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MONTHLY REPORTS, LEGAL SUB-COMMISSION
JULY 1944 - DEC. 1946

FILE

HONORABLE ALLIED COMMISSION

AFG 794

LEGAL DIVISION

LJS/na

18 December 1946

AC/4043/4.

Abridged Monthly Report.Law Courts.

99

1. In the month of November Allied Military Government Courts were continued in session in Venezia Giulia and the Province of Udine. Superior and Summary Courts were in operation in the former place and Summary Courts in the latter.

2. In Venezia Giulia 95 accused persons were tried (as compared with 131 in October); on 105 charges (as compared with 141 in October) by Superior Courts, and 161 accused persons were tried (as compared with 160 in October) on 103 charges (as compared with 206 in October) by Summary Courts. A general improvement in the "good order" prevalent in this area during the past month may be indicated not only by substantial reduction in numbers of persons tried by the Courts there, but to some extent also by the nature of the offences with which they were charged and sentenced. In the Superior Courts cases involving possession of firearms decreased in number from 21 in October to 11 in November. Out of the remaining total of cases tried in these Courts, 48 had to do with theft of public property. Only 5 of them resulted in sentences of as much as 2 years, the maximum imposed in any case. Of all cases tried by Summary Courts 38 pertained to unauthorized meetings, 18 to offences against good order, and 23 to theft and possession of property. In all of these sentences were very moderate, the average being between 1 and 2 months. In general, court calendars of the area are up to date, persons now in

2. In Venezuela 45 accused persons were tried (as compared with 131 in October) on 105 charges (as compared with 141 in October) by Superior Courts, and 101 accused persons were tried (as compared with 140 in October) on 103 charges (as compared with 205 in October) by Summary Courts. A general improvement in the "good order" prevalent in this area during the past month may be indicated not only by substantial reduction in numbers of persons tried by the Courts there, but to some extent also by the nature of the offenses with which they were charged and sentences imposed therefor. In the Superior Courts cases involving possession of firearms decreased in number from 21 in October to 11 in November. Out of the remaining total of cases tried in these Courts, 45 had to do with theft of MRRK property. Only 3 of them resulted in sentences of as much as 2 years, the maximum imposed in any case. Of all cases tried by Summary Courts 38 pertained to unauthorized meetings, 18 to offenses against good order, and 23 to theft and possession of property. In all of these sentences were very moderate, the average being between 1 and 2 months. In general, the court calendars of the area are up to date, persons now in prison there awaiting trial having been confined for less than 2 weeks.

3. In the Province of Maine 11 cases were tried by summary Courts, all of which resulted in convictions. Unsettled in 6 of these cases were for theft and possession of stolen property.

Italian Courts and Italian Section.

4. Italian Courts generally are discharging their functions in satisfactory manner.

5. The Italian Section has continued to be busy

with a large volume of matters almost as varied as they are numerous. These have included:

- a. Conferences with Italian governmental departments regarding removal of civil disabilities of persons sentenced by Allied Courts, procedure to be adopted in questioning Von Muckenhausen and Meitner as witnesses in the Rolleston trial, release of members of the Italian Forces sentenced by AMG Courts, establishment of tax arrangements covering property of members of Allied Forces who died in Italy, and release to United States Forces of a member thereof held in custody by Italian judicial authorities.
- b. Preparation of legal opinions regarding requisition of private property in Pantelleria, recovery of vehicle hulks, General Orders in Venezia Giulia, persons dispersed under Nazi aggression, Italian electric companies in Tripolitania, personal property of the Tribunale Court of Rome, the legal status of the Ba Mughtha and SLOP Companies, and matters arising currently in various departments of Allied C & C Commission concerning the Adriatic Agreement and Italian legislation.
- c. Correspondence concerning Jugoslavs detained in Italy, trials of War Criminals, the transfer of judicial officials, claims for traffic accidents, release of AMG prisoners on Conditional Liberty, thefts of Allied property, repatriation of judicial officials, interrogation of POW by Italian Magistrates, recompense to families of shot parachutists, Italians involved in crimes against the U.S. Army, prisoners of Italian origin in the Dodecanese Islands, and Italian citizens sentenced by AMG Courts in Germany and since repatriated to Italy.
- d. Translation of police reports, certificates, petitions and other documents concerning AMG cases in process.

- b. Preparation of legal opinions regarding requisition of private property in Pantelleria, recovery of vehicle make, General Orders in Venezia Giulia, persons dispersed under Nazi aggression, Italian electric companies in Tripolitania, personal property of the Tribunale Court of Rome, the legal status of the SA Wapita and SLOP Companies, and matters arising currently in various departments of Allied CIG Commission concerning the Armistice Agreement and Italian legislation.
- c. Correspondence concerning Japanese detained in Italy, trials of War Criminals, the transfer of judicial officials, claims for traffic accidents, release of allied prisoners on Conditional Liberty, thefts of allied property, repatriation of judicial officials, interrogation of POW by Italian magistrates, recompense to families of shot parachutists, Italians involved in crimes against the U.S. Army, prisoners of Italian origin in the Moresuense Islands, and Italian citizens sentenced by AGC Courts in Germany and since repatriated to Italy.
- d. Translation of police reports, certificates, petitions and other documents concerning AGC cases in process of review.

Extraordinary Courts of Assize.

6. In Venezia Giulia the Special Court of Assize disposed of 32 cases by trial during the month of November. Six of the persons so tried were convicted and the rest acquitted. Of these convicted 5 received sentences of between 5 and 10 years and 1 between 20 and 30 years. Special supervision established over the operations of this Court has obtained good results. On 30 November 1946, 15 cases were pending on the docket of this Court, as compared with 17 at the end of the month of October.

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7. The Special Court of Appeals of the Province of Udine tried 1 case during the month of November, and had 21 cases pending for trial at the end thereof, as compared with 25 on 25 October 1946.

General.

The undertaking of the Legal Division to make a check on all prisoners held in Italian jails under color of Allied authority, with the object of ascertaining that when the Allies leave Italy no persons will be so held without justification, is proceeding satisfactorily.

JOHN E. WEBER,
Colonel, Infantry,
Chief Legal Advisor.

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FILE
163A

HEADQUARTERS ALLIED COMMISSION

APO 724

LEGAL DIVISION

AS/4045/L

13 December 1945

SUBJECT: Legal Division,
Monthly report of November, 1945.

TO : Chief Commissioner, Allied Commission

ADRC Courts.

1. In the month of November Allied Military Government Courts were continued in session in Venezia Giulia and the Province of Udine. Superior and Summary Courts were in operation in the former place and Summary Courts in the latter.

2. In Venezia Giulia 25 accused persons were tried (as compared with 131 in October) on 105 charges (as compared with 141 in October) by Superior Courts, and 131 accused persons were tried (as compared with 180 in October) on 193 charges (as compared with 203 in October) by Summary Courts. A general improvement in the "good order" prevalent in this area during the past month may be indicated not only by substantial reduction in numbers of persons tried by the Courts there, but to some extent also by the nature of the offenses with which they were charged and sentences imposed thereon. In the Superior Courts cases involving possession of firearms decreased in number from 21 in October to 11 in November. Out of the remaining total of cases tried in these Courts, 48 had to do with theft of Italian property. Only 3 of them resulted in sentences of as much as 2 years, the maximum imposed in any case. Of all cases tried by Summary Courts 23 pertained to unauthorized meetings, 16 to offenses against good order, and 23 to theft and possession of property. In all of these sentences were very moderate, the average being between 1 and 2 months. In general, court calendars of the area are up to date, persons now in prison there awaiting trial having been confined for less than 2 weeks.

3. In the Province of Udine 11 cases were tried by Summary Courts, all of which resulted in convictions. Charges in 6 of these cases were for theft and possession of Allied property.

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Courts were continued in session in Venezia Giulia and the Province of Udine. Superior and Summary Courts were in operation in the former place and Summary Courts in the latter.

2. In Venezia Giulia 25 accused persons were tried (as compared with 131 in October) on 105 charges (as compared with 141 in October) by Superior Courts, and 131 accused persons were tried (as compared with 130 in October) on 103 charges (as compared with 206 in October) by Summary Courts. A general improvement in the "good order" prevalent in this area during the past month may be indicated not only by substantial reduction in numbers of persons tried by the Courts there, but to some extent also by the nature of the offenses with which they were charged and sentences imposed therefor. In the Superior Courts cases involving possession of firearms decreased in number from 21 in October to 11 in November. Out of the remaining total of cases tried in these Courts, 49 had to do with theft of Allied property. Only 3 of them resulted in sentences of as much as 3 years, the maximum imposed in any case. Of all cases tried by Summary Courts 58 pertained to unauthorized meetings, 13 to offenses against good order, and 23 to theft and possession of property. In all of these sentences were very moderate, the average being between 1 and 2 months. In general, court coloniers of the area are up to date, persons now in prison there awaiting trial having been confined for less than 2 weeks.

3. In the Province of Udine 11 cases were tried by Summary Courts, all of which resulted in convictions. Charges in 6 of these cases were for theft and possession of Allied property.

Italian Courts and Italian Section

4. Italian Courts generally are discharging their functions in a satisfactory manner.

5. The Italian Section has continued to be busy with a large volume of matters almost as varied as they are numerous. Those have included:

a. Many conferences with officials of the Ministry of Pardon and Justice, the Office of the Procurator General Militare, and other Italian governmental departments, concerning matters arising in this and other divisions of Allied Commission, as of the more important of which were the removal of civil disabilities in the cases of persons sentenced by Allied Courts; procedure to be adopted in the questioning of Von Hockenson and Mautner, requested by the Italian authorities to appear as witnesses in the Polastri trial

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in Rome; release of members of the Italian Armed Forces sentenced by AMG Courts, and procedure in connection therewith; drafting of a decree establishing certain tax arrangements covering property belonging to members of the Allied Forces who died in Italy; and release to United States Forces of a number thereof temporarily held in custody by Italian judicial authorities.

b. Preparation of legal opinions regarding requisition of private property in Pantelleria; recovery of vehicle hulks; General Orders of AMG in Venezia Giulia; persons dispersed under Nazi aggression; Italian electric companies in Tripolitania; personal property of the Tribunale le Court of Rome; the legal status of the SA Wapithe and Slep Companies; problems arising currently in the various departments of the Allied Commission as to interpretation of provisions of the Armistice agreement and Italian legislation and procedure.

c. Correspondence with the Ministry of Pardon and Justice concerning Yugoslav nationals detained in Italy; with the Theatre Judges Advocate, MQUISA, concerning various trials of War Criminals; with Hq. AMG Venezia Giulia re pending promotion and transfer of judicial officials, petitions for pardon and transmission of copies of the Italian Official Gazette and other documents; with the VECC & D Airforce regarding claims for traffic accidents; with the Ministry of Justice regarding release of AMG prisoners in Constitutional Liberty; and regarding thefts of Allied property at Capri; railway thefts; repetition of judicial officials; intervention of POW by Italian Magistrates; recompense to families of shot parachutists; Italians involved in crimes against the US Army; prisoners of Italian origin in the Dodecanese Islands; and Italian citizens sentenced by AMG Courts in Germany and since repatriated to Italy.

d. Translation of Police reports, medical certificates, petitions and other documents concerning AMG cases in process of review.

Extraordinary Courts of Asasico

banks; General Orders of AMG in Venezia Giulia; persons dispersed under Nazi aggression; Italian electric companies in Tripolitania; personal property of the Tribunal to Court of Rome; the legal status of the RA Euphrate and Slog Companies; problems arising currently in the various departments of the Allied Commission as to interpretation of provisions of the Armistice Agreement and Italian legislation and procedure.

- c. Correspondence with the Ministry of Pardon and Justice concerning Yugoslav nationals detained in Italy; with the Theatre Judge Advocate, WFOUSA, concerning various trials of War Criminals; with Mr. AG Venezia Giulia re pending promotion and transfer of judicial officials, petitions for pardon and transmission of copies of the Italian Official Gazette and other documents; with the VPCC & D findings regarding claims for traffic accidents; with the Ministry of Justice regarding release of AMG prisoners in Conditional Liberty; and regarding thefts of Allied property at Cairo; railway thefts; repatriation of judicial officials; internment of POW by Italian Registrates; recompense to families of shot parachutists; Italians involved in crimes against the US Army; prisoners of Italian origin in the Dodecanese Islands; and Italian citizens sentenced by AMG Courts in Germany and since repatriated to Italy.

- d. Translation of Police reports, medical certificates, petitions and other documents concerning AMG cases in process of review.

Extraordinary Courts of Assize

6. In Venezia Giulia the Special Court of Assize disposed of 22 cases by trial during the month of November. Six of the persons so tried were convicted and the rest acquitted. Of those convicted 5 received sentences of between 5 and 10 years and 1 between 20 and 30 years. Special supervision established over the operations of this Court has obtained good results. On 30 November 1948, 15 cases were pending on the docket of this Court, as compared with 17 at the end of the month of October.

7. The Special Court of Assize of the Province of Udine tried 1 case during the month of November, and had 21 cases pending for trial at the end thereof, as compared with 25 on 25 October 1948.

General.

8. The Chief Legal Officer, as usual, has been kept busily occupied attending to the numerous duties of his office during the past month. Among the more important of these may be mentioned participation in many conferences, preparation of legal opinions for the Chief Commissioner, dispensing advice to officials of other departments of the Commission regarding matters arising in the course of their routine, and performance of the judicial function in the final review of AMG cases. In addition, a trip was made by him to Trieste, at which place he held lengthy conferences with AMG officials of Venezia Giulia regarding action taken there in the matter of loans to industry, report of which has been duly rendered.

9. In order that it may be made certain that no individuals remain in Italian prisons under color of Allied authority without justification, upon departure of the Allies from Italy, the work of making a check of all prisoners now so held on Allied account, referred to in the last monthly report, has been continued by this Division. As this undertaking has progressed the importance of the results to be obtained therefrom has become more apparent. Through all of it runs some element of human interest. There are in Italy approximately 1,100 penal institutions, 117 of which contain prisoners for the account of the Allies. From Allied Military Government, Venezia Giulia, and from the Ministry of Penitentiary and Justice as to the rest of Italy, lists have been obtained which show prisoners in the following categories:

Serving sentences of Allied Military Courts	746
Awaiting trial by Allied Military Courts	74
Others	255
Total prisoners for Allied account	<u>1,075</u>

In this connection it has been revealed that some of those alleged to be serving AMG sentences are unknown to the Legal Division and that the names of others who would be in jail according to Legal Division records do not appear on lists received. Also it has been found that there are instances of two prisoners having the same name, of prisoners being reported as being in two prisons at the same time, of prisoners who would have been brought to trial long

taken there in the matter of loans to industry, reports of which has been duly rendered.

9. In order that it may be made certain that no individuals remain in Italian prisons under color of Allied authority without justification, upon departure of the Allies from Italy, the work of making a check of all prisoners now so held on Allied account, referred to in the last monthly report, has been continued by this Division. As this undertaking has progressed the importance of the results to be obtained therefore has become more apparent. Through all of it runs some element of human interest. There are in Italy approximately 1,100 penal institutions, 117 of which contain prisoners for the account of the Allies. From Allied Military Government, Venezia Giulia, and from the Ministry of Pardon and Justice as to the rest of Italy, lists have been obtained which show prisoners in the following categories:

Serving sentences of Allied Military Courts	742
Awaiting trial by Allied Military Courts	74
Others	255
Total prisoners for Allied account	<u>1,071</u>

In this connection it has been revealed that some of those alleged to be serving AMG sentences are unknown to the Legal Division and that the names of others who should be in jail according to Legal Division records do not appear on lists received. Also it has been found that the very large lists of two prisoners having the same name, of prisoners being reported as being in two prisons at the same time, of prisoners who would have been brought to trial long since but have necessarily instead been confined in insane asylums, and of a prisoner serving an AMG sentence in an Italian Army prison. In addition to causing adjustment of these matters, inquiries are being made, with the cooperation of the Public Safety Division, regarding persons held for security reasons, and a list of prisoners not identified as Legal Division cases has been submitted to G-2, AFHQ. Thus, finally it is expected that we may be satisfied that no prisoners remain in Italian jails for the account of the Allies except those held for war crimes and for security reasons, for whom AFHQ will acknowledge responsibility, and those actually serving AMG sentences.

John M. Weber
JOHN M. WEBER
Colonel, Infantry
Chief Legal Advisor

FILE

HEADQUARTERS ALLIED COMMISSION

APO 754

LEGAL DIVISION

40/1047/5.

/us
16 November 1946SUBJECT : Legal Division,
Monthly report of October, 1946.

TO : Chief Commissioner, Allied Commission.

Legal Courts.

1. During the month of October Allied Military Government Courts were again in session in Venezia Giulia and the Province of Udine. Both Superior and Summary Courts were convened in the former of these areas, and Summary Courts in the latter.

2. In Venezia Giulia 131 accused persons were tried (as compared with 52 in September) on 141 charges (as compared with 61 in September) by Superior Courts, and 206 accused persons were tried (as compared with 134 in September) on 180 charges (as compared with 144 in September) by Summary Courts. Among these cases tried before Superior Courts there were only 5 charges of prejudice to the good order, but a number of them involved aggravated instances of possession of arms and abduction. Three defendants in such latter cases received sentences respectively of 5, 7 and 8 years. Of the total of 141 charges dealt with in these courts 80 resulted in findings of not guilty. From these circumstances it may be appropriate to draw the inference that, though an abnormally troubled condition still exists in this area, at least for the present the forces of mob psychology have in large degree run their course. In the trials before Summary Courts charges of larceny and unlawful possession, violation of patent regulations and offences against the good order predominated. The bulk of the sentences imposed by these courts were for the period of

1. During the month of October Allied Military Government Courts were again in session in Venezia Giulia and the Province of Udine. Both Superior and Summary Courts were convened in the former of these areas, and Summary Courts in the latter.

2. In Venezia Giulia 131 accused persons were tried (as compared with 52 in September) on 141 charges (as compared with 63 in September) by Superior Courts, and 206 accused persons were tried (as compared with 134 in September) on 180 charges (as compared with 144 in September) by Summary Courts. Among these cases tried before Superior Courts there were only 5 charges of prejudice to the good order, but a number of them involved aggravated instances of possession of arms and abduction. Three defendants in each latter cases received sentences respectively of 5, 7 and 8 years. Of the total of 141 charges dealt with in these courts 80 resulted in findings of not guilty. From these circumstances it may be appropriate to draw the inference that, though an abnormally troubled condition still exists in this area, at least for the present the forces of mob psychology have in large degree run their course. In the trials before Summary Courts charges of larceny and unlawful possession, violation of permit regulations and offences against the good order predominated. The bulk of the sentences imposed by these courts were for the period of 1 month or less.

3. Fourteen cases were tried in the Province of Udine, all of which resulted in convictions by Summary Courts. Two of these involved offences of theft and possession of Allied property and 1 the possession of arms and ammunition.

Italian Courts and Italian Section

4. In general the Italian Courts continue to

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perform satisfactorily. Owing to an existing backlog of cases in these courts in Venezia Giulia which involve confinement in excess of 8 months before trial, in spite of pressure brought to bear to cause disposition of them, it is planned to transfer all such matters remaining undisposed of by the end of November to Alta Corte trial. Originally these cases numbered about 50 and included offences ranging from larceny to murder. In view of this apparent delinquency it is intended shortly to inquire into the whole judicial system of this area with the object of making the removal of incompetent persons.

5. The work of the Italian Section in all of its various aspects has continued unimpaired. This has included:

- a. Numerous conferences with officials of the Ministry of Foreign and Justice and other agencies of the Italian Government regarding matters of general concern to this and other agencies of Allied Commissions; and with Italian counsel concerning the draft of Italian Decrees in amendment of laws relating to marriage between Allied Nationals.
- b. Preparation of legal opinions regarding elements required under Italian law to establish charges of theft, and attempt to commit this offence; validity of judgements of courts established during German occupation of Venezia Giulia, and their status in Italian territory in the post-occupational period; the bearing of international law upon possible trial in Trieste (Zone "A") of persons charged with offences committed in Zone "B", now occupied by Yugoslav Military Forces; liability for payment of an Italian firm for work done on machines delivered to Allied Naval authorities as war material; jurisdiction of Italian Courts to try British and American merchant seamen for offences committed in Italian ports, (including

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- a. Numerous conferences with officials of the Ministry of Defense and Justice and other agencies of the Italian Government regarding matters of general concern to this and other agencies of Allied Commission, and with Italian counsel concerning the draft of Italian Decrees in amendment of laws relating to marriage between Allied Nationals.
- b. Preparation of legal opinions regarding elements required under Italian law to establish charges of theft, and attempt to commit this offense; validity of judgments of courts established during German occupation of Venezia Giulia, and their status in Italian territory in the post-occupational period; the bearing of International Law upon possible trial in Trieste (Zone "A") of persons charged with offenses committed in Zone "B", now occupied by Yugoslav Military Forces; liability for payment of an Italian firm for work done on a machine delivered to Allied Naval authorities as war material; jurisdiction of Italian courts to try British and American merchant seamen for offenses committed in Italian ports, (including those in Venezia Giulia), and, in this connection, the right of Italian Police to go aboard merchant ships to make arrests, and the liability of British and American seamen to obey Italian Customs Laws; General Orders of the AMS in Venezia Giulia, and especially the promulgation of General Order 70 on the "Confiscation of Profits of the Fascist Regime"; operation of the Amnesty in Italian colonies now under BNA; transfer of Italian citizens, sentenced in Germany, to Italian prisons; and daily problems of the various departments of Allied Commission as to interpretation of provisions of the Armistice agreement and Italian legislation and procedure.

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c. Correspondence with the Ministry of Pardon and Justice and APHQ regarding War Crimes, thefts of Allied property at Capri, railway thefts, and petitions for pardon in cases tried by Italian Courts in Udine Province, with the Civil Affairs Branch, GHQ, MEHP, and the Ministry of Pardon and Justice, concerning sentences imposed by Italian Courts in Tripolitania; with HQ. BIA in Asmara, and the Ministry of Pardon and Justice, regarding service of summonses on Italian citizens residing in Asmara, and the transmission of copies of the Italian Official Gazette and other documents, with the Town Major of Naples and the American Real Estate office of Hq. VBS on matters concerning requisition of property; and with the Ministry of Pardon and Justice regarding release of AMG prisoners on Conditional Liberty.

d. Translation of police reports, medical certificates, petitions and other documents concerning AMG cases in process of review.

Extraordinary Courts of Assize

6. The Special Court of Assize in Venezia Giulia has been continued in operation for a further period of 3 months from 1 November 1945. This Court disposed of 24 cases by trial during the month of October. Of the defendants convicted in these cases 3 received sentences of between 1 and 5 years, 2 between 5 and 10 years, 1 between 10 and 20 years and 2 between 20 and 30 years. At the end of October 23 cases stood on the docket of this Court for trial, as compared with 21 on the last day of September.

7. In the Province of Udine the Special Court of Assize tried 12 cases during the month of October. On the 25th of that month this Court had 25 cases pending for trial as compared with 31 at the end of September.

d. Translation of police reports, medical certificates, petitions and other documents concerning AMG cases in process of review.

Interim Court of Assize

6. The Special Court of Assize in Venezuela has been continued in operation for a further period of 3 months from 3 November 1945. This Court disposed of 24 cases by trial during the month of October. Of the defendants convicted in these cases 5 received sentences of between 1 and 5 years, 2 between 5 and 10 years, 1 between 10 and 20 years and 2 between 20 and 30 years. At the end of October 23 cases stood on the docket of this Court for trial, as compared with 21 on the last day of September.

7. In the Province of Udine the Special Court of Assize tried 12 cases during the month of October. On the 25th of that month this Court had 25 cases pending for trial as compared with 31 at the end of September.

General

8. During the month of October the Chief Legal Officer continued to be actively engaged in the performance of the manifold duties of his office. As usual these included attendance at many conferences, advising officials of other departments of the Commission regarding matters arising in the course of their operations, and conduct of final review of AMG cases. They also concerned some reorganization of divisional activities with the object of enabling more effective and expeditious termination of the functions of this Division at

the time its mission shall have been completed.

9. A number of persons are confined in Italian jails under Allied authority are not serving sentences of Allied Military Government Courts. It is known that the majority of such persons are being detained for security reasons. To ensure that persons other than those undergoing sentences of Allied Courts, or held for security reasons, are not being detained generally under pretended authority, an organized check is being made of the status of all persons in Italian prisons not so confined under sentences of Italian Courts. This task has been assigned to a newly created section of the Legal Division. Report on this undertaking will be made as the results thereof become available.

JAMES M. WELSH,
Colonel, Infantry,
Chief Legal Advisor.

ADMINISTRATIVE - ALLIED ACTIVITIES
IN THE
ITALY DIVISION

FILE
167A

20/10/57.

13/10/57.
15 November 1946.

Abridged Monthly Report

All Courts

1. During the month of October Allied Military Government Courts were again in session in Venezia Giulia and the Province of Trieste. Both Superior and Summary Courts were convened in the Province of Trieste, and Summary Courts in the latter.

2. In Venezia Giulia 121 accused persons were tried (as compared with 52 in September) on 141 charges (as compared with 61 in September) by Superior Courts, and 206 accused persons were tried (as compared with 134 in September) on 180 charges (as compared with 141 in September) by Summary Courts. Among these cases tried before Superior Courts there were only 5 charges of prejudice to the good order, but a number of them involved aggravated instances of possession of arms and abduction. Three defendants in such latter cases received sentences respectively of 5, 7 and 8 years. Of the total of 141 charges dealt with in these courts 30 resulted in findings of not guilty. From these circumstances it may be appropriate to draw the inference that, though an abnormally troubled condition still exists in this area, at least for the present the forces of public psychology have in large degree run their course. In the trials before Summary Courts charges of larceny and unlawful possession, violation of public regulations and offences against the good order predominated. The bulk of the sentences imposed by these courts were for the period of 1 month or less.

3. Fourteen cases were tried in the Province of Trieste, all of which resulted in convictions by Summary Courts. Two of these involved offences of theft and possession of Allied property and 1 the possession of arms and ammunition.

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Italian Courts and Italian Section

3. In general the Italian Courts continue to perform satisfactorily. Owing to an existing backlog of cases in these courts in Venezia Giulia which involve confinement in excess of 8 months before trial, in spite of pressure brought to bear to secure disposition of them, it is planned to transfer all such matters remaining undisposed of by the end of November to AG Courts for trial. Originally these cases numbered about 50 and included offenses ranging from larceny to murder. In view of this apparent delinquency it is intended shortly to inquire into the whole judicial system of this area with the object of seeking the removal of incompetent personnel.

4. The work of the Italian Section in all its various aspects has continued undisturbed. Briefly, this has included:

- a. Numerous conferences with officials of the Ministry of Pardon and Justice and other agencies of the Italian Government regarding matters of general concern to this and other agencies of Allied Commission.
- b. Preparation of legal opinions regarding Italian laws, the judgments of Courts, General Orders, and the trial of persons in Venezia Giulia, trial of British and American merchant seamen by Italian Courts, the operation of the Amnesty in former Italian colonies and the transfer of Italian citizens, sentenced in Germany, to Italian prisons.
- c. Correspondence regarding war crimes, thefts of Allied property, petitions for pardon, sentences imposed by Italian Courts in Tripolitania, service of summonses on Italian citizens in Algiers, the requisition of property and release of AMG prisoners on Conditional Liberty.

2. Translation of police reports, medical certificates, petitions and other documents concerning the cases in process of review.

Extraordinary Courts of Justice

6. The Special Court of Justice in Venezuela has been continued in operation for a further period of 3 months from 1 November 1946. This Court disposed of 24 cases by trial during the month of October. Of the defendants convicted in these cases 3 received sentences of between 1 and 5 years, 2 between 5 and 10 years, 1 between 10 and 20 years and 2 between 20 and 30 years. At the end of October 23 cases stood on the docket of this Court for trial, as compared with 31 on the last day of September.

7. In the Province of Cuba the Special Court of Justice tried 12 cases during the month of October. On the 23rd of that month this Court had 25 cases pending for trial as compared with 31 at the end of September.

JOHN R. WEISS,
Colonel, Infantry,
Chief Legal Advisor.

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15 October 1946.

10/4043/1.

SUBJECT: 10-1 Sub-Commission
Monthly Report of September, 1946.

TO: Chief Commissioner, Allied Commission.

Allied Courts

1. Allied Military Courts continued in session during the month of September in Meuse (Julie) and the Province of Meuse, Superior and Summary Courts were held with in both of these jurisdictions.

In Meuse Civilian total of 52 accused were tried (as compared with 18 in August) on 51 charges (as compared with 166 in August) in Superior Courts, and 134 accused were tried (as compared with 13 in August) on 144 charges (as compared with 110 in August) by Summary Courts. In the cases disposed of before Superior Courts there were 17 charges for possession of firearms and ammunition. One of the defendants in these cases was sent to imprisonment for 5 years, 3 of them for 18 months, 2 of them for 1 year and 3 of them for minor terms. Eleven of such defendants were found not guilty. Majority of note is the fact that the number of charged referred to first persons in these Courts for offences to the prejudice of the good order dropped from 103 during the month of August to 11 for the month of September. This circumstance, of course, may be considered as falling in line with some cessation of subversive activities in recent times in this area. As heretofore charges for offences against the good order, in civil, and unlawful possession are most prevalent in trials before Summary Courts. In such cases the average sentence was for 1 month or less, only 4 defendants having been sentenced for 6 months or more. With reference to these Summary Courts it is of interest that cases on their calendars for the months of August and September are the lowest in numbers that have been experienced during the past 18 months.

3. In the Province of Meuse 5 cases were tried before Superior Courts and 15 before Summary Courts. All of the defendants therein were found guilty. Among them 4 were charged with curfew and pass violations and 1 with possession of arms and ammunition.

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Summary Courts were held with in both of these jurisdictions.

In the Provincial Civil Courts a total of 52 accused were tried (as compared with 18 in 1947) on 31 charges (as compared with 186 in 1947) before Summary Courts, and 134 accused were tried (as compared with 137 in 1947) on 144 charges (as compared with 110 in 1947) before Summary Courts. In the cases disposed of before Summary Courts there were 17 charges for possession of firearms and ammunition. One of the defendants in these cases was sentenced to imprisonment for 5 years, 3 of them for 18 months, 2 of them for 1 year and 3 of them for minor terms. Seven of every defendants were found not guilty. One of note is the fact that the number of charges referred to first persons in these Courts for offences to the prejudice of the good order dropped from 193 during the month of August to 11 for the month of September. This circumstance, of course, may be considered as falling in line with some cessation of subversive activities in recent times in this area. As heretofore charges for offences against the good order, in each, and unlawful possession were most prominent in trials before Summary Courts. In such cases the average sentence was for 1 month or less, only 4 defendants having been sentenced for 3 months or more. With reference to these Summary Courts it is of interest that cases on their calendars for the months of August and September are the lowest in numbers that have been experienced during the past 16 months.

3. In the Province of Bologna 30 cases were tried before Summary Courts and 17 before Summary Courts. All of the defendants therein were found guilty. Among them 4 were charged with curfew and pass violations and 1 with possession of arms and ammunition.

Italian Courts and Italian Section

4. Italian Courts in general have apparently continued to function satisfactorily. In the Provincial Civil Courts, because of failure to comply with earlier instructions given Local Civil Courts to dispose of all cases involving confinement in excess of 8 months, 26 of them written notice was given that unless such cases were tried by the end of November 1947, all such cases would be referred to the Provincial Courts. To remain such jurisdiction it is believed that these local Courts will extend special effort to obtain desired results.

5. The Italian Section has continued to be busy with a large volume of matters and diversified as:

- (1) Preparation of legal opinions regarding the sale of allied vehicles; the validity in Italian territory

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of sentences imposed in Venezia Giulia during the German occupation; the right of Italian authorities to requisition German owned property in Italy; claims relating to the care of the Stearns "rovers"; on the procedure required to be followed in Italy in a charge of defection before an Italian Court;

(2) A great deal of routine correspondence regarding numerous matters such as War Crimes; the interpretation of Allied regulations in connection with Italian laws; the release of prisoners on Conditional Liberty; the progress of various criminal trials concerning British POWs and soldiers; claims made by Italian soldiers, forgery of I.B. Travel tickets, and, with the Ministry of Foreign Affairs, on the service of Court documents;

(3) Conferences in the Ministry of War and Justice regarding accelerating procedure of Italian tribunals in cases relating to offenses against Allied interests; the Ministry of the Treasury regarding restitution of certain gold hoardings; and in various other ministries concerning problems of this and other Sub-Commissions of Allied Commission.

Extraordinary Court of Cassation

6. In Venezia Giulia the Special Court of Cassation tried 44 cases during the month of September. Of the 7 defendants convicted as a result of these trials 1 was given a sentence of between 1 and 5 years, 2 between 5 and 10 years, 1 between 10 and 20 years, 2 between 20 and 30 years, and one of life imprisonment. On 30 September 1945, 21 cases were docketed for trial in this Court, as contrasted with 51 at the end of the preceding month.

7. The Special Court of Cassation of the Province of Trieste tried 7 cases in the month of September and had 31 cases remaining on its docket at the end thereof, as compared with 25 on the last day of the month of August.

General

8. The Chief Legal Advisor, during the month of September, in addition to administering the affairs of his office in such matters as

in cases relating to offenses against Allied interests; the history of the Treasury regarding restitution of certain gold recoveries; and in various other matters concerning problems of this nature on Sub-Commissions of Allied Commissions.

Extraordinary Court of Assize

6. In Venice during the Special Court of Assize tried 44 cases during the month of September. Of the 7 defendants convicted as a result of these trials 1 was given a sentence of between 1 and 5 years, 2 between 5 and 10 years, 1 between 10 and 20 years, 2 between 20 and 30 years, and one of life imprisonment. In 30 September 1941, 21 cases were docketed for trial in this Court, as contrasted with 51 at the end of the preceding month.

7. The Special Court of Assize of the Province of Udine tried 7 cases in the month of September and had 21 cases remaining on its docket at the end thereof, as compared with 25 on the last day of the month of August.

General

8. The Chief Legal Advisor, during the month of September, in addition to administering the affairs of his office in such matters as giving advice to other Sub-Commissions, attending numerous conferences, and making final review of 15 cases, sat as a member of a Military Commission in the trial of a War Crimes case at Florence.

9. When the review of long term sentences imposed by Allied Military Government Courts was undertaken by the Legal Sub-Commission, one ultimate objective was to make certain that upon completion of the task there would remain in Italian jails under 15 sentences only prisoners whose status was fully confirmed by appropriate records. The situation has now been reached wherein realization of this objective is in sight. Special work on this project has been started and in the near future, upon completion of case reviews still remaining to be disposed of, it may be announced with finality that prisoners then serving sentences of Allied Military Courts are held under specific bona fide authority.

10. The ground work having been laid for such action there also

has been undertaken the work of preparation of a consolidated catalogue to cover all M.C. cases tried in the Southern Region of Italy, to replace the inadequate system in this connection now available.

[Handwritten signature]
 COLONEL. R. F. STR.
 Chief Legal Advisor.

2. In Yamalo-Nenets Autonomous Okrug, 52 cases were tried (as compared with 122 in 1960) on 21 charges (as compared with 116 in 1960) by Superior Courts, and 134 cases were tried (as compared with 137 in 1960) on 114 charges (as compared with 145 in 1960) by District Courts. In the cases disposed of by Superior Courts there were 17 charges for possession of firearms and ammunition. One of the defendants in these cases was sentenced to imprisonment for 5 years, for 15 months, for 1 year and 3 months. Seven of such defendants were found not guilty. Twenty of note is the fact that a number of persons preferred to stand persons in their courts for offenses to the prejudice of the Soviet Union from 1963 during the month of August to 11 for the month of September. This circumstance, of course, may be explained as falling in line with the conviction of subversion activities in recent times in this area. A heretofore charge for offenses against the Soviet Union, treason, and unlawful possession were most prominent in trials before Superior Courts. In such cases the average sentence was for 3 months, i.e., only 1 defendant having been sentenced for a term of 6 months. This is due to the fact that in these courts it is of interest that cases on their calendars for the entire of August and September are less frequent in number but have been extended during the past 15 months.

