di lucro, abitualmente ovvero saltuariamente, anche ad opera di una sola donna.

Non credo sia esatta l'opinione, secondo la quale le parole (del 3° comma dell'art.191) locali occupati da una sola persona indicherebbero i veri e propri locali per meretricio aperti prima del provvedimento di dichiarazione e non colpirebbero perciò la donna che a fine di lucro si prostituisce nella propria abitazione. Il terzo comma in esame dà modo di colpire anche siffatta forma di esercizio clandestino della prostituzione; sia applicando la pena fissata nel comma quarto, sia chiudendo la abitazione che risulti trasformata in locale di meretricio. Infatti l'art.346 del Regol. 6/5/1940 n. 635 dispone che la P.S. può di ufficio dichiarare locale di meretricio quell'albergo o abitazione in cui abitualmente si esercita il meretricio, previo parere del Comando dei R.R.CC. e ordinare a chi ha disponibilità dell'albergo o dell'abitazione di cessare immediatamente dalla attività e di chiudere materialmente il locale entro 10 giorni al massimo.

L'Avvocato Generale

(Giacomo Vita)

Locale di meretricio, a norma e per gli effetti dell'art. 191 legge P.S. è anche quello dove una sola donna eserciti abitualmente la prostituzione.

Cassaz. Sez.2^a- 14/11/1941- ric.Fanti.

Perchè sussista l'abusivo esercizio di un locale di meretricio la legge richiede soltanto la abitualità degli atti di prostituzione in esso compiuti, sia pure da una sola donna. Basta quindi la condotta abituale da chi occupa il locale; ossia la immoralità e l'antigiuridicità del soggetto che lo compie basta a costituire il reato.

Cassaz. Sez.1^a- 25/6/1941 -ric.Croci.

Rientrano nel disposto dell'art. 191 legge P.S. tanto i locali occupati da una donna sola, la quale in esso eserciti abitualmente il meretricio, quanto le case in cui il meretricio è esercitato da donne che non vi dimorano. E' l'esercizio abituale della prostituzione che imprime alla casa la qualifica di locale di meretricio.

Cassaz. Sez.1^a- 5/11/1941- ric.Bossi

La donna che abitualmente si dà a più uomini esercita la prostituzione; e se ciò faccia nella propria casa, trasforma questa in locale di meretricio, che rientra indubbiamente nel campo dell'art.191 legge P.S.- E ciò è esatto anche se la donna eserciti contemporaneamente un mestiere o una professione.

Cassaz. Sez.1^a-2/12/1940- ric.Pradelli

id id 5/11/1937- ric.Madonna

Cassaz. Sez.1^a - 5/11/1941 - ric. De...
id id

La donna che abitualmente si dà a più uomini esercita la prostituzione; e se ciò faccia nella propria casa, trasforma questa in locale di meretricio, che rientra indubbiamente nel campo dell'art.191 legge P.S.- E ciò è esatto anche se la donna eserciti contemporaneamente un mestiere o una professione.

Cassaz. Sez.1^a - 2/12/1940 - ric. Pradelli
id id 5/11/1937 - ric. Madonna

L'art.191 legge P.S. non richiede che in un locale la prostituzione sia esercitata abitualmente, la abitudine di esercizio del meretricio è richiesta, agli effetti dell'art.190, per la dichiarazione di locale per meretricio. Invece bastano anche atti saltuari od occasionali di prostituzione per integrare il reato dell'art.191.

Cassaz. Sez.1^a - 17/1/1941 - ric. Failla.

Ai fini dell'art.191 legge P.S. non occorre che l'esercizio della prostituzione clandestina sia abituale; ma bastano anche atti saltuari di prostituzione.

Cassaz. Sez.2^a - 11/3/1942 - ric. Martelli.

L'art. 191 legge P.S., che colpisce l'abusivo esercizio di un locale di meretricio, richiede che nel locale siano stati eseguiti più atti di prostituzione, e non anche che il tenutario del locale abbia ritratto un lucro o che vi sia notorietà del fatto.

Cassaz. Sez. 1^a - 3/5/1940 - ric. Plutina
id id 20/11/1939 ric. Esposito

Affinchè sia qualificata locale clandestina di meretricio la casa adibita a luogo di accoppiamenti carnali non occorre che la donna si conceda per lucro anzichè per solo amore; giacchè diversamente pensando, sarebbe troppo facile sfuggire al divieto di aprire o condurre case abusive di meretricio.

Cassaz. Sez. 1^a - 17/6/1940 - ric. Caravaggi

Affinchè sussista il reato di abusivo esercizio d'un locale di meretricio non occorre che in questo dimorino più donne in attesa di uomini. Basta che nel locale sia esercitata abitualmente la prostituzione, ed è indifferente che le donne vi abitano o vi si rechino in giorni od ore fisse o saltuariamente, ed è indifferente che prima di recarvisi esse abbiano oppure no preso accordo con gli uomini.

Cassaz. Sez. 1^a - 31/3/1941 - ric. Ceci.

Contravviene all'art. 191 legge P.S. chi nel proprio locale (sia esso un albergo o una camera) dia abitualmente ricetto a prostitute per i loro convegni.

divieto di aprire o condurre case abusive di meretrizio.

Cassaz. Sez.1ª - 17/6/1940- ric.Caravaggi

Affinchè sussista il reato di abusivo esercizio d'un locale di meretrizio non occorre che in questo dimorino più donne in attesa di uomini. Basta che nel locale sia esercitata abitualmente la prostituzione, ed è indifferente che le donne vi abitano o vi si rechino in giorni od ore fisse o saltuariamente, ed è indifferente che prima di recarvisi esse abbiano oppur no preso accordo con gli uomini.

Cassaz. Sez. 1ª - 31/3/1941-ric.Ceci.

Contravviene all'art.191 legge P.S. chi nel proprio locale (sia esso un albergo o una camera) dia abitualmente ricetto a prostitute per i loro convegni.

Cassaz. Sez.2ª - 17/4/1942-ric.Santagostino.

Affinchè si applichi l'art. 191 legge P.S. è sufficiente che una casa sia aperta a persone che vi si recano per congiungersi carnalmente; e non occorre che le donne, le quali vi si recano, siano dedite alla prostituzione abituale.

Cassaz. Sez.1ª -5/7/1939- ric. Passio.

Si ha esercizio abituale del meretrizio quando l'abitazione

sia adibita a tale scopo, anche per un limitato periodo di tempo, dando ricetto sia pure a una sola donna, la quale si prostituisce per lucro.

Cassaz. Sez. I^a - 11/3/1940 ric. Galatis.

Esattamente è condannato per contravvenzione all'art. 191 legge di P.S., cioè per abusiva apertura di un locale di meretricio, chi abbia abitualmente ricevuto nella sua casa coppie clandestine convenutevi a scopo di congiungersi carnalmente; anche se la P.S. non abbia ordinato la chiusura di detta casa, perchè non vi è nesso di interdipendenza tra questo provvedimento amministrativo e l'applicazione della norma punitiva.

Cassaz. Sez. I^a 18/1/1940 ric. Canevarello

id id 21/12/1938 ric. Melnati.

Costituisce esercizio abusivo di locale per meretricio l'affitto di camere ad ore per convegni sessuali, senza che occorra stabilire se le donne sieno dedite alla prostituzione.

Cassaz. Sez. I^a 12/4/1939 - ric. Sabatino.

Costituisce esercizio abusivo di locale per meretricio
l'affitto di camere ad ore per convegni sessuali, senza che
occorra stabilire se le donne sieno dedite alla prostituzione.

Cassaz. Sez. I^a 12/4/1939 -ric. Sabatino.

HEAD HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
ADMINISTRATIVE SECTION

ACTION POINTS: reference meeting on Control of Venereal Diseases held at Hotel MG
ACC APO 394, 0930 hours 5 June 44. (Items for Agenda).

- 1 Measures to be taken to prevent infected women being released from hospital.

ACTION: By Admin Section (Thru' RC & MI).

We want evidence from the military that women are being released from hospitals prior to their having reached the non-communicable stages of their venereal diseases. (RC & MI Section is to take steps to advise the military - AMI - that specific instances are to be reported to ACC.)

- 2 Measures to be taken to supervise them after release.

ACTION: By Admin Section. (PR; Legal and Interior).

A draft decree to be prepared as a war time measure, and passed by the Italian Government, which will ensure that

- a VD patients will be given conditional releases only from hospitals, and are to be required to make weekly visits to specifically designated clinics for further treatment and/or examination until finally cured.

- b Hospitals will send weekly (periodical) reports to clinics with reference to the names and addresses of patients being released to these clinics for further treatment.

- c Clinics are advised that defaulters (or those who do not make these required

- d visits for treatment) are to be reported to the police for disciplinary action

- e All hospital VD patients are advised of the necessity for visiting the clinics

- f All persons requiring clinical treatment will, upon making change of address so notify the clinic to which they have been reporting, and will then be given the address and location of a clinic near their new homes. This clinic will be informed of the addition to its list of patients by the clinic releasing the patient.

- 3 Action that can be taken against medical personnel who allow, either wilfully or negligently, women to be released while still infectious.

ACTION: Admin Section (Thru' RC & MI Section).

Military field personnel must be asked to report each instance discovered, and representations will be made to the Italian Government for the prosecution of each individual.

- 4 Measures to be taken to improve the distribution of drugs.

ACTION: Admin Section (Thru' RC & MI Section).

Individual cases of inefficiency or negligence are to be reported to ACC, and Public Health Sub-Commission will act on each one independently.

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June 44
VD
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be required to make weekly visits to specifically designated clinics for further treatment and/or examination until finally cured.

b Hospitals will send weekly (unpublished) reports to clinics with reference to the names and addresses of patients being released to these clinics for further treatment.

c Clinics are advised that defaulters (or those who do not make these required visits for treatment) are to be reported to the police for disciplinary action.

d All hospital VD patients are advised of the necessity for visiting the clinics.

e All persons requiring clinical treatment will, upon making change of address, notify the clinic to which they have been reporting, and will then be given the address and location of a clinic near their new homes. This clinic will be informed of the addition to its list of patients by the clinic releasing the patient.

3 Action that can be taken against medical personnel who allow, either willfully or negligently, women to be released while still infectious.

ACTION: Admin Section (Thru: HC & MG Section).

Military field personnel must be asked to report each instance discovered, and representations will be made to the Italian Government for the prosecution of each individual.

4 Measures to be taken to improve the distribution of drugs.

ACTION: Admin Section (Thru: HC & MG Section).

Individual cases of inefficiency or negligence are to be reported to AGC, and Public Health Sub-Commission will act on each one independently.

5 General situation as to state of law enforcement in the matter.

ACTION: Admin Section (Thru: HC & MG Section).

Representations be made to AGI to increase the control over uniformed personnel especially as regards their conduct.

6 Recommendations as to points to be made to the Italian Government.

ACTION: Embodied in #2.

J. M. Russell
J. M. RUSSELL,

Major, Infantry,
50 II Admin Section.

REAL RECOMMENDATIONS
ALLIED CONTROL COMMISSION
APR 394
ADMINISTRATIVE SECTION

8 June 44

Minutes of Meeting on Control of Venereal Disease held at Hear HQ ACC APR 394
0930 hours, 8 June 44.

<u>Present:</u>	Lord Stanagata Brig. G.S. Parkinson Col R.G.B. Spicer Col G.R. Upjohn Lt. Col. R. Wilcox Major J. Lewis Major R.A. Pearsall Major J.S. Heakes	(VF Admin Section) (Public Health) (Interior) (Legal) (Public Safety) (Public Health) (Admin Section) (HC & MI)
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The meeting was convened at 1930 hours.

- 1 Lord Stanagata announced that the purpose of this meeting was to determine what steps should be taken to prevent venereal disease from being spread by women released from hospitals as cured, while still not completely past the infectious stages of the disease for which they were hospitalized. He asked if this meeting was originated because of the complaints made to any member present.
- 2 Col Upjohn explained that the meeting was called at his suggestion which was concurred with by Brig. Parkinson. Col Upjohn added that in the Regional Legal Officers had expressed concern at the number of cases noted of infectious prostitutes who had been released from hospitals as cured when in fact they were not.
- 3 Brig. Parkinson asked if there was any proof of this and was answered by Major Lewis that it was probably true in some instances. Major Lewis added that such a condition had existed in LCCS, and that investigations on similar complaints were now being scheduled for BARI and TARANTO.
- 4 Major Lewis explained that while dispensaries were available, there was no system of check-up to see that the prostitutes visited them.
- 5 Col. Wilcox stated that under the present regulations, there was no way to legally force prostitutes to visit dispensaries unless they were convicted prostitutes.
- 6 Col. Spicer asked if we could not propound some regulation which would require all women treated for venereal disease in Hospitals, upon discharge therefrom, to report to dispensaries or clinics regularly over a period of six months for medical

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4 Major Lewis explained that while dispensaries were available, there was no system of check-up to see that the prostitutes visited them.

5 Col. Wilcox stated that under the present regulations, there was no way to legally force prostitutes to visit dispensaries unless they were ~~admitted~~ ^{reflected} prostitutes.

6 Col. Spicer asked if we could not propound some regulation which would require all women treated for venereal disease in Hospitals, upon discharge therefrom, to report to dispensaries or clinics regularly over a period of six months for medical inspections purely for safeguarding them - as well as the public.

7 Major Lewis stated that something similar to this was in operation in the US.

8 Col Upjohn asked if "brothels" were supervised for the protection of Allied Troops.

9 Maj. Lewis stated that in general they were supervised properly, and that only occasionally was an Allied soldier found in one.

10 The subject of brothels for military use was discussed, and Maj Lewis said that venereal disease rates soared wherever brothels were tacitly permitted.

11 Lord Stanegate raised the point of how to make the Italian doctors more meticulous in the performance of their duties in connection with VD control.

12 Maj. Lewis informed the group that the activities of the doctors were proving more valuable since the adoption of a more or less standard form of test for VD.

13 Brig. Parkinson stated that the best answer to the VD problem was to enforce and encourage ^{proper} ~~VD~~ control. He suggested that commanding officers be made to tighten up their control-over their men.

...../14

- 2 -

14. Maj. Reakes stated that a curfew for children had been discussed and a note against it had been sent to ALI. All present agreed that a curfew was not a solution to be considered.

15. Further discussion as to the desirability of patrols to keep children and "pimps" off the streets, and disciplinary measures against soldiery were treated briefly.

16. Lord Stansgate then presented the items for the agenda for discussion.

a(i) Measures to be taken to prevent infected women being released from hospitals.

It was decided that actual evidence is required in order to make proper representations to the Italian Government. This will necessitate steps being taken through RC & MI Section to ask all concerned to report each case.

(ii) Measures to be taken to supervise them after release.

It was decided that VD patients in hospitals should be given conditional releases only. The conditions being that they report weekly (periodically) to clinics until completely cured. All hospitals should keep clinics informed of the patients they are to keep tabs on, and all patients should be informed that unless they actually continue to visit clinics until discharged they will be subject to police action. Patients should also be advised that upon changing residence they must notify the clinics they attend and will be given cards or instructions to report to clinics nearer their new residences for continued treatment.

It was decided that the Public Health, Legal and Interior Sub-Commissions should draft a decree to be issued by the Italian Government reference the above. It was further ^{agreed} that this was to be a wartime measure only, designed to protect not only our own troops but Italians as well.

b. Action that can be taken against medical personnel who allow, either wilfully or negligently, women to be released while still infectious. (Item B of the Agenda), was then discussed. It was agreed that specific instances must be reported by personnel in the field in order that proper representations be made to the Italian Government. Each case will be handled independently.

c. Item C of the Agenda - Measures to be taken to improve the distribution of drugs was next discussed. Major Lewis stated that although there were dispensaries in nearly every town, there were only 19 hospitals presently involved. He suggested that each case involving inefficiency, shortage or delay be handled separately as it arises. This was agreed to.

d. As to Item D on the Agenda - General situation as to state of law enforcement, it would be necessary to make representations to ALI (through RC & MI) to emphasise the necessity of better control over the conduct of the individual soldier. It was agreed that MP's rather than civil police should supervise the control due to lack of power over Allied soldiery on the part of Italian police.

e. As to Item E, it was considered that the solution of this was embodied in the draft decree mentioned in a (ii).

f. As to Item F, the question of asking the Italian Government to improve

- b It was decided that the Public Health, Legal and Interior Sub-Commissions should draft a decree to be issued by the Italian Government reference the above. It was further ^{stated} that this was to be a wartime measure only, designed to protect not only our own troops but Italian as well.
- c Action that can be taken against medical personnel who allow, either willfully or negligently, women to be released while still infectious. (Item D of the Agenda), was then discussed. It was agreed that specific instances must be reported by personnel in the field in order that proper representations be made to the Italian Government. Each case will be handled independently.
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- e As to Item E, it was considered that the solution of this was embodied in the draft decree mentioned in a (ii).

