

ACC

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REGIONAL REPORTS, (REGION 2)
SEPT. 1943 - AUG. 1944

FILE CLOSED 27 August 1944;

HEADQUARTERS

ALLIED CONTROL COMMISSION
REGION II

Ref. :- 2201/70/G

Subject:- Monthly Report on Legal Division August 1944

To :- CLO Legal Subcommission ACC ROME

Copy to:- RIO Southern Region ACC NAPLES

27 Aug 44

(64A)

1. Owing to the official closure of this office and my departure on 28.8.44, it is feared that the usual statistical data have not been received in time for inclusion in this report.

2. Since Major Franklin will also be leaving Taranto, I am instructing the clerical staff of my own office and of the IO Taranto to continue functioning until instructions are received from the RIO Southern Region.

While Capt German will be able to give only a cursory supervision to those two offices besides his own, he is instructed so to do until a decision is given regarding files and in-coming correspondence.

3. The results of the investigation into the working of the Military Tribunal Bari are embodied in an independent report. It is reasonable to hope that the recent investigations into both the Civil and Military Tribunals of Bari and the now incontestable grounds for complaint against each which have been exhibited, will inaugurate a far easier state of affairs at Bari. Vigilance will however continue to be necessary. On 20.8.44, it transpired that out of 33 cases affecting Allied interests tried in the preceding week, the Tribunale Civile suspended 21!

Explanations have been demanded.

4. On August 18th an AMG Court condemned Gaudio Martire to 28 years imprisonment for murder of an Allied soldier, and on 10th it sentenced Birardi Michele to 20 years for theft of ammunition and involuntary sabotage. An excellent article in the press made the most of both cases for deterrent propaganda.

But Commission will be 10 days
Ch. 7 also has other "unpublished"
material in Allied Court

Col Grossman 1 Aug 5 hours
be general report for
Report II
for August 1944

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Explanations have been demanded.

4. On August 18th an AMG Court condemned Gaudio Martire to 28 years imprisonment for murder of an Allied soldier, and on 10th it sentenced Birardi Michele to 20 years for theft of ammunition and involuntary sabotage. An excellent article in the press made the most of both cases for deterrent propaganda.

5. At Taranto a series of affrays between the Italians and French troops resulted in several Allied persons being killed. Applications for AMG Courts are likely, although conflict of evidence will in several cases prevent prosecution.

6. Removal of ACC control has not improved the workings of the Potenza judiciary which have never been satisfactory. Fortunately not many cases affecting Allied interests occur, but insofar as they do, there is much delay in their trial and sentences awarded are too lenient. In the grain cases, a perfect understanding between the Italian police, judiciary and communal authorities stultifies the efforts of ACC.

As previous stated the Procuratore Generale is far too senile to be of any use whatever, and he continues to complain that he has no control over his subordinates. In Potenza itself all the judicial officers are unsatisfactory.

*at Taranto on 18.8.44
C. G. office has advised no further
reference in Allied cases*

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reference in Allied cases*

- 2 -

7. In closing the work of the Legal Branch of Region 2, may attention be drawn to the fact that it has been the policy of this office to advise you of what was wrong rather than to give fair reports glossing over defects. But there is much achievement to its credit, and the Military Police of all sections, who are perhaps the best judges of results, are very appreciative that up to date some 4000 cases affecting Allied interests have been brought to trial since the middle of March.

LEGAL SUB-COMMISSION	
→ CLO	☒
→ CLO	☒
→ Chief Counsel	☒
CLO	☒
Italian Section	☐
CL. RKS	☐

D.E.S. Cousins
 D. E. S. COUSINS, Lt. Col.
 R. L. O.
 Region II

97

File

HEADQUARTERS
ALLIED CONTROL COMMISSION
REGION 2

4023/2

(63A)

REF: 2201/70/G

30.7.44

SUBJECT : Legal Division - Monthly report for July.

TO : C.L.O., Legal Subcommittee ACC, Rome.
copy to : R.C., Region 2.

1. Personnel of Legal Branch remains unchanged.2. AMG Courts.

An AMG Court at Taranto during July 10th, 11th and 12th convicted:

- (a) Mastrovito Cosimo, of murder of an Allied soldier, and passed sentence of Death.
- (b) D'Isanto Ciro of preterintentional homicide of an Allied soldier, and sentenced him to 13 years.

The accused, a WO in the Navy, was held in custody by the Italian Naval Commander, by whom he was permitted to escape five days before trial. Decisive action with the cooperation of the Area Commander galvanized the Italian Navy from complete apathy into incredible activity, and the accused was brought back from Naples by a naval officer through the night preceding the trial and was only half an hour late.