3. In the Province of Naryn, cases were tried before Superior Courts and District Courts. All of the defendants charged were found guilty. When there were charges for charges, such as violation of law and 1 with possession of arms in violation of law.

Italian Courts and Italian Courts.

4. Italian courts in Soviet Union apparently continued to function fairly satisfactorily. In Yamalo-Nenets Autonomous Okrug, because of failure to comply with earlier instructions given local civil courts to dispose of all cases involving conflict in cases of 6 months, and in the trial of cases was given that unless such cases were tried by the end of November 1963, all civil cases would be sent to the district court. To obtain such jurisdiction it is believed that these local courts will extend special effort to obtain desired results.

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In Venezia Giulia the Special Court of Udine tried 44 cases during the month of September. Of the 7 defendants convicted as a result of these trials 1 was given a sentence of between 1 and 5 years, 2 between 5 and 10 years, 1 between 10 and 20 years, 2 between 20 and 30 years, and one of life imprisonment. On 30 September 1946, 21 cases were docketed for trial in this Court as contrasted with 51 at the end of the preceding month. The Special Court of Udine of the Province of Udine tried 7 cases in the month of September and had 31 cases remaining on its docket at the end thereof as compared with 25 on the last day of the month of August.

5. The Italian Section has continued to be busy with a large volume of matters as diversified as:

- (1) Preparation of legal opinions regarding the sale of Allied vehicles; the validity in Italian territory of sentences imposed in Venezia Giulia during the German occupation; the right of Italian authorities to requisition American owned property in Italy; claims relating to the cargo of the steamer "Proteus"; and the procedure required to be followed in bringing a charge of defamation before an Italian Court;
- (2) A great deal of routine correspondence regarding numerous matters such as war crimes; the interpretation of Allied proclamations in connection with Italian law; the release of 400 prisoners on requisitioned liberty; the progress of various war crime trials concerning Italian POWs and soldiers; claims made by Italian authorities; recovery of U.S. saved bills; and, with the Ministry of Foreign Affairs, on the service of Court documents;
- (3) Conferences with the Ministry of Italian Justice regarding accelerating procedure of Italian tribunals in cases relating to offenses against Allied interests; the Ministry of the Treasury regarding restitution of certain gold sovereigns; and with various other Ministries concerning problems of this and other sub-Committees of Allied Commission.

General

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- (1) Preparation of legal opinions regarding the sale of Allied vehicles; the validity in Italian territory of sentences imposed in Venice during the German occupation; the right of Italian authorities to requisition German-owned property in Italy; claims relating to the cargo of the steamship "Providence"; and the procedure required to be followed in bringing a charge of defamation before an Italian Court.
- (2) A great deal of routine correspondence regarding numerous matters such as war crimes; the interpretation of Allied proclamations in connection with Italian laws; the release of AW prisoners on conditional liberty; the progress of various war crimes trials concerning British POWs and soldiers; claims made by Italian newspapers; forgery of U.S. Navy bills; and, with the Ministry of Foreign Affairs, on the service of court documents.
- (3) Conferences with the Ministry of Justice regarding accelerating procedures of Italian tribunals in cases relating to offenses against Allied interests; the Ministry of the Treasury regarding restitution of certain gold sovereigns; and with various other ministries concerning problems of this and other subdivisions of Allied Commission.

General

6. The Chief Legal Advisor during the month of September, in addition to administering the affairs of his office in the giving of advice to other Sub-Commissions, attending numerous conferences, and making final review of AW cases, was a member of a Military Commission in the trial of a war crimes case at Florence.
7. The ground work now having been laid for each action now projected was facilitated by this Sub-Commission, during the past month.
- (1) Preparation of a consolidated catalogue to cover all AW cases tried in the Southern Region of Italy, to

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replace the inadequate system now available, and

(2) Through coordination with the Italian Ministry of
 Prison and Justice, establishment of a system which
 will curiously show the number and status of persons
 confined in Italian jails under sentences of 10
 years, in view of power vested in the Italian Govern-
 ment to grant or withhold liberty in such cases and
 of normal expiration of term.

John A. G. R.
 Colonel, Infantry,
 Chief Legal Advisor.

HEADQUARTERS ALLIED COMMISSION

LPO 794

LEGAL SUB COMMISSION

AC/4043/L

13 September 1946

SUBJECT : Legal Sub-Commission,
Monthly Report of August, 1946.

TO : Chief Commissioner, Allied Commission.

AMG Courts.

1. Allied Military Courts were in session during the month of August in Venezia Giulia and the Province of Udine. Both Superior and Summary Courts were held in the former place and Summary Courts in the latter.

2. In Venezia Giulia a total of 128 accused were tried (as compared with 108 in July) on 156 charges (as compared with 140 in July) by Superior Courts, and 139 accused were tried (as compared with 120 in July) on 149 charges (as compared with 137 in July) by Summary Courts. Owing to the continued unsettled conditions in this area further increase in the number of cases tried by Superior Courts is noted. Of the total of 166 charges preferred in these courts 93 of them were for offences against the good order resulting in sentences of 3 months or less. Thirty-three of these charges were for possession of firearms and ammunition. Eleven of the accused in such cases were treated with some severity, receiving sentences of from 1 to 4 years. In the Summary Court trials charges for offences against the good order, larceny and unlawful possession again predominated. With the exception of one of these cases, in which imprisonment for 6 months was imposed, sentences were for 1 month or less. Thirty-seven defendants were found Not Guilty of charges preferred against them in these Courts.

3. In the Province of Udine a total of 5 cases

1. Allied Military Courts were in session during the month of August in Venezia Giulia and the Province of Udine. Both Superior and Summary Courts were held in the former place and Summary Courts in the latter.

2. In Venezia Giulia a total of 128 accused were tried (as compared with 106 in July) on 166 charges (as compared with 140 in July) by Superior Courts, and 139 accused were tried (as compared with 120 in July) on 149 charges (as compared with 137 in July) by Summary Courts. Owing to the continued unsettled conditions in this area further increase in the number of cases tried by Superior Courts is noted. Of the total of 166 charges preferred in these courts 93 of them were for offences against the good order resulting in sentences of 3 months or less. Thirty-three of these charges were for possession of firearms and ammunition. Eleven of the accused in such cases were treated with some severity, receiving sentences of from 1 to 4 years. In the Summary Court trials charges for offences against the good order, larceny and unlawful possession again predominated. With the exception of one of these cases, in which imprisonment for 6 months was imposed, sentences were for 1 month or less. Thirty-seven defendants were found Not Guilty of charges preferred against them in these Courts.

3. In the Province of Udine a total of 5 cases were tried, each by Summary Court, all of which resulted in convictions. In 3 of these the charges were for theft and possession of Allied property.

Italian Courts and Italian Section.

4. Italian Courts generally seem to have functioned with reasonable satisfaction.

5. The work of the Italian Section continued unabated in diversity and quantity. It included (1) preparation of opinions regarding claims of the Republic of San Marino and Santa Colometa against the Allied Forces, Jugo-

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slav and Greek claims for restitution of property and damages, cases of Allied merchant seamen, legislation in Venezia Giulia, USFRA goods stolen in Trieste, the status of Allied companies in Libya and Tripolitania, and the status of Italian officials and companies in the Dodecanese Islands; (2) voluminous correspondence with G-5, AFHQ, on fishing rights in the Adriatic, jurisdiction of AMG Courts in Venezia Giulia, French War Criminals, and progress of trials in Italian Courts, with the Ministry of Justice and Italian Courts on the trial of various Italian civilians, charged with War Crimes, who had previously escaped Allied justice, and pertaining to implementation of Italian laws and decrees in Udine Province; (3) conferences with Italian counsel regarding amendments of Italian laws concerning marriage between Allied nationals, the Ministry of Justice regarding War Crimes, the Italian Patent Office regarding patents and trade marks, on behalf of the U.S. Patent Office, the Procura Generale Militare and the Special Court of Assize regarding the case of Rita Zucca (Axis Sally), and with the Ministry of Justice, for the American Judge Advocate General, concerning thefts of Allied property; (4) translations of laws and legal documents for the Allied Embassies, and of police reports, statements and documents to enable the Italian Courts to initiate penal proceedings against persons who have previously escaped Allied justice; and (5) research work on Italian commerce regulations made for the Economic Section.

Extraordinary Courts of Assize.

6. In Venezia Giulia 48 cases were tried before the Special Court of Assize in the month of August. Of the defendants convicted in 6 of these cases, 1 received a sentence between 1 and 5 years, 4 between 5 and 10 years and 1 between 20 and 30 years. At the end of the month 51 cases were standing on the docket of this Court for trial, as compared with 93 so pending at the end of the month of July.

7. Fifteen cases were handled by the Special Court of Assize of the Province of Udine in the month of August.

When Allied nationals, the Ministry of Justice regarding War Crimes, the Italian Patent Office regarding patents and trade marks, on behalf of the U.S. Patent Office, the Procura Generale Militare and the Special Court of Assize regarding the case of Rita ZUCCA (Aris Zally), and with the Ministry of Justice, for the American Judge Advocate General, concerning thefts of Allied property; (4) translations of laws and legal documents for the Allied Embassies, and of police reports, statements and documents to enable the Italian Courts to initiate penal proceedings against persons who have previously escaped Allied justice; and (5) research work on Italian commerce regulations made for the Economic Section.

Extraordinary Courts of Assize.

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7. Fifteen cases were handled by the Special Court of Assize of the Province of Udine in the month of August. Eleven of these were actually tried, 3 were transferred to other Courts for trial, and one resulted in dismissal of the accused without trial. Twenty-five cases were awaiting trial on the docket of this Court on 31 August 1946 as compared with 41 such cases at the end of the preceding month.

General.

8. During the past month the Chief Legal Advisor has been continuously engaged with such routine affairs of his office as giving advice to the different Sub-Commissions, attending numerous conferences, and making final review of cases tried by AMG Courts.

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9. The routine review of AMG cases has been continued in accordance with plan and the usual large volume of correspondence, relating in major part to requests for information regarding cases tried by AMG Courts and advice concerning procedure to be followed therein, has been handled.

10. Numerous letters directed to higher and other authority, urging clemency for detained persons, are being forwarded to this office for consideration. In quite a number of such cases the supplicant has simultaneously written to several sources seeking relief. Each such forwarding agency, of course, expects a reply regarding the status of the matter concerned. The multiplication of correspondence entailed in handling matters of this kind places additional strain on the reduced personnel of the office, now limited to numbers required for normal routine. Many of these communications concern prisoners undergoing long terms of imprisonment in Italian felon prisons upon conviction of violation of provisions of our Proclamations regarding spies. It is considered that such convictions may be in conflict with well established principles of International Law which recognize the right of belligerents to employ spies or other secret agents in obtaining information regarding the enemy. Thus, resort to that practice involves no offense against International Law. Spies are punished not as violators of the laws of war but rather to render their use in obtaining information as dangerous, difficult and ineffective as possible for the enemy. For this reason the killing of spies is a lawful act of belligerents comparable to the killing of enemy soldiers in combat. Neither are killed as punishment for crime. This proposition is well expounded in "Rules of Land Warfare". Field Manual 27-10, War Department, United States, Paragraphs 203 and 209. Therefore, the opinion is held that provisions of our proclamations for long term felon imprisonment of unexecuted spy offenders may be a departure from established rules of International Law. From our standpoint the same result might be obtained by keeping such persons in detention camps as persons dangerous to our security. Captured enemy soldiers are so detained, not imprisoned. The cases of these prisoners remain in status quo pending a final

correspondence entailed in handling matters of this kind places additional strain on the reduced personnel of the office, now limited to numbers required for normal routine. Many of these communications concern prisoners undergoing long terms of imprisonment in Italian felon prisons upon conviction of violation of provisions of our Proclamations regarding spies. It is considered that such convictions may be in conflict with well established principles of International Law which recognize the right of belligerents to employ spies or other secret agents in obtaining information regarding the enemy. Thus, resort to that practice involves no offence against International Law. Spies are punished not as violators of the laws of war but rather to render their use in obtaining information as dangerous, difficult and ineffective as possible for the enemy. For this reason the killing of spies is a lawful act of belligerents comparable to the killing of enemy soldiers in combat. Neither are killed as punishment for crime. This proposition is well expounded in "Rules of Land Warfare". Field Manual 27-10, War Department, United States, paragraphs 203 and 209. Therefore, the opinion is held that provisions of our proclamations for long term felon imprisonment of unexecuted spy offenders may be a departure from established rules of International Law. From our standpoint the same result might be obtained by keeping such persons in detention camps as persons dangerous to our security. Captured enemy soldiers are so detained, not imprisoned. The cases of these prisoners remain in status quo pending a final decision on this proposition by J-5, AFHQ.

JOHN K. WEBER,
Colonel, Infantry,
Chief Legal Advisor.

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB COMMISSION

FILE

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LJG/ns

11 Sep 1946

AC/1043/L

Abridged Monthly Report.

AMG Courts.

1. Allied Military Courts were in session during the month of August in Venezia Giulia and in the Province of Udine. Both Superior and Summary Courts were held in the former place and Summary Courts in the latter.

2. In Venezia Giulia a total of 128 accused were tried (as compared with 108 in July) on 166 charges (as compared with 140 in July) by Superior Courts, and 139 accused were tried (as compared with 120 in July) on 149 charges (as compared with 137 in July) by Summary Courts. Owing to continued unsettled conditions in this area further increase in the number of cases tried by Superior Courts is noted. Of the total of 166 charges preferred in these courts 93 of them were for offences against the good order resulting in sentences of 3 months or less. Thirty-three of these charges were for possession of firearms and ammunition. Eleven of the accused in such cases were treated with some severity, receiving sentences of from 1 to 4 years. In the Summary Court trials charges for offences against the good order, larceny and unlawful possession again predominated. With the exception of one case in which imprisonment for 6 months was imposed, sentences were for 1 month or less. Thirty-seven defendants were found Not Guilty of charges preferred against them in these Courts.

3. In the Province of Udine a total of 5 cases were tried before Summary Courts, all of which resulted in convictions. In 3 of these the charges were for theft and possession

1. Allied Military Courts were in session during the month of August in Venezia Giulia and in the Province of Udine. Both Superior and Summary Courts were held in the former place and Summary Courts in the latter.

2. In Venezia Giulia a total of 128 accused were tried (as compared with 108 in July) on 166 charges (as compared with 140 in July) by Superior Courts, and 139 accused were tried (as compared with 120 in July) on 149 charges (as compared with 137 in July) by Summary Courts. Owing to continued unsettled conditions in this area further increase in the number of cases tried by Superior Courts is noted. Of the total of 166 charges preferred in these courts 93 of them were for offences against the good order resulting in sentences of 3 months or less. Thirty-three of these charges were for possession of firearms and ammunition. Eleven of the accused in such cases were treated with some severity, receiving sentences of from 1 to 4 years. In the Summary Court trials charges for offences against the good order, larceny and unlawful possession again predominated. With the exception of one case in which imprisonment for 6 months was imposed, sentences were for 1 month or less. Thirty-seven defendants were found Not Guilty of charges preferred against them in these Courts.

3. In the Province of Udine a total of 5 cases were tried before Summary Courts, all of which resulted in convictions. In 3 of these the charges were for theft and possession of Allied property.

Italian Courts and Italian Section.

4. In general Italian Courts continue to operate satisfactorily. In Venezia Giulia 43 cases were tried before the Special Court of Assize in August and there were 51 cases standing on the docket of the Court at the end of that month, as compared with 93 at the end of July. Eleven cases were tried by the Special Court of Assize of the Province of Udine. This Court had 25 cases remaining to be tried at the end of August as against 41 at the end of the preceding month.

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5. The work of the Italian Section continued unabated. It included preparation of numerous opinions concerning claims against Allied Forces, legislation in Venezia Giulia, the status of Allied companies and Italian officials and companies in places outside of Italy, and fishing rights in the Adriatic, conferences regarding amendments of Italian laws, war crimes, the case of Rita ZUCCA (Axis Sally), and patents and trade marks for the U.S. Patent Office; a large amount of correspondence and compilation of memoranda, bearing on the trial of Italians charged with War Crimes, obtaining counsel for their defence, and the release of AMG prisoners on conditional liberty; translation of laws and legal documents for the Allied Embassies and of police reports, statements and documents for Italian Courts; and conduct of research on Italian commerce regulations for the Economic Section.

General.

6. During the past month the Chief Legal Advisor has been continuously engaged with such routine affairs of his office as giving advice to the different Sub-Commissions, attending numerous conferences and making final review of cases tried by AMG Courts.

7. The routine review on AMG cases has been continued in accordance with plan and the usual large volume of correspondence, relating in major part to requests for information regarding cases tried by AMG Courts and advice concerning procedure to be followed in such cases, has been handled.

8. Numerous letters directed to higher and other authority, urging clemency for detained persons, are being forwarded to this office for consideration. Some of these concern prisoners undergoing long terms of confinement in Italian felon prisons for violation of provisions of our proclamations against spying. Though the opinion has been advanced that, according to International Law, these persons should be held in Detention Camps rather than under sentence in Italian felon jails, such cases for the present remain in status quo until final ruling

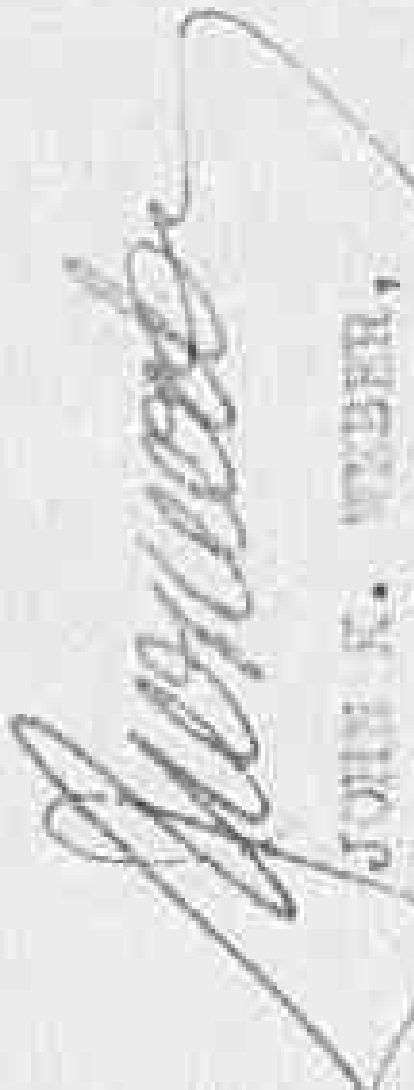
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General.

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JOHN K. WEBER,
Colonel, Infantry,
Chief Legal Advisor.

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB COMMISSION

AC/4047/E.

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19 August 1946

SUBJECT : Legal Sub Commission,
Monthly report of July, 1946.

TO : Chief Commissioner, Allied Commission.

AMG Courts.

1. Allied Military Courts were in session during the month of July in Venezia Giulia and the Province of Udine. Superior and Summary Courts were held in both of these areas, and a General Court was convened in the former at Trieste.

2. In Venezia Giulia a total of 108 accused were tried (as contrasted with 44 in June) on 140 charges (as contrasted with 62 in June) by Superior Courts, and 120 accused were tried (as contrasted with 262 in June) on 137 charges (as contrasted with 290 charges in June) by Summary Courts. The increase in the number of cases tried before Superior Courts may be attributed largely to civil disturbances which have occurred in this location in recent times. This conclusion is supported by the fact that of the total of 140 charges preferred in these Superior Courts 103 pertained to offences against good order. Larceny, unlawful possession of property and offences against good order made up the bulk of charges preferred in Summary Courts.

3. The General Military Court at Trieste, presided over by the Chief Legal Officer A.C., after lengthy trial acquitted 7 defendants, all members of the Venezia Giulia Police Force, charged with

AMG Courts.

1. Allied Military Courts were in session during the month of July in Venezia Giulia and the Province of Udine. Superior and Summary Courts were held in both of these areas, and a General Court was convened in the former at Trieste.

2. In Venezia Giulia a total of 103 accused were tried (as contrasted with 44 in June) on 140 charges (as contrasted with 62 in June) by Superior Courts, and 120 accused were tried (as contrasted with 262 in June) on 137 charges (as contrasted with 290 charges in June) by Summary Courts. The increase in the number of cases tried before Superior Courts may be attributed largely to civil disturbances which have occurred in this location in recent times. This conclusion is supported by the fact that of the total of 140 charges preferred in these Superior Courts 103 pertained to offences against good order. Larceny, unlawful possession of property and offences against good order made up the bulk of charges preferred in Summary Courts.

3. The General Military Court at Trieste, presided over by the Chief Legal Officer A.C., after lengthy trial acquitted 7 defendants, all members of the Venezia Giulia Police Force, charged with homicide and inflicting personal injuries by reason of having fired into a crowd of persons to quell a disturbance.

4. In the Province of Udine a total of 51 cases were tried before Superior and Summary Courts. Of this number 34 trials by Superior Courts all resulted in convictions. In 2 of the 17 cases tried by Summary Courts the accused were acquitted.

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Italian Courts and Italian Section.

5. The Italian Courts continue to function reasonably well. To expedite disposition of some 250 cases awaiting trial in Venezia Giulia an Officer has been specially appointed locally to maintain contact with Italian Courts there. The greater part of these cases stand for hearing before the Tribunal, a court having jurisdiction over cases of intermediate importance.

6. The Italian Branch was active during the month of July, and among the legal matters which necessitated dealings with the Ministry of Justice and other Italian authorities may be listed:

Status of Allied merchant seamen in Italy; sales of bulk during AMC administration; implementation of Italian laws and decrees in Udine Province, claims from the Republic of San Marino, Principality of Monaco, the Greek Delegation and various private concerns; shipping rights of Italian fishermen in Yugoslav waters, claims by the Yugoslavs for the restoration of shipping seized by Italians and a number of other Yugoslav claims; legislation in Venezia Giulia, extent of the Amnesty; rights of stateless Jews; alleged war criminals in Zone A claimed by Yugoslavs. Conferences at the Ministry of Justice regarding amendments required in Italian law relating to marriages between Allied Nationals; correspondence relating to war crimes; correspondence with the Procuratori Generali of various tribunals regarding trials where Allied interests are concerned; transmission of petitions from persons convicted of war crimes for consideration by the appropriate authorities, and correspondence with Procuratore Generale Militare. Considerable work is given to this Branch in the preparation of memoranda requested by the Ministry of Justice for the release of A.M.G. prisoners on conditional liberty.

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other Italian authorities may be listed:

Status of Allied merchant seamen in Italy; sales of hulks during AMI administration; implementation of Italian Laws and decrees in Udine Province, claims from the Republic of San Marino, Principality of Monaco, the Greek Delegation and various private concerns; shipping rights of Italian fishermen in Yugoslav waters, claims by the Yugoslavs for the restoration of shipping seized by Italians and a number of other Yugoslav claims; legislation in Venezia Giulia; extent of the Amnesty; rights of stateless Jews; alleged war criminals in Zone A claimed by Yugoslavs. Conferences at the Ministry of Justice regarding amendments required in Italian law relating to marriage between Allied Nationals; correspondence relating to War Crimes; correspondence with the Procuratori Generali of various tribunals regarding trials where Allied interests are concerned; transmission of petitions from persons convicted of War Crimes for consideration by the appropriate authorities, and correspondence with Procuratore Generale Militare. Considerable work is given to this Branch in the preparation of memoranda requested by the Ministry of Justice for the release of I.M.G. prisoners on conditional liberty.

7. Legal opinions were prepared concerning various points of Italian Commercial Law and marriage Law, translations of laws and legal documents were made for the Allied Embassies; proper Italian Authorities were contacted to clarify the position of British interests in some Italian firms and continuous correspondence was carried on with the Italian jails.

8. Written legal opinions were supplied to various agencies on most of the questions above-mentioned

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including AMHQ, the various Sub Commissions concerned, on daily problems, and Italian and Yugoslav authorities, regarding interpretation of the Armistice and other instructions complementary thereto.

Extraordinary Courts of Assize.

9. In Venetia Giulia 28 cases were tried before the Special Court of Assize during the month of July. Eight of these trials resulted in conviction, 4 in acquittal, and 3 in other disposition. Of the defendants convicted 2 received sentences between 1 and 3 years, 4 between 5 and 10 years, and 2 between 10 and 20 years. Ninety cases were standing on the docket of this court for trial as of 31 July 1946.

10. Thirty-six cases were handled by the Special Court of Assize of the Province of Udine during the month of July, 4 of which were finally adjudicated and 32 of which resulted in dismissal. At the end of the month 31 cases were on the docket of this Court awaiting trial.

Continued

11. The Chief Legal Officer, in addition to giving advice to the various Sub-Commissions and attending many conferences, presided at the trial by General Military Court at Trieste of the case of 7 members of the Venetia Giulia Police Force referred to in paragraph 3 hereof.

12. The usual large volume of correspondence has been handled by all branches of the Sub-Commission and review of AMG cases has continued systematically.

13. While the Board of Review is making substantial progress on those cases wherein prisoners are known to be in jail under lawful life sentences, the

4 between 5 and 10 years, and 2 between 10 and 20 years. Ninety cases were standing on the docket of this court for trial as of 31 July 1946.

10. Thirty-six cases were handled by the Special Court of Assize of the Province of Udine during the month of July, 4 of which were finally adjudicated and 32 of which resulted in dismissal. At the end of the month 41 cases were on the docket of this Court awaiting trial.

General

11. The Chief Legal Officer, in addition to giving advice to the various Sub-Commissions and attending many conferences, presided at the trial by General Military Court at Trieste of the case of 7 members of the Venezia Giulia Police Force referred to in paragraph 5 hereof.

12. The usual large volume of correspondence has been handled by all branches of the Sub-Commission and review of AMG cases has continued systematically.

13. While the Board of Review is making substantial progress on those cases wherein prisoners are known to be in jail under lethal AMG sentences, the ultimate goal of accounting for every person in Italian jails under color of Allied authority must receive attention. Through process of elimination it now appears that 101 persons are being detained in Italian prisons under Allied authority other than judgment of an AMG Court. Only by painstaking inquiry into each case may the lawfulness of such detention be finally determined. This inquiry is now underway. The Legal Sub-Commission makes no forecast concerning the ultimate results to be expected in this connection.

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From our previous memo it presently appears that some of these persons may be unjustifiably detained. It is submitted that this inquiry should be completed ere the Allies depart from Italy.

John K. Weber
JOHN K. WEBER,
Colonel, Infantry,
Chief Legal Advisor.

ONE

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB-COMMISSION

/nda.

NO/4043/L.

12 July 1946.

SUBJECT : Legal Sub-Commission, Monthly
Report of June, 1946.

TO : Chief Commissioner, Allied Commission.

AMC COURTS.

1. Allied Military Courts were in session in VENEZIA GIULIA and UDINE Province. Superior and Summary Courts were held in both VENEZIA GIULIA and UDINE. In VENEZIA GIULIA a total of 14 accused (86 in May) were tried on 62 charges (115 in May) in Superior Courts and 260 accused (450 in May) were tried on 290 charges (505 in May) in Summary Courts during June. In addition to this noticeable reduction in cases tried it is noteworthy that the number of pending cases continues to decrease. In the TRIESTE area 330 cases were pending at the end of April, 100 at the end of May and there are only 53 cases pending at the end of June with no accused in jail awaiting trial. In the GORIZIA area there are 25 cases pending trial with 14 accused in jail and in the PORDENONE area 4 persons are in jail awaiting trial.

2. Twentytwo cases of which 2 were Superior Court cases, were tried in UDINE Province during the period 29 May to 26 June, 1946. Of the Superior Court cases tried one resulted in conviction and one in acquittal; of the Summary Court cases 3 resulted in acquittals and 17 in convictions.

ITALIAN COURTS AND ITALIAN SECTION.

3. Italian Courts are functioning generally with reasonable satisfaction. In VENEZIA GIULIA the Ordinary Court of Assize has processed for vacation and tried no cases during the month of June. As this Court has jurisdiction of the more serious criminal cases and

ABC COURTS.

1. Allied Military Courts were in session in VENEZIA GIULIA and UDINE Province. Superior and Summary Courts were held in both VENEZIA GIULIA and UDINE. In VENEZIA GIULIA a total of 41 accused (86 in May) were tried on 62 charges (115 in May) in Superior Courts and 260 accused (450 in May) were tried on 290 charges (505 in May) in Summary Courts during June. In addition to this noticeable reduction in cases tried it is noteworthy that the number of pending cases continues to decrease. In the TRIESTE area 330 cases were pending at the end of April, 100 at the end of May and there are only 33 cases pending at the end of June with no accused in jail awaiting trial. In the GORIZIA area there are 25 cases pending trial with 14 accused in jail and in the PORD. area 4 persons are in jail awaiting trial.

2. Twentytwo cases of which 2 were Superior Court cases, were tried in UDINE Province during the period 29 May to 26 June, 1946. Of the Superior Court cases tried one resulted in conviction and one in acquittal; of the Summary Court cases 3 resulted in acquittals and 17 in convictions.

ITALIAN COURTS AND ITALIAN SECTION.

3. Italian Courts are functioning generally with reasonable satisfaction. In VENEZIA GIULIA the Ordinary Court of Assize has recessed for vacation and tried no cases during the month of June. As this Court has jurisdiction of the more serious criminal cases and as, in the usual practice, no cases would be heard until the latter part of August the Chief Legal Officer has directed a request to the Court Officials to institute a special term of Court to dispose of some of the 13 cases pending in June during the month of July.

4. The Court of Appeals of NAPLES is still concerned with the problems of lack of experienced personnel and transportation therefor and inadequacy of salaries with present high cost of living.

5. LIVORNO reports include an allied interest case of more than usual importance before the Tribunale of LIVORNO in which 12 accused were charged with theft. The leader was sentenced to 2 years imprisonment and a fine of 4000 lire. Three others were sentenced to terms varying from 1 year 3 months to 6 months. The surviving 9 accused were granted judicial clemency being under age.

EXTRAORDINARY COURTS OF ASSIZE.

6. In VENEZIA 3 JULIA during June the Special Court of Assize which deals with charges of collaboration with the Germans and Fascist Republicans after 8th September 1943, tried 385 cases, resulting in 11 convictions and 367 acquittals, with 5 cases otherwise disposed of. Of those convicted no was sentenced for life, one sentence was in that bracket between 20 and 30 years, 5 were given sentences between 5 and 10 years and 1 were given sentences from 1 to 5 years.

7. Cases tried before the Special Court of Assize in UDINE Province numbered 26, of which 1 was dismissed.

General.

8. The Legal Officers in MILAN and Liaison Officers who have been looking after legal activities in LIVORNO and RAVENNA are being withdrawn.

9. The number of minutes of LIVORNO and PISA jails is considerably decreased because of recent new staff.

10. The Chief Legal Officer, in addition to giving advice to the various Sub-Commission, attended many conferences during June. Officers of the Sub-Commission made a thorough study of the new amnesty Decree passed by the Italian Government, and the Deputy Chief Legal Advisor went to TRIESTE to discuss implementation of the Decree in Zone A, and procedure to be followed by the Courts. The usual large volume of correspondence was handled by all branches of the Sub-Commission, and the review of all AMG cases continues steadily.

JOHN A. WATKINS,
Colonel, Infantry,
Chief Legal Advisor.

FILE

HEADQUARTERS ALLIED COMMISSION,
APO 724
ITALY SUB-COMMISSION

FILE

/ada.

AG/4043/L.

10 July 1946.

Abridged monthly report

1. Allied Military Courts, Superior and Summary, were in session in VENEZIA GIULIA and in UDINE Provinces during the month of June. No General Court cases were tried. In VENEZIA GIULIA, a total of 44 accused were tried in Superior Courts on 62 charges, as compared with 86 accused tried on 115 charges in the month of May. In the Summary Courts, a total of 262 accused were tried on 290 charges as compared with 450 accused and 505 charges in May. Also noteworthy is the fact that the number of pending cases continues to decrease. In UDINE Province the total number of cases tried was 22, as compared with 39 in the preceding month. Of the 22 cases, only 2 were tried by Superior Courts.

2. The Italian Courts are functioning with reasonable satisfaction.

- a) In UDINE a number of Proclamation offences of lesser importance have been handed over to the Italian Courts and their handling of these matters is being closely observed. In the Special Session of the Court of Assize 26 cases were tried during the month, and 1 case was dismissed; 67 are awaiting trial and are in process of investigation.
- b) The Court of Appeal of TRIESTE continues to be concerned with its ever-present material and personnel problems. For crimes against the Allied Forces, the various courts have disposed of 244 cases involving 319 defendants.
- c) LIVORNO reports that 28 cases involving Allied interests have been disposed of in the Provinces of Livorno, Pisa and Florence. Negative reports were submitted by the other Provinces of the Region.

d) In VENEZIA GIULIA, the Ordinary Court of Assise has recessed for vacation. As there were 13 cases pending trial during June, a request has been directed to the Court Officials to institute a special term of court to dispose of some of these cases in July.

3. AMG Legislation was prepared and issued in VENEZIA GIULIA and UDINE Province. The Legislation of VENEZIA GIULIA included a new General Order, No. 61, dealing with the Collection of Cereals, amendments to G.O. 48, and a supplement to G.O. 54.

4. The Legal Officers in NAPLES and LIVORNO are being withdrawn. Henceforth, the Public Safety Officer will continue the routine functions of the Legal Division in NAPLES, whereas judicial authorities in Toscana Region have been advised to contact the Provost Marshal's Office. No changes in personnel have occurred in the Province of UDINE, but in VENEZIA GIULIA the staff has been further reduced by the redeployment of the Chief Legal Officer.

5. The Chief Legal Advisor, in addition to giving advice to the various sub-commissions, attended many conferences during the month. The Sub-Commission made a thorough study of the new Amnesty Decree passed by the Italian Government, and the Deputy Chief Legal Advisor went to Trieste to discuss implementation of the Decree in Zone A, and procedure to be followed by the Courts. The usual large volume of correspondence was handled by all branches of the Sub-Commission, and the review of AMG cases continued to progress steadily.

G.C. HENNAFORD,
Lt. Colonel,
Deputy Chief Legal Advisor.

HEADQUARTERS ALLIED COMMISSION

APO 794

LEGAL SUB-COMMISSION

AC/4043/L.

12 June 1946

SUBJECT : Legal Sub-Commission, Monthly
Report of May, 1946.

TO : Chief Commissioner, Allied Commission.

ANC COURTS.

1. Allied Military Courts were in session in Venezia Giulia and Udine Province. Superior and Summary Courts were held in both Venezia Giulia and Udine. In Venezia Giulia a total of 86 accused were tried on 115 charges in Superior Courts and 450 accused were tried on 505 charges in Summary Courts during May. These figures are higher than the normal monthly totals but they are due to a special effort to bring the Court Calendars, particularly in the Area of Trieste, up to date. This was accomplished by holding extra session of Superior and Summary Courts. As a result the number of cases pending took a noticeable drop; in the case of the Trieste area Summary Court cases pending dropped from 330 at the end of April to 100 at the end of May. Of this 100 pending Summary Court cases, only 4 accused were detained pending trial.

2. Thirty-nine cases, of which 12 were Superior Court cases, were tried in Udine Province during the period 27 April, 1946 - 28 May, 1946. Of the Superior Court cases tried 6 resulted in convictions and 6 in acquittals; of the Summary Court cases 24 resulted in convictions and 3 in acquittals.

ITALIAN COURTS AND ITALIAN SECTION.