17 Major Lewis raised the question of asking the Italian Government to improve the condition of the dispensaries, particularly with respect to increasing their staffs. After a short discussion this was left to be dealt with by the Public Health Sub-Commission.

18 Col. Upjohn informed the group that he had caused the cessation of the "Prostitute Court" in Naples. All agreed that this was a proper move.

19 In connection with fixing the responsibility of taking action on the above paragraphs, it was decided that the Admin Section would co-ordinate the activities of the Sub-Commissions mentioned and would present so much of the requirements to HQ & Mr Section as pertained to action asked of AA1 and ACC personnel in the field.

The meeting was concluded at 1030 hours.

R.A. Russell
R.A. RUSSELL,
Major, Infantry.

NEAR HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
ADMINISTRATIVE SECTION

LEGAL

(67)

4/6.1/RS.

4 June 44.

SUBJECT : Control of Venereal Diseases.

TO : Directors - Public Health, Legal, Public Safety
and Interior Sub-Commissions.

1 A conference on the above subject will be held at 0930 hrs Thursday, 4 June 44 in the office of the Vice President, Admin Sec. Room 574, Palace of Justice Building, Near HQ AGO.

2 To be present :

Brig Markinson	-	Public Health Sub-Commission
Col Upjohn	-	Legal Sub-Commission
Col Young	-	Public Safety Sub-Commission
Colonel Spicer	-	Interior Sub-Commission.
Major Lewis	-	Public Health Sub Commission.

3 Items for Agenda.

a Measures to be taken.

1 to prevent infected women being released from hospitals.

2 to supervise them after release.

b Action that can be taken against medical personnel who allow, either wilfully or negligently, women to be released while still infectious.

c Measures to be taken to improve distribution of drugs.

d General situation as to state of law enforcement in the matter

e Recommendations as to the points to be put to the Italian Government.

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R. A. CRIPPS,
COUNSEL,
for VP Admin Sec.

Copy to RC & M Section.

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402d
REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
Public Health Sub-Commission

(66)

ACC/3023/2/PH

29 May 1944

SUBJECT: - VD and Prostitution.

TO : - Colonel G.R. Upjohn, Chief Legal Officer,
Legal Sub-Commission, ACC Rear HQ.

57
Your letter ACC/4028/L dated 17 May 1944 was referred to Major John A. Lewis, VD Control Officer, herewith copy of his remarks.

It is suggested that a meeting might be arranged by the Directors of the Legal and Public Health Sub-Commissions with Major Lewis and Dr. Vezzoso, Chief of the Public Health Service, Italian Government, to discuss the problem.

PH/ja

Incl:
As above.

G. S. Parkinson
Brig

G. S. PARKINSON, Brigadier,
Director, Public Health Sub-Commission.

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HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394

Spencer (65)

Public Health Subcommittee

24 May 1944

ACC/3023/2/PH

Subject: ACC/4028/L V.D. & Prostitution

To : Director, Public Health Sub-Commission

1. It is a fact that prostitutes are being released from hospitals before being cured. It is impractical to detain patients in the hospitals until their condition is cured as this would mean many months of hospitalization for the majority. However, an attempt is made to detain the patients until in the opinion of the attending physician the disease is no longer in a communicable stage. This has been stressed through our own channels and through Italian Government channels. Specific instances of abuse have been reported and investigated by Regional Public Health Officers. Often it is found that there is a difference of opinion among physicians but nevertheless investigation itself usually results in improvement. If specific instances come to the attention of the Legal Subcommittee they can be referred to both the Italian Government and the Regional Commissioners for investigation as the matter is of importance.
2. Supervision of the examinations, treatment and release of patients in the Venereal Disease Hospitals is presently carried out by the Medico provinciali, the Regional Public Health Officers and in some instances by Medical Officers of tactical and base organizations stationed in the vicinity according to agreements with the Italian Government and Military Organizations. These arrangements were made because of the shortage of medical personnel for close supervision available to the Public Health Subcommittee. It is understood by military organizations that when prostitutes known to be a source of venereal disease are apprehended shortly after their hospitalization the fact will be reported to the local headquarters of ACC or AMGOT. The cooperation of the military organizations has been very helpful in this regard.
3. There has been and still is some difficulty in getting sufficient drugs to the Venereal Disease Hospitals and Dispensaries. This was because these institutions lack the funds to purchase the drugs as they receive no income from the prostitutes and patients in the dispensaries. The matter was taken up with the Director of the Italian Department of Health and funds were appropriated by the National Government to overcome this difficulty. The Prefects may now request funds from the Minister of Interior. The Minister has informed all Prefects of this arrangement and drugs are now reaching the hospitals, dispensaries and pharmacies. However there have been some delays and when discovered by visiting the hospitals

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and dispensaries ~~and~~ these are promptly reported to the Medico provinciali. As many of the Medico provinciali lack transportation to visit the hospitals at frequent intervals, they are sometimes unaware that shortages exist. Instances have been uncovered where the shortage was caused by internal administration of the institutions; the failure of hospitals to anticipate their needs and to make the appropriate requisitions, and the failure of hospital pharmacies to notify the physicians when the drugs arrive. These difficulties are gradually being resolved. It would be most helpful if Legal officers who discover these shortages would call them to the attention of the Regional Public Health Officers and those instances reported to the Legal Subcommittee could be reported to the Public Health Subcommittee.

4. Of very great importance in the control of venereal disease is the need for more intensive repression of clandestine prostitution through the cooperative efforts of the Legal and Public Safety Sub-commissions. Reports have reached this office that there has been a notable relaxation in the past two months in the activities of police officers in the Naples Area which is the most dangerous venereal disease area in all of occupied Italy. The Public Health Sub-commission is concerned in this problem indirectly in that venereal disease rates among military personnel depend to a great extent on the number of exposures by the troops. If clandestine prostitution is vigorously discouraged through Legal and Public Safety measures the total number of exposures are decreased following which there are fewer cases of venereal disease.

John A. Lewis, Jr.

John A. Lewis, Jr. Maj. PHS
Venereal Disease Control Officer, ACC

4028
HEADQUARTERS REGION 4
ALLIED MILITARY GOVERNMENT
A. P. O. 394

TO : All Legal Officers, Region IV
FROM : R.L.O., Region IV

LEGAL INSTRUCTIONS NO. 6

May 1944

73. Prostitution and V.D.

33-37
Attached copy letters and memoranda received from the Legal Sub-Commission, A.G.C., are circulated herewith for the information of all legal officers. Legal Officers will cooperate to the fullest possible extent with officers of the Public Safety and Public Health Divisions to ensure that the Italian Law on the subject of prostitution is enforced.

Colonel,
R.L.O., Region 4.

CONFIDENTIAL

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

/rlp.
12 May 1944.

TO : Chief Legal Officer.

1. As instructed I submit the following notes on the so-called "Prostitutes Court" held in Naples.

2. The court originated as a result of pressure applied by PBS, who required that prostitutes and particularly diseased prostitutes should be put away so that they would not be a danger to Allied troops.

3. The court suffers from the following defects:

a. It is not an open court, but a "hole and corner affair" which sits in a room on an upper floor in the Questura at 1930 hours nightly.

b. There are no charges, so no accused knows with what offense she is charged. In the office downstairs I was told that the charges were under Italian Law: the judge was under the impression that the charges were under Regional Order 18, but no section was specified.

c. There is seldom any evidence. When a woman is "picked up" she and the police are not brought straight before the Court. An Arrest Report and Affidavit are made out by the police (and, as one would normally expect, not always very well made out) and the woman is taken to the Pace Hospital. In due course (in a few days if the woman is clean; in 2, 3, or 4 weeks if the woman is found diseased and has to be "cured"), the case is brought up for trial. By that time it is difficult or impossible to produce the military witnesses (either the police or, more particularly, the soldier involved). The only evidence therefore in most cases is the statement by the person who arrested the accused. In these circumstances, there is no justification for having a "night court" except that probably the judge has been otherwise employed during the day.

d. The cell accommodation is bad. If a case has to be adjourned for some days in an effort to trace a military witness, the accused has to remain in that cell during the adjournment--the cell being crowded with other women passing through.

e. The interpreter is inadequate.

f. The women, if found guilty of some unspecified offense, are sentenced to imprisonment for a period of between 1 and 6 months, the

length of the sentence increasing with the seriousness of the disease from which she was suffering at the time of arrest. (It will be remembered that the woman is not brought before the court until "cured": apparently chronic gonorrhea is "cured" in about 3 or 4 weeks). I am told that once in prison the woman receives no further treatment. At the end of her sentence she is let loose again: probably still in an infected condition.

4. The above remarks are factual being based on my own observation. I have some reason to believe that considerable injustices have been perpetrated; it is alleged that two girls medically declared to be virgins have been convicted as prostitutes; and it is freely suggested that the "evidence" tendered by the prosecution is, to say the least, highly unreliable. One thing is certain; all the officers concerned detest the duty of presiding over this court.

5. I discussed this court with the RLO and PIO. Both detest it, but say that it was created to meet the demands of PBS. The RLO told me that he drafted Regional Order 18 only after protest and in obedience to a direct order to do so and that personally he would welcome an order by this Hq to Hq, Region III directing its repeal.

6. In conclusion, I offer the following personal observations:

a. That the court is so unsatisfactory that it is a travesty of justice and a disgrace to Allied Military Government, and should be put an end to as soon as possible.

b. That the form of law is being used to give an air of legality to police action.

c. That the question of detaining and treating diseased women is a question of Public Health and not of law.

d. That if, as may well be, it is necessary to detain such women, this should be done under Italian law. Alternatively, if the Italian law is not adequate, that a proper order be promulgated authorizing the examination of women suspected of being diseased and making proper provision for the detention and treatment of those found to be diseased.

e. Alternatively to (d) and if this subject is to be dealt with as a matter of law, that the cases be dealt with in a proper court with proper evidence.

64
Ian Campbell mja

I.C.H. CAMPBELL,
Major,
Acting Chief Judicial Officer.



HEAD HEADQUARTERS
ALLIED CONTROL COMMISSION
Public Safety Sub-Commission
ADD 394

ACC/14060/PS

25 May 1944

SUBJECT : Venereal Disease - Curfew for Children

TO : Executive Commissioner (thro' VP Adm Sec)

1. I am of the opinion that the proposed curfew for children is not the proper way to deal with child pimping.

The objections to it have already been set out in your letter to 3 District 27 April 44 and your draft letter to HQ, AAI.

2. To penalise during the summer months all children, because of the misdeemeanours or perhaps misfortunes of so small a proportion of their numbers is, in my view, not justified. Particularly because it appears to be assumed that the greater part of such conduct is carried on during the evening hours which are to be covered by curfew restrictions. This in my opinion is a false presumption.

3. Unless a later hour is decided upon I do not think enforcement will be practical. There is bound to be a natural reluctance on the part of all concerned to arrest juveniles merely because they are at large and how they are to be subsequently dealt with either by way of accommodation, feeding and supervision whilst in police custody, and how subsequently they are to be penalised by the Court is difficult to understand. Nor do I think it will be possible to proceed against the parents unless there is clear evidence of abetting by them.

4. I do not know of the existence of such curfews in

the greater part of such conduct is carried on during the evening hours which are to be covered by curfew restrictions. This in my opinion is a false presumption.

3. Unless a later hour is decided upon I do not think enforcement will be practical. There is bound to be a natural reluctance on the part of all concerned to arrest juveniles merely because they are at large and how they are to be subsequently dealt with either by way of ~~63~~ accommodation, feeding and supervision whilst in police custody, and how subsequently they are to be penalised by the Court is difficult to understand. Nor do I think it will be possible to proceed against the parents unless there is clear evidence of abetting by them.

4. I do not know of the existence of such curfews in Region II but am taking steps to find out how it operates. It has not yet been suggested at what time the curfew should be imposed, what ages would be affected or what penalties should be exacted.

5. If the Military Authorities insist on these measures I suggest that agreement is given only after protest and that arrangements be made for its operation only in those local areas where it is considered to be essential.

6. It would be interesting to hear the comments of Regional Commissioners on this proposal and I think it might be usefully included on the Agenda for their forthcoming meeting.

Copy to:

LEGAL Public Health S-C

A.E. Young
A.E. YOUNG,
Colonel,
Deputy Chief Public Safety

file
PEAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

PH/8mf

ACC/4028/1

24 May 1944

SUBJECT: Venereal Diseases.

TO : HC & MD Section.

1. Ref your 234/83/CA dated 22 May 44.
2. With reference to para 4 of the proposed form of letter attached to the above quoted letter we call attention to the fact that in Italian Government territory we have no right to issue the order suggested. Arrangements should be made in that territory to have prefects issue the required orders which will then be enforced in the Italian Courts. As to Military Government territory it is suggested that instead of a General or a Regional Order the prefects there likewise issue the requisite orders and the enforcement be left to Italian Courts.
3. As desirable as the proposed effort may be, there is not the legal personnel to take on additional trial work. As all of this can be done by the Italian authorities it is strongly recommended that the above program be pursued with that in view.

G. R. UPJOHN
Colonel
Chief Legal Officer.

62

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M.C. Section
APO 394

Ref/234/83/CA.

22 May 1944.

SUBJECT: Venereal Disease.

TO : Admin Section - For Public Safety Sub-Commission.

1. There is sent for your perusal reply received from A.A.I. on the question of a curfew for minors. Your attention is also drawn to this HQ letter of even number dated 27th April 1944 addressed to No.3 District, copy to you for Public Health, Legal and Public Safety.

2. As the A.A.I. are more or less insisting on such a curfew being imposed, the only objection to it appear to be that the police will devote a corresponding less time to other crimes. Before however replying to A.A.I. we send you draft of our proposed reply for your perusal and return with any comments you may have.

LEGAL SUB-COMMISSION	
CLO	
DCLO	✓
Chief Counsel	
CJO	
Italian Section	
CL-RKS	

JUN/1944.

107 Subj Ltr
NORMAN B. FERRIS,
Colonel,
Deputy Executive
Commissioner.

Copy to: Public Health Sub-Commission for comment.
Legal Sub-Commission for comment.

If curfew - must be imposed by Italian St.

DRAFT

HEADQUARTERS
ALLIED CONTROL COMMISSION
H.C. & M.C. Section
APO 394

(59)

Ref/254/ /CA.

May 1944.

SUBJECT: Venereal Disease.

TO : HQ. Allied Armies in Italy.

1. Reference your AAI/5091/A(PB) of 18 May 1944 your remarks on a curfew for minors are noted.
2. The Police are overworked as it is and if they are to be made responsible for picking up minors after curfew then their duties in other spheres of crime must be restricted accordingly. In the main such offences by minors are committed in the afternoon.
3. This H.C. is willing to adopt every measure which will help in reducing the incidence of Venereal Disease but it is for the Army to say which crimes and offences they wish the police to concentrate on.
4. Under the circumstances and to meet your request an Order will be prepared imposing a curfew on minors. From what hour do you wish the curfew to be imposed.

60

Brigadier,
Executive Commissioner,
For Chief Commissioner.

SUBJECT : Venerereal Disease.

RESTRICTED. 58

HQ ALLIED ARMIES IN ITALY

AA1/5091/A (RS)

18 May 1944.

Executive Commissioner,
A.C.C.

Ref 434/78/CA of 13 May 44.

1. Paras 4, 5 and 6 of your letter are noted.
2. In regard to para 3 I am directed to point out that at Bari, in No 2 District, a Curfew for children under 16 has been in force since Feb '44, and it was to be extended to other towns. It was found to be practicable and to have good effect.
3. In view of this fact I am to request that this matter may be reconsidered. I am to state that in regard to any measure which is likely to reduce the incidence of V.D. amongst the Allied Forces, the saving of manpower is regarded as being of greater importance than the convenience of the local population.