3. Ammassi. Presidents of Tribunali and Procuratori del Regno have been visited and inculcated with the urgent need of applying with fullest vigour, the penalties prescribed by the DL of July 9th. No cases have been tried under it, since the official Gazette had not up to 25.7.44 percolated through to any tribunal.

All grain cases will be included in the lists of cases affecting Allied interests, submitted weekly to LOs.

It is feared that the extreme delay in promulgating the DL of 9.7.44 may result in a serious congestion when the grain cases commence to be tried under it.

This however, may be offset by the reported reluctance of the Communal Councils to denounce delinquents, and by the lack of transport with which to bring delinquents from outlying districts to the towns where the tribunals function.

Due to a merciful Providence, the harvest is so bountiful

- 2 -

that doubtless at its end, an imposing amount of corn will have been amassed. It would be idle to pretend that such a figure is likely to be other than a very poor fraction of what might have been amassed. Careful inquiries in all provinces show that perfect understanding exists between the communal councils, the police, and even the judicial authorities, reinforced by knowledge of the impending departure of all but a handful of ACC.

4. Lucania.

(a) In Matera, offences against Allied interests continue to be few, and have not yet been supplemented by more than two grain cases, one of which was reported last month. In the other, 7 months and a fine of 4,000 Lire was imposed for failure to amass 9 quintals. The sentence is unimposing and inquiries are being made regarding it.

(b) In Potenza, a very serious case of alleged rape of two girls and murder of their father by French troops has caused very high feeling in the Melfi district. A preliminary report has been rendered to HQ ACC vide 2201/70/A. Unfortunately, only the barest historical facts have so far been obtained, and a prodigious wealth of medical detail.

As soon as further evidence is to hand, it will be forwarded, since the case would appear to call for the strongest representations to the French authorities.

Sentences passed by the Tribunals for offences affecting Allied interests, particularly at Potenza town, continue to be the lowest on average, so far as Civil Courts are concerned. Attention of all the judicial authorities has been drawn to this fact, and application has already been made to HQ ACC for replacement of the servile Procuratore Generale.

5. Apulia.

The month has exhibited a greater number ^{of cases} than usual of duplicity among certain Italian Officials. Counteractive measures have been successful in some, and in others - not yet.

(a) Bari.

(i) Civil Courts. The visit of Signor Giannantonio early in the month was most helpful and gives rise to hopes of considerable improvements in the working of the Civil Courts. The long discrepancy between the number of cases on the LO's Register and those admitted as known to the Courts has been much narrow-

- 3 -

ed. There were 748 such, and of these 442 have now been traced, of which it is found that 264 represented old offences by soldiers with whom the units dealt disciplinarily. There remain therefore 308 still untraced, and of these 116 have been abandoned. Only 192 therefore remain to be traced.

It is early to judge the practical result of Signor Giannantonio's visit, since his recommendations for a special section take effect from 1.8.44, but already the rate of cases tried has improved.

(ii) Military Tribunal. A special report on the highly unsatisfactory working of this Court has already been submitted. Although the new President General has made a favourable impression, his desire to cover deficiencies can be discerned, and it is considered an Allied inquiry is essential.

(b) Taranto. The speed with which cases are tried still gives rise to dissatisfaction, and while somewhat fluctuating, does not keep sufficiently a pace of new offences reported, to make inroads into arrears. Fourteen cases have been pending for 4 months, and 27 for 3 months. Penalties awarded for theft and wrongful possession have been sufficiently deterrent for those - the most common of the offences affecting Allied interests - to be definitely on the wane.

Penalties in prostitution cases are usually only the minimum and representations are being made on the subject to the Procuratore del Re.

Disatisfaction still exists over penalties inflicted in Arms cases.

The attitude of certain Allied troops in transit is unfortunately often provocative, and when they are at fault, sentences imposed on them by their units are most unsatisfactory, for instance a British soldier guilty of an unprovoked attack on an Italian sentry received 7 days forfeiture of pay.- Such knowledge by the Italian authorities is not conducive to cooperation.

Coloured Free French troops caused an affray at Taranto, in which a clerk of the PC was killed, and also broke into the CCRR barracks at Martina Franca.

(c) Brindisi and Lecce. The Officials of the Brindisi tribunal are on the highest level to be found in Apulia, and the working of this Court is the most satisfactory. At Lecce arrears of cases affecting Allied interests have

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somewhat accumulated, due mainly to the lack of transport and subsequent absence of IO Apulia in Sicily. They are receiving attention.