3. In Venezia Giulia the Ordinary Civil Courts are functioning with reasonable satisfaction. Some progress was made during May toward supplying needed additional personnel, particularly in the Office of the Clerks of the Courts.

were held in both Venezia Giulia and Udine. In Venezia Giulia a total of 86 accused were tried on 115 charges in Superior Courts and 450 accused were tried on 505 charges in Summary Courts during May. These figures are higher than the normal monthly totals but they are due to a special effort to bring the Court Calendars, particularly in the Area of Trieste, up to date. This was accomplished by holding extra sessions of Superior and Summary Courts. As a result the number of cases pending took a noticeable drop; in the case of the Trieste area Summary Court cases pending dropped from 330 at the end of April to 100 at the end of May. Of this 100 pending Summary Court cases, only 4 accused were detained pending trial.

2. Thirty-nine cases, of which 12 were Superior Court cases, were tried in Udine Province during the period 27 April, 1946 - 28 May, 1946. Of the Superior Court cases tried 6 resulted in convictions and 6 in acquittals; of the Summary Court cases 24 resulted in convictions and 3 in acquittals.

ITALIAN COURTS AND ITALIAN SECTION.

3. In Venezia Giulia the Ordinary Civil Courts are functioning with reasonable satisfaction. Some progress was made during May toward supplying needed additional personnel, particularly in the Office of the Clerks of the Courts.

4. The Italian Courts are working satisfactorily in Udine Province.

5. In Naples cooperation of Italian Courts and AC is notable.

6. Livorno reports show active cooperation by Italian Courts concerning Allied interest cases. During May the Tribunale of Livorno disposed of 20 penal cases involving 50 defendants, 14 of whom were acquitted. The most serious

case was that concerning SCHIANO Livio and 7 others charged with various thefts. The gang leader was sentenced to 4 years and 10 months imprisonment and a fine of 14,000 lire. Two others were sentenced to three years each and the others received shorter and relatively minor sentences. Pisa Province also reported active prosecution of Allied interest cases.

7. The number of serious crimes in the entire Toscana Region is constantly decreasing.

EXTRAORDINARY COURTS OF ASSIZE.

8. In Venezia Giulia during May the Special Court of Assize held public trials of 27 accused, resulting in 7 convictions and 20 acquittals. The range of sentences of those convicted was from 5 to 14 years. 3; from 10 to 20 years, 3; 30 years, 1.

a) This Court deals with charges of collaboration with the Germans and the Fascist Republicans after 8th September, 1943 (Proclamation No. 5).

b). The Order giving jurisdiction to the Ordinary Penal Courts to try Fascist offences committed prior to 8th September, 1943, referred to in the April report, was signed on 3 May, 1945, (General Order No. 53) and is now in effect.

9. Cases tried before the Special Court of Assize in Udine Province numbered 18, of which 4 were dismissed.

GENERAL

10. The Sub-Commission, in addition to giving advice to the various Sub-Commissions, has furnished Officers for trial of cases and attendance at conferences, and answered a voluminous correspondence concerning cases tried by AMG Courts in Italy.

11. The review of all cases of persons confined in prisons is progressing steadily.

JOHN K. WEBER

of those convicted was from 5 to 14 years; 3; from 10 to 20 years, 3; 30 years, 1.

a) This Court deals with charges of collaboration with the Germans and the Fascist Republicans after 8th September, 1943 (Proclamation No. 5).

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9. Cases tried before the Special Court of Assize in Udine Province numbered 18, of which 4 were dismissed.

GENERAL

10. The Sub-Commission, in addition to giving advice to the various Sub-Commissions, has furnished Officers for trial of cases and attendance at conferences, and answered a voluminous correspondence concerning cases tried by AMG Courts in Italy.

11. The review of all cases of persons confined in prisons is progressing steadily.

JOHN K. WEBER,

Colonel, Infantry

Chief Legal Advisor.

HEADQUARTERS ALLIED COMMISSION
APR 734
LEGAL SUB-COMMISSION

/mda.

10 June 1946.

Abridged monthly report.

1. Allied Military Courts were in session in VENEZIA-CIVILIA and UDINE Province. Superior and Summary Courts were held during May in both VENEZIA-CIVILIA and UDINE. In VENEZIA-CIVILIA, a total of 86 accused were tried on 145 charges in Superior Courts and 450 accused were tried on 505 charges in Summary Courts during May. These figures are higher than the normal monthly totals but they are due to a special effort to bring the Court calendars up to date. This was accomplished by holding extra sessions of Superior and Summary Courts. As a result the number of cases pending took a noticeable drop; in the case of the Trieste area from 330 Summary Court cases at the end of April to 100 at the end of May. Of these pending Summary Court cases, only 4 accused are detained pending trial.
2. A total of 39 cases, of which 12 were Superior Court cases, were tried in UDINE Province during the period 27 April 1946 to 28 May 1946. Of the Superior Court cases tried 6 resulted in convictions and 6 in acquittals; of the Summary Court cases 24 resulted in convictions and 3 in acquittals.

cases

3. The Italian Courts are working satisfactorily in UDINE Province and 18 cases were tried by the Special Court of Assize during May, of which 4 cases resulted in convictions.

4. In VENEZIA-CIVILIA the ordinary Civil Courts are functioning with reasonable satisfaction. Some progress was made during May toward supplying additional personnel, particularly in the offices of the Clerks of the Courts.

5. In Naples the Italian Courts are working satisfactorily and co-operation with AG authorization is good.

6. LIVENGO reports show active cooperation by Italian Courts concerning Allied interest cases. During the past month the Tribunale of LIVENGO disposed of 20 penal cases involving 50 defendants, 11 of whom were acquitted. The most serious case was that against Schiano Livio and 7 others charged with various thefts. The gang leader was sentenced to 4 years and

in both VENEZIA-GIULIA and UDINE. Superior and Summary Courts were held during May accused were tried on 145 charges in VENEZIA-GIULIA, a total of 66 were tried on 505 charges in Summary Courts and 450 accused are higher than the normal monthly totals but they are due to a special effort to bring the Court calendars up to date. This was accomplished by holding extra sessions of Superior and Summary Courts. As a result the number of cases pending took a noticeable drop; in the case of the Trieste area from 330 Summary Court cases at the end of April to 100 at the end of May. Of these pending Summary Court cases, only 4 accused are detained pending trial.

2. A total of 39 cases, of which 12 were Superior Court cases, ~~were~~ tried in UDINE Province during the period 27 April 1946 to 28 May 1946. Of the Superior Court cases tried 6 resulted in convictions and 5 in acquittals; of the Summary Court/24 resulted in convictions and 3 in acquittals.

3. The Italian Courts are working satisfactorily in UDINE Province and 16 cases were tried by the Special Court of Assise during May, of which 4 cases resulted in dismissal.

4. In VENEZIA-GIULIA the ordinary Civil Courts are functioning with reasonable satisfaction. Some progress was made during May toward supplying additional personnel, particularly in the offices of the Clerks of the Courts.

5. In Venezia the Italian Courts are working satisfactorily and co-operation with AC authorities is good.

6. LIVORNO reports show active cooperation by Italian Courts concerning Allied interest cases. During the past month the Tribunale of LIVORNO disposed of 20 penal cases involving 50 defendants, 11 of whom were acquitted. The most serious case was that against Schiavo Livio and 7 others charged with various thefts. The gang leader was sentenced to 4 years and 10 months imprisonment and a fine of 14,000 lire. Two others were sentenced to three years each and the other co-defendants received shorter and relatively minor sentences. PISA Province also reported active prosecution of Allied interest cases.

7. The number of inmates of the jail in LIVORNO is somewhat decreased. The number of those detained being 334, of whom 295 are males and 39 females.

8. The number of serious crimes in the entire TOSCANA region is constantly decreasing.

9. The Sub-Commission, in addition to giving advice to the various Sub-Commission, has answered a voluminous amount of correspondence concerning cases tried by AMG Courts all over Italy.

10. The review of all cases of persons confined in prison is progressing steadily.

JOHN K. WEBER,
Colonel, Infantry,
Chief Legal Advisor.

HEADQUARTERS ALLIED COMMISSION
AFG 394
LEGAL SUB-COMMISSION

AC/4043/L.

/mda.

14 May, 1946.

SUBJECT: Legal Sub-Commission, Monthly
Report of April, 1946.

TO: Chief Commissioner, Allied Commission.

AMG COURTS.

1. Allied Military Courts were in session in VENEZIA-CIUDIA and UDINE Province. Both Superior and Summary Courts were held in VENEZIA-CIUDIA while Summary Court cases only were tried in UDINE. The Superior Court cases tried in VENEZIA-CIUDIA showed an increase; April - 135, March - 35, due to the fact that all cases arising out of the demonstrations at TRIESTE and GORIZIA were disposed of in Superior Courts. Summary Court cases tried here in April, on the other hand, showed a large decrease; April - 82, March - 516.

2. Seven Summary Court cases were disposed of in Udine Province during April, 1946 all resulted in convictions. The small number of cases tried during the month is due, in part, to the replacement of experienced C.A.C.'s by Officers inexperienced in the procedure of Allied Military Courts.

ITALIAN COURTS AND ITALIAN SECTION.

3. In VENEZIA-CIUDIA the ordinary Civil Courts continue to function with reasonable satisfaction although the problem of adequate personnel is a cause of some concern.

4. The Italian Courts are working satisfactorily in UDINE Province and a session of the Ordinary Court of Assize sat from the 1st to the 15th of April, during which 8 cases were disposed of.

5. The Italian Courts in TRIESTE continue to be concerned with material difficulties, lack of adequate courtroom accommodation, lack of sufficiently trained personnel and the lack of adequate salaries considering present high cost of living.

6. LIVORNO reports show an effort by Italian Courts to cooperate in those cases involving Allied interests. A general improvement in the

1. Allied Military Courts were in session in VENEZIA-GIULIA and UDINE Province. Both Superior and Summary Courts were held in VENEZIA-GIULIA while Summary Court cases only were tried in UDINE. The Superior Court cases tried in VENEZIA-GIULIA showed an increase; April - 135, March - 35, due to the fact that all cases arising out of the demonstrations at TRIESTE and GORIZIA were disposed of in Superior Courts. Summary Court cases tried here in April, on the other hand, showed a large decrease; April - 82, March - 518.
2. Seven Summary Court cases were disposed of in Udine Province during April, 1946 all resulted in convictions. The small number of cases tried during the month is due, in part, to the replacement of experienced C.A.C.'s by Officers inexperienced in the procedure of Allied Military Courts.

ITALIAN COURTS AND ITALIAN SECTION.

3. In VENEZIA-GIULIA the ordinary Civil Courts continue to function with reasonable satisfaction although the problem of adequate personnel is a cause of some concern.

4. The Italian Courts are working satisfactorily in UDINE Province and a session of the Ordinary Court of Assize sat from the 1st to the 15th of April, during which 8 cases were disposed of.

5. The Italian Courts in TRIESTE continue to be concerned with material difficulties, lack of adequate courtroom accommodation, lack of sufficiently trained personnel and the lack of adequate salaries considering present high cost of living.

6. LIVORNO reports show an effort by Italian Courts to cooperate in those cases involving Allied interests. A general improvement in the entire zone as to the criminal situation is noted.

EXTRAORDINARY COURTS OF ASSIZE.

6. In VENEZIA-GIULIA during April the Special Court of Assize held public trials of 39 accused resulting in 23 convictions and 16 acquittals.
7. The Special Court of Assize deals with charges of collaboration with the Germans and the Fascist Republican State after the 8th of September 1943 (Proclamation No. 5). The duration of the Court which has already been extended once, was further extended by Order for 3 months from the 8th of May 1946. The order to permit the Ordinary Civil Courts to assume jurisdiction of such offences committed prior to the 8th of September 1943,

in accordance with the law and procedure in Italy proper, mentioned in the April report, has been approved and is expected to be signed and published early in May.

8. Cases tried before the Special Court of Assise in UDINE Province numbered 22, of which 9 were dismissed.

GENERAL.

9. The Sub-Commission, with a decreasing personnel, in addition to giving advice to the various Sub-Commissions, has answered an increasing amount of correspondence concerning cases tried by A.M.G. Courts in Italy.

10. The work of reviewing the cases of all persons confined in prisons is progressing steadily and with good results.

John K. Weber
JOHN K. WEBER,
Colonel, Infantry,
Chief Legal Advisor.

HEADQUARTERS ALLIED COMMISSION

APO 394

LEGAL SUB COMMISSION

AC/4043/L

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11 May 1946.

Abridged monthly report.

1. Allied Military Courts were in session in VENEZIA-GIULIA and UDINE Province. The Courts held in VENEZIA GIULIA were Superior and Summary. Summary Court Cases only were tried in UDINE. VENEZIA GIULIA showed a large decrease in Summary Court cases from the preceding month, April - 82 accused tried, March - 518 accused tried. The Superior Court cases in VENEZIA GIULIA, on the other hand, showed an increase, April - 139 accused tried, March - 79 accused tried, due to the fact that all cases arising out of the demonstrations at TRIESTE and GORIZIA were disposed of in Superior Courts.
2. Seven Summary Court cases were disposed of in UDINE Province during April, 1946. All resulted in convictions. The small number of cases tried during the month is due, in part, to the replacement of experienced C.A.O.s by Officers inexperienced in the procedure of Allied Military Courts.
3. The Italian Courts are working satisfactorily in UDINE and a session of the Ordinary Court of Assize sat from the 1st to the 15th of April, during which 6 cases were disposed of. During April 22 cases were tried before the Special Session of the Court of Assize in UDINE Province.
4. In VENEZIA GIULIA the Ordinary Civil Courts continue to function with reasonable satisfaction although the problem of adequate personnel is a cause of some concern.
5. The Italian Courts in NAPLES continue to be concerned with material difficulties, lack of adequate courtroom

were Superior and Summary. Summary Court Cases only were tried in UDINE. VENEZIA GIULIA showed a large decrease in Summary Court cases from the preceding month, April - 82 accused tried, March - 513 accused tried. The Superior Court cases in VENEZIA GIULIA, on the other hand, showed an increase, April - 139 accused tried, March - 75 accused tried, due to the fact that all cases arising out of the demonstrations at TRIESTE and GORIZIA were disposed of in Superior Courts.

2. Seven Summary Court cases were disposed of in UDINE Province during April, 1946. All resulted in convictions. The small number of cases tried during the month is due, in part, to the replacement of experienced C.A.O.s by Officers inexperienced in the procedure of Allied Military Courts.

3. The Italian Courts are working satisfactorily in UDINE and a session of the Ordinary Court of Assize sat from the 1st to the 15th of April, during which 8 cases were disposed of. During April 22 cases were tried before the Special Session of the Court of Assize in UDINE Province.

4. In VENEZIA GIULIA the Ordinary Civil Courts continue to function with reasonable satisfaction although the problem of adequate personnel is a cause of some concern.

5. The Italian Courts in NAPLES continue to be concerned with material difficulties, lack of adequate courtroom accommodation, lack of sufficiently trained personnel and the lack of adequate salaries with present high cost of living.

6. LIVORNO reports show an effort by Italian Courts to cooperate in those cases involving Allied interests. A general improvement in the entire zone as to criminal situation is noted.

7. The Sub Commission, in addition to giving advice to the various Sub Commissions, has answered, with a steadily decreasing personnel, an increasing amount of correspondence concerning cases tried by AMG Courts all over Italy.

8. The work of reviewing the cases of all persons confined in prisons is progressing steadily.

JOHN K. WEBER,
Colonel, Infantry,
Chief Legal Advisor.

HEADQUARTERS ALLIED COMMISSION

APO 594

LEGAL SUB-COMMISSION

AC/4043/1.

/nda.

13 April 1946.

SUBJECT : Legal Sub-Commission, Monthly
Report for March 1946.

TO : Chief Commissioner, Allied Commission.

LEGAL COURTS

1. Allied Military Courts, Superior and Summary, were in session in Venezia-Giulia and the Province of Udine, and a General Military Court was held at Naples. The Courts in Venezia-Giulia tried 206 more accused than in the month of February. The increase is due largely to the great number of cases in the Trieste Area for violation of the Order for the conservation of electricity, which Order is no longer operative. In the Province of Udine the number of cases tried in March was but two thirds of those tried in February.

2. A General Court in Naples presided over by the Chief Legal Officer, rendered its decision in the Corsona fraud case - Director General Dott. Eugenio Saracolla was acquitted. A Saracolla and Captain Santo Saporito were found guilty and sentenced to 1 and 2 years imprisonment respectively and each was fined 10,000 lire. Execution of the Prosecutor the prison sentences were suspended because of the long time both of those convicted had spent in jail awaiting trial. Both fines were paid.

3. Another General Military Court held in Naples tried Antonio Vitale, Salvatore Vitale and Carmine Vitale, for killing an Allied soldier on 16 April, 1945. All three defendants were found not guilty.

TRIAL IN COURTS AND IN LIAISON SECTION

4. The difficulties and problems confronting the Italian Courts in Naples are many - lack of adequate Court accommodations, transport, communication facilities and sufficiently trained personnel. The situation of the Italian Courts is another

1. Allied Military Courts, Superior and Summary, were in session in Venezia-Giulia and the Province of Udine, and a General Military Court was held at Naples. The Courts in Venezia-Giulia tried 266 more accused than in the month of February. The increase is due largely to the great number of cases in the Trieste Area for violation of the Order for the conservation of electricity, which Order is no longer operative. In the Province of Udine the number of cases tried in March was but two thirds of those tried in February.

2. A General Court in Naples presided over by the Chief Legal Officer, rendered its decision in the Corbelli fraud case - Director General Dett. Eugenio Corbelli was acquitted. A Santella and Captain Santa Sopporta were found guilty and sentenced to 1 and 2 years imprisonment respectively and each was fined 10,000 lire. On motion of the Prosecutor the prison sentences were suspended because of the long time both of those convicted had spent in jail awaiting trial. Both fines were paid.

3. Another General Military Court held in Naples tried Antonio Vitale, Salvatore Vitale and Carmine Vitale, for killing an Allied soldier on 16 April, 1945. All three defendants were found not guilty.

ITALIAN COURTS AND ITALIAN SECTION

4. The difficulties and problems confronting the Italian Courts in Naples are many - lack of adequate Court accommodations, transport, communication facilities and sufficiently trained personnel. The high cost of living as compared to their low salaries is another problem of the Neapolitan judiciary. The high character and continued devotion to duty of the Italian Magistrates is commendable and the Italian Courts are functioning satisfactorily.

5. In the Province of Udine, Italian Courts were working satisfactorily during the month. At the Special Session of the Court of Udine 34 cases were tried during the month and 29 cases were dismissed without trial.

6. In Venezia-Giulia the ordinary Civil Courts continue to function with reasonable satisfaction.

7. Livorno reports on Italian Courts show, in those cases dealing with the theft and possession of Allied property, that 8 of the 18 accused before the Tribunal were acquitted. While this report

seems to indicate a large percentage of acquittals in Italy developed no lack of cooperation on the part of Italian authorities. On the contrary, Italian judicial officials have indicated a definite desire to protect Allied interests. Some of the difficulties result from preparation of cases by Allied personnel trained for a different system. Other difficulties arise from employment of Allied personnel resulting in absence of essential witnesses. With the withdrawal of AMG Courts we take Italian Courts as they exist. This included all their jurisdictional rules. They can no more depart from their laws than can those of the United States or the United Kingdom.

EXTENSION OF COURTS OF ASSIZE

8. In the Province of Udine the Special Court of Assize had 60 cases before it, 34 cases were tried and 29 dismissed without trial after investigation. 160 cases are awaiting trial.

9. In Verbania-Cella 35 accused were tried resulting in 20 convictions and 15 acquittals. The sentences ranged from 1 to 30 years. The report calls attention to press criticism concerning the Courts' lack of jurisdiction to try cases dealing with fascist offences committed before 8 September 1943. The Italian Government was contacted through the Legal Sub-Commission and the Ministry of Justice has consented to the publication of legislation for the prosecution of offences prior to 8 September 1943. The proposed order has been prepared and has been submitted for approval to AMHQ.

GENERAL

10. The Sub-Commission besides giving advice to the various Sub-Commissions has answered an increasing amount of correspondence regarding cases tried by AMG Courts all over Italy.

11. The work of reviewing the cases of all persons confined in prisons is progressing steadily with noticeable good results.

[Signature]
JOHN K. WINTER,
Colonel, Infantry,
Chief Legal Advisor.

HEADQUARTERS ALLIED COMMISSION

APO 394

LEGAL SUP-COMMISSION

AC/1043/L.

/mda.

11 April 1946.

Abridged monthly report

1. Allied Military Courts were in session in VENEZIA-GIULIA and UDINE Province and a General Court was held at NAPLES. The Courts in VENEZIA-GIULIA and UDINE were Summary and Superior. VENEZIA-GIULIA showed an increase of 206 accused over February, most of this increase being cases in the TRIESTE area for violation of the Order for the conservation of electricity, which is no longer operative. The number of cases for possession of arms and ammunition was approximately the same as in February (March, 17, February 18).

2. a) A General Court in NAPLES, of which the Chief Legal Advisor was President, rendered its decision in the Cogena case. The Director General of Cogena, Dott. Eugenio SANVELLA, was found not guilty on all charges, and his bail was returned. The Court found the two other defendants, Captain Santo LO PORTO and Attilio SANVELLA not guilty of criminal association, and guilty on charges of Italian law and infraction of Sec. 45, Art. II, Proclamation 2. Each of latter defendants was fined 1000 lire, which fines were paid and both were given prison sentences which, on motion of the Prosecutor were suspended because of the long time they had spent in jail awaiting trial.

b) Another General Court in NAPLES tried Antonio VITALE, Salvatore VITALE and Carmine VITALE, for killing an Allied soldier on 16 April 1945. All three defendants were found not guilty.

3. Italian Courts in NAPLES are still confronted with usual difficulties and problems, among which are lack of adequate Court accommodations, lack of transport, lack of adequate communication facilities, lack of sufficiently trained personnel, and the high cost of living in relation to their low salaries. The Italian Courts are functioning satisfactorily despite above mentioned conditions and the Italian magistrates are exhibiting a continued devotion to duty in these trying times.

4. In the Province of UDINE cases tried before Allied Military Courts show a reduction of 12 from February, actual figures being February 43 and March 31.

VENEZIA-GIULIA showed an increase of 206 accused over February, most of this increase being cases in the TRIESTE area for violation of the Order for the conservation of electricity, which is no longer operative. The number of cases for possession of arms and ammunition was approximately the same as in February (March, 17, February 18).

2. a) A General Court in NAPLES, of which the Chief Legal Advisor was President, rendered its decision in the Cogena case. The Director General of Cogena, Dott. Eugenio SAMUELLA, was found not guilty on all charges, and his bail was returned. The Court found the two other defendants, Captain Santo LO FORGO and Attilio SAMUELLA not guilty of criminal association, and guilty on charges of Italian law and infraction of Sec. 45, Art. II, Proclamation 2. Each of latter defendants was fined 1000 lire, which fines were paid and both were given prison sentences which, on motion of the Prosecutor were suspended because of the long time they had spent in jail awaiting trial.

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4. In the Province of UDINE cases tried before Allied Military Courts show a reduction of 12 from February, actual figures being February 43 and March 31.

5. The Italian Courts are working satisfactorily in UDINE and a session of the Ordinary Court of Assise will sit from the 1st to the 15th of April to dispose of cases waiting trial.

6. In VENEZIA-GIULIA the Ordinary Civil Courts continue to function with reasonable satisfaction.

7. LIVORNO reports on Italian Courts are still not entirely satisfactory, where cases of Allied interests are concerned, especially those dealing with the theft and possession of Allied Property. Night

of the 18 accused before the Tribunal were acquitted. The report is better as to the other parts of TOSCANA Region.

8. In UDINE Province the Special Court of Assize tried 31 cases and dismissed 29. In VENEZIA-GIULIA 35 accused were tried resulting in 20 convictions and 15 acquittals. The range of sentences here was from 1 to 30 years, the average sentence being 11 years. The report calls attention to press criticism concerning the Courts' lack of jurisdiction to try cases dealing with Fascist offences committed before 8 September 1943. The Italian Government was contacted through the Legal Sub-Commission and the Ministry of Justice has consented to the publication of legislation for the prosecution of offences prior to 8 September 1943. The proposed order has been prepared and has been submitted for approval to AFHQ.

9. The Sub-Commission besides giving advice to the various Sub-Commissions has answered an increasing amount of correspondence regarding cases tried by AMG Courts all over Italy.

10. The work of reviewing the cases of all persons confined in prisons is progressing steadily with noticeable good results.

JOHN E. WISNER,
Colonel, Infantry,
Chief Legal Advisor.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/mda.

12 March 1946.

SUBJECT : Legal Sub-Commission, Monthly
Report for February 1946.

TO : Chief Commissioner, Allied Commission.

ALSO COURTES

1. Allied Military Courts, superior and summary, were in session in Venezia-Giulia and the Province of Udine, and a General Military Court was held at Naples. The Courts in Venezia-Giulia tried 37 more accused than in the month of January, most cases being unlawful possession and theft of Allied property. Cases for the unlawful possession of arms and munitions increased by 12 over the month of January. The Province of Udine tried only summary Courts cases and had about half the number tried in January.

2. A General Military Court in Naples presided over by the Chief Legal Advisor completed the trial of the Comune fraud cases, consuming nearly a month's time. Dr. Eugenio Sarnella Director General of Cogema Society was acquitted by the Court and 2 other defendants received sentences and fines.

ITALIAN COURTS AND ITALIAN SECTION

3. Italian Courts in Naples, facing the usual difficulty, such as inadequate Court accommodations, lack of transport, lack of communications and personnel, have been functioning as well as could be expected. The Courts have received encouragement in the hope that public confidence in these Courts is being restored.

4. In the Province of Udine, Italian Courts were working satisfactorily during the month, and it is reported that a session of the ordinary Court of Assize will sit from April the 1st to the 15th to dispose of cases awaiting trial.

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ALLIED COURTS

1. Allied Military Courts, superior and summary, were in session in Venezia-Giulia and the Province of Udine, and a general Military Court was held at Naples. The Courts in Venezia-Giulia tried 37 more accused than in the month of January, most cases being unlawful possession and theft of Allied property. Cases for the unlawful possession of arms and ammunitions increased by 12 over the month of January. The Province of Udine tried only summary Courts cases and had about half the number tried in January.

2. A general Military Court in Naples presided over by the Chief Legal Advisor completed the trial of the Corona fraud case, consuming nearly a month's time. Dr. Eugenio Sarnella Director General of Corona Society was acquitted by the Court and 2 other defendants received sentences and fines.

ITALIAN COURTS AND ITALIAN SECTION

3. Italian Courts in Naples, facing the usual difficulty, such as inadequate Court accommodations, lack of transport, lack of communications and personnel, have been functioning as well as could be expected. The Courts have received encouragement in the fact that public confidence in these Courts is being restored.

4. In the Province of Udine, Italian Courts were working satisfactorily during the 19th, and it is reported that a session of the ordinary Court of Assize will sit from April the 1st to the 15th to dispose of cases awaiting trial.

5. In Venezia-Giulia the civil Courts continued to operate with reasonable satisfaction. The ordinary Court of Assize which has jurisdiction of more serious offenses was reconstituted during January and began to function normally in February. The first public trial was held in February. 4 cases were tried involving 10 accused. 22 cases are pending.

6. Livorno reports on Italian Courts are not entirely satisfactory, in cases involving Allied interests, especially those dealing with theft and possession of Allied property. 51 out of 85 accused tried before the Tribunale were acquitted. The reports as to other parts of Toscana Region reflect a more satisfactory condition.

7. The Prefecture of Livorno during the same period disposed of 23 Allied interest, cases the majority of which were for violations of Art. 157 TULPS. Only one defendant was acquitted while the others were sentenced from 1 to 6 months in prison.

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8. The Court of Assize in Livorno tried 6 cases involving 12 defendants resulting in the acquittal of 8 defendants.

EXTRAORDINARY COURTS OF SWITZER.

9. In the Province of Udine the Special Court of Assize had 63 cases before it. 23 cases were tried and 40 dismissed without trial after investigation. At the beginning of the month there were 164 prisoners awaiting trial. 10 new arrests were made during the month.

10. In Venezia-Giulia 22 accused were tried resulting in 15 convictions and 7 acquittals, the sentences ranged from 1 to 30 years. The report again calls attention to press criticism in former reports concerning the Court's lack of jurisdiction to try persons for acts of collaboration occurring before the 6th of September 1943. On 4 February 398 cases were pending before the Court. 31 additional denunciations were received during the month. On the 28th of February 296 cases were pending.

GENERAL

11. In the wake of the "turn back" matters have arisen requiring opinions wherein new and novel legal questions have to be answered requiring research and extended discussion on the part of all members of the staff, already heavily engaged in the review of cases and routine operations of the Sub-Commission.

12. During the greater part of the month the Chief Legal Adviser was in Wales presiding over the General Military Court. The Deputy Chief Legal Adviser was in England or in the North on business. This Sub-Commission besides giving advice to the various Sub-Commissions has answered and increasing amount of correspondence carried on with Livorno Officers, in addition to correspondence with the various Ministries.

13. The work of reviewing the cases of all persons confined in prisons throughout Italy progressed steadily and in showing worth while results.

John K. Asher
JOHN K. ASHER,
Colonel, Infantry,
Chief Legal Advisor.

ABRIDGED MONTHLY REPORT FOR LEGAL
SUB-COMMISSION FEBRUARY 1946.

10 March 1946.

AC/ACB/L.

1. Allied Military Courts were in session in VENEZIA-GIULIA and UDINE Province, and a General Court was held at NAPLES. The Courts in VENEZIA-GIULIA and UDINE were summary and superior. VENEZIA-GIULIA showed an increase of 37 accused over January, most cases being unlawful possession and theft of Allied property. There was an increase of 12 cases for possession of arms and ammunition. UDINE tried only summary Court cases and had about half that of January.

2. A General Court in NAPLES presided over by the Chief Legal Advisor after nearly a month's trial finished the Cogema fraud case, resulting in the acquittal Dr. Eugenio BARNELLA Director General of that Society and suspended sentences for two other defendants.

3. Italian Courts in NAPLES, facing the usual difficulties, adequate Court accommodations, lack of transport, lack of communications and personnel have been functioning as well as may be expected with the added encouragement that public confidence in these Courts is being restored.

4. In Province of UDINE the Italian Courts are working satisfactorily and a session of the Ordinary Court of Assize will sit from April 1 to 15th to dispose of cases awaiting trial.

5. In VENEZIA-GIULIA the Civil Courts continue to operate with reasonable satisfaction.

6. LIVORNO reports on Italian Courts are not entirely satisfactory where cases of Allied interest are concerned, especially those dealing with the theft and possession of Allied Property, 51 of the 85 accused before the Tribunale were acquitted. The report is better as to the other parts of TOSCANA Region.

7. In UDINE Province Special Court of Assize tried 28 cases and dismissed 40. In VENEZIA-GIULIA 22 accused were tried resulting in

13 convictions and 9 acquittals. The range of sentences was from 1 to 30 years, the average sentence being 9 years. The report again calls attention to press criticisms mentioned in former reports concerning the Court's jurisdiction, to try for acts of collaboration occurring before 8 September 1943.

8. The Sub-Commission besides giving advice to the various Sub-Commissions has answered an increasing amount of correspondence regarding cases tried by AMG Courts all over Italy.

9. The work of reviewing the cases of all persons confined in prisons, progresses steadily^{ing} is showing worth while results.

JOHN K. WEBER,
Colonel, Infantry,
Chief Legal Advisor.

HEADQUARTERS ALLIED COMMISSION
APO 394
Office of the Executive Commissioner

Ref. : 825/275/EC

8 March 1946

SUBJECT: Monthly reports

TO : Distribution below

In future all monthly reports will be completed so as to reach this office not later than the 12th of the month.

For the Chief Commissioner

Brigadier,
Executive Commissioner.

DISTRIBUTION:

Civil Affairs Section (10)
Economic Section (10)
Public Relations Branch
Navy Subcommission
Land Forces Subcommission (MMA)
Air Forces Subcommission
Communications Subcommission

LEGAL SUB-COMMISSION

CLO

DCLO

Chief Counsel

CJO

Italian Section

C. RKS

8 March 46



HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

10/1043/L.

15 February 1946.

SUBJECT : Legal Sub-Commission, Monthly
Report for January 1946.

TO : Chief Commissioner, Allied Commission.

ANG COURTS

1. During the month of January ANG Courts were held only in Venezia-Giulia and the Province of Udine. However, the report from Livorno, sets out the final work of the Summary Court there, presided over by Major John W. Lynch, JAG, PBS, showing the disposition of 26 cases involving 57 defendants for the period running from 20 December to 31 December. This had not been received in the December report.

2. In Venezia-Giulia during January, 274 were tried by Summary Courts on 331 charges, showing a decrease against December. It is well to note that only seven cases of illegal possession of arms and ammunition were tried. The majority of the remaining cases being for theft and possession of Allied Property. Superior Courts showed an increase over December of seven cases. No General Courts were held.

3. The General Court at Naples, presided over by the Chief Legal Advisor, reconvened on 28 January and was adjourned till 12 February. It is hearing the Geyona shipping fraud case.

ITALIAN COURTS AND ITALIAN SERVICES

4. In Le Spazio, seven Allied interests cases are still pending before the Italian Military Courts. Most of them are CID cases of relatively serious nature. The Court at Florence has only one case directly concerning Allied interests.

5. The Tribunale and Pretura in Livorno, tried seventy four defendants on charges involving Allied interests. Ten were sentenced to imprisonment ranging from

in Venezia-Giulia and the Province of Trieste. The Summary Court there, from Livorno, sets out the final work of the Summary Court there, presided over by Major John V. Lynch, 3 AGS, 128, showing the disposition of 26 cases involving 57 defendants for the period running from 20 December to 31 December. This had not been received in the December report.

2. In Venezia-Giulia during January, 274 were tried by Summary Courts on 331 charges, showing a decrease against December. It is well to note that only seven cases of illegal possession of arms and ammunition were tried. The majority of the remaining cases being for theft and possession of Allied Property. Superior Courts showed an increase over December of seven cases. No General Courts were held.

3. The General Court at Naples, presided over by the Chief Legal Advisor, reconvened on 26 January and was adjourned till 12 February. It is hearing the Gozona shipping fraud case.

ITALIAN COURTS AND ITALIAN SECTION

4. In La Spezia, seven Allied interests cases are still pending before the Italian Military Courts. Most of these are CID cases of relatively serious nature. The Court at Florence has only one case directly concerning Allied interests.

5. The Tribunale and Pretura in Livorno, tried seventy four defendants on charges involving Allied interests. Ten were acquitted, and the others given terms of imprisonment ranging from fifteen days to eleven months. Forty nine cases involving Allied interests were tried throughout other parts of Tuscan Region.

6. The Italian Courts in Naples faced serious obstacles, due to shortage of transportation, personnel and communication.

7. In Venezia-Giulia the Italian Civil Courts are functioning with reasonable satisfaction. The Ordinary Courts of Assize appointed sixty assessors and this court will hold its first public sessions on 11th of February, 1946.

8. In the Province of Udine the regular Italian Courts are functioning normally. It is again reported that it is thought desirable that the Ordinary Courts of Assize hold a session as soon as possible in Udine. It is stated that this request was forwarded through AMG channels during December. The delay in convening the requested session is probably due to a scarcity of qualified judicial personnel.

9. An order was issued on 12 January providing that all Italian Decrees which had been previously excluded from operation in Allied Military Government territory, or certain parts thereof, including the Province of Udine, should come into operation in the Province of Udine on 1st January 1946.

The order further provided that all Decrees published in the Gazzetta Ufficiale of 1st December and in the following issues should come into effect in Udine Province on the same date as in the territory administered by the Italian Government, with a proviso that the Provincial Commissioner may suspend or modify any provisions of such Decrees as applied in the said Province.