CMP/RM.

Brigadier,
39 D.A.G.

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

GRU/ap

ACC/4026/L

17 May 1944.

SUBJECT : V. D. & Prostitution.

TO : Public Health Subcommittee.

1. At a recent meeting of Regional Legal Officers the point was stressed that difficulty was frequently encountered by reason of prostitutes being released from hospital as cured of V. D. when in fact they were not so cured.

2. It was felt that this was a matter for the consideration of Public Health Subcommittee rather than law. While in a flagrant case it might be possible to prosecute an Italian doctor for releasing a prostitute before she was cured the difficulties in the way of such prosecution are obvious.

3. Would it not be possible to stress through medical associations and the like the absolute duty imposed on every doctor to cooperate in ensuring that infected prostitutes were not released before cure and possibly to arrange some system of spot checking by Allied medical personnel to see that in fact doctors were carrying out the obligations imposed upon them by statute.

In flagrant cases a prosecution might follow.

4. It has also been reputed that Italian doctors have not available the appropriate drugs; can you ascertain whether there is any truth in this report and if so whether it is capable of remedy.

5. The matter is an important one and from the reports of RLO's the failure of some doctors to carry out their duties in the above respect is seriously hampering law enforcement.

Perhaps you would care to discuss the matter in conference when you have considered it.

G. R. UPJOHN,
Colonel,
Chief Legal Officer.

Copy to : Executive Commissioner.
Public Safety Subcommittee

HEAD HEADQUARTERS
ARMED FORCES COMMISSION
LEGAL SUB-COMMISSION
APO 394

ACC/4023/5.

/rlo.
6 May 1944.

SUBJECT : Directive and Memo of Ministry of Justice.

TO : Regional Legal Officers (MEMO: Regional Commissioner),
Regions 1, 2, 3, 4, 5, 6, and 7,
and Senior Legal Officers, 5th and 6th Army.

As agreed at the meeting of JAGs and SAGs held at Naples on 1st of May, translations of the latest Directive and Memorandum issued by the Minister of Justice are forwarded herewith.

Copy.

G. G. LUSIGNEO, 57
Major,
Officer i/c Italian Branch,
for Chief Legal Officer.

TRANSMISSION

29 April 1944

MINISTER OF CRIME AND JUSTICE

No. 27032

To : To all Procurators and Avvocati Generali.

Subject: Instructions for cooperation to prevent the spreading of venereal diseases among Allied troops.

With reference to Circular No. 25046 of the 28th of this month on the above subject, the Allied Control Commission has brought to our notice the necessity that arrested prostitutes should not be given provisional liberty unless in the most exceptional circumstances, with the principal aim of preventing these women from circulating in the towns and closing off another source of infection from the Allied troops.

In fact, together with the procedure of the circular above referred to, every way must be eliminated whereby prostitutes, infected and for any reason whatever set free from prison, may be able to carry on their shameful trade, so the prison authority, before letting them out of prison, must communicate their names to the Public Security Authority, who, in turn, must accompany these prostitutes to the centers for examination and medical care, where they must remain until they have no longer any sign of suspicion of venereal disease.

In any case, in view of the legitimate desire of the Allied Commission, justified by the necessity of combating, in every way the spread of venereal disease which is adversely affecting the duties of many Allied soldiers, it is considered proper that this shall be brought to the attention of the judicial authorities so that they may bear it in mind when in those cases where the concession of provisional liberty is optional, they make use of their discretionary powers in that respect as granted by the law.

Please acknowledge receipt of this letter after bringing it to the attention of all your subordinate judicial officers.

The Minister.

MINISTER OF CRIME AND JUSTICE

No. 27031

Salerno 29 April 1944

SUBJECT: Venereal disease and Prostitution.

With reference to the letter on the above subject this Ministry has communicated to the judicial authorities the request put forward by the Commission that they should be ordered to order that this measure be borne in mind.

which is never to be used to the attention of the judicial authorities proper that this shall be taken into account in those cases where the concession of provisional liberty is optional, they make use of their discretionary powers in that respect as provided by the law.

Please acknowledge receipt of this letter after bringing it to the attention of all your subordinate judicial officers.

The Minister.

MINISTRY OF GRACE AND JUSTICE

Salerno 29 April 1944

No. 27031

SUBJECT: Venereal disease and Prostitution.

With reference to the letter on the above subject this Ministry has communicated to the judicial authorities the request put forward by the Commission with regard to arrested prostitutes, in order that this request may be borne in mind when they make use of the discretionary powers, granted to the judge by law, to deny or grant provisional liberty.

It would appear however that even if the judicial authorities deny prostitutes the benefit of provisional liberty in every case, the result that is intended in the letter referred to, will not always be obtained, namely that prostitutes shall be kept in prison until they are tried thus avoiding the possibility of their continuing to circulate in the town and affect healthy men. And the reason lies in the fact that in the course of the proceeding there goes to either with the practice of provisional liberty that of releasing from jail which is not dependant on any discretionary power of the judge in cases falling within Arts. 246 (provisions for the Procuratore del Re and the Pretor regarding the provisional liberty of an arrested person - 247 cases in which house arrest may be ordered) - 269 (Release ordered by the examining judge or the Pretor) as 270 (Release ordered by the Public Ministero) or the Code of Criminal Procedure.

The Minister, being well aware of the danger that lies in infected prostitutes being free to circulate in the town, thinks that he has anticipated, in a better way, the will of your Commission; having laid down, in the last three lines of Circular No. 25046 of 28th of this month, that the cases of all prostitutes released from jail for any reason whatsoever, shall be sent by the competent prison authority to the Public Security authorities. In the desired result in the letter referred to will be obtained without anything else, if the Public Security Authorities complying with the appropriate provisions for confinement for reasons of Public Security, make provision for the recovery of these prostitutes in the centers for inspection and medical care until they are declared free from any form whatever of venereal disease, even suspected, and moreover, after this shall make provision, such be the case, that they be sent back to their respective communes in accordance with Art. 157 of the Public Security Law No. 773 of 18 June 1931.

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 594.

2 May, 1944.

REFERENCE : ACC/4002/L

SUBJECT : Allied Military Courts.

TO : Regional Legal Officer (thru Regional Commissioner), Region 3.

Confirming telephone conversation of this morning Colonel Upjohn - Colonel Chapman.

1. The Chief Commissioner instructs me to say that it is unnecessary for you to show the contents of your proposed Administrative Instruction L.5076 dated 23 April 1944 containing technical directions in regard to Courts hearing cases dealing with V.D. to anybody outside A.C.C.

2. I also confirm that the Chief Commissioner has fixed Thursday next at 10 a.m. for his inspection of both Allied Military and Italian Courts in Naples.

3. I confirm that you will forthwith transfer to the jurisdiction of the Italian Courts cases of the following classes (unless in any particular case there are circumstances justifying trial before an Allied Military Court) :-

- (a) Prostitution.
- (b) Curfew.
- (c) Speeding.

and that you will obtain from the Prefect such orders as may be necessary to give jurisdiction to the Italian Courts in the last two classes of case.

4. I also confirm that Lieut. Banno will be ordered to report as soon as possible as Provincial Legal Officer for Salerno in place of Lieut. Grant and you will instruct Lieut. Banno to see me at the Palace of Justice as soon as possible.

GERALD R. UPJOHN.
Colonel,
Chief Legal Officer.

GRU/wow. Copies to file: ACC/4028/L ✓
ACC/4001/2/L
ACC/4023/L

TRANSLATION

29 April 1944

MINISTER OF GRACE AND JUSTICE

No. 7012

To All Prosecutors & Assisted General -

SUBJECT: Instructions for cooperation to prevent the spreading of venereal disease among Allied troops.

With reference to Circular No. 25046 of the 28th of this month on the above subject, the Allied Control Commission has brought to our notice the necessity that arrested prostitutes should not be given provisional liberty unless in the most exceptional circumstances, with the principal aim of preventing these women from circulating in the towns and closing off another source of infection from the Allied troops.

In fact, together with the procedure of the circular above referred to, every way must be eliminated whereby prostitutes, infected and for any reason whatever set free from prison, may be able to carry on their shameful trade, so the prison authority, before letting them out of prison, must communicate their names to the Public Security Authority, who, in turn, must accompany these prostitutes to the ^{labors} for examination and medical care, when they must remain until they have no longer any sign of suspicion of venereal disease.

In any case, in view of the legitimate desire of the Allied Commission, justified by the necessity of combatting, in every way the spread of venereal disease which is adversely affecting the duties of many Allied soldiers, it is considered proper that this shall be brought to the attention of the judicial authorities so that they may bear it in mind when in those cases where the concession of provisional liberty is optional, they make use of their discretionary powers in that respect as granted by the law.

Please acknowledge receipt of this letter after bringing it to the attention of all your subordinate judicial officers.

The Minister.

54

52

MINISTRY OF GRACE AND JUSTICE

No. 270/1

Salerno 29 April 1944

SUBJECT: Venereal disease and Prostitution.

With reference to the letter on the above subject this Ministry has communicated to the judicial authorities the request put forward by the Commission with regard to arrested prostitutes, in order that this request may be borne in mind when they make use of the discretionary powers, granted to the judge by law, to deny or grant provisional liberty.

It would appear however that even if the judicial authorities deny prostitutes the benefit of provisional liberty in every case, the result that is intended in the letter referred to, will not always be obtained, namely that ~~xxxx~~ prostitutes shall be kept in prison until they are tried thus avoiding the possibility of their continuing to circulate in the town and effect healthy men. And the reason lies in the fact that in the course of the proceeding there goes together with the practice of provisional liberty that of releasing from goal which is not dependent on any discretionary power of the judge in cases falling within Arts. 246 (Provisions for the *Carabinieri del Re* and the *Prétor* regarding the provisional liberty of an arrested person - 247, cases in which house arrest may be ordered) - 269 (Release ordered by the examining judge or the *Prétor*) as 270 (Release ordered by the Public Ministry) of the Code of Criminal Procedure.

The Minister, being well aware of the danger that lies in infected prostitutes being free to circulate in the town, thinks that he has anticipated, in a better way, the will of Your Commission; having laid down, in the last three lines of Circular No. 25046 of 28th of this month, that the names of all prostitutes released from goal for any reason whatsoever, shall be sent by the competent prison authority to the Public Security authority. And the desired result in the letter referred to, will be obtained without anything else ⁵³ of the Public Security Authority complying with the appropriate provisions for confinement for reasons of Public Security, make provision for the recovery of ~~xxxxxxxxxx~~ these prostitutes in the centres for inspection and medical care until they are declared free from any form whatsoever of venereal disease, even suspected, and moreover, after this shall make provision, if such be the case, that they be sent back to their respective communes in accordance with Art. 157 of the Public Security Law No. 773 of 18 June 1931.

MINISTERO DI GRAZIA E GIUSTIZIA
DIREZIONE GENERALE AFFARI PENALI

24031

Prot. n.

Ris. n.

del.

Salerno 11, 29 aprile 1944

OGGETTO: Malattie veneree e prostituzione.

AL COMANDO ARRETRATO

COMMISSIONE ALL. DI CONTROLLO

Sottocommissione Legale

S A L E R N O

In relazione alla nota indicata in oggetto, questo Ministero ha segnalato alle autorità giudiziarie il desiderio manifestato da codesta Commissione nei riguardi delle prostitute arrestate, affinché di tale desiderio verrà fatto far uso dei poteri assicurativi, concessi al giudice di legge, nel caso di concessione della libertà provvisoria.

Si rileva, peraltro, che, anche se le autorità giudiziarie negassero in ogni caso alle prostitute il beneficio della libertà provvisoria, non si conseguirebbe sempre l'effetto che s'intende perseguire con la richiamata nota, e cioè che le prostitute siano trattate in prigione fino a che non la città e ad infettare uomini sani. La ragione va trovata nel fatto che nel corso istruttorio, con l'istituto della libertà provvisoria, concorre quello della sorveglianza, che non è sottoposto ad alcun potere discrezionale del giudice nei casi di cui agli art. 246 e 269 e 270 C.P.P.

Questo Ministero, rendendosi ben conto del pericolo che costituiscono le prostitute infette, ove siano lasciate libere di circolare per la città, crede di aver prevenuto, in miglior modo, il desiderio di codesta Commissione, disponendo, nel terzo ultimo alinea della circolare n. 3504b del 20...

In relazione alla nota indicata in oggetto, questo Ministero ha segnalato alle autorità giudiziarie il desiderio manifestato da questa Commissione nei riguardi delle prostitute arrestate, affinché di tale desiderio e delle relative ragioni addotte sia tenuto il dovuto conto, allorché si avrà far uso dei poteri discretivi, concessi al giudice dell'arresto, nel dare o nel concedere la libertà provvisoria.

Si rileva, peraltro, che, anche se le autorità giudiziarie negassero in ogni caso alle prostitute il beneficio della libertà provvisoria, non si conseguirebbe sempre l'effetto che s'intende perseguire con la richiamata nota, e cioè che le prostitute siano trattate in prigione fino a che non siano giudicate, si da evitare che esse possano continuare a circolare per la città e ad infettare uomini sani. La ragione va trovata nel fatto che nel corso istruttorio, con l'istituto della libertà provvisoria, concorre quello della scarcerazione, che non è sottoposto ad alcuna potestà discrezionale del giudice nei casi di cui agli art. 246 e 209 e 270 C.P.P.

Questo Ministero, rendendosi ben conto del pericolo che costituiscono le prostitute infette, ove siano lasciate libere di circolare per la città, crede di aver prevenuto, in miglior modo, il desiderio di questa Commissione, disponendo, nel terzo ultimo comma della circolare n. 55046 del 20. corrente, che di tutte le prostitute da dimettersi per qualsiasi ragione dalle carceri vengano comunicati i nomi alle competenti direzioni carcerarie all'autorità di P.S. L'intento che si persegue con la richiamata nota sarà senz'altro raggiunto se la P.S., in conformità di quanto è opportuno che faccia per le ferme per misura di P.S., disporrà il ricovero di dette prostitute nelle sale di osservazione e di medicazione, sino a quando non risulti che esse siano immuni da qualsiasi forma, sia pure sospetta, di malattia venerea e se dopo disporrà ancora, se del caso, il loro rimpatrio nel rispettivo paese comune a norma dell'art. 157 della legge di P.S. 10 giugno 1931 n. 773.

./.

785016

La richiamata circolare sarà rimessa oggi stesso a tutti i probatori generali, essendosi solo ora avuto conoscenza che essa corrisponde ai desideri di detta Commissione.

ciò, peraltro, opportuno che per una energica azione della P.S. in corrispondenza con l'obiettivo della detta circolare e con quanto si è sopra notato, questa Commissione interessi il Ministero degli Interni, da cui la P.S. direttamente dipende, in relazione a quanto ha già fatto in precedenti anni.

$\mathbb{P}^1 \times \mathbb{P}^1 \times \mathbb{P}^1$ with coordinates x, y, z and u, v, w respectively.

ALL MILITRO

E. coli, *S. aureus*, *P. aeruginosa*, *K. pneumoniae*, *A. baumannii*.

[illegible]Tegaserod, a 5-HT₄ receptor agonist, is used for the treatment of irritable bowel syndrome.[illegible]

copy for the A.C.C. legal in

MINISTRO DI GRAZIA E GIUSTIZIA
 DIREZIONE GENERALE AFFARI PENALI

27032

Salerno 11, 23 aprile 1944

Prot.n.....

Risp.n.....

del

O G G E T T O: Istruzioni per cooperare ad eliminare la diffusione delle malattie miltiche fra le truppe alleate.