6. The most encouraging judgement on the work of the Legal Branch in Region 2 continues to come from all Sections of the Allied Military Police.

D.E.S. Cousins

D.E.S. COUSINS Lt. Col.
R.L.O.,
REGION 2.

PLACE: ApuliaCASES AFFECTING ALLIED INTERESTS

Number of cases registered up to date	Number of cases tried up to date by	Number during past month of	Number of cases to Civil Courts in past month
6374	(a) Civil Courts 1414	(a) Arrests reported 869	(a) Assaults on AB personnel
Involving 9,769 persons	(b) Military Courts 1366	(b) Charges reported 195	(b) Thefts
			(c) Unlawful possession
			(d) Miscellaneous
TOTAL 6374	3160	1064	

CASES AFFECTING ALLIED INTERESTSMONTH OF: July 1944

Number tried	Number during past month of	Number of cases tried by Civil Courts in past month	Number of cases tried by Military Courts in past month
1414	(a) Arrests reported 869	(a) Assaults on Allied personnel 1	(a) Assaults on Allied personnel 1
1366	(b) Charges reported 195	(b) Thefts 108	(b) Thefts 88
		(c) Unlawful possession 142	(c) Unlawful possession 94
		(d) Miscellaneous 87	(d) Miscellaneous 30
3160	1064	338	213

6516

CASES AFFECTING ALLIED INTERESTPLACE: Lucania

Number of cases registered up to date	Number of cases tried up to date by	Number during past month of	Number of cases tried Civil Courts in past month
172	(a) Civil Courts 72	(a) arrests reported 35	(a) Assaults on Allied personnel
Involving 248 persons	(b) Military Courts Nil	(b) charges reported 23	(b) Thefts
			(c) Unlawful possession
			(d) Miscellaneous
TOTAL 172	72	58	

CASES AFFECTING ALLIED INTERESTSMONTH OF: July 1944

	Number during past month of	Number of cases tried by Civil Courts in past month	Number of cases tried by Military Courts in past month
(a) arrests reported	35	(a) Assaults on Allied personnel Nil	(a) Assaults on Allied personnel 1
(b) charges reported	23	(b) Thefts 3 (c) Unlawful possession 33 (d) Miscellaneous 2	(b) Thefts Nil (c) Unlawful possession Nil (d) Miscellaneous Nil
	58	38	Nil

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HEADQUARTERS
ALLIED CONTROL COMMISSION
REGION II

Ref. :- 2201/70/G

Subject:- Legal Division - Monthly report for June 1944

To :- CIO Legal Subcommission AGO Salerno
RIO Region 2

1. Personnel Major P. Backhouse was transferred to Region 5 on 27.6.44. The Legal Division is thus reduced to the RIO, IO Apulia and IO Bari.

2. AMC Courts An AMG General Court sat at Lecce for thirteen days ending June 10th. It acquitted 25 persons, and convicted 9 of political conspiracy and attempt to aid the enemy. They received sentences of 20, 20, 18, 15, 12, 9, 6, 6 years respectively. Reports of the impression of Allied Justice conveyed to the populace are highly favourable, though the effect was marred by a mistake of the Security police, whereby 8 acquitted persons were taken to Padula, without even a token period of liberty.

General Courts have been ordered in 5 pending cases, and will be tried shortly.

3. The part to be played by the Legal Division in the United Front for the Amassi of Grain has been seriously handicapped by reduction of Staff below the minimum required to render it effective, and by continued delay in promulgation of the new Royal Decree.

In the rich grain producing provinces of Matera and Potenza the preliminaries had been made for energetic prosecution of defaulters. Reliance will now however have to be placed on the Italian Judiciary with such supervision as the RIO can give.

In Apulia, the two Ios should be able to give effective supervision of the tribunals, and to a considerable extent to the pretorian Courts, where these have been empowered to try grain cases under the new R.D.

4. Situation in the provinces

While to the Regional Legal Staff, success of its activities in coping with crime past and present must depend on the extent to which increases are made on arrears, it is gratifying that several officers of District, Area and Subarea have lately expressed great appreciation for what has been done by it.

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HQ. A.C.C.

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(a) Bari - The unsatisfactory state of affairs at Bari was reported in this HQ letter 2201/74/A of 22.6.44, and application was made for the removal of the Procuratore Generale and del Re. More plain speaking to the latter official occurred than had hitherto been thought advisable and he was informed that application had been made for his removal and that unless an immediate all round improvement occurred, it would be felt necessary to implement the request with a recommendation that he was not suitable for employment as Procuratore del Re anywhere in AGC territory. The result has been somewhat galvanic, and during the past two weeks, the Civil Courts have tried more cases than in any previous equivalent period. There is however ample room for further improvement, and this sporadic spurt in no way affects the urgent need for the removal of both officials, since with the latter, relations are necessarily strained.