During the month a number of legal opinions were given to other Sub-Commission concerning the interpretation of various articles of the Justice Terms relating for example to the right to confiscate war material; how far the claims of the Jugoslav authorities to war booty in Venezia Giulia are justified; the extent of the right to make use of Italian patents; the obligations of the Italian Government to make available to the Allies intercommunication systems throughout territory restored to the government. Numerous claims from Italian firms against A.M.G. were received and passed with legal opinions to the Sub-Commissions concerned.

ITALIAN LEGISLATION

The Decree exempting from transfer tax allied property fictitiously sold to Italian Nationals during the war in order to avoid confiscation was passed. The decree relating to the rate of exchange and the status of the Lidosini were also approved by the Council of Ministers. There have been a large number of applications by the Jugoslav Delegation to the Advisory Council for Italy for the release of persons claimed as Jugoslav Nationals, at present under sentence in Italian prisons. These cases involve a considerable amount of correspondence with the Ministry of Justice.

EXTRAORDINARY COURTS OF ASSIZE

10. Progress of the Extraordinary Court of Assize in Udine brought a letter of commendation from the Prime Presidente di Corte d'Appello di Venezia. The cases tried have been complicated and time consuming. The latter of establishing another session of the court

as in the territory administered by the Italian Government, with a proviso that the Provincial Commissioner may suspend or modify any provisions of such Decrees as applied in the said Province.

During the month a number of legal opinions were given to other Sub-Commission concerning the interpretation of various Articles of the Armistice Terms relating for example to the right to confiscate war materiel, how far the claims of the Jewish authorities to war booty in Venezia Giulia are justified; the extent of the right to make use of Italian patents; the obligations of the Italian Government to make available to the allies intercommunication systems throughout territory restored to the government. Numerous claims from Italian firms against A.M.G. were received and passed with legal opinions to the Sub-Commissions concerned.

ITALIAN LEGISLATION

The Decree exempting from transfer tax allied property fictitiously sold to Italian Nationals during the war in order to avoid confiscation was passed. The Decree relating to the rate of exchange and the status of *Alto Adesini* were also approved by the Council of Ministers. There have been a large number of applications by the Yugoslav Delegation to the Advisory Council for Italy for the release of persons claimed as Yugoslav Nationals, at present under sentence in Italian prisons. These cases involve a considerable amount of correspondence with the Ministry of Justice.

EXTRAORDINARY COURTS OF JUSTICE

10. Progress of the Extraordinary Court of Justice in Udine brought a letter of commendation from the *Duca Presidente di Corte d'Appello di Venezia*. The cases tried have been complicated and time consuming. The matter of establishing another session of the court for Udine has been called to the attention of the *Corte d'Appello di Venezia*, however, the establishment will be difficult due to the lack of qualified personnel.

11. It is reported from Venezuela-Guila that the press criticism mentioned in the November and December reports, continued. Criticisms of the results in judicial cases lessened appreciably. However, sharp attacks were made in many quarters upon the ability of court, due to its limited jurisdiction, to deal with Fascists offenses committed prior to 8 September 1943. Twelve cases were disposed of during the month, two resulting in acquittals.

GENERAL

12. Since the turn back, it is a surprising fact that the work of this Sub-Commission has increased immensely. Of course the Sub-Commission is understaffed, and the constant call of the various Sub-Commission Liaison Officers and Venetian-Guila Region for advice and guidance, along with the review of cases, keeps every one in this Sub-Commission fully occupied at all times. Also Italian laws are constantly being discussed and interpreted.

13. A definite working system for the review of all cases of persons remaining in prisons under M.O. orders, began functioning during the month and is showing satisfactory progress.

14. An additional burden has been placed on this Sub-Commission by the request to furnish personnel to set up courts for the trial of cases in various parts of the country, in accordance with Directive from higher authority issued last August.

John K. Treber ^{W.B.}

JOHN K. TREBER,
Colonel Infantry,
Chief Legal Advisor.

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143A
ANNEXED MONTHLY REPORT FOR LEGAL
SUB-COMMISSION JANUARY 1946.

AC/4043/L

10 February 1946

1. The only Allied Military Courts operating during the month, were in Venezia-Giulia. However, the Livorno report sets out the final work of the Summary Court presided over by Major John W. Lynch, JAGD, PRS, showing disposition of 26 cases involving 57 defendants for the period running from 20th December to 31 December, 1945.

2. In Venezia-Giulia during January, 271 accused were tried by Summary Courts on 531 charges; showing a decrease against December. Only 7 cases of illegal possession of arms and ammo, reported, the majority of the others being for theft and possession of Allied property. Superior Courts showed an increase of 7 cases over December. No General Courts were held.

3. Since commencing this report, the monthly report from Province of Udine has come in showing that during the period from 25 December 1945 to 24 January 1946 AMG Court tried 87 cases, 18 of them superior court cases.

4. The General Court at Naples, presided over by the Chief Legal Advisor, reconvened on 28 January for the trial of three defendants in Gogna fraud case. The case was adjourned till 12 February 1946.

5. Seven Allied interests are still pending before the Italian Military Courts in La Spezia. Most of them are CID cases of a relatively serious nature. The Court at Florence has only one case directly concerning the Allies.

6. In Naples, Italian Courts faced serious obstacles, due to lack of transportation, personnel and communication.

7. In Venezia-Giulia the Italian Civil Courts are functioning with reasonable satisfaction. The Ordinary Courts of Anzio appointed sixty assessors. First public sessions of the Court will be held 11 February 1946.

8. The work of this Sub-Commission has substantially increased due to the constant call by the various sub-commissions, liaison officers and Venezia-Giulia Region requesting guidance and advice. Also, Italian laws are constantly being discussed and interpreted since the turn back.

9. A definite working system for the review of all cases where the persons are still in prison, began functioning during the month and is showing good progress.

10. An additional burden has been placed on this Sub-Commission by the call to furnish personnel to set up courts for the trial of cases in various parts of the country, in compliance with a directive from higher authority issued last August.

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4. The General Court at Naples, presided over by the Chief Legal Advisor, recommenced on 28 January for the trial of three defendants in Gogera fraud case. The case was adjourned till 12 February 1946.

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7. In Venezia-Giulia the Italian Civil Courts are functioning with reasonable satisfaction. The Ordinary Courts of Assize appointed sixty assessors. First public sessions of the Court will be held 11 February 1946.

8. The work of this Sub-Commission has substantially increased due to the constant call by the various sub-commissions, liaison officers and Venezia-Giulia Region requesting guidance and advice. Also, Italian laws are constantly being discussed and interpreted since the turn back.

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10. An additional burden has been placed on this Sub-Commission by the call to furnish personnel to set up courts for the trial of cases in various parts of the country, in compliance with a directive from higher authority issued last August.

Yours Truly
JOHN F. WEEGER, COLONEL IN CHIEF
CHIEF LEGAL ADVISOR.

HEADQUARTERS ALLIED COMMISSION

226 394

LEGAL SUB-COMMISSION

40/4043/L.

13 January 1946.

SUBJECT : Legal Sub-Commission, Monthly
Report for December 1945.

TO : Chief Commissioner, Allied Commission.

THE COURTS

1. In Venezia Giulia 294 persons were tried in AMG Courts during December. It is interesting to note that there were only 8 cases of illegal possession of arms and ammun. About half of the remaining cases tried were for theft and possession of Allied property. No General Court cases were tried and half an Army Superior Court case as in November. No cases were tried in Naples, except in the Port Court, sitting as a Summary Court until 18 December. A short report was received from the one officer in Liguria and shows that all cases involving Allied interests were tried by Italian Courts. Venetian reports to General Courts; 2 Superior Court cases and 105 summary Court cases, 92 of which were tried in Udine. Due to the increased law violations in Livorno, Allied Military Courts were reopened, 138 furnishing Major John W. Lynch JAG to sit as Judge. 3 all offenders and prostitution were left to the Italian Courts. 4 cases were tried.

ITALIAN COURTS AND ITALIAN SUMMON

2. Extraordinary Courts of assize in Venezia Giulia held seven public trials during December, resulting in 4 convictions and 3 acquittals. 210 cases were still pending on 31 December. Press criticism of the Courts continued, none of which appeared to be based upon any particularly study of the case under consideration. Liguria had no figures on the Court's work there. Venetian reports the normal functioning of these Courts.

EMILIAN SUMMON

3. The month of December brought up a number of legal problems of a new type, the solution of which was rendered more acute by the fact that the December date was not known until 20 December. All documents for the restoration of authority to Italian administration were prepared, discussed and finally agreed by the Chief Commissioner and by December 26 all proclamations or orders had reached the provinces of the North

67

1. In Venezia Giulia 294 persons were tried in 1947 Courts during December. It is interesting to note that there were only 8 cases of illegal possession of arms and war. About half of the remaining cases tried were for theft and possession of Allied property. No General Court cases were tried and half as many superior Court cases as in November. No cases were tried in Naples, except in the Port Court, sitting as a 30 Army Court until 13 December. A short report was received from the one officer in Legnano and shows that all cases involving Allied internees were tried by Italian Courts. Venezia reports to General Courts: 2 superior Court cases and 105 Army Court cases, 29 of which were tried in Udine. Due to the increased law violations in Livorno, Allied Military Courts were reopened, PFS furnishing Major John W. Lynch JAG to sit as judge. Small offenses and prostitution are left to the Italian Courts. 4 cases were tried.

ITALIAN COURTS AND ITALIAN SERVICES

2. Extraordinary Courts of Assize in Venezia Giulia held seven public trials during December, resulting in 4 convictions and 3 acquittals. 250 cases were still pending on 31 December. Press criticism of the Courts continued, notes of which appeared to be based upon any particular study of the case under consideration. Liguria had no figures on the Court's work there. Venezia reports the normal functioning of these Courts.

THE ITALIAN SITUATION

3. The north of December brought up a number of legal problems of a new type, the solution of which was rendered more acute by the fact that the handover date was not known until 20 December.

All documents for the restoration of sovereignty to Italian Administration were prepared, discussed and finally agreed by the Chief Commissioner and by December 26 all prescriptions or orders had reached the provinces of the North through Milan. This entailed considerable extra work for the Legal Staff and the "Polizia dello Stato".

There were no hitch and the handover took place smoothly. The most important issue on constitutional law which came up as a result of the assumption of power by the army was the question of the power to commute Death Sentences which under Art. 6 of the Statute is vested in the Sovereign. This point of international law was entirely new and involved the "fur postlitterae" of the returning Sovereign.

On 31st December after lengthy discussion and in agreement with both the Lucetotante and the Minister of Justice, the decision was taken to hand over to the Lieutenant General of the Realm all pending petitions for clemency. A clemency letter was forwarded to the Minister of the Royal Household explaining the reasons as such decision. It stressed that it did not lie within the C.G.'s province to ascertain what internal constitutional practice was in force in Italy, considering that the point of issue had no precedent in international law and therefore Allied authorities had to abide by the text of the fundamental statute of the Kingdom of Italy, which was still operative during the both a considerable amount of legal advice was given to Polada and various Sub-Commissions, including

the question of the Status of Zone B, Score of the Italian Forces, Yugoslav claims, activity of Italian ships in foreign waters, issue of Yugoslav lines is five etc. etc.

GENERAL

4. Several legal issues involved in the prosecution of the Yugoslav claims, activity of Italian ships in foreign waters, issue of Yugoslav lines is five etc. etc. were presented by the Chief of Prosecution and prepared for examination and decision by the Chief of Prosecution.
5. Many cases of detention in which elements were sought, were examined and recommendations made.
6. Prosecutions covered the turn back to the Italian Government were prepared.
7. All current periods of AMG Court cases were brought up to date.
8. The Chief Legal Advisor, in addition to giving advice to various Sub-Committees, attended many conferences and the entire Sub-Committee handled an unusually large amount of correspondence.

John A. W. W.
John A. W. W.
Colonel Infantry,
Chief Legal Advisor.

ABRIDGED MONTHLY REPORT FOR LEGAL
SUB-COMMISSION DECEMBER 1945.

AC/4043/L

10 January 1946

1. In Venezia-Giulia 294 persons were tried in all AMG Courts during December. There were only 8 cases of Possession of Arms and Ammo. Nearly half of the other cases tried were for theft and possession of Allied Property. No General Court cases were tried and just half as many Superior Court cases as in November. No cases were tried in Naples except in the Port Court, sitting as a Summary Court until 18 December. A short report from the one officer in Liguria shows that all cases involving Allied interests, were tried in Italian Courts. Other reports not yet received.
2. Extraordinary Courts of Assize in Venezia-Giulia held seven public trials during December resulting in 4 Convictions and 3 Acquittals. 350 cases were still pending on 31 December. Press criticism of the Courts continued, none of which appeared to be based upon any particular study of the case under consideration. Liguria had no figures on the Courts' work there.
3. Several Death penalty cases involving a consideration of Proclamation and Italian law, were reviewed by this Sub-Commission and prepared for examination and decision by the Chief Commissioner.
4. Many cases of Epuration in which clemency was sought were examined and recommendations made.
5. Proclamations covering the turn back to the Italian Government were prepared. All current reviews of AMG Court cases were brought up to date.
6. The Chief Legal Advisor in addition to giving advice to various Sub-Commissions, attended many conferences and the entire Sub-Commission handled an unusually large amount of correspondence.

JOHN E. WEBER.

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2. Extraordinary Courts of Anzio in Venezia-Giulia held seven public trials during December resulting in 4 Convictions and 3 Acquittals. 350 cases were still pending on 31 December. Press criticism of the Courts continued, none of which appeared to be based upon any particular study of the cases under consideration. Liguria had no figures on the Courts' work there.
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6. The Chief Legal Advisor in addition to giving advice to various Sub-Commissions, attended many conferences and the entire Sub-Commission handled an unusually large amount of correspondence.

JOHN K. WEBER,
COLONEL INFANTRY,
CHIEF LEGAL ADVISOR.

ADJUTANT GENERAL COLLECTOR

APO 394

LEGAL SUB-COMMISSION

AC/4043/L.

14 December 1945

SUBJECT: Legal Sub-Commission, Monthly Report for November 1945

TO: Chief Commissioner, Allied Commission.

1. Venezia Giulia, Venezia, Lombardia and Livorno are the only regions from which we have received reports for November. Due to lack of personnel we will probably not receive any other reports. The Legal office at Naples was closed without any notice to this Sub-Commission but records were returned there and the office reopened under Capt. Gaziato and the Port Court reopened under a Lt. who had been Prosecutor under Lt. Col. Claire, returned to the States. Venezia Giulia reported 270 Superior and Summary Court cases, with no General Court cases for the three areas. Fifty one of the cases were charges against good order growing out of the demonstrations mostly in Trieste on 3 and 4 November. Report from Venezia showed less than 100 cases, none of them General Court. One General Court sat in Lombardia at Milan near the end of November. Sentences of 16 and 8 years were imposed on two civilian AMG employees. The first being a Doctor in Public Health convicted for selling distilled water and other harmless substances as Penicillin, and of offences in connection with controlled materials in which the second accused was concerned. At Livorno the cases were all tried by Italian Courts involving thefts and possession. Out of 210 defendants, 135 were acquitted. 81 were cases of Allied interests, in which the sentences ranged from 300 lire fines to 6 months imprisonment. Throughout the balance of December, cases involving Allied interest were tried by Italian Courts, resulting in adequate sentences.

ITALIAN COURTS

2. It is reported that the Italian Courts in Venezia are badly in arrears. The newly established Tribunale Militare at Verona is faced with a heavy docket of cases. From Venezia Giulia again comes the report that the Slovene Judges in Gorizia

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ITALIAN COURTS

2. It is reported that the Italian Courts in Venezia are badly in arrears. The newly established Tribunale Militare at Verona is faced with a heavy docket of cases. From Venezia Giulia again comes the report that the Slovene Judges in Gorizia have refused to serve unless the official language in the Courts is made Slovene. They are showing a tendency, however, to reach some compromise on the subject. The progress of trials in Milan is slowed down by the lack of heat in the Courts which have been badly damaged and are without window glass.

3. Extraordinary Courts of Aspine appear to be functioning well in Venezia, having during the month condemned four persons to death, which sentences have been carried out. There were no death sentences in Venezia Giulia, most of the trials resulting in prison sentences. Newspapers and organizations have subject the

the court to severe criticism, with the result that the President has asked to be relieved, which request has not been granted. In Lombardia interest is beginning to weaken in these Courts, which are only kept alive by certain sections of the press. It is believed that their passing would not create any unfavorable comment. There were six death sentences during the month in Lombardia, 3 at Lodi and one each at Milan, Voghera and Monza. Two death sentences were executed.

ITALIAN LEGISLATION

4. Due to the governmental crisis existing during the month, there does not appear to be any Italian legislation of importance to report.

GENERAL

5. There were no General Orders issued during the month.

6. In the Legal Sub-Commission the petitions for review continue to pile up and will have to take their place among the more than twelve hundred now awaiting review. Since such reviews must be made by an officer not below the rank of Lt. Col. and there is no Lt. Colonel available in the entire legal set up in Italy, it is suggested, as suggested many times before, that a Major with experience in such matters be immediately advanced to the rank of Lt. Colonel and proceed with these reviews. It is impossible for the Chief Legal Advisor to make these reviews and keep up with his usual duties and current reviews. The petitions continue to arrive at more than twenty per day.

During the past two weeks a wave of crime has been festering and is assuming alarming proportions in the Livorno, Pisa, Viareggio area. An American enlisted man and thereafter an officer have been slain. General Oax has indicated he will urge that persons charged with these murders be tried by AMG Courts. During the current week the situation has steadily deteriorated, with thefts of Allied property becoming commonplace. Sentences of Italian Courts punish an offender but lack the sobering deterrent effect of sentences imposed by Allied Courts. General Oax has personally directed that suitable officers be detailed from his organization to act as AG judges until the hand-over. The Courts have resumed their functions after having been idle for lack of personnel.

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LEGAL OPINION

7. During the month of November a considerable number of opinions were given by the Legal Sub-Commission at the request of the Chief Commissioner, Executive Commissioner, Embassies, ARHQ and other Sub-Commissions. Most of these opinions dealt with current matters such as Project of Amnesty, Purdon, Telephone Rates in North Italy, Venezia Giulia, War Booty, War Crimes, Yugoslav citizens in Italy, Status of Zone B, Naval patents owned by private firms, Ships in Greek and Yugoslav waters. Institutional question, Language in Bolzano, etc.

John K. 1372,
Col. Infantry,
Chief Legal Advisor.

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REVISED MONTHLY REPORT
FOR LEGAL SUB-COMMISSION

November 1945

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10/10/45

10 December 1945.

1. Due to circumstances beyond the control of this Sub-Commission this is really an abridged monthly report.

2. Only two reports have come in from Regions because there is no personnel in the other Regions to make reports. We reopened the Naples legal office 3 December after it had been closed without consulting this Sub-Commission and Captain Gasiano placed in charge has promised to report on November activities as soon as he can determine what has been done between the closing and reopening. He has reported verbally that the Port Court has been reopened by a Lieutenant who was prosecutor under Lt. Col. Claire, returned to the States. A short two paragraph report has been received from Venetia Region, showing no General Court cases and less than 100 Superior and Summary Court cases. Venetia-Giulia gives a total of 270 cases Superior and Summary with no General Court cases for the three areas. Fifty one of the cases were charges against good order arising from demonstrations mostly in Trieste on 3 and 4 November.

3. Petitions for review continue to come in which will have to wait until reached, along with the more than twelve hundred accumulated cases for lack of personnel to carry on the reviews, since such reviews must be made by an officer not below the rank of Lt. Colonel. It is impossible for the Chief Legal Advisor to review these cases, along with his other duties. There is no Lt. Colonel available in the entire legal set up in Italy therefore a major with experience must be advanced at once to the rank of Lt. Colonel and commence reviewing these cases.

4. Venetia Region Reports Italian Courts badly in arrears. The newly established Tribunale Militare at Verona is faced with a heavy backlog of cases. From Venetia again comes the report that the Slovene Judges in Gorizia area have refused to serve unless the official language in the Courts is made in Slovene. They now seem to show more disposition to compromise on the subject.

5. Extraordinary Courts of Assize are reported functioning well in Venetia having during the month condemned four persons to death which sentences were executed. Most of the cases tried in Venetia-Giulia resulted in sentences to prison with no death sentences. Newspapers and organizations

to
have subjected the Court to severe criticism with the result that the President has asked to be relieved, which request has not as yet been granted.

6. Expiration appears to continue satisfactorily in Venezia, with some reinstatements in the lower categories, which have been received with mixed feelings. Expiration board began functioning 5 November in Venezia-Giulia. Nine appeals were heard; one was affirmed, 2 reversed and six modified.

JOHN E. WESER
Colonel, Infantry,
Chief Legal Advisor.

HEADQUARTERS ALLIED COMMISSION

APO 394

LEGAL SUB-COMMISSION

AC/4043/L.

15 November 1945.

SUBJECT: Legal Sub-Commission, Monthly Report for October 1945.

TO: Chief Commissioner, Allied Commission.

ALLIED MILITARY COURTS:

1. The AMG Courts in most Regions have ceased to function, due to the withdrawal of legal officers, and the transfer of cases to the Italian Courts. Lombardia, as of the last of the month had one legal officer and at the date of this report, we are informed that he is being posted to East Africa. His monthly report expressed the thought that there was no reason for the continued existence of AMG in Lombardia. Only 38 cases were tried by AMG Courts in that region during October. One death sentence was given at Bergamo. The AMG Courts at Livorno ceased during the month, but the Italian Courts tried 235 cases involving Allied interests. Even with reference of 838 cases to Italian Courts, AMG Courts in Naples, disposed of 201 cases. One legal officer remains there, but is due to leave any day. Venezia Region reports no General Court cases during the month; 87 Superior Court and 165 Summary Court cases. Udine appears to have had the majority. 53 of the cases were for illegal possession of arms and ammunition. It is interesting to note that Venezia-Giulia region reports only 5 cases of illegal possession of arms and ammunition. Also the number of cases of all types in Trieste was 108 less than September. It is thought that the elimination of curfew has caused the drop. Theft and possession, as usual, are the most prominent offences.

ITALIAN COURTS:

2. Venezia-Giulia reports all the civil courts are functioning except three preture courts in the Area of Gorizia, which is predominantly Slovene and the judges appointed have refused to serve unless Slovene is accepted as one of the official languages of the court. Inasmuch as the people of this area should have a judicial forum, it has been decided to attach those areas for jurisdiction purposes, to Preture of Gorizia. There is a shortage of civil judges in the territory. Venezia reports the Italian courts functioning normally. Livorno reports quite a lot of activity in the civil courts. Lombardia and Naples report normal conditions.

3. Extraordinary Courts of Assize, in Venezia Giulia established in August, has handled 894 denunciations of which 55% are pending. 23 cases were tried in October, with ten convictions and thirteen acquittals; the average sentence was

report, we are informed that he is being posted to East Africa. His monthly report expressed the thought that there was no reason for the continued extension of AMT in Lombardy. Only 38 cases were tried by AMT Courts in that region during October. One death sentence was given at Bergamo. The AMT Courts at Livorno ceased during the month, but the Italian Courts tried 25 cases involving Allied interests. Ever with reference of 838 cases to Italian Courts, AMT Courts in Naples, disposed of 331 cases. One legal officer remains there, but is due to leave any day. Venezia Region reports no General Court cases during the month; Superior Court and 165 Summary Court cases. Udine appears to have had the majority. 53 of the cases were for illegal possession of arms and ammunition. It is interesting to note that Venezia-Giulia region reports only 5 cases of illegal possession of arms and ammunition. Also the number of cases of all types in Trieste was 108 less than September. It is thought that the elimination of curfew has caused the drop. Theft and possession, as usual, are the most prominent offences.

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3. Extraordinary Courts of Assize, in Venezia Giulia established in August, has handled 894 denunciations of which 556 are pending. 23 cases were tried in October, with ten convictions and thirteen acquittals; the average sentence was about 6 years and two months. Lombardy reports, that mindful of the watchful eye of the public, and under the occasional spur of the journalists, these courts seem to function more expeditiously than ordinary courts of the country. In Venezia Region, discontent in expressed over the case of Valerio Valeri who was sentenced to death in June, his appeal dismissed by Court of Cassation in July, and his petition for grace and pardon still undecided. This discontent was openly expressed on 4 November by a thousand persons demonstrating outside the prison. While there was no violence, the incident carries its own warning. The report again urges that strongest representations be made to expedite the disposal of petitions.

EPURATION

4. There appears to be considerable activity in Livorno in Epuration. 49 denunciations involving 80 defendants have been received by the State Attorney's Office of the Special Section of the Court of Cassation. There has been little change in Lombardy in Epuration. The same in case of Venezia. The report is not complete from Venezia Giulia due to the withdrawal of the officer in charge of Epuration, however, three commissions have been appointed and are functioning.

ITALIAN LEGISLATION

5. D.L.L. No. 625 of 5 October 1945, modifying the provisions concerning sanctions against fascism. D.L.L. No. 669 of 12 October 1945. Rules regulating leases for urban real-estate. D.L.L. 678 of 5 October 1945, new rules for Italian film industry, would seem to cover Italian legislation of interest to the Allies.

GENERAL :

6. General Order No. 52 was drawn during the month, deleting certain paragraphs of General Order No. 41 concerning wages and prices in the north.

7. With insufficient officer and enlisted personnel, the Legal Sub-Commission has kept abreast with current work, the burden falling upon two officers and one civilian attorney. Two sergeants of long and valuable experience have been sent home and another in the Italian section will leave shortly. The review of cases in which the sentences are over two years has been curtailed for some time, because under the rules laid down, they must be passed on by an officer of the rank of Lt. Colonel or higher. The petitions for review, many of which are second and third petitions, arrive at the rate of not less than forty a day, which is naturally forming a backlog of cases where the sentences exceed two years. The civilian attorney is engaged with the Italian section and cannot, under the rules, review these cases.

W. K. Wiles
W. K. WILES,
Colonel,
Chief Legal Advisor.

ABRIDGED MONTHLY REPORT FOR LEGAL
SUBCOMMISSION OCTOBER 1945.

AC/4043/L

10 November 1945.

1. The AMG Courts have ceased to function in most of the Regions, due to the withdrawal of legal officers and the transfer of cases to the Italian Courts. Lombardia Region expresses a general apathy toward a continued existence by reason of the reduction of the number of legal officers to one. Only 38 cases were tried in AMG Courts there; one death sentence was given at Bergamo. Livorno AMG Courts ceased to operate, but the Italian Courts handled 205 cases involving Allied Interests. Even with the reference of 838 cases to Italian courts, AMG Courts in Naples disposed of 331 cases. One legal officer remains there but is scheduled to leave any day. Reports are not in as yet from Venezia and Venezia-Giulia and will be carried on the regular monthly report.
2. With insufficient officer and enlisted personnel, the Legal Sub-Commission has carried on, with the increasing burden falling on two officers and one civilian. Two Sergeants of long and valuable experience have been sent home and another in the Italian section is due to go shortly.
3. Thus far, the only reports on Italian Courts have come in from Lombardia and Livorno. These courts appear to be functioning as normally as conditions will permit.
4. Extraordinary Courts of Assize in Lombardia, with occasional spurs from the local press seem to operate more expeditiously than other Italian Courts.
5. Epuration appears to be carrying on in the usual manner and much time is consumed in preliminaries.
6. General Order No. 52 was drawn during the month, deleting certain paragraphs

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5. Execution appears to be carrying on in the usual manner and much time is consumed in preliminaries.

6. General Order No. 52 was drawn during the month, deleting certain paragraphs of General Order No. 41 concerning prices and wages in the North.

John A. Weber
JOHN A. WEBER,
COLONEL INFANTRY,
CHIEF LEGAL ADVISOR.

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HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

2/3. B/CA

2 Nov 45

SUBJECT : Monthly Reports

TO : Chief Clerks, all CA S&S-Commissions.

Concoming with October Report, 46 copies (instead of 42) of full length Monthly Report will be submitted to this Section.

G. A. Leishman S/Sgt
G. A. LEISHMAN, S/Sgt,
Chief Clerk CA Sec.

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RECEIVED UNITED STATES

NO 394

LEGAL ATTACHMENT

10/20/45

135A

/12.

14 October 1945.

SUBJECT: Legal Sub-Commission, Monthly Report For September 1945.

TO: Chief Commissioner, Allied Commission.

LEGAL ATTACHMENT

1. Venezia Giulia Region is the only one that has shown a slight increase in the number of cases tried in the 1945 Courts those being mainly serious violations, theft and possession. The other regions have been transferring cases to the Italian Courts for trial which has cut down the work of the Courts in those regions.

2. Since making the bridged monthly report commenting on the decline in possession of some cases, the Venezia Region report has indicated a slowing 64 such cases during the month. This, however, does not change the picture a great deal, as two other regions report only 3 each of such cases, so we can still call it discouraging, since it is noted that one of the regions reporting only three was Venezia-Giulia, where many more might have been expected.

3. General Courts were held in several regions handling murder and countervailing cases. Colonel Pavoni sat as President of the General Court at Vicenza which tried 17 cases for the Guido Mancuso. Five were convicted, three of whom were sentenced to death and two to life imprisonment. Two of the seven tried, were acquitted. Colonel Woor sat as President of the General Court at Udine which convicted Heinrich Karl Stuck for culpable homicide under the Italian Code and possession of firearms under the proclamation. He received five years on the first and two years on the second consecutively totaling seven years. In Lombardia city of San persons were convicted of large scale counterfeiting and given sentences of four to 21 years. Two cases tried by General Courts in Liguria region one trial involving 5 defendants, charged with the murder and robbery of three carabinieri and possession of arms, the trials lasting seven days. Four were convicted on all charges; two being given the death penalty; two being sentenced up to 21 years; the fifth because of his age (15) was sent to the reformatory for 3 years. The second trial involved 4 defendants charged with the hearing and possession of seventy million lire and Italian currency. Two were sentenced to 10 to 15 years for counterfeiting and the other two were discharged.

ITALIAN COURTS

4. The report on the extraordinary Courts of Anzio in little different from last month with cases being handled about as well as can be expected. Some regions report some progress. There appears to be more general order during the conduct of the trials, the progress, as suggested by the Lombardia legal section, to the fact that the more numerous formation the public charged however fine and all. This is however offset by the necessity of the paid shysters who for 1200 per day managed the courts calling of Norton and was said to have been hired by certain political groups.

3. General courts were held in several regions handling murder and counterfeiting cases. Colonel Holmstrom, as president of the General Court at Vienna which tried 2 officers for the Gold Medal case. Five were convicted, three of whom were sentenced to death and two to life imprisonment. Two of the seven tried, were acquitted. Colonel Weber, as president of the General Court at Palermo which convicted Hauptmann Karl Stark for culturing bonoids under the Italian Code and possession of firearms under the penalization. He received five years on the first and two years on the second consecutively totaling seven years. In Lombardy six of ten persons were convicted of large scale counterfeiting and given sentences of from 4 to 21 years. Two cases tried by General Courts in Liguria Region. One trial involving 5 defendants, charged with the murder and robbery of three Carabinieri and possession of arms, the trial lasting seven days. Four were convicted on all charges; two being given the death penalty; two terms of imprisonment up to 21 years; the fifth because of his age (15) was sent to the reformatory for 5 years. The second trial involving 4 defendants charged with the same and possession of seventy Million Lire and Italian currency. Two were sentenced to 10 to 15 years for counterfeiting and the other two were acquitted.

ITALIAN COURTS

4. The report on the extraordinary courts of Assise is little different from last month with cases being handled about as well as can be expected. Some regions report some progress. There appears to be more general order during the conduct of the trials. Perhaps, as suggested by the Lombardy Legal Officer, to the fact that the more notorious for whom the public clamor had been high, this of course diverted the more notable of the most notorious who for 1930 per day changed the courts calling "murder" and was said to have been aided by a Polish political group.

5. Complaints on regional delays are still prevalent. A specific case in Venezia gives a fair idea of these complaints. Valerio Valeri was convicted and sentenced to death 26th June 1935. The delay is expressed from the regions that something will be done to speed up appeal decisions, as these delays violate the greatest discipline and discipline in the mind of the public. Requests of order in fields had decreased greatly.

LEGISLATION

6. Considerations under C. G. No. 35 continue to produce satisfactory results. Report however, state that the same can not be said for C. G. 46. Lombardy Region states that Delegation under D.L. 159 have not as yet add themselves felt. Some provincial council report that they are ready to function under Art. 8 D.L. 159 for the district which want it precisely as given as the orders of Italian Government functioning presidents, are implemented in their territory.

ITALIAN LEGISLATION

7. Legislation dealt with regulation for the Monte Valley, economic and tax facilities. Decree No. 572 of 21 August 1935 contains provisions relative to the expenditures and disbursements made by allied military government.

Continued

9. There were no General Orders issued during the month. The personnel of the 8th Cavalry has been reduced exactly three in the Chief Legal Advisor. Chief Counsel and one Civilian Lawyer.

John K. Warner
 JOHN K. WARNER,
 Colonel,
 Chief Legal Advisor.

ABRIDGED MONTHLY REPORT FOR LEGAL
SUB-COMMISSION SEPTEMBER

1945

AC/4043/L

10 October 1945.

1. The gradual transfer of cases to Italian Courts, has caused a decline in the number tried by AMG Courts. However, in the Venezia-Giulia Region, there has been a slight increase. Curfew violations in that Region constitute most of the offenses with Theft and Possession cases second.

2. It has been encouraging to note the falling off of arms and ammo violations throughout all regions. Venezia-Giulia reported only 3 and Lombardia 59. The part areas still have theft and possession cases, which of course will continue as long as there is Allied property about.

3. General Courts were held in several places, handling murder and counterfeiting cases. Colonel Behrens sat as President of a General Court at Vicenza which tried artisans for the massacre at the Schio Jail. Five accused were convicted, three sentenced to death and two to life imprisonment. Two of the seven tried were acquitted. A General Court in Lombardia Region convicted 6 of 10 persons accused of large scale counterfeiting, resulting in sentences of from 4 to 21 years imprisonment. A Superior Court in the same Region convicted 3 others for the same type of offenses and gave sentences of from 5 to 15 years imprisonment.

4. About all that can be said about Italian Courts, is that for all practical purposes the Italians are running their legal affairs in a satisfactory manner. The Extraordinary Courts of Assizes have continued to make progress, with the same old appeal delays complained of. However, the conduct of trials in these courts is proceeding with much more general order, due perhaps, as the Legal Officer of Lombardia expresses it, to the fact that the political Crackers who for a fee of 1 200 per day shouted "A Morte" have lost their jobs, because the more notorious have been convicted.

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5. Commissions under C.O. No. 35 continue to produce satisfactory results. It is said, however, that the same does not seem to be true of C.O. No. 46. Some regions have discontinued the appointment of receivers, except in exceptional cases.

6. Italian legislation during the month was not of great importance, but will be covered more fully in the regular monthly report.

7. No General Orders were issued during the month.

Colonel John K. Weber, Jr.
Chief Legal Advisor

HEADQUARTERS ALLIED COMMISSION

APO 394

LEGAL SUB-COMMISSION

10/10/45

/rip,
15 September 1945.

SUBJECT : Legal Sub-Commission Monthly Report for August 1945.

TO : Chief Commissioner, Allied Commission.

ALLIED MILITARY COURTS

1. In northern Italy the main attention of AMG Courts is still focused on wrongful possession of arms. There are indications however that the sentences of these courts and the publicity attached to them are having an effect. In Venezia for example many piles of arms have been discovered abandoned by their holders, presumably for fear of the consequences of retaining them. The largest number of cases of this nature was in Lombardia where there were 106 trials.

2. There are still a large number of ^{cases of} wrongful possession of Allied property. These cases still form the bulk of the calendars in Naples and Livorno, and are on the increase in Venice.