ALLA LL. EE. I PROCURATORI GENERALI DEL RE PRESSO LE CORTI D'APPELLO DI

BARI - CAGLIARI - CATANZARO - CATANIA - MASSIMA - PALERMO -

AGLI AVVOCATI GENERALI DELLE SEZIONI DI CORTI DI APPELLO DI

CATANISSETTA - LECCE - POTENZA - REGGIO CALABRIA -

AL PROCURATORE DEL RE DI S A L E R N O

~~~~~

A seguito della circolare n. 25046 del 28 corrente, concernente l'obbietto sovra indicato, la Commissione alleata di Controllo ha fatto presente la necessità che alle prostitute arrestate non sia concesso la libertà provvisoria, se non in circostanze molto eccezionali: e ciò per evitare maggiormente che le stesse possano riprendere a circolare per le città, determinando fra le truppe alleate nuove infezioni.

In effetti, con l'osservanza della circolare sovra richiamata, lo vrebbe essere eliminata ogni possibilità per le prostitute, infetta e per qualsiasi causa dimesse dal carcere, di continuare ad esercitare il loro turpe mestiere, in quanto le autorità carcerarie, prima di dimetterle dalle carceri, debbono comunicare i nomi all'autorità di P.S., che, a sua volta, dovrà accompagnare le dette prostitute alle sale di osservazione, dove, accompagnate, dove ~~devono~~ <sup>devono</sup> rimanere sino a quando, nella loro persona, non sia scomparsa ogni sospetto, di malattia.

*copy for the A.C.C. Legal*

MINISTERO DI GRAZIA E GIUSTIZIA

DIREZIONE GENERALE AFFARI PENALI

Prot.n. 27032

Risp.n. ....

del .....

Salerno 11, 93 aprile 1944

OCCASO: Istruzioni per cooperare ad eliminare la diffusione delle ma-

lattie coltiche fra le truppe alleate.

ALLE LL.ES. I PROCURATORI GENERALI DEL RE PRESSO LE CORTI D'APPELLO DI

BARI - CAGLIARI - CATANZARO - CATANIA - MASSIMA - PALERMO -

AGLI AVVOCATI GENERALI DELLE SEZIONI DI CORTI DI APPELLO DI

CALABRISSETTA - LECCE - POTENZA - REGGIO CALABRIA -

AL PROCURATORE DEL RE DI - SALERNO -

.....

A seguito della circolare n. 25046 del 28 corrente, concernente l'obbligo sopra indicato, la Commissione Alleata di Controllo ha fatto presente la necessità che alle prostitute arrestate non sia concessa la libertà provvisoria, se non in circostanze molto eccezionali: e ciò per evitare maggiormente che le stesse possano riprendere a circolare per le città, determinando fra le truppe alleate nuove infezioni.

In effetti, con l'osservanza della circolare sopra richiamata, dovrebbe essere eliminata ogni possibilità per le prostitute di fare il loro qualsiasi corso dimesse dal carcere, di continuare ad esercitare il loro turpe mestiere, in quanto le autorità carcerarie, prima di dimetterle dalle carceri, debbono comunicarne i nomi all'autorità di P.S., che, a sua volta, dovrà accompagnare le dette prostitute alle sale di osservazione e di medicazione, dove ~~stanziate~~ <sup>rimanente</sup> sino a quando non ~~si~~ esclusa in esse qualsiasi forma, sia pure sospetta, di malattia

ALL'ILL. ES. I PROCURATORI GENERALI DEL RE PRESSO LA CORTE D'APPELLO DI

BARI - CAGLIARI - CATANZARO - CATANIA - MASSIMA - PALERMO -

AGLI AVVOCATI GENERALI DELLE SEZIONI DI CORTE DI APPELLO DI

CATANZAROTTA - LECCE - POTENZA - REGGIO CALABRIA -

AL PROCURATORE DEL RE DI - S A L E R N O -

~~~~~

A seguito della circolare n. 25046 del 28 corrente, concernente l'obbligo sovra indicato, la Commissione Alleata di Controllo ha fatto presente la necessità che alle prostitute arrestate non sia concessa la libertà provvisoria, se non in circostanze molto eccezionali: e ciò per evitare maggiormente che le stesse possano riprendere a circolare per le città, determinando fra le truppe alleate nuove infezioni.

In effetti, con l'osservanza della circolare sovra richiamata, dovrebbe essere eliminata ogni possibilità per le prostitute, di far qualsiasi cosa dimesse dal carcere, di continuare ad esercitare il loro turpe mestiere, in quanto le autorità carcerarie, prima di dimetterle dalle carceri, debbono comporre i nomi all'autorità di P.S., che, a sua volta, dovrà accompagnare le dette prostitute alle sale di osservazione e di medicazione, dove ~~verrebbe~~ *rimangono* sino a quando non sia esclusa in esse qualsiasi forma, sia pure sospetta, di malattia venerea.

In ogni modo, trattandosi di un legittimo desiderio della Commissione Alleata, giustificato dalla necessità di combattere, in ogni modo, il diffondersi delle malattie veneree, che incidono sulla prestazione di un regolare servizio da parte di molti militari alleati, si ritiene opportuno portare il detto desiderio a conoscenza della autorità giudiziaria, in modo che di esso sia tenuto il debito conto, allorché, nei casi in cui è facoltativa la concessione della libertà provvisoria, si dovrà fare uso dei poteri discretivi all'uopo accordati dalla legge.

Si prega accusare ricezione della presente, dopo aver richiamato su di esso l'attenzione di tutti gli uffici giudiziari dipendenti.

11 L M I N I S T R O

Spina

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M.G. SECTION
Liaison Division
APO 394



28 April 1944.

SUBJECT: Enforcement of Regional Order No. 18.

TO : Regional Commissioner, Region 3.

1. Colonel Chapman's report of 18 April concerning enforcement of Regional Order No. 18 (prostitution) has been forwarded to the Provost Marshal, Peninsular Base Section.

2. You ask for my comment. It follows:

3. The situation outlined by Colonel Chapman is not peculiar to "moral" offenses, nor is it confined to military courts, or to those in Naples Province. All of us who have ever served as prosecutors are familiar with the fact that policemen, like other human beings, require occasional admonition and education.

4. Inadequacy of information in police reports and inadequate investigation of cases, were subjects of a conference arranged by me about a month ago, attended on one side by Colonel Weber, Capt. (then Lt.) Correa, Lt. Banno and others. The police side was represented by Col. Hardie, PBS Provost Marshal, and his executive, Major Tolve, who control directly or indirectly most of the Military Police units to whom Lt. Col. Chapman's criticism applies. I believe that Lt. Col. Chapman himself also attended. 50

5. Most of those present have expressed to me since the conference their opinions that it had produced very satisfactory results and that there would be little further difficulty. The present complaint is, in fact, the first one along this line which has come to my attention since that time.

6. Colonel Hardie and his aides have been extremely cooperative, have expressed satisfaction concerning the

results produced by our courts, and have repeatedly requested me to have our legal officers advise them if the Military Police failed at any time to perform satisfactorily the duties with which they are charged, which include the preparation of workable arrest reports, and proper investigation of cases. If further difficulty is experienced, the remedy, obviously, is not to write "hedge" memoranda to you, but to confer further with Colonel Hardie and Major Tolve with a view to correcting the deficiencies.

7. The facilities of the Liaison Division of this headquarters are always available to officers of Region 3 in matters of this kind. However, Par. 3 of Executive Memorandum 26 provides that,

"after original contact has been effected through the appropriate liaison officer, subsequent business in connection with the same subject matter may be conducted directly between officers of Headquarters, A.C.C. and the Regions, and the officers of the military formations concerned, provided the liaison officer is informed and agrees."

8. The conditions precedent to further direct relations between your legal officers and the appropriate officers of Peninsular Base Section have been satisfied as to this subject matter and this division, being informed, agrees that further business affecting this subject matter may, if desired, be carried on directly between the parties concerned.

9. No prosecuting officer anywhere can carry on his job satisfactorily without regular current consultation with the police authorities who supply his normal day-to-day witnesses. I suggest that arrangements be made for regular meetings between Col. Weber, Lt. Col. Chapman and his staff on the one side, and on the other, the officers of Peninsular Base Section who are in a position to control and direct the efforts of military witnesses. I am confident that such regular conferences would produce very beneficial results and the elimination within a comparatively short time, of most of the deficiencies in the reporting of cases complained of by Lt. Col. Chapman.

ALFRED G. BOWMAN
Lt. Col.
Chief, Liaison Division.

COPY

HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
Legal Division
APO 394, U.S. Army

18 April 1944

SUBJECT: Enforcement of Regional Order No. 18

TO : Regional Commissioner Region 3

1. This morning I was called into a conference with judges and prosecutors of Allied Military Courts in Naples concerning the enforcement of Regional Order No. 18 and other laws relating to prostitutes and prostitution. The situation demands a report to you, if not to higher authority.

2. The situation here follows: The police drag net brings in women who are thrown into jail and eventually arrest reports find their way to the Prosecuting Office of the Allied Military Courts. These arrest reports in most cases fail to contain facts which would constitute any offense. They fail to contain the names of witnesses. They do not contain any summary of expected testimony. The judges reported to me this morning that evidence of commission of offenses is not produced in court. Cases are presented where the only statement is that the accused has a venereal disease, which is not a violation of any law or order. No medical evidence is presented to substitute even that statement. The judges are greatly concerned. They are fully aware of the general conditions which caused Order No. 18 to be issued and they are willing to do their part in enforcement but they have reached the point, and rightly so, where they must release accused against whom no legal charge is made and against whom no satisfactory evidence is produced which would justify conviction. The judges report to me that they are reluctant to take such action because they fear a storm of vituperative criticism. They feel that they are expected to railroad accused to prison - proof or no proof.

3. I have reported to you before that investigation of criticisms of courts has disclosed in most cases a failure of the police to do their full job. I am attaching herewith for your information two arrest reports which I took from the Prosecuting Office this morning. You will notice that one shows the arrest made March 8 and the other arrest made March 9 and that both reports did not reach the Prosecuting Office until 15 April. You will also notice the complete lack of information. One is signed "Civil Police Frattamaggiore".

(44)

4. At the conference preceding the issuance of Order No. 13, it was discussed definitely and thoroughly that women afflicted with venereal disease were not subject to arrest and jailing but should be placed in places for treatment. This is being ignored by the Police in many cases. In those cases in which women have been sent for treatment, I am informed that they are being released in ten days. However, in no case sent to MIC courts has there been either a medical certificate or other medical evidence, to indicate either that the women even had venereal disease, or had been treated for such.

5. The present method of attack on the problem of prostitution appears to be on the way to a definite breakdown because of the absence of adequate police cooperation in the preparation of cases, because of the failure to provide adequate places of treatment of diseased women, and because of the inadequacy of prison and jail accommodation for the number of women arrested. However, and this is one of the reasons for this report, I desire to register now the fact that the breakdown will be laid at the doorstep of the Allied Military Courts and to register my protest and resentment against unjust criticism.

/s/ John W. Chapman
JOHN W. CHAPMAN
Lt. Col., J.A.G.D.
Reg. Legal Officer

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FILE

43

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

GGH/gmf

ACC/4028/L

26 April 1944

SUBJECT: V.D. and Prostitution.

TO : H.E. The Minister of Pardon and Justice.

1. The attention of Your Excellency has been drawn on many occasions to the extremely grave situation arising from the increase of venereal disease among Allied troops.

2. It has been reported that under the present system many prostitutes have been released on provisional liberty with the result that prostitutes can continue their nefarious trade and thus defeat the efforts of both the Allied and Italian police.

3. Possibly the judges do not realise the seriousness of the position of affairs and the Allied authorities regard it as a matter of military necessity that prostitutes should continue in prison until tried so as to prevent the possibility of their continuing to defect and thereby impair the efficiency of the Allied troops.

4. It is therefore requested that Your Excellency be good enough to issue directives to all judicial officials concerned to the effect that no provisional liberty is to be granted in cases of prostitutes brought to their court unless in very exceptional circumstances.

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Would Your Excellency please treat this matter as urgent.

G. R. UPJOHN
Colonel
Chief Legal Officer.

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
A.P.O. 394

25th April 1944

ACC/4328/L

SUBJECT: V. D. and Prostitution.

TO : H.E. The Minister of Justice

1. Confirming the various conversations which have taken place with Your Excellency's staff in connection with the above and in pursuance of the policy of the Allied Military Authorities, it appears desirable that all seats of the "Pubblico Ministero" be instructed officially by the Ministry with a view to tightening up the granting of provisional liberty to detained prostitutes by the various judges concerned.

2. Though it is realized that the concession of liberty is among the discretionary powers of the bench which can hardly be interfered with, it is stressed that the "Pubblico Ministero" has always the right to oppose such grant and that in view of the present situation, well known to Your Excellency, such right should be exercised on every occasion when it does not constitute a flagrant injustice.

G. C. HANNABRO, Major
Officer i/c Italian French
for Chief Legal Officer.

Enclosed:
Copy of V. Directive.

file
for record
please

99H

rlp.
26 April 1944.

41

NOTES BY THE GENERAL DIRECTOR OF PRISONS AND SIMILAR ESTABLISHMENTS.

SUBJECT : Treatment of inmates suffering from VD in hospitals situated outside the prison.

Article 107 of Rules and Regulations for Prisons and similar establishments deals with the treatment of inmates suffering from disease and their transfer to the prison hospital or to other hospitals situated outside the prison.

These rules however do not lay down that accused or convicted prisoners suffering from VD shall at once be sent to the ward of a public hospital or other medical establishment.

Treatment in hospitals outside the prison may be allowed only under both the following circumstances: (a) the disease being so serious that it cannot be treated in the prison hospital without endangering the patient's life and (b) a guarantee of safe custody being given by the public hospital or other medical establishment.

Now, although VD is dangerous because it can be easily contracted, it does not always assume in the patient himself so grave a form as to require her isolation in a special ward, such as cannot be provided by the prison sick room.

Moreover, it is absolutely necessary that the ward shall be safe, otherwise the patient must be brought back to the prison immediately notwithstanding the gravity of the disease. If inmates suffering from VD were to be treated in hospitals situated outside prison it would be very difficult to find a suitable one that could offer the particular requisites of safe custody.

Inmates suffering from VD can be conveniently treated in the sick rooms attached to prisons and similar establishments.

These sick rooms are very well equipped and often have special isolation wards, giving sufficient assurance that the disease will not spread.

Orders may be issued also whereby inmates suffering from VD in custody in Comunal prisons may be transferred to the judicial prisons (since communal prisons do not have sick rooms) or other penal establishment where they can be treated.

TO : C.L.O. HEAR H.Q. A.C.C.
FROM : H.Q. REGION 5 A.M.G.
SUBJECT : Appeal by prostitutes.
REF : B5/511/22.
DATE : 17 April 1944.

1. Ref your AGC/4028/L of 9 April it is understood from your memorandum that pending the hearing of an appeal from a court of first instance an accused may be granted provisional liberty at the discretion of the court.
2. It is also understood that in cases of prostitution, if not generally, this liberty is always granted. Apparently the principle is that it is granted pending appeal in all cases in which it has been or would have been granted before trial.
3. It would appear that the only way to avoid this difficulty is for a general instruction to be issued by the Minister of Justice forbidding the granting of provisional liberty in such cases.
4. No doubt the whole matter will be dealt with in your promised general directive on the subject of prostitution which is eagerly awaited.

For the Regional Commissioner

W E BEHRENS
LT. COL.
R. L. O.

2570

Declassified E.O. 12356 Section 3.3/RND No.

785016

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

/cmf

ACC/4028/L

19 April 1944

SUBJECT: Prostitution and V.D.

TO : Regions 3 and 5
5th & 8th Armies.

Ref para (A)(2)(a) of Appendix "D" to ACC/4028/L of 19 April 44
please note that RDL 45 of 20 Jan. 44 is not so far operative in AG terri-
tory.

G. S. Hammond

G. S. HAMMOND, Major
Officer i/c Italian Branch
for Chief Legal Officer.

Copy to: RC & MG Sec.

file

LEGAL HEAD OFFICES
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 564

19 April 1944

ACC/4028/L

SUBJECT: Prostitution and V.D.

TO : ILOs Regions 1, 2, 3, 4, 5 & 6 (THRU IOs)
SLOs 5th & 6th Armies (THRU SLOs).

1. The military authorities are constantly requesting assistance from the various subcommittees of ACC concerned (Public Health, Public Safety, Legal, etc.) in order to secure from the Italian authorities full cooperation in their endeavors to minimize the diffusion of venereal diseases among Allied troops.

2. The Legal Subcommittee in turn has made strong representations to the Minister of Justice with a view to obtaining the results that the rather loose procedure followed by Italian judicial and police officials in relation to VD offences be tightened up.

3. Consequently, the Ministry has issued a number of directives and memoranda to the various officials concerned and it will be the duty of IOs in the field to see that these directives are implemented.