The survey of cases entered in the Registry of the LC Bari in conjunction with a representative of the Procuratore del Re is almost complete. While from the time when statistics were first quoted, it was stressed that perfect accuracy could not be guaranteed owing to the variety of returns on which reliance has to be placed, the survey has revealed only a narrow margin of error. For instance, it is found that the Pretorian Courts have only tried 27 cases affecting Allied interests, for all the excuses made to Major Palmieri! A more specific and detailed report will be rendered shortly. A case homicide of an American soldier occurred on June 17th and has been reported for trial by A.M.G. Court. Sentences imposed by the Italian Courts continue to be in the main satisfactory.

(b) Taranto - A survey of cases registered at the LC's office has revealed 111 which so far cannot be traced as denounced to the judicial authorities. But the situation here shows signs of improvement since there are only 240 cases registered since 27.3.44 which are pending, and only 95 before that date. The Naval Police are now also showing signs of cooperation, absence of which in the past has been a cause of difficulty. Sentences passed by the Courts are in the main satisfactory, and in only one case has it been necessary for the LC to lodge an appeal. The Procuratore del Re has done so on his own initiative in every other case of unsatisfactory sentences.

(c) Brindisi & Lecce - The Military Tribunals have shown signs of greater activity in trying cases affecting Allied interests. All cases heard in these provinces during the past month have been comparatively trivial, and there is no cause for complaint in respect of sentences. A serious case of armed robbery of Allied goods from trains running from Brindisi to Bari has been reported by the RG to RG & PG Section.

(d) Matera - The first case of failure to answer has been tried at Matera under the old law of April 1943. The sentence imposed of 6 months with a fine of 1000 lire is considered most unsatisfactory and no deterrent at all. The Procuratore del Re is being interviewed about the matter. In other respects, the situation in Matera is satisfactory and very few cases affecting Allied interests are involved.

9.

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The Naval Police are now also showing signs of cooperation, absence of which in the past has been a cause of difficulty. Sentences passed by the Courts are in the main satisfactory, and in only one case has it been necessary for the IC to lodge an appeal. The Procuratore del Re has done so on his own initiative in every other case of unsatisfactory sentences.

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In other respects, the situation in Matera is satisfactory and very few cases affecting Allied interests are involved.

(c) Potenza - The situation continues to give little grounds for satisfaction up to date, but fortunately few cases affecting Allied interest are involved. As to such as have occurred two very suspended and inadequate sentences have been imposed. The personalities of the Presidents and the Procuratore Generale give no grounds for expecting anything better, and the transfer of the Procuratore del Re Meli to the Sotto Procuratore Generale at Potenza is therefore greatly approved. It is hoped that an equally good successor will however be appointed to Meli which is so remote.

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The most favourable sign of Legal activities in Region 2 is that at last it seems crime is on the wane, and it is particularly on the feature that the appreciation of the Military authorities has been based.



D. S. S. COUSINS, Lt. Col.
R.L.C.
Region II

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CASES AFFECTING ALLIED INTERESTSPLACE: Apulia

Number of cases registered up to date	Number of cases tried up to date by	Number during past month of	Number of cases tried by Civil Courts in past Month
5450	(a) Civil Courts 1077	(a) arrests reported 740	(a) Assaults on Allied personnel 3
involving 8206 persons	(b) Military Courts 1153	(b) charges reported 104	(b) Thefts 116
			(c) Unlawful possession 119
			(d) Miscellaneous 19
TOTAL 5450	2230	844	257

CASES AFFECTING ALLIED INTERESTSMONTH OF: June 1st - 27th

Number during past month of	Number of cases tried by Civil Courts in past Month	Number of cases tried by Military Courts in past month
(a) arrests reported 740	(a) Assaults on Allied personnel 3	(a) Assaults on Allied personnel --
(b) charges reported 104	(b) Thefts 116	(b) Thefts 142
	(c) Unlawful possession 119	(c) Unlawful possession 123
	(d) Miscellaneous 19	(d) Miscellaneous 17
844	257	282

PLACE: LucaniaCASES AFFECTING ALLIED INTERESTS

Number of cases registered up to date	Number of cases tried up to date by	Number during past month of	Number of cases tried by Civil Courts in past month
113	(a) Civil Courts 35	(a) arrests reported 5	(a) Assaults on Allied personnel nil
	(b) Military Courts --	(b) charges reported 15	(b) Thefts 1
Involving 165 persons			(c) Unlawful possession 12
			(d) Miscellaneous 2
TOTAL 113	35	20	15