3. Cases are still occurring of counterfeiting. A large organisation was unearthed in Milan, dating from pre-occupation days, which equipped itself against the Allied arrival with large numbers of fake U.S. and English money, in addition to the more common Lira and R currency. The counterfeit currency involved has a total face value of about 300 million lire.

4. Ten other serious cases were tried by General Courts, both ~~all~~ charges of murder.

ITALIAN COURTS

5. The Extraordinary Courts of Asinara are making reasonable progress but there is still considerable delay in obtaining from the Ministry of Justice an opinion on the merits of petitions against death sentences. Great dissatisfaction is expressed throughout the North at the length of time taken in the execution of these prisoners.

6. The atmosphere of the trials is becoming calmer and more acquittals are being recorded. Out of 45 cases in Liguria 12 death sentences were imposed; in Venezia 14 out of 217. In Lombardia 14 out of 134; in Piemonte 9 out of 136.

7. The number of new cases is decreasing and it is the opinion of the Minister of Justice that the work of these courts should be brought to a close as soon as possible and all untied cases referred to the regular courts of

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holders for example any piles of arms have been discovered abandoned by their holders, presumably for fear of the consequences of retaining them. The largest number of cases of this nature was in Lombardy where there were 106 trials.

2. There are still a large number of wrongful possession of Allied property. These cases still form the bulk of the caseload in Naples and Legnano, and are on the increase in Venice.

3. Cases are still occurring of counterfeiting. A large organization was unearthed in Milan, dating from pre-occupation days, which equipped itself against the Allied arrival with large numbers of fake U.S. and English money, in addition to the more common Fiat and IM currency. The counterfeit currency involved was a total face value of about 500 million lire.

4. Two other serious cases were tried by General Courts, both on charges of murder.

TRIALS

5. The Extraordinary Courts of Naples are making reasonable progress but there is still considerable delay in obtaining from the Ministry of Justice an opinion on the merits of petitions against death sentences. Great dissatisfaction is expressed throughout the north at the length of time taken in the execution of these prisoners.

6. The atmosphere of the trials is becoming calmer and more acquittals are being recorded. Out of 49 cases in Liguria 12 death sentences were imposed; in Venezia 14 out of 217; in Lombardy 14 out of 134; in Piemonte 5 out of 136.

7. The number of new cases is decreasing and it is the opinion of the Minister of Justice that the work of these courts should be brought to a close as soon as possible and all untied cases referred to the regular courts of appeal. In the meanwhile the procedure of the Extraordinary Courts has been modified by a new decree, which speeds up the procedure and makes more personnel available for service with the courts.

8. Experience in many cases has shown that bad offenders cannot obtain a fair trial in their home surroundings owing to popular feeling. Arrangements have therefore been made, with the concurrence of the Minister of Justice, for such cases to be transferred to another court. It may well be that this transfer will not affect the final result of the trials but the trials themselves will be more satisfactory.

9. An important decision of the Italian Courts was reached during the month, under which it was held that the mere fact of having been a member of the Fascist Republican Army did not in itself constitute the offense of collaboration with the Germans. This sensible decision was circulated by the Minister of Justice to all courts. In some cases the decision was very badly received.

10. Possible difficulties have been experienced in Trieste over the question of appeals in cases where the court of first instance is under Yugoslav control but the court of appeal is at Trieste. The problems have been brought to the notice of the Yugoslav Delegation who are assisting with the solution.

CHINA

11. There has been no General Order of LHO published during the month.

12. The Italian Government has passed legislation (inter alia):

- a. Extending the limits for expropriation.
- b. Preventing the holding of, or dealing in, gold and foreign currencies.

13. As the period of LHC in Italy seems to be drawing to a close, it may not be inappropriate to remark that the death of Italian justice appears to be lumbering along, with a much heavier load and a far smaller permanent staff, but not much more quickly or slowly than it did before the war. While the dwindling members of the Legal Sub-Commission cast longing eyes over their shoulders at they murmur with Giotto: "Godant arma togae."

W. E. B. B. B.

W. E. B. B. B.,
Colonel,
Chief Legal Advisor.

13. As the period of AG in Italy seems to be drawing to a close, it may not be inappropriate to remark that the train of Italian justice appears to be lumbering along, with a much heavier load and a far smaller permanent staff, but not much more readily or cleverly than it did before the war. Within the dwindling members of the legal sub-administration cast longing eyes over their shoulders as they murmur with Cicero: "Oculant ante togas!"

W. F. JENNINGS,

Colonel,
Chief Legal Advisor.

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ABRIDGED MONTHLY REPORT OF LEGAL SUB-COMMISSION
FOR AUGUST 1945

AG/4043/L.

AFW/rfp.
10 Sept 1945.

1. There has been a general decline in the number of AMG Court cases throughout all regions. Possession of arms cases are still numerous; ample sentences are being dealt out for such offenses. Possession of Allied property and petit thefts of Allied property are prevalent among civilian employees in the port areas. Counterfeit money cases are still requiring much of the Courts' time. General Courts were held in several places dealing with murder and counterfeiting.

2. The Italian Courts in the north, though understaffed, are functioning normally.

3. Courts of Assize procedure was modified, with the approval of this sub-commission, by DLL No. 466 of 2 August 1945. Proceedings are thereby rendered more speedily and the amount of personnel needed for bench and prosecutor's office considerably increased.

RLOs were instructed to request Italian judicial authorities to transfer to other courts for trial, cases where local feelings would have prevented impartial justice being done. A number of cases have been so transferred. A number of death sentences were confirmed by the Minister and CIA and executions have taken place.

4. The Yugoslav authorities have repeatedly requested this sub-commission to obtain from AMG and Italian authorities the handing over of a number of alleged Yugoslav citizens now detained in various jails of Italy. Each case has been given careful consideration but no decision has yet been arrived at. Yugoslav authorities have been requested to render executive decisions of the Court of Appeal of Trieste affecting persons and property situated in territory under their control.

5. Difficulties have been experienced in Piemonte for the appointment of a "Commissario" to the Fiat Works. A meeting with Sig. Gronchi and Col. Thomas took place in Milan and a solution, agreeable to all parties concerned, has been envisaged. The Minister on August 10th sent, at the request of this sub-commission, a circular to all First Presidents, setting out that the fact of having been a member of the Fascist Republican Army did not in itself constitute an offence.

6. No general orders were issued during August.

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W. B. HEPPERS

W. B. HEPPERS,
Colonel,
Chief Legal Advisor.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4043/L.

WCB/mb.
14 August 1945.

SUBJECT : Legal Sub-Commission Monthly Report for July 1945.

TO : Chief Commissioner, Allied Commission.

ALLIED MILITARY COURTS

1. During July a determined effort was made to check the illegal possession of arms in the north. Wherever possible offenders were brought to trial and severe sentences were imposed. Full publicity was given to these trials and sentences and there is reason to believe that a measure of success has been obtained. The number of arms cases tried has led to a substantial increase in the total cases heard by the courts in the north. The number is still extremely small, however, in comparison with the number which used to be heard in southern and central Italy, and it is almost always possible, even in the Summary Courts, for the Provincial Legal Officer to preside.

2. Except for these arms cases the work of the AD Courts followed closely the pattern of recent months. In Naples, Livorno and Ancona there were the usual charges of theft and illegal possession of allied property. These offences are becoming more frequent, also in the north. Four serious trials were held, one concerned the killing of an allied soldier, and the accused was sentenced to 15 years imprisonment; the second arose from a series of highway robberies and murders committed by a gang of ex-partisans; the third revealed the existence of a large group in Milan engaged in counterfeiting L.M. lire; the fourth was the case of a German national in Bolzano who murdered and robbed six Italians.

ITALIAN COURTS

3. The Extraordinary Courts of Assize continued throughout the month. They were entirely free from extraordinary incidents, as when a carabinieri at Brescia recognised the accused man in the dock and proceeded to shoot him in the course of the hearing. The courts are however working hard and in most places are administering a fair justice in an atmosphere which has tended from time to time to become electrified by the local feeling. In general, however, public interest in these courts is fortunately decreasing.

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2. Except for these arms cases the work of the AMG Courts followed closely the pattern of recent months. In Naples, Livorno and Ancona there were the usual charges of theft and illegal possession of allied property. These offenses are becoming more frequent, also in the north. Four serious trials were held; one concerned the killing of an allied soldier, and the accused was sentenced to 15 years imprisonment; the second arose from a series of highway robberies and murders committed by a gang of ex-partisans; the third revealed the existence of a large group in Milan engaged in counterfeiting L.M. lire; the fourth was the case of a German national in Bolzano who murdered and robbed six Italians.

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4. The number of cases tried in the different areas has varied considerably. In Piemonte the courts have disposed of 981 cases, but there were a large number of acquittals and most of the convictions were for small offences. 40 accused were sentenced to death. In Lombardia, where 2 further courts were opened during the month, out of 274 cases 249 accused were convicted and 25 sentenced to death. In Emilia out of 144 cases only 65 were convicted, but of these 31 were sentenced to death. In Venetia Region 180 cases were tried, 149 convicted and 15 death sentences imposed.

5. In Liguria and Venetia Region there are relatively few persons awaiting trial before these courts, and at the present rate of progress the calendars should be finished in 2 or 3 months. In Lombardia there are 3586 in Emilia 3395 & Piemonte 4882 persons waiting trial. If all these accused are brought to trial, the Extraordinary Courts will have to continue for a considerable time. The great majority of the accused, however, to be persons who belonged to fascist or organisations without committing any other specific offence and it is hoped that it will be possible after investigation to release them without trial.

6. The remainder of the Italian Courts throughout north Italy is suffering from the priority afforded to the special courts of Assize in the matter of personnel. With the limited resources available to them these courts are working well. In most cases they are keeping pace at least in criminal matters with their current work but are not able to make much impression upon the accumulation of arrears.

7. Throughout the north, and particularly in the area of Bolzano Province much dissatisfaction is being caused by the ill-discipline of the Italian troops. Three Italian Military Tribunals have already been established to handle these cases, at Bologna, Milan and Turin. The Tribunal at Bolzano is in session, those at Milan and Turin have been formed but the personnel has not yet arrived. One additional court has not been established for Verona, and one for La Spezia, and arrangements are being made for the appointment of the personnel. The ceiling of the Italian army and the consequent limitation upon the number of military judges make the staffing of these courts a difficult problem.

8. General Order 51, providing the machinery for the introduction of an economic price of bread in the north, has been issued. The order grants an allowance of 95 lire per month to indigent persons and their families. It is perhaps worthy of record that upon the occasion of the transfer of Emilia Region to the Italian Government, an Italian decree officially ordered in the Gazette that there shall remain in operation the rules contained in General Order No. 51 issued by Rear Admiral STONE for and on behalf of the Supreme Allied Commander and Military Governor.

9. The Italian Government decrees of amnesty for common offences committed before allied occupation have been extended to AMG territory. The effect of this has been to release a few persons from prison and, which is more important, to clear from the records of the criminal courts a large number of pending cases on which time was inevitably being wasted.

10. The Italian Government has passed the following, among other, legislation during the month:

Decree for the confiscation of fascist profits

Decree for the establishment of the Ministries for Reconstruction, Alimentation and Post-war Assistance.

Decree for the modification of the law on Extraordinary Courts of Assize

Decree providing heavier penalties for failure to assess grain.

11. The special problems of Bolzano Province have been under study, as the doubtful nationality of many of the inhabitants has raised difficulties in the application of the General Order for the Registration of aliens and the law for the preparation of electoral lists. A modification of order for the registration of aliens has been issued, but the question of electoral lists is still under discussion with the Italian Government.

W. B. Andrews

W. B. ANDREWS,
Colonel,

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8. General Order 52, prescribing the machinery for the introduction of an economic price of bread in the north, has been issued. The order grants an allowance of 25 lire per month to indigent persons and their families. It is perhaps worthy of record that upon the occasion of the transfer of Emilia Region to the Italian Government, an Italian decree officially ordered in the Gazette that there shall remain in operation the rules contained in General Order No. 51 issued by Rear Admiral GIOIA for and on behalf of the Supreme Allied Commander and Military Governor.

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W. E. HARRIS

W. E. HARRIS,
Colonel,
Chief Legal Advisor.

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ABRIDGED MONTHLY REPORT OF LEGAL SUB-COMMISSION
FOR JULY 1945

MS/1043/L.

WZB/rjp.
10 Aug 1945

1. There has been a slight increase in the number of Appellate Court cases in northern Italy. The principal offences were possession of arms, and possession of Allied property. In the frontier areas there is inevitably a certain amount of illegal travel, while a few cases of violence have been handled by these courts. Counterfeit currency cases are becoming more frequent.

In Naples and Livorno there has been a slight fall in the number of cases.

2. The Extraordinary Courts of Assize have continued. In Emilia Region much criticism has been directed against the atmosphere in which these courts are operating, and against the savagery of certain sentences imposed.

3. Elsewhere in the north the situation is improving and the excitement originally created by these courts is subsiding. A large number of death sentences are still being imposed.

4. An Italian decree has been passed modifying the procedure in the Extraordinary Courts of Assize in order to reduce the time limits for appeals, to increase the number of judges available and to force advocates to take part in the work of the Public Ministry.

5. Italian Courts are now working normally throughout Italy, though there is an acute shortage of personnel.

6. Many offences have been committed by Italian soldiers on duty in north Italy and arrangements have been made to set up Military Tribunals in Verona in addition to Milan and Turin.

7. After a long period of discussion the Italian Government has produced a decree formulating principles for the confiscation of profits illegally acquired during the fascist regime. The decree is far-reaching in its scope.

8. General Order No. 51 has been issued raising the price of flour for bread and pasta in North Italy. The price is now an economic price, and a "caropane" allowance has been created for indigent persons.

W. S. BIERNS,
Colonel,
Chief Legal Advisor.

HEADQUARTERS ALLIED COMMISSION

AIC 394

LEGAL SUB-COMMISSION

AC/4043/1.

/rlp.

14 July 1945.

SUBJECT : Legal Sub-Commission Monthly Report for June 1945.

TO : Chief Commissioner, Allied Commission.

ALLIED MILITARY COURTS

1. Allied Military Government ceased in Toscana Region during the month of June. With the exception of the military zones of Naples, Ancona and Livorno, no regular AMG Courts are held south of the northern regions. There is no change to report in the conditions in any of the three military zones.

In Naples one more gang of counterfeiters was brought to trial; of eight persons accused, seven were convicted and sentences from 15 to 2 years imprisonment were imposed.

One serious case was heard in Pisa. The accused threw a grenade which exploded and caused the death of one Allied soldier and wounded a second. The trial was held before a General Court and the case is now under review.

2. In the northern regions the number of AMG Court cases has been maintained at a very low level, although the figures generally show a slight increase on the month of May. The majority of cases have arisen out of the illegal possession of arms or of Allied property. There appears to be a lucrative traffic in Allied petrol in various districts. In Genoa a substantial proportion of persons brought to trial for possession of Allied property was acquitted owing to the removal of the military police concerned before the trial could be held. In Venetia Region there has been a number of cases arising out of political disorders.

ITALIAN COURTS

3. The Extraordinary Courts of Assize are now getting into their stride throughout the northern regions. On 30 June these courts had been established in all provinces of the AMG northern regions except Bolzano, Aquino and Lucca. In Bolzano the particular local problems have delayed the opening of these courts, but they are now being established. Aquino and Lucca are outside the scope of the Italian decrees as originally drafted. It has, however, been found necessary to institute the courts in these provinces also, and the Italian Government has prepared the necessary supplemental decrees for this purpose.

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ITALIAN COURTS

3. The Extraordinary Courts of Assize are now getting into their stride throughout the northern regions. On 30 June these courts had been established in all provinces of the AMG northern regions except Bolzano, Apenina and Lucca. In Bolzano the particular local problems have delayed the opening of these courts, but they are now being established. Apenina and Lucca are outside the scope of the Italian decrees as originally drafted. It has, however, been found necessary to institute the courts in these provinces also, and the Italian Government has prepared the necessary supplemental decree for this purpose.

4. The courts appear to be doing their best, in the face of much popular clamour, to administer a fair justice. Criticism from extremist elements has suggested vociferously that these sentences are often too lenient; some other sources have expressed a contrary view. In Liguria Region out of 52 cases disposed of during the month, there were 16 acquittals, and 14 death sentences. In 7 provinces of Venezia Region corresponding figures are 114, 9, 30; in Lombardia, 135, 23, 13.

5. Various difficulties and problems which have arisen in the working of these courts were discussed at a conference in Milan on 30 June between all the heads of the Courts of Appeal and Public Ministries concerned. The main problem was to reduce the delays in procedure and particularly the delay between the imposition of a sentence of death and its execution. This delay is causing considerable unrest and has been responsible for at least some of the outrages in which armed men have broken into jails and murdered prisoners awaiting trial or execution. Instructions were given at the conference which should reduce these delays.

Arrangements were also made for the suspension of holidays of magistrates in the north and for the formulation of a plan to enroll large numbers of evicted into the Public Ministry for periods of service and thereby to reduce the time taken in pre-trial instruction procedure.

AMG ORDERS

6. The problem of operation in private industry in the north continued to press and in particular a scheme was required for the removal from the directing staffs of important industries of officials who were considered tainted. The Italian Government has been considering a scheme for this purpose, but owing to the government crisis little progress was made, and a General Order (No. 47) along the lines of the scheme was accordingly prepared. The order was not actually issued as a General Order, as it was considered that it should only be used when definite need exists. The scheme will therefore be operated through Regional Orders where such are required.

7. General Order No. 48 was issued as a temporary measure to prevent mass discharges from industry in the north, where lack of raw materials makes it difficult for industrial firms to find employment for all the workers on their books. The scheme for the retention of these workers was agreed with the Italian Government, and as at present designed continues in operation until 31 July 1945.

W. E. HERRANS

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W. E. HEIRENS

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Colonel,
Chief Legal Advisor.

ABRIDGED MONTHLY REPORT OF LEGAL SUB-COMMISSION
FOR JUNE 1945

AC/4043/L.

WEB/pa.

10 Jul 45.

1. With the termination of Military Government in TOSCANA Region, the reduction in the volume of AMG Court cases continues. Several serious crimes have been tried at Naples; in particular another gang of counterfeiters was brought to trial and 7 persons were convicted out of 8 charged. Work of a routine character is proceeding at Ancona and Livorno.

2. In north Italy there has been a slight increase in the volume of AMG Court cases. The offences involved are mainly possession of arms, and possession of Allied property: several cases of illegal possession of Allied petrol have been tried. In Venezia Region a few cases have arisen out of political disturbances and one serious case was tried in which a member of the RR.CC. shot and seriously wounded an Allied soldier.

3. In the Italian courts the principal interest centres in the Extraordinary Courts of Assize. These are operating in all provinces in the north except Bolzano where, owing to the special conditions, it had not been possible to implement Italian legislation or establish the Extraordinary Courts. Arrangements are however in progress to institute these courts forthwith.

The Italian Government is preparing the necessary decrees to establish these courts in several provinces in Toscana and Marche where the local conditions require urgent action against collaborators.

4. The courts themselves appear to be working fairly and satisfactorily. Criticism has been directed at the excessive severity and also at the excessive leniency of the sentences awarded, and on the whole it seems that a genuine effort to administer justice is being made.

5. Unfortunately the inevitable time involved in an appeal to the Court of Cassation and a petition for mercy creates an appearance of delay in the execution of death sentences which is causing considerable comment and some disturbance. In view of the nature of these Courts it does seem necessary to preserve some form of appeal; if there is to be an appeal at all it is difficult to reduce the interval between sentences and execution below one month.

6. On 30 June a conference was held in Milan of the heads of all the Courts of Appeal in the North to discuss the operation of these Courts and to secure uniformity of administration.

in which a member of the Italian Army was killed.

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6. On 30 June a conference was held in Milan of the heads of all the Courts of Appeal in the North to discuss the operation of these Courts and to secure uniformity of administration.

7. An order for the epuration of the directing staff in private industry has been issued and put into effect in the north. Originally designed as a General Order (No.47) it was finally issued as a Regional Order for use when required.

8. General Order No.48 was issued to prevent more discharges from private industry, with consequent large scale unemployment, as a result of the shortage of raw materials in the north.

M. E. BEHRENS,
Colonel,
Chief Legal Advisor.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4043/L.

/rlp.
14 June 1945.

SUBJECT : Legal Sub-Commission Monthly Report for May 1945.

TO : Chief Commissioner, Allied Commission.

ALLIED MILITARY COURTS

1. In the ports of Naples and Ancona, AMG Courts have continued on the same scale as in previous months. The type of crime remains unchanged; in Ancona the thefts of large quantities of sugar have caused the imposition of heavy punishments on convicted offenders.

In Naples the crimes arising from the activities of the port have continued at a high level. In addition, several cases of large scale counterfeiting of AMG lire have been heard. Some 16 accused have been tried and convicted; in view of the enormous scale on which the printing of these notes was being practiced, sentences up to 15 years imprisonment were imposed.

2. In Tuscany Region generally, and in Livorno in particular, the volume and type of crime remain reasonably constant but the reduction in military police in the area has led to fewer arrests, and reduction of legal personnel has involved the transfer to the Italian Courts of a number of cases which would previously have been heard by the AMG Courts. This practice causes delay but is unavoidable.

3. In the northern regions very few AMG Court cases have been held and these were mostly held during the early days of Allied occupation when curfew and travel restrictions were still being enforced. On the other hand, no attempt has yet been made to prosecute in AMG Courts persons who have failed to surrender their arms. The total number of cases tried by AMG Courts in the whole of Northern Italy is less than 300.

ITALIAN COURTS

4. In southern Italy the Italian Courts continue to function normally and there is nothing in particular to report.

5. In northern Italy the principal activity has been the establishment of Special Courts of Assize to try persons accused of collaboration with the enemy. A very large number of persons are at present awaiting trial on charges of this nature, the largest number being some 5000 in Milan. Courts have been established in every province, and in the larger cities several sections have been set up.

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6. The number of these Special Courts has created a problem of personnel both on the judicial side, since every court requires a president of grade 5, and on the side of the Public Ministry. In the main, north Italy is reluctant to accept judges imported from the south but there is an insufficiency of magistrates of the appropriate grade in the north and therefore a number of southern officials have already been imported and it is recognized that additional imports are inevitable. So far as the Public Ministry is concerned, in Milan alone, 40 officials were required. It has accordingly been necessary to employ throughout northern Italy a large number of avvocati to assist in the work of the Ministry. By agreement with the Ministry of Justice, arrangements have been made for such avvocati to be paid as Sostituti Procuratori del Regno as officials of the 6th grade.

7. In the early stages, difficulty was caused by the fact that against many of the prisoners who had been arrested, there was no evidence available. Notices however were inserted in the press regarding such evidence which thereupon was rapidly forthcoming and the preparation of the cases was able to proceed.

Trials in court started in 1945 and continued until 1948. Therefore too early to form any reliable judgment on the conduct of the courts but the number of death sentences awarded has been comparatively low. The prison sentences have been extremely heavy but it is unlikely that the prisoners will actually serve any substantial portion of the sentences imposed.

8. Many of the persons imprisoned have claimed that they are entitled to be treated as prisoners of war and in accordance with instructions received from AFHQ a directive has been issued to clarify this position.

9. In the early days of liberation from the enemy irregular military courts were established by the Italians for the trial of collaborationists. These continued for a short time after the Allied occupation but have now been stopped and all persons accused of collaboration are being brought before the Special Courts of Assize. Regular Military Tribunals have been set up to deal with military personnel guilty of current crimes.

10. Apart from the Special Courts of Assize, all ordinary Italian courts are functioning. Pending epuration proceedings, the greater part of the magistracy appears to be satisfactory and has been retained in office. There are a few shortages of personnel but provision has been made for every court to operate, if necessary with a reduced staff.

11. Special Section of the Court of Cassation has been established in Milan to hear appeals from the Special Courts of Assize. No appeal actually reached this court during the month.

12. Arrangements have been made for safeguarding and transportation to Rome of the archives and documents found in the office of the Fascist Republican Ministry of Justice and Section of Supreme Court of Cassation in Brescia and Cremona. The position of personnel who took part in the operation of this Ministry and this court is under investigation with a view to epuration proceedings.

AMG ORDERS

13. During the month, General Orders Nos. 45 and 46 have been issued.

General Order No. 45 provided for the relaxation of certain security measures contained in Proclamation No. 3.

General Order No. 46 established and regularized a form of epuration in private industry in the north. This order was required in order to protect employees in industry who are being subjected to threats and dismissals, superficially on the ground of alleged fascist activities but in reality as a means of private vengeance to money old grudges.

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14. General Order No. 41 which was issued in April 1945 as an interim measure to stabilize economy for the north provided that changes in the price of certain commodities could be modified by further AMC order when this became necessary. Provincial Orders have accordingly been prepared permitting increases in the price of certain foodstuffs to accord with the conditions which are in existence locally.

ITALIAN LEGISLATION

15. Legislation enacted by the Italian Government from the 8th September 1943 to the present date has been implemented throughout the north of Italy (excluding the Provinces of Venezia Giulia) with a few exceptions. The principal process of delivery of this legislation involved the transport of eight tons of laws to each region, and even then the number of copies available for the many lawyers who wish to study legislation was not always adequate.

16. During the month, the Italian Government has passed the following principal legislation:

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A decree enabling women to hold certain positions in educational institutions; an emergency measure re-introducing the recently abolished death penalty as a punishment for certain types of robbery and violence; a decree providing rules for the execution of the law restoring property rights to persons effected by the fascist racial laws; a decree exempting patriots from penal liability for certain acts performed in the fight against the enemy; a decree setting out rules for punishment of fascist activities in liberated Italy; a decree setting up the framework for the National Consultative Assembly.

W. E. HEFFENS
W. E. HEFFENS,
Colonel,
Chief Legal Advisor.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

12th June, 1945.

AC/4043/L.

SUBJECT : Monthly Report.

TO : Regional Commissioner, PIEMONTE REGION.
(Attn. Regional Legal Officer)

1. Please furnish a report on the legal activities of Piemonte Region for the month of May with particular reference to :-

- (a) Proclamations and Orders which have been posted.
- (b) AMG Courts (if any) which have been held.
- (c) The Special Courts of Assize which have been set up.
- (d) The number of cases to be tried by such courts with any particular comments as to shortages of judicial and other personnel.
- (e) Any general comments on the Italian Courts.
- (f) Any other points of interest.

2. Please furnish this report as soon as possible and monthly reports in future not later than 7 June 1945.

By command of Rear Admiral STONE.

W. E. REHRENS.
Colonel,
Chief Legal Advisor.

NEB/wcw.

HEADQUARTERS ALLIED COMMISSION
APC 394
LEGAL SUB-COMMISSION

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AG/4043/L.

/lrh.
3 June 1945.

SUBJECT : Special Courts of Assize - Monthly Report.
TO : Regional Commissioners, Attn: Regional Legal
Officers, EMILIA - LIGURIA - PIEMONTE - LOMBARDIA
and VENETIA Regions.

Please ensure that future monthly reports contain details of the working of the Special Courts of Assize. Information is required in particular as to the number of Courts in operation, and the number of cases heard and remaining to be heard.

By command of Rear Admiral STONE:

W. E. BEMBERS,
Colonel,
Deputy Chief Legal Adviser.

ADMINISTRATIVE AND COMMISSION
 APR 29 1945
 LEGAL SUB-COMMISSION

AC/1045/1.

SUBJECT : Legal Sub-Commission Monthly Report for April 1945.

TO : Chief Commissioner, HQ Allied Commission.

ALLIED MILITARY COURTS

1. In preparation for the Allied advance it was necessary to provide legal personnel for the northern regions before any further territory was actually occupied. The consequent withdrawal of officers from TUNISIA and UGANDA-MALTA Regions and from the Donme has substantially reduced the number of cases heard by the Military Courts. The withdrawal of the 1st Army led to a reduction in the number of cases committed, or at least the withdrawal of the 1st Army reduced the number of cases detected. In most instances however the offences have continued, but have been referred to the Italian Court for trial.

2. There has been little serious crime. The Criminal Court sitting in Florence for the hearing of espionage cases concluded the calendar of cases immediately ready for trial and was therefore closed. The Criminal Court in Florence continued to hear cases until about 20 April 1945. There is still a small number of cases awaiting trial in this area. Of the espionage cases reviewed in this area during the month, 2 death sentences were confirmed, 2 prison sentences were affirmed and 1 conviction was quashed.

3. There were 3 other Criminal Court cases held during the month; two arose out of the killing of Allied personnel. In one case the accused were acquitted. In the other, which arose in Italian Government territory and was therefore tried under Italian law, a sentence of 15 years imprisonment was imposed. The third case was the trial of Capt. DI VITO, Chief Director of the 1st Army Hospital in Naples, together with two of his assistants. The allegation of the prosecution was that over a long period of time the accused had falsified registers and had authorized the passing of letters from the hospital of accused prostitutes. After a long and detailed trial, before a court which included one medical officer who was a specialist in venereal disease, the accused were acquitted.

4. Apart from these cases the type of crime has remained substantially unchanged. The Italian Military Courts, the part of which appear to be on the increase.

5. There has been no report of any other Court case having been held in any of

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 13 MAY 1945

the "interim" period of the trials, the courts will not be ready to hear their first cases for about a month.

ECONOMIC POLICY AND RECONSTRUCTION IN ITALY

9. As a result of the decision to establish, upon initial occupation of the northern territory, a cordon sanitaire so as to prevent or at least delay the spread of inflation from southern to northern Italy it has been necessary to suspend for the north the operation of a number of Italian Government economic decrees which had been brought into operation by ANI in the territory previously occupied. A special ANI order was accordingly published in the Gazzetta Ufficiale suspending the operation of these laws until further notice.

10. The publication of this order represents an extension of the principle of implementation hitherto adopted. Previously the only orders in the Gazzetta were simple orders bringing into operation, in their entirety, approved Italian decrees. The present order utilizes the Italian Official Gazzetta as a channel for the publication of ANI orders suspending or modifying Italian laws which had previously been approved. The Minister of Justice is entirely in agreement with this form of procedure.

11. To fill to some extent the void created by the suspension of these decrees the following General Orders have been issued.

General Order 41, stabilizing wage rates and price levels in the north;
" " 42, fixing corn rates and agricultural rates;
" " 43, fixing transportation rates.

ANI LEGISLATION

12. In addition to the General Orders mentioned above, the following General Orders were prepared.

General Order 59 and 59 A for Italian frontier control;
" " 44 for control of citizens in their relations with surrendered
" " 45 for control of currency and interest rates.

ITALIAN INFLATION

13. After prolonged negotiations, the Italian Government finally passed the decree for the constitution of ANI as the body for the control and distribution of petroleum products throughout Italy.

14. A decree has been issued abolishing all legislation on the freedom of

implementation hitherto adopted. Previously the only orders in the Cassette were simple orders bringing into operation, in their entirety, approved Italian decrees. The present order utilizes the Italian Official Cassette as a channel for the publication of all orders suspending or modifying Italian decrees which had previously been approved. The Minister of Justice is entirely in agreement with this form of procedure.

11. To fill to some extent the void created by the suspension of these decrees the following General Orders have been issued.

General Order 14, establishing wage rate and price levels in the north;

" " 40, fixing coin rates and agricultural rules.

" " 42, fixing transportation rates.

THE ITALIAN LEGISLATION

12. In addition to the General Orders mentioned above, the following General Orders were prepared.

General Order 39 and 39 A for Italian frontier control;

" " 43 for control of civilians in their relations with surrendered German troops;

" " 44 for control of currency printing notes.

ITALIAN LEGISLATION

13. After prolonged negotiations, the Italian Government finally passed the decree for the constitution of CIP as the body for the control and distribution of petroleum products throughout Italy.

14. A decree has been passed abrogating all limitations on the freedom of listening to radio broadcasts. The limitations had, in practice, been void since the armistice, but two cases were recently discovered in which charges were still listed as "pending" for the offence of listening to the radio on radio in 1942.

W. D. HARRISON

W. D. HARRISON,
Colonel,
Deputy Chief Legal Advisor.

12.3A

ASSIGNED MONTHLY REPORT OF LEGAL SUB-COMMISSION
FOR APRIL 1945

10 May 1945.

1. The provision of legal personnel for the northern regions has become effective during the month with the result that the activities of the Allied Military Courts in existing AMG areas has been curtailed, and the number of cases tried by such courts has been substantially reduced. This does not indicate any reduction in the type of crime normally handled in these courts. Theft and illegal possession again form the bulk of the AMG Court cases.
2. There were few cases of serious crime tried in AMG Courts. One case, involving the death of an allied officer, occurred in Italian Government territory and was therefore tried under Italian law. The accused was sentenced to 13 years imprisonment. Considerable local interest was caused by the trial of Prof. Di Amico and De Blasio, directors of the Pace Medical Hospital in Naples, on charges alleging the improper release by them from the hospital of uncured prostitutes. The trial lasted 3 weeks; the accused were acquitted. Of 5 espionage cases reviewed 2 death sentences were confirmed, 2 prison sentences were affirmed and one conviction quashed.
3. The reduction in the number of cases heard by AMG Courts has involved an increase in the already heavy load borne by the Italian courts. In Naples these courts are doing their best, but they have heavy lists of arrears; in general they are glad of the opportunity of undertaking the additional work and are producing very satisfactory results.
4. The economic policy originally planned for the northern territory has been slightly modified. This has necessitated a further Order in the Official Gazette to suspend from operation the Italian laws increasing rates of salaries and allowances which are in force in the south. General Orders 40,41 and 42 have been issued to establish the economic policy in the north and to provide rules for agriculture and transportation rates.
5. The Italian Government finally passed, at the request of Allied Commission, the decree constituting C.I.P. as a legal body. This decree which has been accepted as satisfactory by AMG, Allied Commission and the Italian Government, represents the results of 11 months negotiations to establish the relationship between C.I.P. and the Italian oil industry.
6. A decree was passed establishing in northern Italy special courts of Assize for the trial of German collaborators and arrangements were made for the immediate institution of these courts. Initial reports indicate that the courts have been enthusiastically received.

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3. The reduction in the number of cases heard by ALB Courts has involved an increase in the already heavy load borne by the Italian courts. In Naples these courts are doing their best, but they have heavy lists of arrears; in Pescara they are glad of the opportunity of undertaking the additional work and are producing very satisfactory results.
4. The economic policy originally planned for the northern territory has been slightly modified. This has necessitated a further Order in the Official Gazette to suspend from operation the Italian laws increasing rates of salaries and allowances which are in force in the south. General Orders 40,41 and 42 have been issued to establish the economic policy in the north and to provide rules for agriculture and transportation rates.
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W. E. BARNES,
Colonel,
Deputy Chief Legal Advisor.

RECOMMENDATIONS ALLIED COMMISSION

LFO 394

LEGAL SUB-COMMISSION

AC/4043/L

14 April 1945

/sep

SUBJECT: Legal Sub-Commission Monthly Report for March 1945

TO: Chief Commissioner, Allied Commission

ALLIED MILITARY COURTS

1. (a) "Anything can happen when Italian culprits line up before the Allied bar of justice."

This is the opinion of the author of an article in the Stars and Stripes of Sunday, 1st April 1945 after spending a day in a Summary Court at Livorno. The author also quotes the presiding officer as saying that on some days his summary court is "just like Gilbert and Sullivan".

- (b) "And therefore we think that the recent sentence of the General Court and others of the Allied Courts, inspired by serene impartiality, were a leading element for an effective rapprochement between our people and the victorious Allied Nations."

This quotation is from an article in "Il Giornale dell'Imbri" of 24 March 1945 commenting on a recent General Court case in FERUDIA and contrasting the German policy of reprisals with Allied Justice.

2. During March 5 espionage cases were reviewed: two death sentences were confirmed; two convictions were quashed; and one death sentence was commuted to a term of imprisonment.