4. It must be borne in mind that Italian law gives the judicial and police official ample means to fight prostitution and the various activities connected therewith. IOs should see that the "Pubblico Ministero" and the judges are given no latitude in applying the letter of the law in the spirit set out in the Minister's instructions to all Procuratori Generali and Procuratori del Re.

5. A synopsis of the provisions of the law in relation to prostitution together with copies of a number of directives and memoranda published by the Minister of Justice are enclosed in order that IOs may be in a position to supervise the activities of the Italian officials concerned.

6. Such supervision will obviously be easier in AMG territory where IOs can give direct instructions to all Italian officials. In restored territory particularly, however, IOs should report at once to this Subcommittee all actions by Italian judicial personnel tending to evade, set aside or ignore the formal instructions received by them from their superior officials in the above connection.

(Enclosed documents)

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2. The Legal Subcommittee in turn has made strong representations to the Minister of Justice with a view to obtaining the result that the rather loose procedure followed by Italian judicial and police officials in relation to VD offences be tightened up.

3. Consequently, the Ministry has issued a number of directives and memoranda to the various officials concerned and it will be the duty of LOs in the field to see that these directives are implemented.

4. It must be borne in mind that Italian law gives the judicial and police official ample means to fight prostitution and the various activities connected therewith. LOs should see that the "Pubblico Ministero" and the judges are given no latitude in applying the letter of the law in the spirit set out in the Minister's instructions to all Procuratori Generali and Procuratori del Re.

5. A synopsis of the provisions of the law in relation to prostitution together with copies of a number of directives and memoranda published by the Minister of Justice are enclosed in order that LOs may be in a position to advise the activities of the Italian officials concerned.

6. Such supervision will obviously be easier in AMG territory where LOs can give direct instructions to all Italian officials. In registered territory particularly, however, LOs should report at once to this Subcommittee all actions by Italian judicial personnel tending to evade, set aside or ignore the formal instructions received by them from their superior officials in the above connection.

(Signature)

S. C. HANNAH, Major
Officer i/o Italian ~~Consulate~~ Branch.
for Chief Legal Officer.

Appendices:

- A - Synopsis of Law.
- B - Compulsory Report of Doctors. (Ministry of Interior).
- C - Instructions to Judges and Prosecutors (Minister of Justice)
- D - Memorandum for Allied Authorities.
- E - Rights of Appeal and Provisional Freedoms.

REAR HUSBANDRY
ALLIED TO POLICE
L.M.A.L. 300-300
A.P.C. 394

ADVISOR

400/4005/L

2 March 1944

SUBJECT: General Dismissal, Protests, etc.

TO : Deputy Provost Marshall, 12 3 District

Ref your 220/3D/43 dated 26 Feb. 44.

1. Licensed prostitution is not allowed in England, but there is no Federal law in the U.S. in this respect and State issuing its own legislation on the matter.

2. In Italy licensed prostitution is regulated by the provisions of the law of Public Safety of 16 June 1931 No. 773, Chapter VII, Articles 190 to 200.

3. As far as the law is concerned the above referred to articles provide:

Art. 190: At the request of the Mayor or at their discretion, Public Safety authorities may declare premises where prostitution is exercised to be licensed premises.

Art. 191: No premises of this type can be opened without the license referred to in the preceding article. This provision is also applicable to premises where one person only exercises this practice. Penalty up to one year and 1,000 lire fine.

Art. 192: Public Safety authorities can close any such premises in the interest of morality, decency and public order.

Art. 193: Whoever desires to open a house of prostitution must fill in a special form provided by Public Safety authorities in which are determined the conditions under which he may exercise his profession.

Art. 194: No premises used for prostitution can be rented without the authorization of the P.S. authority. List of persons who exercise prostitution in licensed premises must be submitted to the P.S. authority. If through negligence sanitary measures are not taken and an infected person is admitted, even for a

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Supplementary

2. In Italy licensed prostitution is regulated by the provisions of the law of Public Safety of 18 June 1931 No. 773, Chapter VII, Articles 190 to 200.

3. as far as the law is concerned the above referred to articles provide:

Art. 190: At the request of the keeper or at their direction, Public Safety authorities may declare premises where prostitution is exercised to be licensed premises.

Art. 191: No premises of this type can be opened without the license referred to in the preceding article. This provision is also applicable to premises where one person only exercises this practice. Penalty up to one year and 1,000 lire fine.

Art. 192: Public Safety authorities can close any such premises in the interest of morality, decency and public order.

Art. 193: Whoever desires to open a house of prostitution must fill in a special form provided by Public Safety authorities in which are determined the conditions under which he may exercise his profession.

Art. 194: No premises used for prostitution can be modified without the authorization of the P.S. authority. List of persons who exercise prostitution in licensed premises must be supplied to the P.S. authority. If through negligence sanitary measures are not taken and an infected person is admitted, even for a short time, in the licensed premises, penalties up to one year and 5,000 lire can be applied.

Art. 195: Hours of opening are determined by the P.S. authorities.

Art. 196: The following are forbidden in premises where prostitution is exercised:

- (a) gambling, dancing and any sort of celebration,
- (b) the trade sale of food and drink,
- (c) access to minors under 18.
- (d) Intoxicants and ornamental articles.

Penalties up to 6 months and 3,000 lire.

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Declassified E.O. 12356 Section 3.3/NND No. 785016

Art.197: Full rights of requisition at any time by P.S. authorities - and also of evacuation of all inmates.

Art.198: The keeper cannot receive gifts of money or other articles from the inmates. Penalty - up to 3 months and 5,000 lire.

Art.199: The keeper cannot retain an inmate wishing to leave the premises. Penalty up to 3 months and 5,000 lire.

Art.200: Prostitution premises shall be closed when:-

1. Venereal diseases are prevalent.
2. Leprosy are found among the inmates.
3. Sanitary visits are not properly carried out.
4. The keeper tries to prevent such visits.
5. The keeper becomes an habitual offender under Art.195 & 196.
6. The lease if any ends.

Art. 201: All such premises can also be closed for general hygiene motives or other reasons left at the discretion of P.S. authorities.

Art. 202: The keeper who maintains the premises open after the date of closing is liable to one year's imprisonment and 5000 lire fine.

Art. 203: Whoever contravenes the above provisions cannot receive a license for a period of five years.

Art.204: One year is the minimum limit of time before any closed premises can be opened.

Art.205: P.S. authorities can at any time order sanitary visits of the inmates or send them to special cure places.

Art.206: Licenses are withdrawn if the keeper requests it when the premises are not used anymore for the exercise of prostitution.

Art.207: All appeals against P.S. authority action can be made to a Commission convened by the Prefect, etc.

Art.208: Incitement to debauchery is also forbidden, even by indirect means, in any public places.

It is also formally forbidden:

(a) to solicit by deeds or words in the streets.

(b) to stand in public places in an indecent attitude.

(c) to expose one's person at the windows or the threshold of licensed premises.

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art.207 : All appeals against P.S. authority action can be made to a Commission convened by the Prefect, etc.

art.208 : Incitement to debauchery is also forbidden, even by indirect means, in any public places .

- it is also formally forbidden :
- (a) to solicit by deeds or words in the streets.
- (b) to stand in public places in an indecent attitude.

- (c) to expose one's person at the windows or on the threshold of licensed premises.
 - (d) to give the address or indicate in any way the location of licensed premises or to offer means of procuring.
- Penalty up to six months.

4. It is hoped that this short synopsis of Italian legislation on the subject will answer most of the legal questions you are interested in. As prostitution control is entirely a police responsibility your letter has been passed to the Public Safety Sub-Commission together with a copy of our reply for their comments thereon. We truly appreciate your interest on this question fact.

G.P. HANNAFORD Major
Section. Legal Sub-Com.

Ministry of the Interior

ATTACH "B"

36

To all Prefetti.

The Allied authorities have informed the Italian government that private doctors who treat military personnel for venereal diseases do not report the cases to proper quarters, as they are required to do by law. Thus the adoption of disciplinary and sanitary measures by the military authorities is made impossible. In order to obviate these difficulties, will you please inform the medical associations to the effect that soldiers are considered as "living in the community" and therefore in pursuance of the provisions of the Ministerial Decree of 23 April 1940, it is compulsory for the doctors to report all cases of syphilis, gonorrhea and venereal ulcers affecting military personnel which they may obtain knowledge of in the course of their professional activities.

All defaulters shall be punishable under the terms of Art. 25 of the consolidated text of the existing sanitary legislation. Please acknowledge.

The Minister.

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ATTENTION "C"

Instructions to the following effect have been issued to all Procuratori Generali - Avvocati Generali - Procuratori del Re - Salerno.

Instructions for the cooperation with the judicial authorities in order to eliminate the spread of the venereal disease.

A.C.C. have recommended the following measures in the judicial authorities in order to prevent the spread of V.D. among Italian troops.

It has been agreed with the authorities of the Procuratori that, where necessary, mixed squads of Italian and Italian police shall be employed in patrol the streets and various prostitution areas situated in high spots and thus making easy contact with the ill and diseased. Venereal disease centres have also been created in order to increase the possibilities of curing venereal disease and of detecting symptoms of a venereal character (disseminated syphilis) by key at these centres until cured.

It has been reported that in some in part of contaminated prostitutes, who have been either a venereal (P. venerei) or cured (arrested), and who have not been separated from the city and towns to increase the spread of the disease, especially where there are large numbers of these women.

The attention of all Procuratori for the and the fact is therefore directed to the gravity of these facts which have a direct effect on allied military activity and they are hereby instructed to limit every assistance in their power in this connection to the judicial authorities. Can as a result, the judicial police will be instructed to take all necessary steps to prevent prostitutes exercising their normal trade and from the judicial authorities.

Furthermore, in cases of prostitution either unspecified for reasons of public safety or arrested the following rules shall apply:

(1) Prostitutes are prohibited for reasons of public safety in accordance of Article 15 of the Penal Code. Prostitutes shall be sent to the observation and treatment centres. They will not be returned to the streets unless the doctors at the centres have declared that to be free from disease or even from suspected disease.

(2) Prostitutes are prohibited pursuant to Art. 253 of the Code of Criminal Procedure, or prostitutes arrested (arrested) shall be carefully examined by the doctors at the prisons. All those found to be infected or suffering from being infected shall be segregated from the healthy ones and given adequate treatment at the prisons. If any "unfortunate" person (i.e. a person whose persons are detained temporarily in different areas in which long-term prisoners serve sentences) is not equipped for such treatment, the prostitutes shall be transferred to a judicial prison.

(3) The names of all prostitutes referred to in the above, for any reason that-

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 Appendix 100

MEMORANDUM FOR MR. JAMES V. CONNELLEY, JR.
 MINISTRY OF JUSTICE

(A) By Italian law there are two distinct ways in which a person can be arrested by the police:-

(1) "Arresto". This corresponds roughly to our own ideas of arrest and is regulated by rules laid down in the Code of Penal Procedure Arts. 243 and 250. It is usually effected under an order or warrant issued by the judicial authorities. But cases when "arresto" can be made without such an order or warrant are set out in the Code of Penal Procedure Arts. 235, 236, 237, 239 and following and these cases are mainly those where the sons are caught in the act of committing an offence (flagrante delicto).

The Code, then, sets out when the police (a) must have a warrant before making an arrest, (b) when they need not have a warrant, and (c) when they must proceed to arrest without a warrant.

In all cases however the person arrested must be placed by the police at the disposal of the judicial authorities within 24 hours of making the arrest unless a longer period of detention shall be ordered by the Procuratore or Pretore (Arts. 244 - 245 Code of Penal Procedure).

(2) Perseco. The distinction between this method of arrest and "arresto" above lies not in its immediate effect upon the person arrested, for in either case he is taken into custody, but in the procedure adopted towards such a suspected person after arrest.

(a) "Perseco" is regulated by Art. 236 of C.C.P., modified by a Royal Decree No. 45 of 20 January 14 whereby the police are empowered to apprehend or take into custody any person suspected of having committed a crime or who, in being interrogated by the police, attempts to escape. But the police may apprehend in this manner only such persons regarding whom they have reasonable grounds for suspecting as having committed or being concerned in, a crime for which the issue of a warrant of arrest would be necessary. Apprehension in such cases must be immediately notified to the judicial authorities.

(b) Under Art. 157 of the "Legge di Pubblica Sicurezza" a person may be apprehended by the police without being accused or even inspected of committing an offence, simply because he leads a suspicious or immoral life and 38 questioned by the police refuses to give them any explanation. By Art. 158 however the powers of the police in such cases are limited to ordering that the suspected person return to his domicile of origin, by a compulsory travel order (Foglio di via obbligatorio).

Moreover, then it is difficult to establish the identity of the person so apprehended, he or she can be detained in custody for such a period of time until the police are satisfied as to his identity and morals.

(B) It is to be observed that, in so far as prostitutes are concerned, many more are apprehended by police patrols operating in town during the hours of darkness for security measures than are arrested for a specific offence.

unless a longer period of detention shall be ordered by the Procuratore or Pretore (Arts. 244 - 248 Code of Penal Procedure).

(2) Fermo. The distinction between this method of arrest and "arresto" above lies not in its in edicts effect upon the person arrested, for in either case he is taken into custody, but in the procedure adopted towards such a suspected person after arrest.

(a) "Fermo" is regulated by Art. 246 of C.P.P. modified by a Royal Decree No. 45 of 20 January 14 whereby the police are empowered to apprehend or take into custody any person suspected of having committed a crime or who, in being interrogated by the police, attempts to escape. But the police may apprehend in this manner only such persons regarding whom they have reasonable ground for suspecting as having committed or being concerned in, a crime for which the issue of a warrant of arrest would be necessary. Apprehension in such cases must be immediately notified to the judicial authorities.

(b) Under Art. 157 of the "Regole di Polizia Siciliana" a person may be apprehended by the police without being accused or even inspected of committing an offence, simply because he leads a suspicious or immoral life and is questioned by the police refuses to give them any explanation. By Art. 154 however the powers of the police in such cases are limited to ordering that the suspected person return to his domicile of origin, by a compulsory travel order (Foglio di via obbligatorio).

Moreover, when it is difficult to establish the identity of the person so apprehended, he or she can be detained in custody for such a period of time until the police are satisfied as to his identity and morals.

(E) It is to be observed that, in so far as prostitutes are concerned, many more are apprehended by police patrols operating in town during the hours of darkness for security reasons than are arrested for a specific offence.

Prostitutes so apprehended by the police who are found to be dismissed may be detained in prison until cured. A person person arrested (arrestato), with or without warrant, must be dealt with in accordance with the Code of Penal Procedure, where it is laid down that such persons may be treated outside the goal.

MINISTRY OF JUSTICE

APPENDIX "B"

MEMORANDUM

SUBJECT: NO RIGHT OF APPEAL AND PROVISIONAL LIBERTY IN CASES OF PROSTITUTION

When a prostitute arrested, tried and sentenced lodges an appeal or a recourse in Cassation, the provisions of Art. 277 and following of the Code of Penal Procedure shall apply. These articles concern provisional freedom granted in order to protect the interests of the sentenced person.

Provisional freedom may be granted at any time during the proceedings and also (in accordance with the terms of R.D.I. of 31.1.1934 No. 42) pending recourse in Cassation, but cannot be granted in cases set out in Art. 255 of the Code of Penal Procedure.

The order of Provisional Liberty can be contested by the Pubblico Ministero. Liberty may be granted under bail.

In conclusion, the detainee has no right to be liberated pending appeal unless her preventive detention exceeds the amount of the sentence.

Provisional Freedom falls within the discretionary powers of the judge, except in cases under Art. 255 of Code of Penal Procedure as stated above.

On the other hand the granting of Conditional Liberty under Art. 176 of the Penal Code is not applicable, as the sentence is not final (if an appeal is lodged).

Note: "Provisional Liberty" is freedom granted by a judge before sentence is actually pronounced.

"Conditional Liberty" is probationary freedom granted after pronouncement of sentence which has imposed imprisonment under a final judgment.

NEAR HEADQUARTERS
ARMED CONTROL COMMISSION
Legal Sub-Commission
A.P.O. 394

ACC/4076/1

26th April 1944

SUBJECT: Appeal by prostitutes

TO : R.I.C. (thru Regional Commissioner) Region 5

Referring to the point in question (R.I.C.'s meeting of 3 April)
the enclosed memorandum has been obtained from the Ministry of Justice for your
information.

G. G. HANNAPORD

Major
Officer i/c Italian Section.
for Chief Legal Officer.

Copy to: S.I.C. 5th Army.

4028
 M I N I S T E R O D I G R A Z I A E G I U S T I Z I A
 P r o s t i t u t a

PRO-MEMORIA PER DOTT. CIULLI

Nel caso che una prostituta sia stata arrestata, giudicata, condannata e abbia interposto appello o ricorso per cassazione ricorrerà ~~alla~~ applicazione degli art. 277 e seg. C.P.P. concernenti la "libertà provvisoria", mero "interesse protetto" del condannato.

La libertà provvisoria, esclusi i casi preveduti dall'art. 253 C.P.P., può essere concessa in ogni stato dell'istruzione o grado del giudizio, in base al R.D.R. 31-1-1944 n.42, anche pendente il giudizio per cassazione.

L'ordinanza con cui viene concessa può essere impugnata sia dal P.M. sia dall'imputato. La liberazione condizionale può essere subordinata a cauzione.

Concludendo: la detenuta non ha alcun diritto di essere liberata ammenoché non abbia già scontata la pena detentiva; la concessione della libertà provvisoria rientra nei poteri discrezionali del giudice, ove non osti il titolo del reato (art.253 C.P.P.).

Non può d'altra parte, concedersi la liberazione condizionale (art. 176 C.P.P.) perché la sentenza di condanna non è definitiva.

CPB

cassazione.

L'ordinanza con cui viene concessa può essere impugnata sia dal P.M. sia dall'imputato. La liberazione condizionale può essere subordinata a cauzione.

Concludendo: la detenuta non ha alcun diritto di essere liberata ammenoché non abbia già scontata la pena detentiva; la concessione della libertà provvisoria rientra nei poteri discrezionali del giudice, ove non osti il titolo del reato (art. 253 C.P.P.).

Non può d'altra parte, concedersi la liberazione condizionale (art. 176 C.P.) perché la sentenza di condanna non è definitiva.

CFZach

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3 copies of Italian text

MINISTRY OF JUSTICE.MEMORANDUMOBJECT AND RIGHT OF APPEAL AND PROVISIONAL LIBERTY
IN CASES OF PROSTITUTION.

When a prostitute arrested, tried and sentenced lodges an appeal or a recourse in Cassation, the provisions of Art. 277 & folls of the Code of Penal Procedure shall apply. These articles concern provisional freedom granted in order to protect the interests of the sentenced person.

Provisional freedom ~~which~~ may be granted at any time during the proceedings and also, (in accordance with the terms of R.D.L. of 31.1.1944 No. 42) pending recourse in Cassation, but cannot be conceded in cases set out in Art. 253 of the Code of Penal Procedure.

The order of Provisional Liberty can be contested by the Pubblico Ministero.

Liberty may be granted under bail.

In conclusion, the detainee has no right to be liberated pending appeal unless her preventive detention exceeds the amount of the sentence.

Provisional Freedom falls within the discretionary powers of the judge, except in cases under Art. 253 of Code of Penal Procedure as stated above.

On the other hand the granting of Conditional Liberty under Art. 176 of the Penal Code cannot be envisaged as the sentence is not final (if an appeal is lodged) - .

File V.D.

29
MINISTERO DELL'INTERNO

Salerno, 4 Aprile 1944.

Oggetto: Denunzie di malattie veneree riscontrate in militari.

ALLE LL.EE. I PREFETTI DI:

AGRIGENTO=BARI= BRINDISI= CAGLIARI= CALTANISSETTA=

CATANIA= CATANZARO= COSENZA= ENNA= LECCE= MATERA=

MESSINA= NUORO= PALERMO= POTENZA= RAGUSA= REGGIO-CAL.=

SALERNO= SASSARI= SIRACUSA= TARANTO= TRAPANI=.

e p.o.

AL MINISTERO DI GRAZIA E GIUSTIZIA

S A L E R N O

AL BRIGADIERE GENERALE

C.S.PARKINSON

DIRETTORE DELLA SUBCOMMISSIONE

DELLA SALUTE PUBBLICA DELL'A.C.C.

S A L E R N O

E' stato segnalato dalle Autorità Alleate che i medici privati che hanno in cura militari affetti da malattie veneree non ottemperano alla denuncia del caso, rendendo così impossibile l'adozione di provvedimenti di carattere disciplinare e sanitario.

Al fine di evitare tale inconveniente, si prega voler far presente a cotesto ordine dei medici che i militari sono considerati come viventi in collettività e pertanto, ai sensi del D.M. del 23-4-1940, è fatto obbligo ai medici di denunciare qualsiasi caso sifilide, blenoraggia ed ulcera molle di cui, nell'esercizio della loro professione, vengano a conoscenza in persona di militari. Verso i

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Si resta in attesa di assicurazione.

PFL MINISTRO

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1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 26

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— PARLIAMENTO EUROPEO — MAINTA — MASSIMA — DEL GEMO —

— ПАЛІТАНІСЭПТА — ЛУКІЕ — ПОЎМІНЗА — УРЭДІЦІО ГАЛІБІЛА —

• **EXPERIMENTATION** - One of the most important aspects of the research process is the design of the experiment. This involves the selection of the independent and dependent variables, the manipulation of the independent variable, and the measurement of the dependent variable. The design of the experiment should be such that it allows for the testing of the hypothesis in a controlled and systematic manner.

LA CALANCAVISTA - LEMMA - POTENZA - ROMA - CALANCA

LA TRANQUILLITA' DEL SUO

La Commissione di Controllo di Roma, che ha visto l'opera, ha deciso di non intervenire e di lasciare che l'opera si svolga come si svolge.

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The first of these, the "Public Health Service," is the only one of the three which has a long and distinguished record of service to the community. It was established in 1890, and since that time it has been the leading agency in the United States for the promotion of public health. It has been the source of many of the most important public health measures of the country, and it has been the center of the most advanced research in the field of public health.

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To all Procuratori Generali - Avvocato Generali - Procuratori del Re - Salerno.

Instructions for the cooperation with Allied authorities in order to eliminate the propagation of VD among their troops. -----

ACC authorities have requested the effective cooperation of the judicial authorities in order to eliminate the spreading of VD among Allied troops.

In cases of need it has been agreed with the Ministry of the Interior that mixed squads of Allied and Italian police shall be organized in order to prevent prostitutes circulating with impunity in the streets and gaining easy contact with Allied soldiers. New observation centers have also been created in town to intensify the possibilities of curing the diseases and of detecting symptoms of a suspicious character.

It has been reported that the sojourn in goal of contaminated prostitutes either apprehended (fermate) or arrested (arrestate), who have not been segregated from the healthy ones, tends to increase the diffusion of the disease, especially when they are in great number.

With this object in view the attention of all Procuratori del Re and Pretori is directed to the gravity of these facts which affect the regular activities of the military personnel and they have hereby instructed to lend every help in this connection to the Allied authorities. More especially the judicial police shall be instructed to take the necessary steps to prevent prostitutes exercising their shameful trade away from the special houses authorized to that effect.

Furthermore, in cases of prostitutes apprehended for reasons of public safety or arrested, the following rules shall be applied:

Prostitutes, apprehended for reason of public safety in pursuance of the provision of Article 15 of the Legge di P.S., shall be sent on to the observation and treatment center and shall not be returned to the prisons if the doctors of the said centers have not declared them free from disease or even suspected disease.

Prostitutes, apprehended pursuant to the provisions of Art. 238 of CPP, (modified by RDL of 20 Jan. 44 No. 45) or simply arrested shall be carefully examined by the doctors of the prison. All those who are infected or suspected to be so, shall be segregated from the healthy ones and given adequate treatment at the prison. If "Mondamentali Prisons" are not equipped for such treatment prostitutes shall be transferred to judicial prison.

The names of all prostitutes released from goal for any reason whatsoever, shall be communicated by the Director concerned to the Public Safety authorities, who shall observe the relevant regulations of Public Safety in their respect.

Care shall be taken to supervise both pre-trial investigations and proceedings connected with prostitution and other offences included in the general category. In order to ensure that the various cases are adequately and exactly dealt with.

Will you please acknowledge these instructions and report to the Ministry all infractions which may be committed from time to time in this connection.

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PRO-SECUTORY DIVISION, U.S. DEPARTMENT OF JUSTICE

DI CONTO

Arresto, fermo di indiziati di reato e fermo per motivi

di pubblica sicurezza.

12) - L'arresto da parte della polizia giudiziaria, senza ordine o mandato dell'autorità giudiziaria, è disciplinato negli artt. 235, 236, 237 e 238 c. 302, C.P.P., e concerne in sostanza la persona colta in flagranza di reato.

L'arresto invece a seguito di ordine di arresto o di mandato dell'autorità giudiziaria è disciplinato negli artt. 243-245 e 302 c. 302, C.P.P.

In particolare, dopo aver visto che la legge prevede, nella prima ipotesi, l'arresto per cui la P.S., in caso sempre di flagranza, può o deve procedere all'arresto, o precisa inoltre, nella seconda ipotesi, i poteri per cui l'ordine di arresto o di mandato di cattura è obbligatorio o facoltativo.

In entrambi i casi, l'arrestato deve essere posto a disposizione dell'autorità giudiziaria immediatamente e comunque non oltre le 24 ore, salvo che il procuratore del re o il pretore, informato dell'arresto, riconosca necessaria una dilazione maggiore - (artt. 244-245 C.P.P.).

13) - Il fermo da parte della P.S. indiziati di reato è disciplinato dall'art. 238 C.P.P., additato col R.D.L. 20 gennaio 1944 n. 45. Esso presuppone che non possa esserci all'arresto per le armi trascorsi flagranza, ma che un reato sia stato commesso, che una persona, gravemente indiziata di averlo commesso o di aver concorso nelle stesse, si sia data o sia per darsi alla fuga e che si tratti di un reato per cui sia obbligatorio il mandato di cattura.

E' da notare che tale fermo è sottoposto per l'art. 238 C.P.P. all'immediato sindacato della G., sindacato che è stato meglio disciplinato nel R.D.L. 20 gennaio 1944 n. 45.

14) - Il fermo per misura di pubblica sicurezza è disciplinato dall'art. 157 del R.U. e 302 c. 302, C.P.P. Esso non richiede la consumazione di alcun reato, ma l'esistenza solo di una persona che presenti caratteri di condanna o non possa essere vagliata dalle autorità di P.S.

In caso di fermo, l'art. 157 L.R.S. autorizza alla P.S. solo la facoltà del rimpatrio con foglio di via obbligatorio o per l'adulazione, nonché a evadere che, prima di disporre tale rimpatrio, la P.S. terrà fermata la persona in carcere per verificare se per conoscere se eventualmente non trattasi di persona rea di qualche delitto.

Memorandum for Allied Authorities Concerned.

1. The arrest (arresto) of a person by the Police without an order or a warrant from the judicial authorities can only be effected under the provisions of Art. 235-236-237-239 and following of the Code of Penal Procedure, which deal mainly with the cases of persons caught in the act (flagranza in Italian or flagrante delicto).

"Arresto" in pursuance of an order or warrant from the judicial authorities is regulated by Art. 248 & 250 etc. of the Code of Penal Procedure.

The Code sets out the cases in which the police must proceed with the arrest without order or warrant as in para. 1; and also the offences when the issue of an order or warrant is compulsory or optional.

In both instances however the arrested person must be placed by the police at the disposal of the Judicial Authorities within 24 hours, unless the Procuratore or the Pretore, upon being informed of the arrest, decide that preventive detention should be continued for a longer period of time (Art. 244 - 248 CPP).

2. Under Art. 238 of CPP modified by RDL No. 45 of 20 Jan 44 the police may apprehend or take into custody (fermare) persons suspected of having committed a crime or who, on being interrogated, try to escape from the policemen. The police is only allowed to proceed with the apprehension of such persons, when they may be suspected of having committed or being party to a crime for which it would be necessary to issue a warrant of arrest. Such "apprehension" are to be immediately notified to the judicial authorities.

3. Persons can be taken into custody for reason of Public Safety under Art 157 of the "Legge di P.S." without being accused or suspected of any offence, but simply because such individuals lead a suspicious or immoral life and refuse to give to the police the explanations which are requested from them. Under Art 154 the powers of the police are limited to the "repetriation" of the person concerned to his or her domicile of origin by "foglio di via obbligatorio" (compulsory travel order).

In many cases however when it is difficult to establish the identity of the individual so taken into custody he or she can be detained for a longer period of time and until the police are satisfied as to the identity and morality of the individual concerned.

4. It is to be observed in so far as prostitutes are concerned that more are taken into custody by the patrol of police operating in town during the hours of darkness for measures of safety than arrested for a specific offence.

Also that persons taken into custody by the police may remain in prison until cured, whether persons arrested with or without warrant must be dealt with in accordance with the provisions of the Code of Procedure, where it is laid down that such prostitutes may be treated outside the goals.

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Peraltro la gravità di situazione di cui sopra, devono essere assorbita, fatto che, ove esse vengono assorbita, il loro effetto è di togliere all'infante in carcere, nonostante perduri la gravità della malattia. Di più che, se si dovessero estendere alle catene d'istate da tutti i vari paesi, si troverebbe in questi esiliati, rilasciabile praticante di più, sono troppi a quel che rispondono, il che potrebbe rendere di più.

la Quarta estate da anni venerdì pomeriggio invece essere completamente vuota, alle farmacie lì qui sono fiorite le case private di cura e la casa pareli.

Tutti infermerie sono bene attrezzate e spesso hanno anche reparti di isolamento; in quasi tutti i casi, l'infettologia è unita al servizio di contagio.

the following are the names of the persons who are the authors of the following papers:

Tavere il ricovero dei detenuti infetti in un luogo sicuro al quale non si può accedere se non per via di un tunnel; a) la gravità della malattia, tale che non possa essere curata nello stabilimento senza pericolo per la salute; b) la presenza di sicurezza del pubblico, opestando a detta cosa di cura proposta per il ricovero.

Orbene i mali vererei, se dovessero persistere, non possono essere curati che in un ospedale, e non in un ricovero. I ricoveri sono destinati a curare i mali che non possono essere curati che in un ospedale, e non in un ricovero.

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Si potrà poi opportunamente disporre che, come avviene da tutti i vererei, si possa curare i vererei in un ospedale, e non in un ricovero. I ricoveri sono destinati a curare i mali che non possono essere curati che in un ospedale, e non in un ricovero.

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Notes by the General Director of Prisons and similar establishments.

Subject : Treatment of inmates suffering from V-D in hospitals situated outside the prison.

Article 107 of the Rules and Regulations of the Prisons and similar establishments deals with the treatment of inmates suffering from diseases and transfer of the same to the prison hospital or to other hospitals situated outside the prison.

Such rule, however, does not consent that the accused or convicted prisoners suffering from V-D be sent at once to the curing sections of public hospitals or other curing establishments.

Their treatment in hospitals outside the prison may be disposed of only in the combination of the following circumstances : a) Seriousness of the disease, which for said reason cannot be treated in the hospital without exposing the patient's life to danger. b) Guarantee offered by the Public Hospitals or other curing establishments.

Now, if V-D is dangerous because it can be easily contracted, it does not assume in the patient himself a so serious character as to require his detachment in a special curing place, which cannot be offered by the Prison's sick-room.

Moreover there must be absolute necessity that the curing place is safe, if not the patient must be brought back to prison immediately, notwithstanding the seriousness of disease. If the inmates suffering from V-D were to be treated in hospitals situated outside the prison, it would be very difficult to find a suitable one which can offer particular requisites of safety.

The inmates suffering from V-D can be conveniently treated in the curing sections attached to the Prisons and other

22
 REAR HEADQUARTERS
 ALLIED CONTROL COMMISSION
 Legal Subcommittee
 APO 394

400/4028/L

AKT/ap

31 March 1944

SUBJECT : Instructions on elimination
 of Venereal Diseases.

TO : H.E. The Minister of Pardon and Justice.

Your Excellency's instructions intended for circulation to Procuratori Generali and del Re on the above subject having been passed to the technical branches of the Allied Control Commission concerned, the following observations are transmitted for consideration.