3. In Naples Comune the Allied Courts have remained busy; out of a total of 771 convictions during March, 612 were for theft or wrongful possession of Allied property. The case against Professors DE AMICIS and RABIO, Directors of the Pace Hospital, referred to in last month's report was heard at the end of the month.

In Toscana, some 2500 Military Court cases were disposed of; of these LIVORNO and FLORENCE between them accounted for about 1800. The two most prevalent offences were travelling without proper permits (combined frequently with clandestine trading) and unlawful possession of Allied property. One case in FLORENCE is noteworthy. A gang of 3 Italian soldiers set upon some Allied soldiers and an Italian girl who was with them, separated the girl from her companions and cut off a large part of her hair. In the struggle one of the Allied soldiers was stabbed. With the permission of this sub-commission, the Italian soldiers were tried before an Allied Military

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presiding officer as saying that on some days his "summary court" is "just like Gilbert and Sullivan".

- (b) "And therefore we think that the recent sentence of the General Court and others of the Allied Courts, inspired by serene impartiality, are a lasting element for an effective rapprochement between our people and the victorious Allied Nations."

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General Military Courts are in almost constant session in FLORENCE and RICCIONE (FOLLI Province). The bulk of the work consists of trying espionage cases.

4. A recent case at F.R.I. caused great interest locally. A woman employee of the Allied Commission and two friends were convicted for having carried on a very profitable business in procuring various permits from the local office of the Allied Commission. Most of the prosecution witnesses admitted in Court that they personally had paid large sums to procure permits through the good offices of the accused.

Only two other cases were tried by Allied Military Courts in Italian Government Territory. By the end of March almost all legal officers had been withdrawn from Italian Government Territory in accordance with the policy now in force.

WORK WITH ITALIAN MEMBERS

5. Cases have come to light in which patriots are in course of prosecution for offences committed during the German occupation in the course of their patriot activities. The Minister of Justice has presented a draft decree to authorize the discontinuance of such cases when the circumstances so justify and is preparing a decree of amnesty to cover appropriate cases of this type. A similar policy is being followed in AMG territory.

6. In view of the withdrawal of legal officers from Southern Italy the jurisdiction over petitions for pardon and conditional liberty in respect of offences against Allied interests tried by Italian Courts in Italian Government territory has been transferred to the Italian authorities.

7. A study is being made of a draft decree on confiscation of illicit profits derived from the fascist regime which has been prepared by the Italian Government.

AMG LEGISLATION

8. Two General Orders were drafted during March: to raise the price of bread, in accordance with the price fixed in Italian Government Territory by the Italian Government; and to regulate delivery of cereals to the Granaries of the people.

ITALIAN LEGISLATION

9. The Italian Government has produced a draft decree setting up Special Courts of Assize intended principally for Northern Italy. These courts, which consist of one professional judge and lay members, are designed to meet out rapid justice to collaborators and leading fascists.

10. The scarcity of judicial personnel has remained the central problem in Italian civil and military courts. The Italian Government has been urged to introduce legislation to release judges from their duties on epuration Commissions.

11. The Military Tribunal of Oristano (Sardinia) has acquitted several Italians who parachuted from German planes and were accused of espionage. The case has been discussed with the Procuratore Generale Militare, who has been requested to submit a copy of the sentence for consideration.

TEMPORARY FILM BOARD

12. A representative of Legal Sub-Commission has been sitting on the "Temporary Film Board" set up to reestablish the Italian film industry on a basis free from monopoly and propaganda and has supplied the Board with a report on existing Italian Film legislation.

Government, :

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✓ 1 *in place of*
W. Z. HARRIS,
Colonel,
Deputy Chief Legal Advisor.

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10 April 1945.ABRIDGED MONTHLY REPORT OF LEGAL SUB-COMMISSION FOR
MARCH 1945

1. AC legal officers were being withdrawn from Italian Government territory during the month. As a result it has been necessary to refuse applications for Allied Military Courts in Italian Government Territory in cases in which such courts would previously have been authorized. Only three such cases were authorized, at Bari arising out of the extensive purchase and sale of AC permits, at Rome for the counterfeiting of large sums of A. M. lire and also at Rome for the forgery and sale of an A.C. travel permit.
2. In Military Government Territory, Allied Military Courts continued to operate throughout the month. The volume and type of crime remained substantially unchanged. One serious case in Toscana arose out of an attack made by a gang of Italian soldiers on Italian women and their allied soldier escorts.
3. General Courts were held in both 5th and 8th Army areas for the trial of spies. Of the cases reviewed during the month, two convictions were quashed, two death sentences were confirmed and one death sentence was commuted on account of the youth of the accused.
4. Two General Orders have been produced during the month: to raise the price of bread, in accordance with the price fixed in Italian Government Territory by the Italian Government; to regulate delivery of cereals to the Granaries of the People.
5. The economic policy for northern Italy has involved modification in respect of that territory of the Italian Government labour and finance decrees now operating in Southern Italy. In some cases decrees raising salaries and allowances have been excluded from future operation; in other cases they have been temporarily excluded; in all cases where existing decrees are to be put into effect arrangements have been made that the increases shall not be retrospective.
6. Decrees have been examined, in co-operation with the Italian Government, to establish in Northern Italy military tribunals and also popular courts, on the French model, to deal with Fascist criminals.
7. Requests have been received from patriot sources that steps should be taken to protect patriots from prosecution in the Italian Courts for offences committed against the property of other Italians during the period of German occupation. Arrangements have been made that any complaints of such cases which arise in A.M.G. territory are scrutinized before prosecution is authorized; the Italian Government has prepared a draft decree to deal with complaints which arise in Italian Government Territory.

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8. The Minister of Justice is preparing a further decree of amnesty in respect of offences committed by patriots.

W. E. PLIMMER,
Colonel,
Deputy Chief Legal Advisor.

HEADQUARTERS ALLIED COMMISSION

APC 394

Office of the Executive Commissioner

Ref: 825/56/30.

10th March 1945.

SUBJECT: AC Monthly Report.

To : Distribution Below.

1. Regional Commissioners, Heads of Sections and Sub-Commissioners will make it their personal responsibility to see that a higher standard in writing the abridged report, for inclusion in the AC Monthly Report, is achieved.
2. At present abridged reports are in nearly every case too long and there is a lack of appreciation of the relative value of items reported.
3. The difficulties of condensing into a few lines a report on their varied activities throughout the month is appreciated; that there are many points of view on the relative importance or value of material is realised and it is obvious that it is neither desirable nor possible for all to write in the same style. It should be remembered, however, that the AC Monthly Report is not for the consumption solely of HQ AC staff but is to give a general picture of the work and achievements of the AC over a period of one month, to AFHQ, LONDON and WASHINGTON. The readers of the whole report are not specialists on the work of each individual Sub-Commission or Region and will not be interested in domestic details. A study of the AC Monthly Report for the last two months will give an idea of the kind of material which is required and should be made. Individual reports are condensed into one half to three-quarters of a page of foolscap and with careful wording and the elimination of padding and redundant phrases, a considerable amount of interesting facts can be reported. Unauthorised abbreviations should not be used, phrasing and punctuation should be checked and long sentences avoided. Facts and not theories should be recorded and achievements rather than hopes for the future set down.

For the Chief Commissioner.

M. G. L.

Enclosure

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For the Chief Commissioner.

M. S. L.
Brigadier,
Executive Commissioner.

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HEADQUARTERS ALLIED COMMISSION

APO 394

LEGAL SUB-COMMISSION

AC/4045/L.

VTEB/pe.

12 March 1945.

SUBJECT : Legal Sub-Commission Monthly Report for February 1945.

TO : Chief Commissioner, Allied Commission.

ALLIED MILITARY COURTS.

1. Allied Military Courts continued to be held in AMG territory throughout the month. The amount of serious crimes is very small in all areas, the bulk of the cases handled being for curfew and pass violations, and for illegal possession of W.D. property.

2. There is considerable crime in the port areas of Naples and Livorno, where the civilians are not slow to take advantage of the opportunities for black-market which are increased by the cooperative attitude of some of the local troops. In Livorno one serious case of pilfering of Allied mail was heard and also one conspiracy to defraud the Allied Forces in a deal involving Lire 6,000,000. In Naples a gang of 10 persons was convicted for counterfeiting A.M. Lire.

3. The Courts established at Bari and Bitonto for the trial of cases arising out of thefts from the Depots in those areas were brought to a close. During a 2½ months' existence they heard 600 cases, involving some 850 accused. It is reported that pilfering in the Bitonto area has practically ceased and that crimes affecting the Allies in Bari have been materially reduced. The local military authorities attribute these results to the working of the Allied Military Courts. The sentences imposed by the Courts were not heavy but, contrary to the custom previously prevalent in the area, the cases were heard speedily and a sentence of imprisonment was actually followed by a period spent in gaol.

4. Apart from these Courts, a very small number of cases was specially authorized to be held by A.M. Courts in Italian Government Territory. They were all cases in which Allied soldiers had been killed or seriously wounded by Italians. 2

ITALIAN COURTS.

5. The case of Professors DE MICIS and MISSIO, Directors of the Pace Hospital, Naples, is in course of trial before the A.M. Court there. The accused are suspected of taking bribes to grant premature releases from the hospital to diseased prostitutes. The investigations have not been concluded and the accused, although originally arrested, are now on bail.

6. Ten cases of espionage were reviewed at this HQ during the period. 5 death sentences were confirmed: 5 were commuted on account of the age or sex of

2. There is considerable crime in the port areas of Naples and Livorno, where the civilians are not slow to take advantage of the opportunities for black-market which are increased by the cooperative attitude of some of the local troops. In Livorno one serious case of pilfering of Allied mail was heard and also one conspiracy to defraud the Allied Forces in a deal involving Lire 6,000,000. In Naples a gang of 10 persons was convicted for counterfeiting A.M. Lire.

3. The Courts established at Bari and Bitonto for the trial of cases arising out of thefts from the Dorots in those areas were brought to a close. During a 2½ months' existence they heard 600 cases, involving some 850 accused. It is reported that pilfering in the Bitonto area has practically ceased and that crimes affecting the Allies in Bari have been materially reduced. The local military authorities attribute these results to the working of the Allied Military Courts. The sentences imposed by the Courts were not heavy but, contrary to the custom previously prevalent in the area, the cases were heard speedily and a sentence of imprisonment was actually followed by a period spent in gaol.

4. Apart from these Courts, a very small number of cases was specially authorized to be held by A.M. Courts in Italian Government Territory. They were all cases in which Allied soldiers had been killed or seriously wounded by Italians.

ITALIAN COURTS.

5. The case of Professors DE AMICIS and BLASIO, Directors of the Pace Hospital, Naples, is in course of trial before the A.M. Court there. The accused are suspected of taking bribes to grant premature releases from the hospital to diseased prostitutes. The investigations have not been concluded and the accused, although originally arrested, are now on bail.

6. Ten cases of espionage were reviewed at this HQ during the period. / 3 death sentences were confirmed: 5 were commuted on account of the age or sex of the accused: 2 sentences of imprisonment were affirmed.

ITALIAN COURTS.

7. The Italian civil courts have continued to operate during the month but they are still suffering from the usual difficulties, and particularly lack of transportation.

8. The arrival of a new Procuratore Generale and Primo Presidente at the Court of Appeal at Bari appears to have introduced a new current of cooperation into the local atmosphere. The example of the A.M. Courts appears to have acted as an additional stimulus.

9. Conferences have been held by local officers with leading magistrates of the Courts round Naples and here too it would appear that the Courts have at last realised their responsibilities and are prepared to discharge them.
 10. In Grosseto the Court of Assize sat for the trial of several fascists accused under D.L. 159. Speedy trials were held, sentences of a reasonable severity were passed and a good effect was produced on the local population.
 11. The Tribunale Militare of Macerata has started work. Complete absence of prison accommodation is at present proving a handicap. A decree has been recently passed extending the jurisdiction of this Court over the provinces of Ravenna and Forlì.
 12. A Tribunale Militare has also been established in Toscana. It will sit in Florence as soon as the necessary personnel have arrived there. There is considerable demand for this Court not only because of the crimes committed by presently active members of the Italian Army but also because many crimes, and particularly crimes of violence, are committed in the area by persons who were formerly members of the army, were not at the date of their crimes officially discharged and are therefore not subject to the Civil Courts.
- WORK WITH ITALIAN MINISTRIES.
13. At the request of the Allied Commission the Italian Government has passed a decree prohibiting the harbouring by civilians of Allied deserters or absentees. The decree has been implemented in AMG territory.
 14. Examinations are being held in Florence for Procuratori and Avvocati. Arrangements have been made for similar examinations to be held in Rome during March.
 15. Further, if slow, progress is being made in the provision of judicial officials for the Northern Regions. The Minister of Justice has issued a circular to all Courts throughout Italian Government territory to discover additional available personnel. The Minister has expressed confidence that he has a sufficient reserve but has not yet produced much evidence to justify it.
 16. Tribunali Militari are authorized for the Northern Regions. As the ceiling of the Italian Army does not allow the allocation of additional personnel from this Service, arrangements have been made with the Ministers of Marine and Air for their services to ~~apply~~ ^{supply} the requirements. The personnel have not yet, however, been nominated.
 17. Arrangements have been made with the Italian Government for the transfer to the Italian Government of the assets of the Istituto Nazionale di Trasporto of Sicily. Captured German and Italian vehicles were transferred to this organization which was operated under the auspices of AMG. Several claims for personal injuries were incurred by the organization but the profits made were for more than sufficient to meet these claims. Under the present arrangements, all assets and liabilities will be taken over by the Italian Government.

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18. Various decrees prepared by the Italian Government on Epuration were considered. In particular a new decree was submitted to facilitate epuration of private companies.

AMG LEGISLATION.

19. General Order No. 37 was prepared during the period. This Order, following the policy of the Italian Government, provides for the granting of advance payments in respect of certain pensions.

W. B. BEYRENS
W. B. BEYRENS,
Colonel,
Deputy Chief Legal Advisor.

10 March 1945.

ABRIDGED MONTHLY REPORT OF LEGAL SUB-COMMISSION FOR
FEBRUARY 1945

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1. Arrangements have been made with the Italian Government for the transfer to the Italian Government of the assets of the Istituto Nazionale di Trasporto di Sicilia. Captured German and Italian vehicles were transferred to this organization which was operated under the auspices of AMG. Several claims for personal injuries were incurred by the organization but the profits made were more than sufficient to meet these claims. Under the present arrangements, all assets and liabilities will be taken over by the Italian Government.
2. At the request of AMG, the Italian Government has framed a decree making it an offence for Italian civilians to harbor Allied deserters or absentees. This decree has been implemented in AMG Territory.
3. The jurisdiction of the Tribunale Militare of Nocerata, which was recently established in cooperation with the Minister of War, has been extended to the Provinces of Forlì and Ravenna.
4. A decree has been passed establishing a Tribunale Militare in Tuscany. This Tribunale will sit in Florence as soon as the necessary personnel have been provided and will deal with the larger number of offences committed in the area by members of the Italian army, both those not actively in service and those released but not discharged.
5. Continued pressure is being applied to the Minister of Justice to increase the pool of judicial officials for Northern Italy, and circulars have been issued by the Minister throughout the Courts in Italian Government Territory to discover additional available personnel.
6. Examinations have been held in Florence for Procuratori and Avvocati and arrangements have been made for similar examinations to be held in Rome during March.
7. The regular AMG Courts in Bari have been closed. During the 2½ months of their operation, they disposed of some 600 cases involving 850 accused persons.
8. Ten espionage cases were reviewed during the month. Three death sentences were confirmed; five death sentences were commuted on account of the age or sex of the accused. Two original sentences of imprisonment were imposed.
9. AMG Courts continued to function throughout the period but there was little serious crime. Of these, several cases related to counterfeiting AMG lire while in Toscana Region there were a number of prosecutions for black market operations and possession of firearms.

F. D. BEHRENS,
Colonel.

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S. E. HERGEN,
Colonel,
Deputy Chief Legal Advisor.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4043/L.

/rly.
10 February 1945.

SUBJECT : Legal Sub-Commission Monthly Report for January 1945.

TO : Chief Commissioner, Allied Commission.

1. ADVICE.

The main problems upon which the Legal S/C was asked to advise were as follows:

- a. Control of the management of the Societa' Editrice Meridionale, a dispute having arisen owing to the appointment by AMI of a manager of the concern and to the appointment by the tribunale of a sequestrator of the property of one of the owners.
- b. The proper preparation and presentation of espionage trials in Allied Military Courts.
- c. The rights of property acquired by civilians in WD vehicles found by them abandoned and in a state of disrepair and subsequently put into working order by them.
- d. A proposed contract submitted by transportation S/C for the hire by the Commission to civilians of commercial vehicles.
- e. A transaction involving the purchase of silk in which Commerce S/C was interested.
- f. The establishment of military zones.
- g. Prostitution and the Italian Criminal Procedure with respect thereto.

2. ORDERS AND PROCLAMATIONS.

The following Orders were drafted:

- a. A General Order relating to the declaration of certain essential commodities such as wheat, animal fats, flour and olive oil and the fixing of the prices therefor.
- b. A General Order providing for the anticipatory payment of certain pensions corresponding to payments provided for by order of the Council of Ministers of

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- e. Control of the management of the Societa' Editrice Meridionale, a dispute having arisen owing to the appointment by MS of a manager of the concern and to the appointment by the tribunale of a sequestrator of the property of one of the owners.
- f. The proper preparation and presentation of espionage trials in Allied Military Courts.
- g. The rights of property acquired by civilians in US vehicles found by them abandoned and in a state of disrepair and subsequently put into working order by them.
- h. A proposed contract submitted by Transportation S/C for the hire by the Commission to civilians of commercial vehicles.
- i. A transaction involving the purchase of silk in which Commerce S/C was interested.
- j. The establishment of military zones.
- k. Prostitution and the Italian Criminal Procedure with respect thereto.

2. ORDERS AND FACILITATIONS.

The following Orders were drafted:

- a. A General Order relating to the declaration of certain essential commodities such as wheat, animal fats, flour and olive oil and the fixing of the prices therefor.
- b. A General Order providing for the anticipatory payment of certain pensions corresponding to payments provided for by order of the Council of Ministers of 23 Dec 44.

These two orders are for use in the Northern Regions in the period between the institution therein of Allied Military Government and the implementation of the appropriate Italian decrees covering the same subjects.

3. VISITORS.

Lord Schuster, Senior Legal Advisor designate Austria, and a staff officer visited the sub-commission. The work carried on at HQ was explained and a memorandum setting out the system of implementation in Military Government territory of Italian Government decrees which has been evolved was supplied. A visit was made to Palermo to see Allied Military Courts, General, Superior and Summary, in action.

4. ITALIAN LEGISLATION.

In cooperation with the Italian Government the following decrees were prepared or studied:

- a. To strengthen the law covering the harboring of Allied deserters and to increase the penalty therefor.
- b. To establish military tribunals to operate in the Northern Regions when occupied by the Allies. This course was adopted to meet the contingency that civilian courts may not be functioning and that Allied Military Courts almost certainly will not be sufficiently numerous to handle all cases.
- c. To modify the exercise of the right to order citizens to "confining."
- d. To facilitate the marriage of personnel and employees of the United States Armed Forces.

Study was made of proposed Italian decrees dealing with the following matters:

- a. The appointment of receivers for certain types of undertakings.
- b. The restoration of rights to patents, trade marks and designs expired due to circumstances arising out of the war.
- c. The setting up of a special procedure dealing with the grant of salary increases to public employees in Military Government Territory, such procedure to be given effect to by implementation.
- d. Modifying certain provisions of previous laws dealing with sanctions against Fascism.

5. WORK WITH THE MINISTRY OF ECONOMIC AND JUSTICE.

In order to meet the scarcity of judicial personnel, the Minister took steps to recall retired judges physically and mentally fit and politically suitable, and arranged that all judges whose regular seats of office are in enemy held territory shall be temporarily assigned to vacant posts; also preparations are being made to hold a competitive examination to recruit new personnel.

Two circulars were issued by the Minister at the request of the sub-commission instructing Italian judicial authorities to use sparingly the power to grant provisional liberty in proceedings for offenses concerning prostitution or involving Allied interests.

A new President of the Court of Appeal of Bari has been detached to Bari with the assistance of this sub-commission and measures have been taken to ensure that competent and cooperative personnel be assigned to the courts dealing with prostitution at Bari.

A comprehensive collection of all Italian legislation on prostitution and on power to arrest and to grant provisional liberty has been prepared including

- h. The restoration of rights to patents, trade marks and designs expired due to circumstances arising out of the war.
- i. The setting up of a special procedure dealing with the grant of salary increases to public employees in Military Government Territory, such procedure to be given effect to by implementation.
- d. Modifying certain provisions of previous laws dealing with sanctions against fascism.

5. WORK WITH THE MINISTRY OF PRISON AND JUSTICE.

In order to meet the scarcity of judicial personnel, the Minister took steps to recall retired judges physically and mentally fit and politically suitable and arranged that all judges whose regular seats of office are in enemy held territory shall be temporarily assigned to vacant posts; also preparations are being made to hold a competitive examination to recruit new personnel.

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A comprehensive collection of all Italian legislation on prostitution and on power to arrest and to grant provisional liberty has been prepared including instructions issued by the Ministry of Interior and Justice on these subjects. A copy of the collection has been distributed to all legal officers.

Appointment of air force and naval officers to Italian Military Tribunals was discussed in conjunction with the Ministry of War and with the Air Force and Navy Sub-Commissions.

The financial difficulties of auxiliary personnel hired by AMT authorities in Naples in the early days of the Allied Military Government were considered.

Arrangements were made in cooperation with the Ministry for holding examinations for attorneys (procuratori legali) and for the organization of notarial councils in Military Government territory.

The establishment of Circuit Sections of the Court of Appeal at Ancona and personnel problems of this court were considered.

A new tribunale was constituted at Vasto.

SUPERVISION OF ALLIED MILITARY COURTS.

The permanent Allied Military Courts in Bari continued in full operation. The indications were that the institution of these courts had had a noticeable effect in reducing crimes against Allied property and that the work of these courts was tending to diminish.

Nine espionage cases were reviewed; four death sentences were affirmed; four death sentences were commuted and one sentence of imprisonment was affirmed.

In response to requests from this Commission, AMHQ issued a directive laying down the procedure for determining what formation should be responsible for carrying out sentences of death imposed by Allied Military Courts and to ensure that unnecessary delays are avoided. Appropriate instructions were issued to AMQ of Anzio and to Regions.

Normal review work has continued. A substantial proportion of serious Superior Court cases came from Naples. Most of these cases concern charges of theft, or attempted theft, of Allied stores frequently accompanied by bribery or attempted bribery of Allied soldiers or Italians employed by the Allies. Figures in respect of Allied Military Court cases show no significant trend. Livorno remains busy, but of the 700 cases tried there, only 8 were Superior Court cases. The number of cases tried at Ancona showed an appreciable reduction.

A study was made of the procedure for enforcing payment of fines imposed by Allied Military Courts in Italian Government Territory with particular regard to the courts at Bari. It was agreed with the Ministry that such fines should be enforced by the Italian authorities in all respects as if they had been imposed by an Italian court.

W. S. HERRENS,
Colonel,
Deputy Chief Legal Advisor.

ENG/vlp.
10 February 1945.

APPROVED MONTHLY REPORT OF LEGAL SUB-COMMISSION FOR
JANUARY 1945

1. Lord Schuster, Chief Legal Advisor designate for Austria, and a staff officer visited the Legal Sub-Commission for 10 days. The working within the sub-commission was explained in some detail and the ICIA then accompanied them to Florence to see Allied Military Courts (General, Superior and Summary) at work.

2. A study was made how best to avoid conflicts, which had arisen in the past, between receivers of Public and Private Companies appointed by the Allied Military Government, the Italian judicial authorities and Prefects.

3. Advice was given to the security agencies concerning the preparation and presentation of espionage trials in Allied Military Courts.

4. A memorandum was prepared and handed to Lord Schuster for use in planning for Austria explaining the system adopted in Italy of implementing Italian decrees to bring them into operation within Military Government Territory.

5. a. A new General Order No. 294 was drafted; the order relates to the declaration of certain essential commodities such as wheat, animal fats, flour and olive oil and the fixing of prices thereof.

b. A new General Order was also drafted dealing with the anticipatory payment of certain pensions.

These orders were designed as interim measures, for use in territory not yet occupied, from the date of occupation until the implementation in such territory of Italian decrees covering the same subject.

6. In cooperation with the Italian Government the following decrees were prepared:

a. A decree to strengthen the law regarding the harboring of Allied deserters and increasing the penalty;

b. A decree to establish Military Tribunals for Northern Italy during the period of Allied Military Government;

c. A decree to facilitate the marriage of personnel and employees of the United States Armed Forces with Italian citizens.

d. A decree modifying the exercise of the power to order citizens to confine

7. The Minister of Justice, in response to advice of the Allied Commission, took steps to recall to service certain retired judges. This action was taken to alleviate partially the scarcity of judicial personnel referred to

4. A memorandum was prepared and handed to Lord Gohmert for use in planning for Austria explaining the system adopted in Italy of implementing Italian decrees to bring them into operation within Military Government Territory.
5. a. A new General Order No. 27A was drafted; the order relates to the declaration of certain essential commodities such as wheat, animal fats, flour and olive oil and the fixing of prices therefor.
b. A new General Order was also drafted dealing with the anticipatory payment of certain pensions.

These orders were designed as interim measures, for use in territory not yet occupied, from the date of occupation until the implementation in such territory of Italian decrees covering the same subject.
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 - a. A decree to strengthen the law regarding the harboring of Allied deserters and increasing the penalty;
 - b. A decree to establish Military Tribunals for Northern Italy during the period of Allied Military Government;
 - c. A decree to facilitate the marriage of personnel and employees of the United States Armed Forces with Italian citizens.
 - d. A decree modifying the exercise of the power to order citizens to confine.
7. The Minister of Justice, in response to advice of the Allied Commission, took steps to recall to service certain retired judges. This action was taken to alleviate partially the scarcity of judicial personnel referred to in para. 4 of the abridged monthly report for January.
8. In response to many requests from this Commission from October 1944 onwards, AMHQ issued a directive laying down the procedure for determining the formation to be responsible for the carrying out of sentences of death imposed by Allied Military Courts. An instruction based on such directive was issued by this HQ laying down the duties in this respect of regions and AMG of Areas.
9. Allied Military Courts in Bari continued in effective operation; the amount of work for these courts tended to decrease.
10. Nine espionage cases were reviewed. Four death sentences were confirmed; four death sentences were commuted and one sentence of imprisonment was affirmed.

+ E. E. DEWANE, Colonel,
Deputy Chief Legal Advisor.

HEADQUARTERS ALLIED COMMISSION
APO 884
LEGAL SUBCOMMISSION

AC/4043/L.

SUBJECT : Legal Subcommittee Monthly Report for December 1944.

TO : Chief Commissioner, Allied Commission.

14 January 1945.

1. ADVICE.

The main problems upon which advice of the Legal S/C was asked were:

- a. A study was made and advice given with respect to the obligation of the Italian Government under the terms of agreement to pay the operating expenses of GIP incurred in connection with the distribution of petroleum products.
- b. Conference was had with and advice given to GIP with respect to the nomination by the Tribunal of W. Las as a Commissioner Extraordinary under the Evacuation Laws for newspaper and seats under FWY Control.
- c. A critical study was made of a number of Evacuation Proceedings against the Italian industrialist M. Del Fante.
- d. Consideration was given to various best calculated to increase the number of Italian judges required by reason of increased volume of Italian criminal cases, additional cases involving allied interests, additional judicial personnel for evacuation committee, and losses of judges who themselves are evacuated.
- e. An opinion was given to Transport, Legal Sub-Commission with respect to violation by owners of requisitioned freighters of terms of charter party and permits issued by allied authorities.
- f. Consideration was given to the method of handling and disposition of claims for personal injuries and property losses, asserted against GIP.
- g. Further study was made of the subject of military zones.
- h. An analysis was made of the applicable provisions of Italian law pertaining to forced labor.
- i. A directive on Italian law applicable in cases of theft of or damage to ammunition and other supplies is prepared and distributed.
- j. An examination was made of the extent of the jurisdiction of the Evacuation Commission over Italian judges serving in colonies administered by British military authorities.
- k. References were had with and a contract drawn for transportation G/C cover the operation of the Commission.
- l. An opinion was prepared with respect to alleged violation of rationing laws by members of the Bank of Italy.

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3. ITALIAN LEGISLATION AND JUDICIARY

The competence of the High Court of Justice in the case of the Governor of the Bank of Italy was studied.

Kingdom Sub-Commission was involved on a case of illegal application of a Fascist Republican Decree on indemnities to State employees by a prefectural order in a province administered by the Army.

A procedure was designed in cooperation with the Procuratore Generale Militare for dealing with petitions of pardon in respect of cases adjudicated by Italian Military Tribunes and involving Allied intervents.

Numerous decrees submitted by sub-commissions of Italian Ministries were examined, e.g., Decree of State Subsidies for Victims of Bellows Plants and Polling Stacks; an increase of remunerations for lowest categories of court officials; on the Ministry for enemy occupied Italy and on certificates issued by criminal registrars, etc.

4. SUPERVISION OF ALLIED MILITARY COURTS

a. The Permanent Military Courts set up in the 1941 District have been in operation and were to be subject to a diminution in the number of offences against Allied property.

The courts administer Italian law for this purpose, they are working on the basis of a directive which sets out the principles applicable to the cases with which they are concerned.

b. Many cases have arisen in Italian Government Territory where Allied soldiers have been killed or wounded. In all incidents generally result from misadventure, more or less serious, on the part of the soldiers. In several instances an Allied Military Court has been convened to hear the case.

c. Normal review of cases has continued. The volume of work has increased due to the fact that all the cases at DPMI are tried under Italian law and are therefore reviewed at this HQ.

During the month, three civil cases were reviewed but the final decision of the Chief Commissioner has not yet been made.

d. Points from Regions:

SOUTHERN REGION: Work in Allied Military Courts remains considerable. During the month, 1,159 cases were tried, made up as follows: 1 General Court case, 129 Superior Court cases, and 1073 Summary Court cases.

VENETIAN-ALBANIAN REGION: The only place with any substantial crime in 1941. In the region there was only 1 General Court case, a very few Superior Court cases, and 446 Summary Court cases, of which 356 were in 1941.

EMILIA REGION: In the Province of MODENA and PARMA, 618 cases were tried; they were all very minor cases.

TOSCANA REGION: During the month, 1,536 were tried; made up as follows: 10 General Court cases, 160 Superior Court cases, and 1,366 Summary Court cases.

- a. The permanent Military Courts, set up in the RARI District have been in operation and appear to be causing a diminution in the number of offences against Allied property.
- b. The Courts Administrator: Italian. In order this purpose they are working on the basis of a directives which sets out the principles applicable to the cases with which they are concerned.
- c. Many cases have arisen in Italian Government territory where Allied soldiers have been killed or wounded. These incidents generally result from misconduct, now or less serious, on the part of the soldiers. In several instances an Allied Military Court has been convened to hear the case.
- d. Normal review of cases has continued. The volume of work has increased due to the fact that all the cases of RARI are tried under Italian law and are therefore reviewed at this HQ. During the month, three spy cases were reviewed but the final decision of the Chief Commissioner has not yet been made.
- e. Points from regions:
 - BOLOGNA Region: Work in Allied Military Courts remains considerable. During the month, 1169 cases were tried, made up as follows: 1 General Court case, 129 Superior Court cases, and 1673 Summary Court cases.
 - ANCONA Region: The only case with any substantial crime in ANCONA. In the region there was only 1 General Court case, a very few Superior Court cases, and 446 Summary Court cases of which 356 were in ANCONA.
 - RAVENNA Region: In the provinces of ZOLI and RAVENNA, 616 cases were tried; they were all 'very minor' cases.
 - BOLOGNA Region: During the month, 1,536 were tried; made up as follows: 10 General Court cases, 160 Superior Court cases and 1366 Superior Court cases. Of the total of 1,536 cases 514 were tried in FLORENCE Province and 566 in LIVORNO Province.

W. E. RICHARDS,

W. E. RICHARDS,
Colonel,
Deputy Chief Legal Advisor.

AC/4043/L.

7 January 1945.

ABRIDGED MONTHLY REPORT OF LEGAL SUB-COMMISSION FOR

DECEMBER 1944

1. A study was made and advice given with respect to the obligation of the Italian Government under the terms of surrender to pay the operating expenses of CIP incurred in connection with the distribution of petroleum products.
2. Conferences were had with and advice given to PSE with respect to the nomination by the Tribunale of Naples of a Commissioner Extraordinary under the Epuration Laws for newspaper interests under PSE Control.
3. A critical study was made of conduct of Epuration Proceedings against the Italian industrialist Massimo Del Ponte.
4. Consideration was given to methods best calculated to increase the number of Italian judges required by reason of increased volume of Italian criminal cases, additional cases involving Allied interests, additional judicial personnel for epuration committees, and losses of judges who themselves are epurated.
5. After much consideration an AGO CIV Court was established in 8th Army.
6. A new directive was prepared in cooperation with the Office for Publication of Laws of the Ministry of Justice on the subject of implementation of Italian legislation in Military Government territory.
7. An opinion was given to Transportation Sub-Commission with respect to violations by owners of requisitioned freighters of terms of charter party and permits issued by Allied authorities.
8. Consideration was given to the method of handling and disposition of claims for personal injuries and property damage asserted against DM.
9. Further study was made of the subject of Military Zones.
10. An analysis was made of the applicable provisions of Italian law pertaining to railroad strikes.
11. An examination was made of the extent of the jurisdiction of the Epuration Commission over Italian judges serving in colonies administered by British Military Authorities.
12. Allied Military Courts in Bari Zone are now effectively in operation.
13. A directive on Italian law applicable in cases of theft of or damage to

4. Consideration was given to methods best calculated to increase the number of Italian judges required by reason of increased volume of Italian criminal cases, additional cases involving Allied interests, additional judicial personnel for epuration committees, and losses of judges who themselves are epurated.
5. After much consideration an AG Spy Court was established in 8th Army.
6. A new directive was prepared in cooperation with the Office for Publication of Laws of the Ministry of Justice on the subject of implementation of Italian legislation in Military Government Territory.
7. An opinion was given to Transportation Sub-Commission with respect to violations by owners of requisitioned freighters of terms of charter party and permits issued by Allied authorities.
8. Consideration was given to the method of handling and disposition of claims for personal injuries and property damage asserted against IMT.
9. Further study was made of the subject of Military Zones.
10. An analysis was made of the applicable provisions of Italian law pertaining to railroad strikes.
11. An examination was made of the extent of the jurisdiction of the Epuration Commission over Italian judges serving in colonies administered by British Military Authorities.
12. Allied Military Courts in Bari Zone are now effectively in operation.
13. A directive on Italian law applicable in cases of theft of or damage to ammunition and other war stores was prepared and distributed.
14. Three espionage cases in which the death sentence was imposed were reviewed and submitted to the Chief Commissioner.

W. A. THOMAS,
Colonel,
Deputy Chief Legal Advisor.

HEADQUARTERS ALLIED COMMISSION

APO 394

Office of the Chief of Staff.

Ref/825/128/CSS.

4 Jan 45

SUBJECT : Abridged Monthly Report.

TO : Distribution below.

1. An abridged version of all Regions' and Sub-Commissions' Monthly Reports is sent to LONDON and WASHINGTON every month. Information for this has been obtained up till now from Part I of the Regional Reports and an abridged version of Sub-Commissions' full Monthly Report. But the compilation of this abridged report has become extremely difficult due to the manner in which Regions and Sub-Commissions present these portions of their report.