The Sub-Commission for Public Health suggests that the following text be substituted for paragraph 3 of your instructions:

" When prostitutes are arrested, they should first be taken to hospital where they will be detained until it is established whether or not they are infected. If infected they will be retained until they are rendered non-infective; if not infected, they will be released into custody if a charge has been proved against them."

In support of their suggestion the Public Health Sub-Commission states that from a scientific point of view the contention as expressed in para 3 of Your Excellency's instructions is not entirely justifiable. It is pointed out that the present policy is that once prostitutes have been arrested, they should not be put in jail immediately but should first be removed to hospital where it can be ascertained with greater accuracy than at the present time whether or not they are infected. Also that during the period of examination in hospital it may be

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In support of their suggestion the Public Health Sub-Commission states that from a scientific point of view the contention as expressed in para 3 of Your Excellency's instructions is not entirely justifiable. It is pointed out that the present policy is that once prostitutes have been arrested, they should not be put in jail immediately but should first be removed to hospital where it can be ascertained with greater accuracy than at the present time whether or not they are infected. Also that during the period of examination in hospital it may be discovered that a violation of the law cannot be proved and that no question of incarceration will then arise.

The Public Health Sub-Commission is of opinion that by adoption of its suggestion the problem of detaining infected and non-infected women together in jail would be completely eliminated, and in addition that provision is made for more accurate diagnosis.

Your Excellency will appreciate whether in view of the present congestion of the premises available for such accommodation, the solution put forward is practicable or whether its object can be attained by these or other means. Your advice will be awaited with interest and referred without delay to the Public Health Commission.

Accy.
A.R. THACKERAY
Major
for, C. L. O.

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

/enf

21

ACC/4028/L ✓

29 March 1944.

SUBJECT: Administrative Instruction No. 18 of Region 3.

TO : Deputy Executive Commissioner.

1. Reference letter of Deputy Executive Commissioner ref/363/27/CA dated 26 March 44.

2. Para 1 of Administrative Instruction Number 18 is in conformity with conversations had with Legal Subcommittee.

3. We do not understand what purpose Para 2 thereof is intended to serve. If the intention is to supply a definition omitted from Regional Order 18, it must fail since an internal administrative instruction can not serve to amend or supplement a Regional order. Moreover, the word "prostitute" nowhere appears in Regional Order 18, and accordingly if a definition is required at all, it is the word "prostitution" which should be defined. The meaning of that word, however, is so well understood that we would doubt whether it requires definition.

G. R. UPJOHN, Colonel
Chief Legal Officer.

Enclosure: Adm. Inst. No. 18.

JSC/4028/1

20

Definition of of "Prostitute" and "Prostitution".
(Notes of Major Grossman)

PROSTITUTE.

Oxford Dictionary.

A woman who offers her body to indiscriminate sexual intercourse for hire.

A woman submitting to indiscriminate sexual intercourse which she solicits, or which is solicited on her behalf.

PROSTITUTION

The offer of one's body for sexual intercourse, for monetary consideration.

27 March 1944.

24

26 MAR 1944

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M.G. Section
APO 394

2385

(19)

Ref/563/27/CA. ✓

26 March 1944.

SUBJECT: Administrative Instruction No.18 of
Region III.

TO : V.P. Admin. Section - For Legal Sub-Com.
(Attention : Col. Upjohn)

Forwarded herewith is copy of Administrative
Instruction No.18 issued by Region III, upon which
we would like to have your opinion and comment,
especially as to para.2 thereof.

For [Signature]
FORMAN E. FISKE
Colonel,
Deputy Executive
Commissioner.

33

4028 (15)

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Public Safety Sub-Commission

REF : ACC/14060/PS

27 March 1944

SUBJECT : V.D.

TO : Legal Sub-Commission

(15)

Reference your ACC/4028/1 of 18 March 1944. The inclosure
therewith has been studied, and the terms of it are agreed to; I have
no comments to offer.

Ally Day

A.S. THOMAS, Colonel,
D.C.P.S.

4028
✓

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
Public Health Sub-Commission

17

ACC/3023/PH

23 March 1944

SUBJECT: - Instructions for Cooperation in Eliminating
the Spread of VD Among Troops.

TO : - Legal Sub-Commission.

1. Reference your ACC/4028/L dated 18 March, it is suggested that paragraph 3 be deleted from the Instructions.

2. This Sub-Commission has no knowledge of emphasizing the contention put forward by the Italian authorities, nor does it in fact, consider the contention to be entirely justifiable from a scientific point of view.

3. The present policy of this Sub-Commission is, that once prostitutes have been arrested, they should not be put in jail immediately but should first be removed to hospital where it can be ascertained with greater accuracy that at the Questura, whether or not they are infected.

4. During the period of examination in hospital it may also be discovered that a violation of the law cannot be proved against them and so no question of their incarceration will arise.

5. It is, therefore, suggested that instead of paragraph 3 as put forward by the Italian authorities, the following be substituted: -

"When prostitutes are arrested, they should first be taken to hospital where they will be detained until it is established whether or not they are infected. If infected, they will be retained until they are rendered non-infective; if not infected, they will be released into custody if a charge has been proved against them."

6. By this means, the problem of detaining infected and non-infected women together in jail is completely eliminated, in addition, provision is made for more accurate diagnosis, while the possibility of bribery is largely eliminated.

7. Apart from this alteration to paragraph 3, no other comment is considered necessary.

PH/GMF/ja

G. S. PARKINSON, Brigadier
Director, Public Health Sub-Commission

Copy to: - Public Safety Sub-Commission.
" " : - Major J. A. Lewis, VD Control Officer,
ACC, Main Headquarters.

(16)

NEAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

GRU/gmf

ACC/4028/L

20 March 1944.

SUBJECT: Regional Order No. 18 (Prostitution).

TO : RLO (thru EC) Region 3.

I understand that in the special circumstances that arose the Executive Commissioner has permitted the continuance of this order but I am instructed to say that you will please issue instructions that, pending further orders from this HQ, Art. III is not to be acted upon.

*For order
see 4120.*

3 m
G. P. UPJOHN, Colonel
Chief Legal Officer.

(15)

70
HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
ARC 394

RS/gar

18 March 1944.

ARC/1028/L

SUBJECT: Instructions for cooperation in eliminating the spreading of
venereal diseases among Allied troops.

TO : Public Health Subcommittee.
Public Safety Subcommittee.

1. Herewith a translation of Instructions on the above subject
which the Minister of Pardon and Justice proposes to issue to Procuratori
Generali and Procuratori del Re.
2. Please inform this Subcommittee at your earliest convenience
whether these Instructions meet with your approval. Any consent is invited.

Resp.
A. R. THACKER, Major
for Chief Legal Officer.

Enclosed: 1 translation.

19

TRANSLATION - R. STEIN. - 17 March 44.

ACC/4028/L

MINISTRY OF PRISON AND JUSTICE
Office of the Director General for Penal Matters.

SUBJECT: Instructions for cooperation in eliminating the spreading of venereal diseases among Allied troops.

To F. Procuratori Generali
To Sig. Procuratori del Re.

The Allied Control Commission has requested an efficacious cooperation on the part of the judicial authorities in eliminating the spreading of venereal diseases among Allied troops.

The Commission has stated that for the above purpose and in agreement with the Minister of Interior there have been organized mixed police squads composed of members of the Italian and Allied police to keep the prostitutes off the streets of the cities and thus render their contacts with Allied troops more difficult. Furthermore, the number of observation wards and beds have been increased in order to intensify the treatment of diseases and the supervision of suspect cases.

The Commission then particularly emphasized the fact that the arrest and detainment of prostitutes in jail, without separating the healthy ones from the diseased fosters the spreading of the diseases, especially where there is a considerable number of such detained prostitutes.

I wish to call the attention, particularly of the R. Procuratori, to the serious character of the above conditions which hamper the regular performance of service on the part of many Allied soldiers, and I earnestly request them to cooperate in any manner likely to prevent the spread of venereal diseases.

In the first place the judicial police must be encouraged to display a greater effort towards preventing the prostitutes from exercising their infamous calling outside of the licensed houses. The prostitutes held on the ground of public safety must be sent to hospital wards for observation or treatment and must not be imprisoned in jail without first having been examined by physicians in the aforesaid wards and found free from any symptom pointing to a venereal disease.

Furthermore the prison directors and physicians must be directed to obviate the promiscuous detention of healthy and diseased prostitutes in prison cells, to make available to diseased prostitutes the appropriate treatment

off the streets of the cities and thus render their contacts with Allied troops more difficult. Furthermore, the number of observation wards and beds have been increased in order to intensify the treatment of diseases and the supervision of suspect cases.

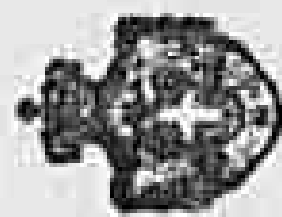
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Furthermore the prison directors and physicians must be directed to deviate the promiscuous detention of healthy and diseased prostitutes in prison cells, to make available to diseased prostitutes the appropriate treatment and to communicate their names to the judicial police upon their release from the prison.

Finally all pre-trial and trial proceedings in cases dealing with prostitution and with related offences shall be supervised so as to ensure a speedy and accurate disposal of such cases in conformity with the gravity of the facts set out herein.



MINISTERO DI GRAZIA E GIUSTIZIA

DIREZIONE GENERALE AFFARI PENALI
UFFICIO

Protoc. N. _____

Disp. al foglio N. _____

del _____

Salerno 11.

OGGETTO: Istruzioni per cooperare ed eliminare la diffusione delle militie celli che / 2a le truppe alleate. -

ALLE LL. EE. I PROCURATORI GENERALI

AI SIG. RI PROCURATORI DEL RM

La Commissione A-lenta di Controllo ha richiesto un'azione di cooperazione dell'Ente di Assistenza per eliminare la diffusione delle militie celli che / 2a le truppe alleate.

All'epoca ha fatto presente che, il accordo, col Ministero degli Interni, non sono state costituite delle squadre miste di polizia italiana ed alleata, al fine di evitare alle truppe alleate di svolgere le loro attività e attività di sorveglianza ed i posti - letto per l'assistenza la cura delle malattie e la vigilanza delle forme sottoposte.

In particolare, poi, ha rilevato come favorisca la diffusione delle militie celli che / 2a le truppe alleate, formate da arrestate, senza alcuna distinzione fra le militie e le altre, in base, quando rilevante, il loro numero.

Ciò posto, mentre richiedo l'attenzione, in specie dei Procuratori del RM, sulla gravità del fatto segnalato che l'ordine sulla presentazione di un regolare servizio da parte di agenti italiani alleati, riveste una grande importanza per la validità dell'operazione alla ad eliminare la diffusione delle militie in oggetto.

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costone delle malattie e della
Al loro ne fatto perche
regli in loro, non solo
sue i primi italiani e
stipite di unione e
vera coi fatti e
sue avvertite delle
e - fatto con intelligenza
della forma societaria

11/10/51

For minutes of meetings
dated 13-3-1944
on subject of Prostitution etc.
See file 4013/3.

(12)

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
Administrative Section

ACC/3023/PH

11 March 1944

Subject: Venereal Disease.

To : Legal
PS
PH

1. Reference attached copies of correspondence from Executive Commissioner, the following action will be take.

(a) Legal will make necessary arrangements with Minister of Justice to effect Para 4 and Para 2 insofar as it concerns that Ministry.

(b) PS in conjunction with PH will make the representations required in Para 2 with Ministry of Interior.

2. Sub-Commissions concerned will report program and action taken by Ministries to their section by 17 March.

Stansgate

STANSGATE
VP Adm Sec.

Copies to:
Interior
RC & MC Sec.

15

C O P Y

(10)

Ref: 234/14/CA.

8th March 1944.

SUBJECT: Venereal Disease.

TO : Vice President,
Administrative Section.

1. I attach copies of letters addressed to Chief Administrative Officer, H. Q. A.C.M.F. and Regional Commissioners on the subject of venereal disease.
2. I should be grateful if the strongest representations could be made to the Minister of Interior and the Minister of Justice in order that directions may be given from the Italian Government to give effect to the Italian law on prostitution in the most drastic manner.
3. Our present experience is that the Italian medical authorities play their part well in the prevention of venereal disease but there is no doubt that the law, which is comprehensive, is not being effectively administered either by the Carabinieri or the Courts.
4. I would ask that special instructions be given by the Minister of Justice that cases affecting prostitution should be dealt with rapidly and that severe sentences should be imposed.

14

MSL/JC.

/s/ M. S. Lush
Brigadier,
Executive Commissioner

C O P Y

HEADQUARTERS
ALLIED CONTROL COMMISSION
APC 394

Regional Control and Military Government Section

Ref: 234/12/CA

8th March 1944

SUBJECT: Venereal Disease.

TO: Chief Administrative Officer,
Headquarters, A.C.M.F.

I refer to your ACME/3073/A (C) dated 1 Mar 44.

1. The Chief Commissioner is most anxious to co-operate in the prevention of venereal disease amongst Allied troops and I am directed by him to say that everything will be done both in areas under Military Government to assist the troops.
2. In the opinion of the Chief Commissioner, the law, both A.M.C. and Italian, is sufficient as it stands. Pimping, procuration, solicitation, are offences under Italian law which is administered by both Italian and Allied Military Courts and which deals with the matter as comprehensively as possible.
3. The weakness at the present moment lies in the knowledge by Allied Military Police of the offences under Italian law and in the application of that law by the civil police and the courts of justice. It appears to the Chief Commissioner that in these respects much improvement could be made and it is his intention to issue a directive to Regional Commissioners instructing them in areas under A.M.C. to see that the Allied Military Courts deal severely with all cases affecting the morals of the troops and in the territory under the Italian Government to advise the Italian courts to do the same. A strong representation will also be made to the Minister of Justice in the Italian Government and it is hoped that this will have the desired effect. At the same time the Chief Commissioner feels sure that you will agree that basically the prevention of venereal disease lies in the ¹³devote of discipline amongst the troops themselves.

/s/ H. S. Lush,
Brigadier,
Executive Commissioner.

MSL/JG.

C O P Y

9

Subject: AMG Penal Code.

HQ ACMF (Admin Ecn)
CMF.
ACMF/3073/A (0)
1 Mar 44

Executive Commissioner,
A.C.C.

1. It is desired to take all possible steps in regard to the prevention of V.D. It is understood that pimping, procuration and soliciting are not at present offences against the AMG penal code.
2. Will you kindly inform this H.Q. whether it would be possible to include these actions as offences by the publication of a further proclamation, prescribing penalties of a suitable severity. It appears that the inclusion of brothel-keeping as an offence would not be practicable.
3. If such procedure is possible in the case of the three actions named, may it be stated in what portion of ITALY the proclamation would have effect.

771
Major General.
Chief Administrative Officer

12

C O P Y

8

HEADQUARTERS
ALLIED CONTROL COMMISSION,
APO 394

Regional Control and Military Government Section.

Ref: 234/13/CA

8th March 1944.

SUBJECT: Venereal Disease.

TO : Regional Commissioners,
Regions I, II, III, IV, V, VI, VIII & IX.
S.C.A.O., AMG, 5 Army.
S.C.A.O., AMG, 8 Army.

1. It is essential that we should, in co-operation with military formations, take all possible steps to prevent the spread of venereal disease amongst Allied troops. While the matter is basically one of discipline in the units and formations themselves, the authorities who administer the law to the civilian population have a very great responsibility in ensuring that everything is done to reduce prostitution and the evils resulting therefrom.

2. The Italian law with regard to prostitution, procurement, and solicitation, is sufficiently comprehensive and severe to reduce the evil to a minimum provided that the law is properly and firmly administered.

3. It is the duty of Regional Commissioners, whether in AMG or in territory under the Italian Government, to see that the laws against prostitution are administered regourously and effectively.

4. In order to attain this end Regional Commissioners will see that the full details of the Italian law are brought to the notice of the Military Provost authorities in order that the Military Police may know what is in offence and what is not. Regional Commissioners will also ensure that the Carabinieri enforce the law in co-operation with the Military Police, and finally, they will ensure that Allied Military Courts and Italian Courts deal with such cases severely and rapidly.