2. In future Regions will submit Part I and Sub-Commissions their abridged version set out in paragraphs exactly as they appear finally in the complete report. (See Monthly Abridged Report for October forwarded under 825/CSS)

3. Regions.

a) Regions will as suggested in letter No. 497/79/CA of 2 September, divide their Monthly Reports into Parts I and II.

b) Part II will be the normal full length Monthly Report, exactly as previously submitted.

c) Part I, however, which has not been satisfactory, will comprise from ten to twenty (at the very outside) paragraphs on both outstanding facts of the month and the general position regarding supply, Public Safety, Transportation, Reconstruction, etc. It will not be a summary of Part II but a concise, independent report. Statistics will be included where precise information increases the value of the statement and there will be no vague or redundant comment.

4. Sub-Commissions.

a) Similarly, the full length report of the Sub-Commissions does not need alteration.

b) The abridged version, however, fails to achieve the purpose for which it was intended.

It will comprise a well balanced

See page 9 & 10 of report

2. In future Regions will submit Part I and Sub-Commissions their abridged version set out in paragraphs exactly as they appear finally in the complete report. (See Monthly Abridged Report for October forwarded under 825/308)

3. Regions.

- See para 9 & 10 of report.*
- a) Regions will as suggested in letter No. 497/79/CA of 2 September, divide their Monthly Reports into Parts I and II.
- b) Part II will be the normal full length Monthly Report, exactly as previously submitted.
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4. Sub-Commissions.

- a) Similarly, the full length report of the Sub-Commissions does not need alteration.
- b) The abridged version, however, fails to achieve the purpose for which it was intended.

It will comprise a well-balanced ten to twenty paragraphs containing the outstanding events of the month, written as a concise individual report and not as a summary of the detailed Monthly Report. It can therefore be compiled from facts collected throughout the month without reference to the detailed Monthly Report.

5. All Parts I and abridged versions will be submitted not later than the 15th of every month.

DISTRIBUTION

See over.

LEGAL SUB COMMISSIO

CLO

DCLO

Chief Counsel

CLO

Italian

CL RKS

5 JAN 1945

Brigadier,
Chief of Staff.

DISTRIBUTION :

AMS Fifth Army
AMG Eighth Army
Sicilia Region
Sardinia Region
Southern Region
Lazio Umbria Region
Abruzzi Marche Region
Toscana Region
Emilia Region
Civil Affairs Section
Economic Section
Political Section
Navy Sub-Commission
Land Forces Sub-Commission
Air Forces Sub-Commission
Communications Sub-Commission
War Material Disposal S/O
D.R.F.

HEADQUARTERS ALLIED COMMISSION
APO 194
LEGAL SUB-COMMISSION

AS/4043/L.

SUBJECT: Legal S/C Monthly Report for November 1944.

TO: Chief Commissioner, Allied Commission.

10 December 1944.

1. ADVICE

The main problems upon which the advice of the Legal S/C was asked were:

- a. DIL 151 of 25 June 1944 which established the constituent assembly. The problem was the extent to which this decree precluded a referendum to decide the constitutional question.
- b. UNRRA. In order to establish a working basis, UNRRA prepared a draft directive for leave by UNRRA and a draft agreement with the Italian Government.
- c. Judicial Forum. Cases committed in the Territory by members of M.I.T. raised the issue whether these members were subject to the jurisdiction of the courts.
- d. Public Utility Rates. The proposed increase in rates for public utility services involved a comprehensive study of the relevant legislation and the difficulties arising from the proposed methods of calculating the increase.
- e. CIP. A draft decree constituting CIP as an Ente di Gestione was finally agreed with the Italian Government subject to an exchange of letters to protect Italian interests.
- f. SORI. The liability of the legal Italian Courts to deal with the offences in the ammunition deposited led to the decision to establish the courts in the zone.
- g. Regime SOELI. An investigation of the troubles in Regina Sella Prison led to the appointment of a judicial officer to investigate the case.

2. COMMENTS.

- a. General Order No. 25 for Defacement of administration in AMG Territory was completed.
- b. Orders for the establishment of Italian offices under G.O. #28 were prepared.

File

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- c. Prisoner Forfeiture. Prison committed in this territory by members of MIAF received the same whether these members were subject to the jurisdiction of the courts.
- d. Public Utility Rates. The proposed increase in rates for public utility services involved a comprehensive study of the relevant legislation and the difficulties arising from the proposed methods of calculating the increase.
- e. CIP. A draft decree constituting CIP as an Extraordinary Commission was finally agreed with the Italian Government subject to an exchange of letters to protect Italian interests.
- f. Port. The liberty of the local Italian Courts to deal with the offences in the communication systems led to the decision to establish six Courts in the port.
- g. Regime Goals. An investigation of the troubles in Regime Goals led to the appointment of a professional judicial instructor in Rome.

2. WORK

- a. General Order No. 35 for Definition of administration in MIAF Territory was completed.
- b. Orders for the establishment of Labor Offices under G.O. #38 were prepared.

3. WORK WITH THE MINISTRY OF LABOR AND JUSTICE

Only two meetings with the Minister of Labor and Justice were held due to the resignation of the Italian Government.

In these, the personnel problems of the Italian Courts stirred prominently. These problems arose for removing the shortage of personnel which has developed in the Italian Courts. The shortage arose from the provisions of qualified candidates in local courts, recruitment of new personnel, resignation of judges of 1941-1942 held as POWs in Africa and elsewhere. Particular attention was given to the Courts of Naples where the two key members of the judiciary are being resigned and to the Court of Appeal Section in Naples. This resignation was the cause to be taken against the President of the Court of Appeal of Naples who has been charged with the administration in connection with his handling of a case involving a killed prisoner. Suggestions were made to the Ministry regarding further legislation abolishing racial laws and converts were requested on the recent reform of Penal and civil codes. Minister's queries concerning the interpretation of General Order No. 35 on labor matters were answered. The salary

problems of certain groups of officials and the selection of lay judges for courts of assizes were considered.

4. ITALIAN LEGISLATION AND JUDICIARY.

Further discussions were held with the Vatican authorities and the Ministry of Justice to obtain a speedy publication of the amended decree on marriages of members of U.C. Armed Forces in Italy.

A case of contemplated marriage between an American colored soldier and an Italian woman necessitated a detailed study of the present Italian law on this subject.

The possibility of future elections in Italy called for an examination of the question of women's suffrage under Italian law.

Decrees submitted by sub-commissions on Italian Ministries were examined. The subjects covered by these decrees included: defecation of high grade officials, liquidation of fascist property, procedural rules for defecation of the administration, appointment of receivers for fascist-controlled concerns, revision of sentences passed by fascist tribunals, increased cost of living allowances, emergency housing, reorganization of legal profession, penalties for violations of the rationing laws, war crimes to privately owned railways.

5. SUPERVISION OF MILITARY COURTS.

- a. Due to the incapacity of the Italian Courts, Permanent Superior and Summary Military Courts have had to be established in the Bari District to deal with cases of sabotage or damage to Allied supplies and installations.
- b. Experience has shown that certain amendments are necessary to the rules of procedure as set out in the Consolidated Instructions for Allied Military Courts. These have not been prepared and are being prepared for distribution.
- c. Reviewing, 9 espionage cases have been reviewed at this HQ during the past month, six death sentences being confirmed and one death sentence being commuted to imprisonment for life by the Chief Commissioner and two prison sentences being confirmed. Normal reviewing work has continued.

d. Points from the regions:

(1) Southern Region

Investigations into the forging of warrants of release from prison have now been completed. The HQ is still examining the work and cooperation of the Quersura at Naples in their investigation.

There were two General Military Courts at Naples during the month. One accused was acquitted and the other was sentenced to two years imprisonment for the killing of a British soldier.

5. SUPERVISION OF MIL COURTS.

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- b. Experience has shown that certain incidents are necessary to the rules of procedure or set out in the consolidated instructions for Allied Military Courts. These have now been prepared and are being printed for distribution.
- c. Reviewing. 9 certiorari cases have been reviewed at this HQ during the past month, six death sentences being confirmed and one death sentence being commuted to imprisonment for life by the Chief Commissioner and two prison sentences being confirmed. Normal reviewing work has continued.
- d. Points from the regions;

(1) Southern Region

Investigations into the forging of warrants of release from prison have now been completed. The HQ specially commands the work and cooperation of the Quersura at Naples in their investigation.

There were two General Military Courts at Naples during the month. One accused was acquitted and the other was sentenced to two years imprisonment for the killing of a British sailor in circumstances that amounted to manslaughter.

Summary of cases.

General Court	1	1	TOTAL
Superior Court	17	50	67
Summary Court	16	918	934
	34	969	1003

(2) Abruza-Marche Region

For the second month in succession there has been no case involving the death of or injury to Allied troops.

Summary of cases.

Superior Court	3	13	TOTAL
Summary Court	92	297	391
	37	310	407

(3) Toscana Region Summary of cases

Superior Court	8	58	TOTAL
Summary Court	179	1535	1714
	187	1593	1780

W. J. HARRIS, Colonel,
Deputy Chief Legal Advisor.

HEADQUARTERS ALLIED COMMISSION
 APO 394
 ITALIAN SUB-COMMISSION

10/4023/L.

6 December 1944. /s/

SUMMARY OF MONTHLY RETURN FOR NOVEMBER 1944

1. The legal S/C advised on the function of the Constituent Assembly established by RAL No. 151 of the 25th June 44 and expressed the opinion that it was the function of this Assembly to determine whether the Italian Constitution should be monarchical or not.

The question of the status of the members of the Yugoslav missions in Bari was considered and the opinion was given that upon the basis of existing law, members of these missions were subject to the jurisdiction of the Allied Military Courts.

The troubles at the Regina Coeli Prison in Rome were investigated and found to be largely the result of the delays in the pre-trial procedure of the Italian Courts. In order to lessen these delays, arrangements were made for the appointment in Rome of four additional judges.

2. Rules under General Order No. 28 have been settled and provide for the operation of the Provincial and Regional Labor Offices and lay down the arbitration procedure in cases of labor disputes.

3. In view of the anticipated shortage of Italian judges in the Northern Regions, arrangements have been made for Italian Military Tribunals to sit in those areas. The necessary decree to give effect to this policy has been prepared.

4. The cases tried in AMC Courts and review by this sub-commission included nine cases of espionage. Of these cases six death sentences were confirmed, one death sentence was commuted owing to the youth of the accused and two prison sentences were confirmed.

K. E. WARREN,
 Colonel,
 Deputy Chief Legal Advisor.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4043/L.

11p.
11 November 1944.

SUBJECT : Legal S/C Monthly Report for October 1944.

TO : Chief Commissioner, AC.

1. The work of this S/C during the month of October 1944 in addition to advisory and legislative work has been principally as follows:

OFFICE OF THE CHIEF LEGAL ADVISOR:

2. Completion of documents for restoration of additional territory to jurisdiction of the Italian Government and working out with its representatives the details of the decree to be published in connection therewith; conferences relative to Commissario for AGIP and ANIG and the contribution of CIE as an Ente dl Gestione; considering various questions relative to the future structure of the press, radio and film industry in Italy; further work on General Order No. 35 (Defascistization) and Administrative Instructions with respect to regional defascistization; working on decree to free United Nations properties of sequestration and for establishment of method of returning sequestered properties to owners; advising on various questions arising in connection with the Republic of San Marino; final work and conferences re decree to restore Jewish property and property rights; making arrangements for military tribunals; study of Bari situation; issue of directive on enemy partisans.

OFFICE OF THE CHIEF COUNSEL:

3. Preparation of opinions with respect to various problems arising out of the Armistice Terms; conferences with public works in re to rates and examination of decrees; conferences with Labor S/C and preparation of draft of rules and regulations and examination of applicable decrees and numerous conferences with and advice to various sub-commissions.

ITALIAN REFINES:

4. Legal matters discussed with the Minister of Justice during the month of October included the following:

- a. Method which would ensure that draft decrees of interest to AG are first discussed with the S/C concerned before being submitted to the Council of Ministers.
- b. Appointment of a new Italian member to the Mixed International Tribunal of Turin.
- c. Reorganization of the legal professional organizations.

jurisdiction of the Italian Government and working out with its representatives the details of the decree to be published in connection therewith; conferences relative to Commissario for IRI and ANIC and the contribution of CIP as an Ente di Gestione; considering various questions relative to the future structure of the press, radio and film industry in Italy; further work on General Order No. 35 (Defascistization) and Administrative Instructions with respect to regional defascistization; working on decree to free United Nations properties of sequestration and for establishment of method of returning expropriated properties to owners; advising on various questions arising in connection with the Republic of San Marino; final work and conferences re decree to restore Jewish property and property rights; making arrangements for military tribunals; study of Bari situation; issue of directive on enemy partisans.

OFFICE OF THE CHIEF COUNSEL;

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ITALIAN FRONT:

4. Legal matters discussed with the Minister of Justice during the month of October included the following:

- a. Method which would ensure that draft decrees of interest to AS are first discussed with the S/C concerned before being submitted to the Council of Ministers.
- b. Appointment of a new Italian member to the Mixed International Tribunal of Tientsin.
- c. Reorganization of the legal professional organizations.
- d. Rules for execution of the recently published law restoring property rights to Italian citizens and foreigners "considered of Jewish race."
- e. Reopening of the Court of Appeal Section of Lucania and personnel matters in general; Minister's policy of retiring overage personnel and possibilities of recruiting new personnel.
- f. Progress in operation of the judiciary.
- g. Paper shortage in Italian Courts.
- h. Interpretation of decree No. 174 in limitation of cases of compulsory arrest, etc.

5. Several conferences took place between the members of the s/o, the Chief of the General Staff and Procuratore Generale Militare on the subject of the Italian Military Tribunals at Rome and planning for the Military Tribunals at Milan.

6. Numerous draft decrees proposed by the Italian Government were studied such as the draft decree on leases of uncultivated land, on increase of railroad fares, on "expurgation" of the highest four career grades of the Italian State employees, the recently promulgated decree concerning the fascist Republican legislation and administrative acts as well as sentences rendered by ordinary and special judicial authorities under the fascist Republican rule was studied, translated and circulated to all sub-commissions and all authorities in the field.

7. A collection of the most important Directives of the Minister of Justice prepared by the Minister at the request of this s/o and affecting Allied interests was transmitted to FLOs for distribution to Italian authorities concerned.

8. The problem of entrapment in Italian law as applied in proceedings before Allied Military Courts was considered; numerous charges under Italian law were prepared for prosecution before Allied Military Courts.

9. Upon receipt of a letter from the Political Section enclosing copies of a number of complaints made by the representatives of the Italian Waldensian Church to the Bishop of Litchfield, an opinion was prepared as to the present position of the "admitted cults" in Italy following the agreement between the Vatican and the Italian State embodied in the provisions of the Lateran Treaty and the Concordat of 1929.

10. Several conferences took place with the Directorate of Property Control and experts representing the Italian Government on the drafting and approval of a decree having for object the assumption by the Italian State of the administration of the property of Nationals of the United Nations arising out of the War in Italy.

11. The text of a decree for facilitating the marriage under Italian Law of members of the U.S. Forces was finally approved by AMHC after its proposed application to the British forces had been considered and rejected.

OFFICE OF THE CHIEF JUDICIAL OFFICER:

12. During October a tour of inspection was made by the CJO, covering a large part of TOSCANA Region. After a conference with the Regional Legal Officer at Siena, the following places were visited: Livorno, Pisa, Lucca, Pistoia and Florence.

The situation at Livorno is one which may become difficult. There are many colored troops doing Port work. Their discipline is very bad. They give away and sell a large amount of military stores and equipment. Moreover, there have been many crimes of violence committed by these troops, which have resulted in the death of a few Italians. This is an immediate concern of AMHC, but it is

8. The problem of enlistment in Italian law as applied in proceedings before Allied Military Courts was considered; numerous charges under Italian law were prepared for prosecution before Allied Military Courts.

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10. Several conferences took place with the Directorate of Property Control and experts representing the Italian Government on the drafting and approval of a decree having for object the assumption by the Italian State of the administration of the property of Nationals of the United Nations arising out of the War Laws.

11. The text of a decree for facilitating the marriage under Italian law of members of the U.S. Forces was finally approved by AMHQ after its proposed application to the British forces had been considered and rejected.

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The situation at Livorno is one which may become difficult. There are many colored troops doing Port work. Their discipline is very bad. They give away and sell a large amount of military stores and equipment. Moreover, there have been many crimes of violence committed by these troops, which have resulted in the death of a few Italians. This is no immediate concern of TOSCOMA, but it is reasonable to expect that such conduct will lead, sooner or later, to Italians killing Allied soldiers. Political feeling runs high in that area.

Work in the AMO Courts is considerable. At the time of the visit, there were two legal officers covering Livorno, Pistoia and other smaller places. This staff was inadequate having regard to the large number of cases to be tried and the many other problems which face a PLO in a large base. The Regional Legal Officer accepted the recommendation to increase the team by one.

At the other places visited, all was found to be running smoothly. The number of cases before Allied Military Courts was negligible except for Florence, where there are a substantial number of trifling cases. Every effort had been made, and generally with considerable success, to re-open the Italian Courts.

13. ESPIONAGE CASES.

The following figures show the number of such cases reviewed at HQ AG during the month of October:

Death sentences confirmed.....6

Death sentences submitted for
confirmation.....2

Total 8

No such cases come up for review in which any sentence other than death
had been imposed.

14. Normal reviewing of cases continued. Owing to the comparatively small
number of Allied Military Courts which have been sitting recently, pressure of
work has been reduced.

15. The following points arise from work in Regions,

SOUTHERN - In Naples Commune a Superior Court has been in constant
session during the month. The number of cases tried in Naples is as follows:

C O U R T	I	G	I	G	T O T A L
General Courts	:	2	:	0	2
Superior Courts	:	47	:	21	68
Summary Courts	:	843	:	33	876
TOTALS	:	892	:	54	946

AFRICA-MOROCCE - About 530 Summary Court cases were tried during the
month. Of these 350 were in Anoum Province. Approximately one-half of all the
cases tried were on charges of theft or wrongful possession of Allied property.

ITALY - Parts of this region have now been occupied and a small number
of cases have been tried by Allied Military Courts. These courts give rise to no
special comment.

W. E. B. B. B.

W. E. B. B. B.,
Colonel,
Deputy Chief Legal Advisor.

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15. The following points arise from work in Regions,

SOUTHERN - In Naples Commune a Superior Court has been in constant session during the month. The number of cases tried in Naples is as follows,

COURT	C	I	D	TOTAL
General Courts	2	0		2
Superior Courts	47	21		68
Summary Courts	843	33		876
TOTALS	892	54		946

ATHUZZI-MARCHE - About 530 Summary Court cases were tried during the month. Of these 250 were in Ancona Province. Approximately one-half of all the cases tried were on charges of theft or wrongful possession of Allied property.

EMILIA - Parts of this region have not been occupied and a small number of cases has been tried by Allied Military Courts. These cases give rise to no special comment.

W. L. PERRENS,
Colonel,
Deputy Chief Legal Advisor.

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HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

2/3B/CA

8 Nov 44

SUBJECT : Monthly report.

TO : All Sub-Comms.

- 1 A request has been received from S-G Section, AFHQ, that in future 35 copies of the full length report prepared by Sub-Comms should be sent to them instead of 30 as previously. Please therefore, send to this office by the 14th of the following month 42 copies of your October and succeeding reports.
- 2 Following a study of these reports before their despatch to AFHQ the Chief of Staff has made the following comments :
 - a) As regards their length, he was glad to see that September reports are, taken as a whole, shorter than those for the previous months but, wherever possible, he wishes Sub-Comms to aim at a further shortening of their reports.
 - b) The majority of Sub-Comms whose reports are longer than, say, 10 pages include a table of contents. This is most useful and one should always appear at the beginning of a report of any length.
 - c) In some cases changes in staff have been made the subject of the first paragraph of a report. The Chief of staff considers that these would more suitably be placed at the end of a report.

R. S. Cripps
R. S. CRIPPS Col,
CSO CA Section

Ex t: 358

	LEGAL SUB-COMMISSION	
	CLO	
→	DCLO	✓
→	Chief Counsel	✓
	CJO	
	Intell. Sec.	
	CL RKS	
	8 NOV 1944	

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

10/405/1

SUMMARY OF MONTHLY RETURN FOR OCTOBER 1944

OFFICE OF CHIEF LEGAL ADVISOR

1. Completion of documents for restoration of additional territory to Italian jurisdiction.
2. Consideration of various matters pertaining to future structure of press, radio and film industry in Italy.
3. Consideration of problem of de-sequestration of property of United Nations nationals.
4. Final consideration of decrees to restore property to Jews.
5. Issue of directive on Enemy Partisans (40X/4159/L of 14 Oct 44).

OFFICE OF CHIEF COUNSEL

6. Preparation of opinions on:
 - a right to require Italian army to supply materials and services;
 - b to control appointment and personnel of Commissari;
 - c to control general economy.
7. Preparation of Rules and Regulations to supplement General Order No. 28 (Labor Relations).
8. Consideration of subject of control of utility rates.

ITALIAN BRANCH

9. Control of draft decrees prior to submission to Council of Ministers. Procedure to be adopted.
10. Rules for restoration of property rights to Jews.

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(108A)

/ear

4. Final consideration of Decrees to restore property to Jews.
5. Issue of directive on Enemy Partisans (AMM/4159/L of 14 Oct 44).

OFFICE OF CHIEF COUNSEL

6. Preparation of opinions on:
 - a. right to require Italian army to supply materials and services;
 - b. to control appointment and personnel of Commissari;
 - c. to control general economy.
7. Preparation of Rules and Regulations to supplement General Order No. 28 (Labor Relations).
8. Consideration of subject of control of utility rates.

ITALIAN BRANCH

9. Control of draft decrees prior to submission to Council of Ministers. Procedure to be adopted.
10. Rules for restoration of property rights to Jews.
11. Reorganization of the administration of Italian military justice.
12. Memorandum on the complaints made by the Waldensian Church arising out of its position in Italy under the Lateran Treaty.
13. Drafting of a decree on Property Control for administration by the Italian State of the property of members of the United Nations.
14. Approval of decree to facilitate marriage under Italian law of members of the United States Forces.

OFFICE OF THE CHIEF JUDICIAL OFFICER

15. Visit by CJO to Region TOSCANA. Things quiet and little work for AM Courts except at LIVORNO.

16. Espionage cases for month:

Death sentences confirmed	6
" " confirmed by C.C. omitted	2
" " omitted	0

There was no case for review in which a person convicted of espionage had been sentenced to any sentence other than death.

17. Normal reviewing of cases.

E. E. MEHRENS, Colonel,
Deputy Chief Legal Advisor.

8
1944

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/rm.

10 Oct. 44.

ACC/4043/L.

SUBJECT : Summary of Monthly Report for
September.

TO : Civil Affairs Section.

1. Reference letter of Adm Sec dated 19 Aug. 44 in
connection with the above.

2. Herewith Summary of Monthly Report for September
in respect of this Sub-Commission.

RICHARD H. WILMER,
Colonel, CAC,
Chief Legal Advisor.

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

400/4023/1.

/ps.
10 Oct 44.

SUMMARY OF MONTHLY REPORT FOR SEPTEMBER

ITALIAN BRANCH

1. Reorganization of the personnel of the Italian Magistracy in ASC/AMC territories.
2. Publication of decrees abolishing the death penalty in the Penal Code.
3. Adjustment of jurisdiction over petitions for Pardon and conditional liberty.
4. Preparation and settling of decrees providing for the continuity of Italian responsibility in the matter of requisition of Allied property.

OFFICE OF CHIEF LEGAL ADVISOR

1. Work on draft of decrees dealing with "Sanctions against Fascism".
2. Preparation first draft of new restoration documents.
3. Consideration of problems of a Petroleum Section of AMAC with particular reference to AGIP and AMIG.
4. Consideration of duties and functions of Property Control.

OFFICE OF CHIEF COUNSEL

1. Preparation of General Orders No. 33 (Petrol cars and other Military property), No. 34 (wage adjustments) and Notice No. 4 (petrol cars).
2. Work on directive in respect to Army Partisans.
3. Preparation of opinion on Scope of Legislation.
4. Preparation of opinion with respect to limitations imposed by Proclamation No. 4 Revised on payments of benefits.

CHIEF JUDICIAL OFFICER

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3. Adjustment of jurisdiction over petitions for Parole and conditional liberty.
4. Preparation and settling of decrees providing for the continuity of Italian responsibility in the matter of requisition of Allied property.

OFFICE OF CHIEF ITALIAN ADVISER

1. Work on draft of decrees dealing with "Sanctions against Fascists".
2. Preparation first draft of new restoration documents.
3. Consideration of problems of a Petroleum Section of APIC with particular reference to ACIP and APIC.
4. Consideration of duties and functions of Property Control.

OFFICE OF CHIEF COUNSEL

1. Preparation of General Orders No. 33 (Petrol cars and other Military property), No. 34 (wage adjustments) and Notice No. 4 (petrol cars).
2. Work on directive in respect to Army Partisans.
3. Preparation of opinions on Scope of Auditors.
4. Preparation of opinion with respect to limitations imposed by Proclamation No. 4. Revised on payments of benefits.

CHIEF JUDICIAL OFFICER

1. Work for month of September was of routine nature; review of cases has continued.
2. In espionage cases, 4 cases have been submitted for confirmation or commutation of death sentences; in 2 other cases sentences of 10 years have been affirmed.
3. Four cases have come up for review in which charges have been laid against Italians, left behind by the Germans, who were provided with explosives and demolition equipment for sabotage purposes. In no case yet reviewed has any such person committed or attempted to commit any act of sabotage. Charges are therefore laid under Art. IV(5) Part II Art. IV(5) for possession of explosives. sentences have ranged from 10 to 2 years.

RICHARD H. WILSON,
Colonel, USA,
Chief Legal Adviser.

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

ACC/4043/L.

/ap.
9 October 1944.

SUBJECT : Legal Sub-Commission, Monthly Report
for September 1944.

TO : Acting Chief Commissioner, ACC.

1. The work of this sub-commission during the month of September 1944 in addition to advisory and legislative work has been principally as follows:

OFFICE OF CHIEF LEGAL ADVISOR.

2. Weekly conferences with Minister of Justice; numerous conferences with representatives of Petroleum Section AF HQ and Economic Section ACC concerning the appointment of commissario for ASIR and ANIC and creation of C.I.P. into an Ente di Gestione; working with Admin. Sec. on drafts of various decrees dealing with or connected with Sanctions against Fascism, preparation of Regional form of Defascistization Order No. 35, executive memorandum with forms and letter in relation to such order; working on changes in Proclamation No. 1; reviewing spy and sabotage cases; visiting Regional HQ Toscana Region and two of its provincial headquarters; conducting periodic meeting of all RHOs and discussing their individual problems; preparation of first draft of new restoration documents; working on various Property Control matters.

OFFICE OF CHIEF COUNSEL.

3. Conferences with and advice to various sub-commissions; preliminary conferences with interested sub-commissions and preparation of General Orders No. 33 (War Salvage), No. 34 (Wage Adjustments) and Notice No. 4 (Petrol Cans); preparation opinions on powers vested in "Armistice"; preparation directive on enemy partisans; conferences with Finance, Welfare, Labour and Administrative Section and preparation of opinions on interpretation of Proclamation No. 4 (Revised) with

principally as follows:

OFFICE OF CHIEF LEGAL ADVISOR.

2. Weekly conferences with Minister of Justice; numerous conferences with representatives of Petroleum Section AF HQ and Economic Section AOC concerning the appointment of commissario for AGIR and ANIC and creation of O.I.P. into an Ente di Gestione; working with Admin. Sec. on drafts of various decrees dealing with or connected with Sanctions against Fascism; preparation of Regional form of Defascistization Order No. 35, executive memorandum with forms and letter in relation to such order; working on changes in Proclamation No. 1; reviewing spy and sabotage cases; visiting Regional HQ Toscana Region and two of its provincial headquarters; conducting periodic meeting of all RDOs and discussing their individual problems; preparation of first draft of new restoration documents; working on various Property Control matters.

OFFICE OF CHIEF COUNSEL.

3. Conferences with and advice to various sub-commissions; preliminary conferences with interested sub-commissions and preparation of General Orders No. 33 (War Salvage), No. 34 (Wage Adjustments) and Notice No. 4 (Petrol Cans); preparation opinions on powers vested in "Armistice"; preparation directive on enemy partisans; conferences with Finance, Welfare, Labour and Administrative Section and preparation of opinions on interpretation of Proclamation No. 4 (Revised) with respect to benefit payments; conferences with Economic Section relative to Italian Labour Legislation; preliminary conferences with Hemp Control in re proposed General Order; conferences with Property Control as to powers and functions.

ITALIAN BRANCH.

4. There were five conferences with the Minister of Justice during September at which matters discussed included the following :-

- (a) Promotions and transfers of magistrates of the highest three career grades with special consideration for selection of adequate number for Northern Provinces.

- (b) Ministry's policy on retirement of magistrates in accordance with Italian Laws.
- (c) Judicial personnel problems in general with special regard to Sardinian Courts.
- (d) Fascist Republican Laws.
- (e) Revision of Public Safety Laws.
- (f) Draft decree on revision of sentences rendered by the Fascist Special Tribunal for the defence of the State.
- (g) Draft decree on the new time limits for the presentation and conversion into law of decrees-laws.
- (h) The publication of the decree abolishing death penalty in Penal Code.
- (i) Certain disturbances which occurred in Calabria and steps taken by the judicial authorities in this connection.
- (j) Establishment of a mass for ministerial officials.
- (k) Possibility of the return of the Court of Appeal and Tribunal of Ancona to their original seat at Ancona.
- (l) Interference by Italian Courts at Bari with the jurisdiction of Allied Military Courts.
- (m) Policy as to the removal of officials in Military Government Territory.
- (n) Modification of the division of Italian and Allied jurisdiction over petitions for pardon and conditional liberty consequent upon agreement that the effect of the amnesty decree shall be extended to cover common offences committed during Allied occupation of territory since

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- (m) Policy as to the removal of officials in Military Government Territory.
- (n) Modification of the division of Italian and Allied jurisdiction over petitions for pardon and conditional liberty consequent upon agreement that the effect of the Amnesty decree shall be extended to cover common offenses committed during Allied occupation of territory since restored to Italian Administration (but excluding offenses tried by Allied Courts or involving Allied interests.
- (o) Procedural rules for expatriation of Italian Administration.
- (p) Extensive discussion at a special meeting in the presence of representatives of the Army Sub-Commission and Italian Ministry of War in respect to functioning of Italian Military Tribunals.
- (q) Further discussion on the repeal of racial legislation.

- (r) Operation of Courts of Assizes.
- (s) Increase of salaries of judicial officials.
- (t) Repeal of a law enacted in 1930 and establishing obligatory Jewish Community.
- (u) Numerous conferences took place with the Director of Property Control in connection with the implementing of the recently adopted policy for assuring the continuity of responsibility of the Italian Government in regard to Allied Property under the Law of War. Translations were made of the Italian laws on the requisition and transfer of enemy property to Italian nationals with the object of examining and approving the draft Italian Decree to carry out the necessary legislation and administrative changes.
- (v) The work in connection with the supervising of "separation" of the magistracy was transferred to a special branch of the Civil Affairs Section, organized to deal with all the departments of the Italian Government.

OFFICE OF CHIEF JUDICIAL OFFICER.

5. At ACC HQ.

The work during September was largely routine: review of cases continued.

The figures for espionage cases reviewed during the month under review are :-

(i) Death sentences submitted for confirmation	4
(ii) Prison sentences affirmed	2

Upon the German withdrawal from Rome and that General area, the Germans left behind certain Italian agents some of whom had been previously trained in sabotage. These agents were provided with explosives for sabotage purposes. One of the group turned informer and consequently the security agencies effected several arrests. Proceedings have been taken in Adm Courts in Rome against these men; the cases having been started during the substage of AMG in Rome. These cases have largely been referred to as "sabotage cases"; in fact, in no case was a "sabotage" agent referred to as "sabotage".

Italian Decree to carry out the necessary legislation and administrative changes.

- (v) The work in connection with the supervising of "expurgation" of the magistracy was transferred to a special branch of the Civil Affairs Section, organized to deal with all the departments of the Italian Government.

OFFICE OF CHIEF JUDICIAL OFFICER.

5. At AGO HQ.

The work during September was largely routine: review of cases continued.

The figures for espionage cases reviewed during the ¹⁴ month under review are:-

- | | |
|--|---|
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Upon the German withdrawal from ROME and that General arrest, the Germans left behind certain Italian agents some of whom had been previously trained in sabotage. These agents were provided with explosives for sabotage purposes. One of the group turned informer and consequently the security agencies effected several arrests. Proceedings have been taken in AMG Courts in ROME against these men; the cases having been started during the subsistence of AMG in ROME. These cases have ^{been} referred to as "sabotage cases": in fact, in no case ^{has} this HQ was there any act of sabotage or any attempt to commit sabotage, in spite of the elapse of a substantial time from the withdrawal of the Germans to the date of arrest. The only charges which could therefore be laid were for possession of explosives contrary to Proclamation No. 1, Part II, Art. IV (5). During the month of September, 4 convictions on such charges were affirmed on review: sentences varied from 2 to 10 years. Much of the time of the Chief Judicial Officer is occupied on account of the practice of Italians, when sentenced to imprisonment, of presenting innumerable petitions to all possible authorities. When a petition to the Allied authorities has been of no avail, a further and even less accurate petition is presented, through normal channels.

to the Ministry of Grace and Justice; these are forwarded to the Chief Judicial Officer. From 50 to 100 such petitions are received each week. These are all scanned. In the vast majority of cases they disclose no point of substance, but in the odd case the petition does raise some point which, on the face of it, is worth consideration. In such cases the record is called for and scrutinized by the Chief Judicial Officer. It is usually found that the petition is caused a substantial amount of work, it provides a valuable check and has, on a few occasions, enabled action to be taken to prevent injustice or undue hardship.

6. Regions.
The Allied Military Courts in Naples continue to handle a substantial amount of work. The figures for the month under review were :-

	N.C.	C.	Total
Summary Courts	12	916	928
Superior Courts	6	34	40
General Court	1	1	2
Total	19	951	969

It is noticeable that most of the cases are small : 928 (out of 969) were Summary Court cases made up as to 237 cases of curfew and pass violations; 609 cases of thefts or wrongful possession of Allied property and 105 others. At Bari one accused was convicted of espionage and sentenced to death.

In LAZIO Region there have been 5 persons tried for espionage : these trials resulted in 2 death sentences, 2 sentences of imprisonment for 20 years and one acquittal. The above sentences are still subject to review. Provision of personnel to form the Court and of a prosecuting and defending officer imposes a strain on the legal personnel of the Region.

In ABRUZZI-MARCHI Region one accused was tried for espionage; he was convicted and sentenced to death. The number of cases dealt with by Allied Military Courts in this Region is small: only 580 cases in the month of September. This is due in part to the fact that it is a country region without large towns, and in part to the fact that much work has been handed over to the Italian Courts.

In TOCANA Region, Allied Military Courts were more busy. In September 1109 cases were disposed of, of these 1077 were Summary Court cases. LIVING shows signs of developing into a small edition of WARIS. It is hoped that there will soon be established a special "Port Court" to deal with petty offences (chiefly theft) in the port.

7. General Military Courts.
In Southern and Abruzzi-Marche Regions new General Court Panels have been established. These panels authorize a General Military Court to be convened, consisting of a President, to be selected from a list of named legal officers, and two or more other officers to be appointed by the Regional Commissioner. As a result, a General Military Court may consist of one legal officer (President) and two lay officers as members, and it may well be that one or even both of the lay officers may not be officers of ACC. This departure from previous practice has been made imperative by the extreme shortage of legal and other ACC officers in

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In TOSCANA Region, Allied Military Courts were more busy: in September 1103 cases were disposed of: of these 1077 were Summary Court cases. LIVORNO shows signs of developing into a small edition of NAPLES. It is hoped that there will soon be established a special "Port Court" to deal with petty offences (chiefly theft) in the port.

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8. Conclusion.

Work in Allied Military Courts follows its well defined lines. The principal offences are theft or wrongful possession of Allied property. The second greatest problem is possession of firearms. These cases always give rise to difficulty in assessing sentence, this difficulty will increase as the more northern regions are occupied and number of Patriots (or self styled Patriots) increases.

Richard H. Wilmer

RICHARD H. WILMER,
Colonel, C.A.G.,
Chief Legal Advisor.

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APR 394

IC/4043/L.

/rlp.
10 September 1944.

SUBJECT : Legal Sub-Commission, Monthly Report for August 1944.

TO : Acting Chief Commissioner, ACC.

1. The work of this sub-commission during the month of August 1944 in addition to advisory and legislative work has been principally as follows:

OFFICE OF CHIEF LEGAL OFFICER:

2. A meeting of all RLOs on 1 August at which various questions were discussed; preparation of documents and conferences with representatives of Italian Government with respect to restoration of territory to the Italian Administration as of 15 August 1944; considering various proposed amendments to the decree of sanctions against fascism, proposed related legislation and numerous conferences with regard thereto; review of records of various cases involving espionage and other cases including those in which death sentences were given and making recommendations to Acting Chief Commissioner; conferences with 'CC officers, Allied Military authorities and Italian Military authorities in Bari regarding unsatisfactory and uncooperative attitude taken by Italian Military Tribunal in connection with trial of cases involving Allied interests; appearance before man-power board to represent officer and enlisted personnel situation in Legal Sub-Commission Headquarters.

3. Continuing with repeated efforts to obtain additional legal officers for northern regions with mediocre success to such extent that at the present time it would be impossible to deal adequately with legal matters in northern regions if the regular form of ALB is to be followed; consideration of Property Control situation and preparation of memorandum and conferences with regard thereto; considering matter of jurisdictional friction between French and Italians in Corsica with regard to trial of Italian military personnel; examination of proposed decree for the restoration of property and other rights taken away under fascism on racial and political grounds; conferences with committee sponsoring decree and preparation of certain letters for Acting Chief Commissioner in this regard; visit to Headquarters, Region V for conferences with RLO of region; weekly conferences with Ministry of Justice.

OFFICE OF CHIEF COUNSEL:

4. Conferences with and advice to various sub-commissions; preparation of opinions for sections and sub-commissions; study of decrees of interest to Labor and Agriculture Sub-Commissions and Economic Section and conferences with Agriculture and Labor Sub-Commission and Economic Section with respect thereto; work on preparation of new preamble to Proclamation No. 1, Revised; proof-reading of English and Italian version of all General Orders submitted by RLO Section in its future progress.

sanctions against fascism, proposed related legislation and numerous conferences with regard thereto; review of records of various cases involving espionage and other cases including those in which death sentences were given and making recommendations to Acting Chief Commissioner; conferences with JCC officers, Allied Military authorities and Italian Military authorities in Bari regarding unsatisfactory and uncooperative attitude taken by Italian Military Tribunal in connection with trial of cases involving Allied interests; appearance before man-power board to represent officer and enlisted personnel situation in Legal Sub-Commission Headquarters.

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ITALIAN BRANCH:

5. Besides many legal matters which were the object of discussions with the Minister of Justice and are enumerated hereafter, the activities of the Italian Branch included also the supervision of "reparation" of the magistracy under the provisions of RDL 159 of 27 July 1944.

6. As stated in the July report, there is no evidence that the fascist conception of justice effected to any great extent the judgments of the great

majority of senior judges, and as a matter of fact there were more cases of resistance to fascist pressure than of decisions influenced by political intervention. This was not so true of the Public Prosecutor's Departments.

7. However, it was a known fact that a number of High Judicial Officials by opportunism or conviction had thought fit to indulge in active fascist propaganda. On the other hand a minority of younger elements did join the ranks not only of the fascist party, which in any case they had to do, but of the various categories of pseudo-military formations, such as the militia, squadre, etc. Therefore, the role of the Ministerial "expurgation commission" appeared to be clearly cut and it was expected that their investigations would be concluded in a very short time. On the contrary, until the end of the month very little progress was made and the great majority of officials whose names had been forwarded to the Minister for decision as to suspension, were those of many unfortunate junior officials, holders of some fascist distinction showing up in their record.

8. The few higher officials who also appeared on the lists had previously resigned or had already been dismissed under the provisions of earlier decrees or orders.

9. These facts can be explained by the general feeling that the Deputy High Commissioner intends to use the "expurgation" legislation as a political purge and not as a social one, hence strong resistance from the Ministers belonging to other parties; the "esprit de corps" existing between members of the Commissions and officials of the Courts; and also the impression that the allied authorities who are pressing for results are much more interested in quantity and percentage than in quality and importance. The fact remains that so far the names of fascist propagandists well known to the public have not appeared in any list. It is hoped that the new directives recently issued will help in solving, at least partially, some of the difficulties above stated, but it must be again pointed out that drastic cuts in the ranks of the magistracy cannot be justified by the general attitude of the bench during the fascist regime, that such grand scale "expurgation" would only add to the disorganization of the administration of justice, that judges and magistrates, under present conditions are almost irreplaceable as existing salaries will deter any suitable candidates from entering the judicial career and finally that it is the responsibility of the CC to prevent as much as possible, not only the present but even the future breakdown of law and order in Italy.

10. Legal matters discussed with the Minister of Justice during the month of August included the following:

a. The method of appointing judicial officials in Military Government Territory with view of decentralizing the administration of personnel matters and leaving it in the hands of Regional and Provincial Legal Officers and local Italian authorities was would contact the Ministry whenever it is necessary, under Italian law.

b. Financial status and payment of salaries to officials removed by the republican fascist government.

c. The compilation of lists of judicial officials held as prisoners of war in North Africa with view of obtaining their repatriation in order to partially alleviate the lack of judicial personnel.

9. These facts can be explained by the general feeling that the Deputy High Commissioner intends to use the "reputation" legislation as a political purge and not as a social one, hence strong resistance from the Ministers belonging to other parties; the "esprit de corps" existing between members of the Commissions and officials of the Courts; and also the impression that the Allied authorities who are pressing for results are much more interested in quantity and percentage than in quality and importance. The fact remains that so far the names of fascist propagandists well known to the public have not appeared in any list. It is hoped that the new directives recently issued will help in solving, at least partially, some of the difficulties above stated, but it must be again pointed out that drastic cuts in the ranks of the magistracy cannot be justified by the general attitude of the bench during the fascist regime, that such grand scale "reputation" would only add to the disorganization of the administration of justice, that judges and magistrates, under present conditions are almost irreplaceable as existing salaries will deter any suitable candidates from entering the judicial career and finally that it is the responsibility of the CC to prevent as much as possible, not only the present but even the future breakdown of law and order in Italy.

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b. Financial status and payment of salaries to officials removed by the republican fascist Government.

c. The compilation of lists of judicial officials held as prisoners of war in North Africa with view of obtaining their repatriation in order to partially alleviate the lack of judicial personnel.

d. Draft Decree abolishing the death sentence in Italian law except in respect to cases tried under military codes and the law on sanctions against fascism as proposed by the Minister.

e. Problem of improvement of drafting technique of the Italian legislation by concentrating the drafting in the Ministry of Justice.

f. Problems of judicial personnel in general.

g. The necessity of radical improvement in the operation of the Courts of Bari; consequent changes of personnel.

h. Recruitment of office personnel for the Courts at Sardinia by an emergency procedure.

i. Extension of the application of the Amnesty Decree to common offences committed during the Allied occupation in provinces since restored to the Italian Government; advisability of a new general amnesty.

j. Enactment of appropriate legislation to deal with the question of Jewish, partisan and other antifascist property.

k. Continuation of the Court of Appeal Section in Lucera (Foggia) after the restoration of the Province of Foggia to the Italian Government.

l. Draft Decree on certain emergency amendments to the Code of Penal Procedure.

m. Draft Decree on reorganization of professional organizations of lawyers and notaries.

n. Reform of Codes.

o. Limitation of vacation period in Italian Courts.

p. Draft Decree increasing penalties for unlawful sale of liquor (requested by the Army).

q. Procurement of motor vehicles for various provincial judicial officials.

r. Establishment of a pool of judicial officials for assignments in Northern Italy.

s. Personnel changes in the various departments of the Ministry and in the Courts of Rome.

t. Policy for issuing travel permits for judicial officials, policy for allotting gasoline to cars used by the Ministry for official purposes.

u. Possibility to set up a mass for officials of the Ministry.

v. Necessity to increase salaries of judicial officials in view of the increased cost of living.

w. Reopening of the Military Tribunal at Rome.

x. Reestablishment of the Court at Orvieto (Terni Province) abolished by the fascist government.

y. Investigations of certain disturbances in Calabria and of the conduct of the local Procuratore del Regno.

z. Suggested modification of Art. 166 of the Public Safety Law concerning administrative measures in cases of political character.

aa. New proposals to amend the decree setting out the penalties for failure to deliver certain commodities to People's Granaries.

bb. Functioning of certain Courts of Assizes.

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 - aa. New proposals to amend the decree setting out the penalties for failure to deliver certain commodities to People's Granaries.
 - bb. Functioning of certain Courts of Assizes.
 - cc. Interference by Allied authorities with arrests effected by Italian police of Italian civilians employees of Allied authorities.
 - dd. Method of removal of judicial personnel in Military Government Territory for political reasons.
 - ee. Local difficulties arising in Sicily out of the excessive number of violations of the People's Granaries law.
 - ff. Establishment of an Advisory Board of the Procuratore Generale at Sardinia to investigate cases of persons held in prison and awaiting trial.
 11. The activities of the Italian branch also included:
 - a. Various conferences with the representatives of the Ministry of Justice and the Ecclesiastical authorities in respect to the draft of the decree on marriage of members of Allied forces in Italy; final draft was submitted to the HQ for approval.
 - b. Discussions with the representative of the Presidency of the Council of Ministers and study of draft decrees authorizing the Government to appoint Commissioners extraordinary to business enterprises of certain type.

c. Conferences with representatives of the Jewish Community Committee of Rome and of the Intergovernmental Refugee Committee concerning the draft law undertaking to repeal the racial legislation and to provide machinery for restoration of Jewish property to legal owners; study of the draft and translation.

d. Preparations for distribution of the reprints of the Brindisi-Salerno legislation and subsequent issues of Gazzetta Ufficiale in newly liberated regions.

e. Translation of numerous draft laws by ministerial circulars from Italian into English and translation of several General Orders of the Allied Military Government from English into Italian and proof-reading.

f. Study of the death penalty in Italian law.

g. Numerous interviews with Italian judicial officials for whom transportation had to be obtained to proceed to recently liberated provinces.

OFFICE OF CHIEF JUDICIAL OFFICER:

12. The table below sets out the more serious cases received for review during the month of August:

ESPIONAGE CASES REVIEWED DURING THE MONTH OF AUGUST

(a) Death sentences confirmed.....	3
(b) Death sentences commuted.....	0
(c) Prison sentences affirmed.....	2
(d) Defendants found not guilty.....	0
(e) Cases awaiting review but whose appeal period has not expired.....	5

SABOTAGE CASES REVIEWED DURING AUGUST

(a) Cases awaiting review but whose appeal period has not expired.....	4
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DEATH SENTENCES IN CASES OTHER THAN ESPIONAGE OR SABOTAGE

(a) Death sentences confirmed.....	3
(b) Death sentences commuted.....	1

13. The following items of interest have been reported from the various regions:

Region II - On August 18th ca. 1945 Court condemned G. UDIO MARTIRE to 28 years imprisonment for the murder of an Allied soldier; and on 10th August it sentenced DE BIR DE MICHELE to 20 years for theft and sabotage. Advantage was taken of those two cases to spread deterrent propaganda through the press. The Allied Military Police have expressed their full appreciation of the work of the judicial office in this region.

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(a) Death sentences confirmed.....	3
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(d) Defendants found not guilty.....	0
(e) Cases awaiting review but whose appeal period has not expired.....	5

SATISFACTORY CASES REVIEWED DURING AUGUST

(a) Cases awaiting review but whose appeal period has not expired.....	4
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DEATH SENTENCES IN CASES OTHER THAN ESPIONAGE OR SABOTAGE

(a) Death sentences confirmed.....	3
(b) Death sentences commuted.....	1

13. The following items of interest have been reported from the various regions:

Region II - On August 18th an MG Court condemned G. UDIO MARTIERE to 28 years imprisonment for the murder of an Allied soldier; and on 10th August it sentenced DE BIA. DE RICHELIEU to 20 years for theft and sabotage. Advantage was taken of these two cases to spread deterrent propaganda through the press. The Allied Military Police have expressed their full appreciation of the work of the MG Legal Office in this region.

Region III - Figures have been prepared of the work of MG Courts in the provinces of Naples and Avellino during the month of August and are reproduced below:

PROVINCE OF	SUMMARY COURT		SUPERIOR COURT		GENERAL COURT		TOTAL
	MG	G	MG	G	MG	G	
Naples	9	1135	-	45	2	7	1198
Avellino	3	15	-	7	-	3	25
TOTALS	12	1150	-	52	2	7	1223

Region V - No General or Superior Courts held during August. The total of Summary cases dealt with amount to 568.

The RLO reports that with the arrival of troops in the region, prosecution offences are on the increase.

Region VIII - The Regional Commissioner has been authorized to review cases not being cases reserved for review by the Chief Commissioner, and has delegated this power to the RLO.

No General Courts were held in this region during August. Two Superior Court cases and 453 Summary cases were disposed of. The most common offences were infringements of curfew or travelling regulations (355).

Richard H. Wilmer

RICHARD H. WILMER,

Colonel, C/C,

Chief Legal Officer.

HEADQUARTERS

ALLIED CONTROL COMMISSION

LEGAL SUB-COMMISSION

APC 394

SUMMARY OF MONTHLY REPORT FOR AUGUST

OFFICE OF CHIEF LEGAL OFFICER.

1. Handling of all legal matters connected with restoration of territory as of 15 August 1944.
2. Consideration of "Sanctions against fascism".
3. Survey of situation at Bari with respect to attitude of Italian Military Tribunals toward trial of cases involving Allied interests.
4. Consideration of duties and function of Property Control.

OFFICE OF CHIEF COUNSEL.

1. Preparation of Revised proclamations 1, 2, and 4. Revised General Order No. 2 and General Order 32 (agricultural rents).
2. Examination proposed decree for restoration of property and other rights taken away by fascist legislation on racial and political grounds.

ITALIAN BRANCH.

1. Supervision of the "epuration" of the Magistracy under the provisions of RDL 159 of 27 July 44.
2. Contacts with Rome Jewish and Intergovernmental Refugee Committees on draft law to repeal racial legislation.
3. Settling text of draft decrees of marriage of members of Allied Forces in Italian territory.
4. Determining the functions of Property Control in relation to the evolution of Italian administration.
5. Extension of Italian Agency decree to territories restored to Italian administration.

OFFICE OF CHIEF JUDICIAL OFFICER.

1. Table of espionage, sabotage and other serious cases preserved during the month of August.

4. Consideration of duties and function of Property Control.

OFFICE OF CHIEF COUNSEL.

1. Preparation of Revised proclamations 1, 2, and 4. Revised General Order No. 2 and General Order 32 (agricultural rents).
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4. Determining the functions of Property Control in relation to the evolution of Italian administration.
5. Extension of Italian Amnesty decrees to territories restored to Italian administration.

OFFICE OF CHIEF JUDICIAL OFFICER.

1. Table of espionage, sabotage and other serious cases reserved during the month of August.
2. AMG courts in Region II condemned Gaudis Martiere to 28 years imprisonment for murder of an Allied soldier and De Birudo Michele to 20 years imprisonment for sabotage.
3. Figures of cases dealt with in the Provinces of Naples and Avellino and in the Regions during August.

RICHARD H. WILMER,
Colonel, CAC.,
Chief Legal Officer.

10 September 1944.

103A

Resposta a nota N.

PARLATO FASCISTA REPUBBLICANO

(over)

and encl to redraft ^{revised} ~~two~~ ^{revised} No 2 + No 4 and
proclamation ~~two~~ ^{revised} No 2 + No 4 and
General order No 7 Revised.
Preparation of several versions
of General Ord No 24 Revised, numerous
conferences with Economic and
preparation of version to 9.026
Revised and preparation of new
9.0. No 32 (Agricultural Units);

1038

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

ACC/4043/L.

/rlp.
2 September 1944.

MEMORANDUM TO: Lt. Col. Grossman.

SUBJECT: Preparation of Monthly Report for August.

OFFICE OF
CHIEF LEGAL
OFFICER

The following entries are to be incorporated in this sub-commission's monthly report for the month of August:

~~There was~~ a meeting of all RLOs on 1 August at which various questions were discussed; preparation of documents and conferences with representatives of Italian Government ~~in regard to the~~ ^{with respect} ~~to certain legislative~~ ^{purposes} ~~tion in the case of general emancipation of the~~ ^{to restoration} of territory to the Italian administration as of 15 August 1944, considering various proposed amendments to the decree of sanctions against fascists, and numerous conferences with regard thereto; review of records of various cases involving espionage and other cases including those in which death sentences were given and making recommendations to Acting Chief Commissioner; conferences with ACC officers, Allied military authorities and Italian Military authorities in Bari regarding unsatisfactory and uncooperative attitude taken by Italian Military Tribunal in connection with trial of cases involving Allied interests; appearance before man-power board to represent officer and enlisted personnel situation in Legal Sub-Commission ^{Headquarters}.

Continuing with repeated efforts to obtain additional legal officers for northern regions with mediocre success to such extent that at the present time it would be impossible to deal adequately with legal matters in northern regions if the regular form of AM is to be followed; ~~work~~ ^{on revision of proclamations, general orders, etc., particularly preparation} ~~of new preamble to proclamation No. 1; consideration~~ ^{of Property Control} situation and preparation of memorandum and conferences with regard thereto; considering matter of jurisdictional friction between French and Italians in Corsica with regard to trial of Italian military personnel; examination of proposed decree for the restoration of property and other rights taken away under fascism on racial grounds; conferences with committee sponsoring decree and preparation of certain letters for Acting Chief Commissioner in this regard; visit to Headquarters, Region V for conferences with RLO of region; weekly conferences with Ministry of Justice.

and Johnson

RICHARD H. WINNER,
Colonel, GAC,
Chief Legal Officer.

Ext: 469

4043
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File

SHE/ls

leg (102A)

SUBJECT : Monthly Reports.

TO : All Adm in sec Sub-Comms.

The following instructions supersede all previous instructions. Two monthly reports will be prepared in future:

- a summary - paragraphed under not more than four or five suitable headings the text of which, exclusive of headings will not normally exceed 30 lines (Public Health & Public Safety 50). Of this summary one copy only will be submitted which will reach Admin Sec. on the 10th of each month.
- b A full report, of which 37 copies will be supplied, which will reach Admin Sec not later than the 14th of each month.

ADMIN SEC
19 AUG 44

LEGAL SUB-COMMISSION	
→ DCLO	☒
DCLO	☐
→ Chief Counsel	☒
CLO	☐

S.H. WHITE, Lt Col
for Admin Sec.

File
HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

(10/A)

ACC/4043/L

MJG/ap
14 Aug 44

SUBJECT : Monthly Reports.
TO : Adm. Section.

Herewith summary for July pursuant to your 2/3

MARC J. GROSS,
Lt. Colonel,
Chief Counsel,
for Acting Chief Legal Officer.
6

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APC 394

SUMMARY OF MONTHLY REPORT FOR JULY

OFFICE OF CHIEF LEGAL OFFICER.

Handling of all legal matters connected with restoration of territory as of 20 July 1944 and proposed restoration as of 15 August 1944; consideration of "sanctions against Fascism" Decree and matters relating to unsatisfactory situation as to Italian Courts at Bari.

OFFICE OF CHIEF COUNSEL.

Preparation of general orders having to do with the agricultural and general economy of Italy.

ITALIAN BRANCH.

- 1). Defascistization decree approved and passed on 27 July 1944.
- 2). Re-organization of Ministry of Justice and High Court of Cassation well under way.
- 3). New legislation promulgated to meet present conditions and eliminate all traces of fascist republican enactments.
- 4). Judicial officials having taken refuge in Rome are gradually being reported to their original seats.

OFFICE OF CHIEF JUDICIAL OFFICER.

- 1). Work at HQ and in the provinces was hampered by lack of personnel.
- 2). The BENTIVOLINI case was the first open General Court in Rome. As the accused was a communist and a patriot it became a political event.
- 3). In Naples from 22 December 1943 to 19 July 1944 the Allied Military Courts disposed of 25,961 cases.
- 4). Allied Military Courts in Rome have it is thought made

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- 2). The BENITEVAGNA case was the first open General Court in Rome. As the accused was a communist and a patriot it became a political event.
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- 4). Allied Military Courts in Rome have it is thought made a generally good impression.

Richard H. Wilmer

RICHARD H. WILMER,

Colonel, GAO.,

Acting Chief Legal Officer.

14 Aug 44

LJB/AS

4043

(100A)

SUBJECT : Monthly Reports.

TO : All Admin Sub-Coms.

Sub-Commissions will prepare in addition to their full monthly report, a short summary paragraphed under suitable ~~head~~ headings of the Sub-Coms principal functions, of the points which they consider should be included or emphasised in the Vice President's Report.

It is suggested that the number of lines of text (exclusive of headings) should normally ~~should~~ not exceed about 20 with the exception of Public Health and Public Safety who should not exceed 50. This figure is not to be taken as a strict limitation, if special events demand greater space it will be accorded.

All Sub-Coms (except Public Safety and Public Health from whom summaries have been received) will submit summaries for July as soon as possible.

Ext: 469
SHW/wb

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S.H. White
S.H. WHITE, Lt Col
for A/Head Admin Section.

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HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

ACC/4043/L.

6 August 1944.

SUBJECT : Legal Sub-Commission, Monthly Report for July, 1944.

TO : Acting Chief Commissioner, ACC.

1. The work of this sub-commission during the month of July 1944 in addition to advisory and legislative work has been principally as follows:

OFFICE OF CHIEF LEGAL OFFICER:

2. Preparation of Documents A, B, C and D for restoration of territory to the jurisdiction of the Italian Government arranged for 20 July, including numerous conferences with Professor Forte, spokesman for the Italian Government, considering proposed forms of decree laws to carry out the terms of Document D and so forth; conferences with the Ministry of Justice at Salerno and Rome; arranging with RO & MG Section for printing and distribution of Documents B and C; conferences with Under Secretary of Interior on alleged error of translation which proved to be groundless; numerous conferences in connection with the decrees proposed by Italian Government later known as sanctions against fascism; arranging for removal of Legal Sub-Commission from Salerno to Rome; conferences with Petroleum Section in regard to appointment of a Commissioner for ACIP and examination of Italian Law in this regard; considering and conferring with higher authority those clearly illegal conferences with RO, Rome Region concerning certain of them; review of Allied Military Court cases; examination of records in spy cases; detailed consideration of personnel situation; preparation of letter to higher authority warning them of dearth of legal personnel to man regions north of Regions V and VIII; conferences with ALOs of Regions IV, VII and VIII on various problems; consideration of Public Safety Sub-Commission situation obtaining at Bari because of uncooperative spirit of Italian military and civil courts there; preparing agenda of the details in connection with ALOs conference scheduled for 1st August; preparation of various directives issued to ALOs including directive to legal officers on restoration of territory to Italian Government; preparation of first draft of Documents A, B and C for restoration of additional territory to Italian Government as of 15 August; conferences with Acting Head of Administrative Section.

OFFICE OF CHIEF COMRADE:

3. Conferences with and advice to various sub-commissions; preparation opinions for Sections and sub-commissions; study of agricultural decrees and conferences with Agriculture Sub-Commission and Economic Section with respect thereto; preparation of General Order No. 31 extending Agricultural Decrees.

OFFICE OF CHIEF LEGAL OFFICER

2. Preparation of Documents A, B, C and D for restoration of territory to the jurisdiction of the Italian Government arranged for 20 July, including numerous conferences with Professor Porto, spokesman for the Italian Government, considering proposed forms of decree laws to carry out the terms of Document D and so forth; conferences with the Ministry of Justice at S. Leve and Rome; arranging with RO & MC Section for printing and distribution of Documents B and C; conferences with Under Secretary of Interior on alleged error of translation which proved to be groundless; numerous conferences in connection with the decreeing for removal of Legal Sub-Commission from Salerno to Rome; conferences with Petroleum Section in regard to appointment of a Commissioner for GIP and examination of Italian law in this regard; considering and conferring re numerous Regional and Administrative Orders of Rome Region and discussing with higher authority these clearly illegal conferences with RO, Rome Region concerning certain of them; review of Allied Military Court cases; examination of records in spy cases; detailed consideration of personnel situation; preparation of letter to higher authority warning them of dearth of legal personnel to man regions north of Regions V and VIII; conferences with RLOs of Regions IV, VIII and ROM on various problems; consideration of Public Safety Sub-Commission situation obtaining at Bari because of uncooperative spirit of Italian military and civil courts there; preparing agenda of the details in connection with RLOs conference scheduled for 1st August; preparation of various directives issued to RLOs including directive to legal officers on restoration of territory to Italian Government; preparation of first draft of Documents A, B and C for restoration of additional territory to Italian Government as of 15 August; conferences with Acting Head of Administrative Section.

OFFICE OF CHIEF COUNSEL

3. Conferences with and advice to various sub-commissions; preparation opinions for Sections and sub-commissions; study of agricultural decrees and conferences with Agriculture Sub-Commission and Economic Section with respect to thereto; preparation of General Order No. 31 extending Agricultural Decrees to Military Government territory; making arrangements for posting General Order No. 18 (Jewish rights); conference Public Safety Sub-Commission, and preparation of General Order No. 24 (revised); Movement of Civilians; conferences with Agriculture, Industry and Commerce and Food Sub-Commissions and preparation of final draft of General Order No. 29 (Declaration of Essential Supplies); conferences Food Sub-Commission and preparation General Order No. 30 (Price of Bread and Pasta); conferences with Finance Sub-Commission with respect to proposed amendments to Proclamations Nos. 2 and 4 and General Order No. 2; Preliminary study of subject War Criminals.

ITALIAN BRANCH

4. During the period from the commencement of the month to the 9th, date on which the Legal Sub-Commission was transferred to Rome, there were three conferences with the Minister of Justice. There was little concrete work performed and no legislative provisions of importance were promulgated owing to the dislocation of the Ministry's services in view of the imminent move to Rome.

5. The field covered included exchanges of views on the steps to be taken concerning the elimination of Fascist-Republican legislation and the reorganization of the administration of justice in the capital, including the work of opening up of the Court of Cassation already initiated in Salerno. In conjunction with the Officer i/c Italian Branch of this sub-commission already established at the Ministry of Justice in Rome since the date of the city's liberation on 4th June, a scheme was evolved for the removal of fascist judicial officials and for the transfer of others to appropriate offices.

6. The necessity for taking immediate and adequate measures for the final dissolution of all remaining fascist organizations and for the issuance of an overall decree to bring about the punishment of all fascist delinquents and the purging of all branches of public life was urged upon the Minister, who gave an assurance that the publication of the necessary legislation would be hastened. The draft of a decree providing for the annulment of the sentences pronounced by special fascist tribunals was approved. Arrangements were discussed for the return of refugee judicial personnel to their seats in the southern provinces of Italy and for the filling of vacant posts by those unable to regain their residence or former place of work.

7. While the usual routine legislative and personnel work was carried on at Adv Hq in Rome, the main activities of the legal representative were of a rather different nature. By keeping the Ministry of Justice open, it had been possible during the month of June to get acquainted with all the heads of services of the Ministry, the High Judicial officials still in function, those who had been dismissed by the Republican Fascist Government, and the new ones appointed by R. E., Umberto Tupini. Much information was gathered on personnel and fascist legislative activities during the period extending from 6 September 1943 to 4 June 1944. As far as personnel was concerned it appeared clearly that most of the high officials had paid considerable lip service to the regime of Mussolini, but that many of them had preserved considerable independence in the exercise of their functions. It was difficult to find ones who had not at some time or other made a speech or written an article to the glory of the Duce, but the course of justice had only on few occasions been influenced by political pressure.

8. This was not so true of the "Pubblica Ministero" (Prosecuting Branch of the Magistracy) where direct action was often exercised by the Ministry of Justice upon its unfortunate officials and many a time criminal charges against fascists or their influential friends were dropped in the bud during the pre-trial investigation period and the offenders never brought to trial. The new Minister was aware of this situation, but it was difficult to satisfy both

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8. This was not so true of the "Public Ministers" (Prosecuting Branch of the Magistracy) where direct action was often exercised by the Ministry of Justice upon its unfortunate officials and many a time criminal charges against fascists or their influential friends were slipped in the bud during the pre-trial investigation period and the offenders never brought to trial. The new Minister was aware of this situation, but it was difficult to satisfy both justice and public opinion by dismissing without giving them a chance to defend themselves, the officials holding high positions in the hierarchy of the Magistracy. As the draft decree of purgation of fascists from the administration was a long time under discussion before being finally passed in its present form on 24th July the Minister with the agreement of this sub-commission took the necessary steps to transfer these high officials to posts of less responsibility, replacing them by others whose political past and professional ability justified their selection. In the meantime, the Defascistization Commission of the Ministry

was set up in order that it could start its activities early in August.

9. During that month, ten thousand copies of a book containing all the legislation promulgated in Brindisi and Salerno by the Badoglio Governments, was printed in Rome for publication in all AOC & MG territories, with the exception of a few decrees such as amnesty which were not considered politically or administratively desirable in Military Government regions. This was a great effort on the part of the Italian printing establishment considering the lack of paper, power and experienced personnel.

10. Other matters of interest dealt with by the Italian Branch during July include:

a. A decree setting out the penalties for failure to deliver wheat and barley to "People's Granaries"; a decree on encouragement of threshing by machine and a decree subjecting certain agricultural commodities to control; these important decrees were extended to Military Government Territory by insertion of Executive Commissioner's endorsement in the Official Gazette and embodied in General Orders to be posted in Army controlled areas.

b. A new decree overhauling the penalties for violations of rationing regulations. Decrees affecting other Army shipments of criminal procedure tending to speed up and simplify the penal proceedings and relieve the prisons without impairing vigorous prosecution of offences against Allied interests.

c. Decree increasing penalties for unlicensed sale of liquor, etc. (requested by the Army). Repatriation of judicial officials interned as POWs in North Africa to meet the acute shortage of judicial personnel.

d. Circulars to be issued by the Ministry to Italian judicial authorities in respect to application of the amnesty decree and of the new decree on penalties for failure to deliver commodities to "People's Granaries" and in respect to conditional suspension of sentences in cases involving Allied interests.

e. Improvement of financial status of judicial officials with special regard to allowance coming to officials dismissed by the fascist Republican Government for failure to take new oath of allegiance. Legislation to be published upon restoration of further portion of Italian territory to Italian administration. New method of effective movements of judicial personnel in Military Government Territory suggested either by local legal officers or by Italian authorities.

f. New method to improve the general standard of draft legislation submitted to individual sub-commissions by Italian Ministries.

g. Numerous personnel problems arising in newly occupied territories.

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g. Numerous personnel problems arising in newly occupied territories.

h. Draft decree on reorganization of legal professional organizations.

i. Reform of Italian Codes.

j. Extension to newly liberated provinces of the method for implementation of decrees appearing in the Official Gazette on Military Government Territory.

OFFICE OF CHIEF JUDICIAL OFFICER.

10. Work was again hampered by lack of personnel, in this branch there being the Chief Judicial Officer and nobody else.

11. The chief point of general interest was the case brought against BENITO ROSARIO. This came before an Allied General Military Court, of which the Chief Judicial Officer was a member. This was the first General Court in Rome (except for one espionage case held in Genoa). It attracted very great attention in Rome and all the newspapers. The accused was a medical student in his early twenties. He had been a "patriot" working on the clandestine front during the period of German control; in the early afternoon of 5th June (the day the Allies entered Rome) the accused shot and killed a Guardia di Finanza. It was directed that the case be brought in an Allied Military Court. The defense was "self-defense." The Court ruled against this contention and found the accused guilty under Italian Penal Code, Article 55. The Court imposed the sentence of 18 months imprisonment; the Court determined that there were certain mitigating circumstances. The case has not yet been reviewed.

12. A visit of inspection of the Allied Military Courts in Naples was carried out by the Chief Judicial Officer. The situation was found to be satisfactory. The only courts now sitting are:

- a. General Courts as required. Two cases were then pending.
- b. Two Superior Courts.
- c. One arraignment and Summary Court.
- d. One "port court" dealing exclusively with petty offences within the port area.

There were no arrears.

13. The following items of interest have been reported from the various regions:

REGION III - Figures have been prepared to show the total number of cases disposed of in this region between 22 December 1943 (when the region became independent of 5th Army) until 19 July 1944. These figures are so impressive and show so well the weight of work being disposed of by Allied Military Courts that they are set out below.

Type of Court	Guilty	Not Guilty	Total
General Courts	10	-	10
Superior Courts	251	41	292
Summary Courts	23741	1918	25659

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Superior Courts	251	41	292
Summary Courts	23741	3918	23,659
Total	24,002	1,959	25,961

ROME REGION (now called REGION IV). This region with a very limited staff is accomplishing well a difficult task. There are no arrears of cases. From impressions gained by the Legal Sub-Commission (and making all due allowance and discount for flattery) it is thought that Allied Military Courts have made a decidedly good impression in Rome.

REGION IV (now merged with ROME REGION, being the merged regions called REGION IV). Crime has been light, and no particular point arises.

14. Five cases of espionage were reviewed during the month. In one case a sentence of death was commuted to imprisonment for 20 years. In the other, four cases, convictions and sentences (two sentences of 15 years and one of imprisonment for life) were affirmed. Review has also been made of the proceedings against MONTANO - who was tried by a General Military Court at CATANIA, Sicily, for the killing by stabbing of a British sailor in AUGUSTA. The accused was found guilty and sentenced to death. The trial, of course, was under Italian law. At the time of writing this report, the papers are before the appropriate authority for consideration whether or not to confirm the death sentence. There is some doubt, whether this is a proper case in which to enforce a death penalty on account of the circumstances of the case and the pending abolition under the Italian law of the death penalty. The case is still sub judice. Routine reviewing has also continued: no matter of general interest arises thereon.

REGION V. During the month, 3 cases of espionage were tried. All three accused were convicted. The sentences of the court were each, life imprisonment and 15 years imprisonment. Efforts are being made to transfer more and more work to the Italian Courts and so to reduce the load on AMG officers.

From the other regions and from the Armies there is nothing worthy of inclusion in this report. The conclusion may be drawn that, in spite of lack of personnel, Allied Military Courts are functioning satisfactorily.

15. The following miscellaneous points are, perhaps, worthy of record:

a. As forecast last month, a considerable number of cases have been met in which "Patriots" are charged with possession of arms. Of course, there is now a tendency for everybody to claim to be a "Patriot". No difficulties have arisen so far; it seems that officers sitting on courts have dealt with the situation with tact.

b. The General Staff (N(b)) and Hq are anxious for more death sentences in cases where persons are convicted of espionage. The Legal Sub-Commission is of the opinion (a) that normally the death penalty should follow conviction, (b) that there may well be circumstances to justify the court in imposing a sentence of imprisonment, and (c) whether or not such circumstances exist is a matter for the court and to put any pressure on legal officers in this respect would be improper.

c. Apart from espionage cases, the most serious cases which came before Allied Military Courts are homicide cases, in which Allied soldiers have been shot. Generally, it has been found that the root cause of these cases usually lies in the misconduct and lack of discipline of Allied troops.

Richard E. Wilmer

RICHARD E. WILMER,
Colonel, CMC,
Acting Chief Legal Officer.

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