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2. The Italian law with regard to prostitution, procurement, and solicitation, is sufficiently comprehensive and severe to reduce the evil to a minimum provided that the law is properly and firmly administered.
3. It is the duty of Regional Commissioners, whether in AMG or in territory under the Italian Government, to see that the laws against prostitution are administered vigorously and effectively.
4. In order to attain this end Regional Commissioners will see that the full details of the Italian law are brought to the notice of the Military Provost authorities in order that the Military Police may know what is an offence and what is not. Regional Commissioners will also ensure that the Carabinieri enforce the law in co-operation with the Military Police, and finally, they will ensure that Allied Military Courts and Italian Courts deal with such cases severely and rapidly.
5. Provided a concerted drive is made by the Allied Military and Italian Police, by the Allied Courts and Italian Tribunals, and provided that Regional Commissioners instill into their provincial staffs the menace to the Allied Forces which the spread of venereal disease is now causing, and provided that Regional administrative staffs see that the law is applied, much can be done to reduce the instance of disease and assist the Allied troops. Every effort will be made by Regional Commissioners to see that the medical staff, both Allied and Italian, fulfil their duties with regard to the inspection and control of prostitutes.
6. Regional Commissioners will be asked from time to time to go beyond the law and to take extraordinary steps such as the interning of clandestine prostitutes, etc., but provided the law is drastically administered there should be no need to go beyond it.
7. It is of paramount importance that Regional Commissioners should do their utmost to assist the Allied troops in this matter.

M.S. LUSH,
Brigadier,
Executive Commissioner.

MSL/JG.

4028

(7)

ALLIED CONTROL COMMISSION
SICILY REGION HQ.

APO 394

File: RLE C13.21/HD

9 March 1944

SUBJECT: Control of Venereal Disease.

File

TO : C.L.C., A.C.C. HQ. (Salerno) APO 394.

Herewith as requested two copies of Official Order No. 88 dated 10th February 1944 containing provisions for the control of venereal disease.

For Lt. Col. HANCOCK:

*H. M. Dickie*H. M. DICKIE,
Squadron Leader R.A.F.,
Regional Legal Officer.

jd

2 Incls.

50, File with gen. ef

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GOVERNO MILITARE ALLEATO
QUARTIERE GENERALE REGIONALE DELLA SICILIA

ORDINE UFFICIALE
NO. 88

10/2/44

Riconosciuta la urgente necessità di emanare severe e precise disposizioni atte ad impedire il dilagare delle malattie veneree strettamente legate all'esercizio del meretricio clandestino;

Visti gli Articoli dei vigenti T.U.P.S. riflettenti la materia;

Nell'interesse della salute pubblica e della morale;

In virtù dei poteri conferitimi, io, CHARLES POLETTI, Tenente Colonnello, Ufficiale Capo dell'Ufficio Regionale Affari Civili della Sicilia

D E C R E T O

Art.1- A decorrere dal 25 Febbraio 1944 tutte le donne che verranno fermate dai funzionari ed Agenti della F.P., preposti al servizio del Buon Costume, perchè trovate ad esercitare il meretricio clandestino, sprovvisite o comunque non in regola con la tessera sanitaria, saranno, dagli Agenti della F.P. condotte direttamente presso la Sala Celtica, dove verranno consegnate agli altri Agenti della F.P. che ivi si troveranno in servizio continuativo.

Art.2- Dette donne verranno ammesse in uno speciale reparto osservazione dove saranno sottoposte a visita da parte dei medici che saranno preposti a tale servizio da parte del Medico Provinciale.

Art.3- Per consentire che le visite di cui all'art.2 possano essere confortate dagli accertamenti di Laboratorio, anche quelle donne che non presenteranno affezioni contagiose in atto, dovranno essere trattate in osservazione per cinque giorni.

Art.4- Tutte le donne che alla visita medica risulteranno affette da leucorrea, saranno sottoposte a due periodi di cura sulfamidica di cinque giorni ciascuno, intervallati da cinque giorni di riposo.

Ad uguale terapia sulfamidica presso la Sala Celtica, dovranno essere sottoposte tutte le meretrici fornite di libretto sanitario in regola che, alla visita medica periodica, risulteranno affette da leucorrea.

Art.5- Restano invariate le disposizioni di legge vigenti per le malattie veneree contemplate nell'art.291 del T.U.L.S. 27 Luglio 1943, M).1265.

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Art.5- Restano invariate le disposizioni di legge vigenti per le malattie veneree contemplate nell'art.291 del T.U.L.S. 27 Luglio 1943, N.1265.

Art.6- Le spese per il ricovero delle donne di cui agli art. 3 e 4 saranno a carico dello Stato.

Art.7 - L'Ufficiale Superiore Medico preposto alla Direzione della P.H. Regionale, i Medici Provinciali, i Questori, le Direzioni Amministrative e Tecniche delle Sale Celtiche della Sicilia, sono incaricati della esecuzione del presente Decreto.

CHARLES POLETTI
Tenente Colonnello

Ufficiale Capo degli Affari Civili della Sicilia

Distribution.

Medici Provinciali	9
Ispettore Regionale P.S.	1
Prefetti	9
R.P.H.	10

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REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APC 394

GRU/gmf

ACC/4005/L

6 March 1944.

SUBJECT: Restrictions on Prostitution.

TO : EC Region 3 (for FLO).

Your draft Regional Order on a/a subject raises a number of difficult points, especially with regard to Art. III which is not approved in its present form.

Since seeing you yesterday this Subcommittee has received several communications on the matter from other interested parties and we are asking the Administrative V.P. to convene a conference of interested parties (including yourselves and the Military authorities) to consider the whole matter as soon as possible.

8

G. R. UPJOHN, Colonel
Chief Legal Officer.

ALLIED MILITARY GOVERNMENT

REGION III.Regional Order No.

3

I, Lieutenant Colonel Charles Foletti, Regional Commissioner, Region 3, Allied Military Government, hereby order as follows :-

Article 7.

Restrictions on Prostitution.

Section 1. Any female person who engages in, or practices, prostitution in any place other than in a place of prostitution declared as such place under the provisions of Italian law, will be punished as provided in Article V hereof.

Section 2. Any operator, or any occupant, of a place of prostitution, whether declared as such or not, who permits any soldier, other than a soldier engaged in the performance of official duty, to enter, or to remain in, or to have licentious connection with any occupant of, such place of prostitution, will be punished as provided in Article V hereof.

Section 3. Any female person who, being afflicted, with any venereal disease, shall have licentious connection with any soldier, will be punished as provided in Article V hereof.

Section 4. Any person who, in any manner, solicits or invites any soldier to have licentious connection, or who guides, or offers to guide, any soldier to any place of prostitution, whether declared as a place of prostitution

Article I.
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Section 2. Any operator, or any occupant, of a place of prostitution, whether declared as such or not, who permits any soldier, other than a soldier engaged in the performance of official duty, to enter, or to remain in, or to have licentious connection with any occupant of, such place of prostitution, will be punished as provided in Article V hereof.

Section 3. Any female person who, being afflicted, with any venereal disease, shall have licentious connection with any soldier, will be punished as provided in Article V hereof.

Section 4. Any person who, in any manner, solicits or invites any soldier to have licentious connection, or who guides, or offers to guide, any soldier to any place of prostitution, whether declared as a place of prostitution or not, will be punished as provided in Article hereof.

Article II.

Italian Law .

This Order does not revoke, amend or in anywise modify any provision of Italian law relating to prostitution .

Article III.

Jurisdiction of Courts .

Any person charged with any violation of this Order may be tried either by an Allied Military Court or by any Pretore as may be directed by the Regional Legal Officer, or by an officer empowered by him so to do, and every Pretore shall have competence and jurisdiction to hear and determine, in accordance with Italian criminal procedure, all cases in which a violation of this Order is charged and which have been referred, by such Regional Legal Officer, or officer empowered by him, to be tried by any such Pretore. In any case tried by a Pretore in which the accused is condemned the penalty shall be such as is provided in Article V hereof .

Article IV.

Definition.

The word "soldier" for the purposes of this Order, shall mean any member of the armed forces of any of the United Nations.

Article V.

Penalties.

Any person who shall violate any of the provisions of this Order, shall, upon conviction, be punished by imprisonment for not to exceed three (3) months for the first conviction and by imprisonment for not to exceed six (6) months for each subsequent conviction.

every Pretore shall have competence to hear and determine, in accordance with Italian criminal procedure, all cases in which a violation of this Order is charged and which have been referred, by such Regional Legal Officer, or officer empowered by him, to be tried by any such Pretore. In any case tried by a Pretore in which the accused is condemned the penalty shall be such as is provided in Article V hereof.

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Penalties.

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Article VI.

Extent of Order and Effective Date.

This Order shall extend only to the Provinces of
Naples, Avellino and Benevento, and shall be in effect
from and after the day of 1944.

CHARLES POLETTI,
Lieutenant Colonel AUS,
Regional Commissioner
Region VII.

2630

Declassified E.O. 12356 Section 3.3/NND No.

785016

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JWC/mo

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394.

CSH/SMC

2 March 1944

ACC/4005/L

SUBJECT: Venereal Disease, Brothels, Pimps, etc.

TO : Deputy Provost Marshal, HQ 3 District.

Ref your FRO/3D/439 dated 26 Feb. 44.

1. Licensed prostitution is not allowed in England, but there is no Federal Law in the U.S. - in this respect each State issuing its own legislation on the matter.

2. In Italy licensed prostitution is regulated by the provisions of the Law of Public Safety of 18 June 1931 No. 773, Chapter VII, Articles 190 to 208.

3. As far as the law is concerned the above referred to articles provide:

Art. 190: At the request of the keeper or at their discretion, Public Safety authorities may declare premises where prostitution is exercised to be licensed premises.

Art. 191: No premises of this type can be opened without the license referred to in the preceding article; this provision is also applicable to premises where one person only exercises this practice. Penalty up to one year and 1,000 lire fine.

Art. 192: Public Safety authorities can close any such premises in the interest of morality, decency and public order.

Art. 193: Whoever desires to open a house of prostitution must fill in a special form provided by Public Safety authorities in which are determined the conditions under which he may exercise his profession.

Art. 194: No premises used for prostitution can be modified without the authorization of the P.S. authority. List of persons who exercise prostitution in licensed premises must be supplied to the P.S. authority. If

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Art. 193: Whoever desires to open a house of prostitution must fill in a special form provided by Public Safety authorities in which are determined the conditions under which he may exercise his profession.

Art. 194: No premises used for prostitution can be modified without the authorization of the P.S. authority. List of persons who exercise prostitution in licensed premises must be supplied to the P.S. authority. If through negligence sanitary measures are not taken and an infected person is admitted, even for a short time, in the licensed premises, penalties up to one year and 5,000 lire can be upheld.

Art. 195: Hours of opening are determined by the P.S. authorities.

Art. 196: The following are forbidden in premises where prostitution is exercised:

(a) Gambling, dancing and any type of celebration.

(b) The ready sale of food and drink.

(c) Access to minors under 18.

(d) Entering the premises carrying arms.

Penalties up to 6 months and 3,000 lire.

Art. 197: Full rights of requisition at any time by P.S. authorities and also of evacuation of all inmates.

Art. 198: The keeper cannot receive gifts of money or other articles from the inmates. Penalty - up to 3 months and 5,000 lire.

Art. 199: The keeper cannot retain an inmate wishing to leave the premises. Penalty up to three months and 5,000 lire.

Art. 200: Prostitution premises shall be closed when:

1. Venereal diseases are prevalent.
2. Minors are found among the inmates.
3. Sanitary visits are not properly carried out.
4. The keeper tries to prevent such visits.
5. The keeper becomes an habitual offender under Art. 195 & 196.
6. The lease, if any, ends.

Art. 201: All such premises can also be closed for general hygiene motives or other reasons left at the discretion of P.S. authorities.

Art. 202: The keeper who maintains the premises open after the date of closing is liable to one year's imprisonment and 5000 lire fine.

Art. 203: Whoever contravenes the above provisions cannot receive a license for a period of five years.

Art. 204: One year is the minimum limit of time before a closed premises can be opened.

Art. 205: P.S. authorities can at any time order sanitary visits of the inmates or send them to special cure places.

Art. 206: Licenses are withdrawn if the keeper requests it when the premises are not used anymore for the exercise of prostitution.

Art. 207: All appeals against P.S. authority action can be made to a Commission convened by the Prefect etc.

Art. 208: Incitement to debauchery is also forbidden, even by indirect means, in any public places.

It is also formally forbidden:

- (a) to solicit by deeds or words in the streets.
- (b) to stand in public places in an indecent attitude.
- (c) to expose one's person at the windows or on the threshold of licensed premises.
- (d) to give the address or indicate in any way the location of

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(d) to give the address or indicate in any way the location of

licensed premises or to offer means of procuring.

Penalty up to six months.

4. It is hoped that this short synopsis of Italian legislation on the subject will answer most of the legal questions you are interested in. As prostitution control is entirely a police responsibility your letter has been passed to the Public Safety Subcommittee together with a copy of our reply for their comments thereon and their observations on the questions of fact.

Copy to: Public Safety Subcommittee.

G. G. HANNATORD, Major
Officer i/c Italian Section
for the Chief Legal Officer.

2635

Declassified E.O. 12356 Section 3.3/NND No. 785016

BEST COPY POSSIBLE

4005
SUBJECT: Venereal Disease - Italian Law in regard to

Legal Sub Commission,
Allied Control Commission in OMF.

Copy to "A" 3 District.

Copy to "Float".

HQ 3 District.

Ext 78

Ref PRO/SD/439

26 Feb 44.

Although some 120 prostitutes and a number of pimps are being arrested every week by the British Military Police in NAPLES alone, it is not felt that this is really getting to the root of the V.D. problem from a Police angle.

According to the Law of England, and it is believed also of the U.S.A. (with the exception of one or two isolated States), Prostitution and all its associated practices are a criminal offence. Under existing conditions in Italy the Italian Law is accepted. In order to enable every effort to be made by the Military Police to suppress prostitution within the limits of the law, may this office please be informed of the Italian Law in the following respects :-

1. Licensed Brothels.

- (a) To what regulation is the Padrona of a Licensed Brothel subject?
- (b) Is it a punishable offence if she allows an infected woman to have intercourse?
- (c) Is she responsible for ensuring that her women do not go out of the house and tout in the streets and in horse cabs?
- (d) Is she entitled to employ pimps as agents for her establishment?
- (e) When, knowing her establishment is "out of bounds" to Allied Troops, is it an offence for the Padrona to allow them to have intercourse with her inmates?

2. Clandestine Brothels.

- (a) Is it an offence for

- (1) a man
- (2) a woman (other than a licensed Padrona.)

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2. clandestine Brothels.

- (a) Is it an offense for
 - (1) a man
 - (2) a woman (other than a licensed Padrona)to live on the immoral earnings of a woman? If so what are the penalties?
- (b) What is the legal definition of a brothel? For example, does use of premises by two or more women constitute a brothel?
- (c) Is it an offense for a landlord to permit premises to be used as a brothel by a single prostitute?
- (d) What is the punishment for running an unlicensed brothel?

3. Licensed Prostitutes.

- (a) To what regulations are they subject under the terms of their license?
- (b) Are they allowed to carry on their trade other than as members of a licensed brothel?
- (c) Are they allowed to "Solicit" in the street. Either as street walkers or in horse cabs?
- (d) If they become diseased are they liable to punishment and is their license cancelled or only temporarily suspended pending treatment?

Unlicensed Prostitutes/.....

SHEET 2 -

4. Unlicensed Prostitutes.

- (a) What is the penalty for soliciting ?
(b) What is the penalty for an unlicensed prostitute carrying on her trade in unlicensed premises ?

5. Pimps.

- (a) What is the penalty for pimping or acting as an agent for,

(1) A licensed brothel

(2) An unlicensed brothel or individual prostitute.

- (b) What steps are taken in respect of small boys under say 16 years of age ?
(c) Many of the Barbers' shops act as agencies for brothels or individual prostitutes. If proved can the individual man be punished and the shop closed ?

6. Wine Shops.

- (a) Do premises have to be licensed to sell wine ?
(b) Is it legal to sell wine or intoxicants in a licensed brothel ?

WR.

William Laporte
Lieut.-Colonel.
Deputy Provost Marshal.
H.Q. 3 District.

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