CASES AFFECTING ALLIED INTERESTSMONTH OF: June 1st - 27th

Number during past month of	Number of cases tried by Civil Courts in past month	Number of cases tried by Military Courts in past month
(a) arrests reported 5	(a) Assaults on Allied personnel nil	(a) Assaults on Allied personnel nil
(b) charges reported 15	(b) Thefts 1	(b) Thefts nil
	(c) Unlawful possession 12	(c) Unlawful possession nil
	(d) Miscellaneous 2	(d) Miscellaneous nil
20	15	Nil

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HEAR HEADQUARTERS
LIED CONTROL COMMISSION
Legal Sub-Commission
AFO 394

JA/jpl

61A

ACC/4043/2/L

23 June 44

Subject: Report on legal activities in Region II.

To : Regional Legal Officer (thru R.C.) Region II.

1. Reference your letter 2201/70/A of 13 June 44 enclosing report on legal activities in Region II.
2. EI LINDRO, mentioned in para A (3) of part III of your report, has now been executed.
3. The Schedule of Cases in which imprisonment of over one year was imposed is being handed over to the Italian authorities (Part VI of Report).
4. As regards Part VII of Report (Court Fines) it is observed that (apart from Salerno as to which particulars have now become available) the position is unchanged since your report of 27/4/44, except that the fine of 40,000 lire due from Candelas, Giuseppe, has apparently been discharged. As regards fines still outstanding, please see our letter ACC/4102/1/L of 20/5/44.

Copy to ACC/4002/8/L
ACC/4102/1/L

J. MORE
Captain
for Chief Legal Officer.

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HEADQUARTERS
ALLIED CONTROL COMMISSION
REGION II

13 June 44

Ref. :- 2201/70/A

Subject:- Report on legal activities in
Region I

To :- Chief Legal Officer.

1. Enclosed is a report on the legal activities in this Region during the period of Allied Military Government.

2. It is sent to you merely as a matter of interest, and any opinions expressed in it are purely personal.


D.E.S. COUSINS, Lt. Col.
R.L.O.
Region II

Note. Part VI of attached report (Schedule of Cases in which imprisonment of ~~over~~ one year's imprisonment or more was imposed) was handed to Lt Col. Mackrath for transmission to the Italian authorities.

22/6/44.

Duc.

HEADQUARTERS
ALLIED CONTROL COMMISSION
REGION II

REPORT ON LEGAL ASPECT OF REGION 2.

GENERAL.

I.

(1) On 3 Sept. '43 - 3 day - the first representatives of AMG landed at Reggio, and by the end of the month the whole of Region 2, at that time comprising the Provinces of Reggio, Cosenza, Catanzaro, Potenza, and Matera, were occupied by Allied Forces. AMG Courts started to function on 1 Oct. '43.

(2) On 6 Dec. '43 the Province of Salerno was added to the Region, particulars of which were then as follows:-

Province	Approx. Area in Sq. Miles	Population	No. of Communes
Matera	1,460	166,776	32
Potenza	2,580	376,486	71
Salerno	1,880	705,000	148
Cosenza	2,560	587,025	135
Catanzaro	2,020	606,564	121
Reggio	1,230	576,262	80
	<u>11,530</u>	<u>3,019,913</u>	<u>597</u>

(3) The Legal Department consisted originally of Major M. Dem. Howe as R.C.I.O., one Major and four Captains: on 13 Oct. '43 another Captain arrived: and on the incorporation into the Region of the Province of Salerno a 2nd Lieut. was added to the strength.

(4) On 22 Dec. Major Howe was posted to 15 Army Group and the R.C.A.O. appointed Capt. E. Backhouse to be acting R.C.I.O. On 10 Jan '44 Lt. Col. D.H.S. Cousins assumed the duties of R.C.I.O., and Capt. E. Backhouse was appointed Regional Judicial Officer w.e.f. 1 Jan 44.

(5) On 11 Feb '44 the whole of Region 2 was handed over to King's Italy, and for liaison purposes Avulla became part of Region 2. Particulars of the additional territory are as follows:-

Province	Approx. Area in Sq. Miles	Population	No. of Communes
Lecco	1,000	526,500	94

Matera	1,460
Potenza	2,380
Salerno	1,880
Cosenza	2,580
Catanzaro	2,020
Reggio	1,290
	11,530

156,776	32
376,486	71
705,000	143
587,925	135
606,384	121
576,262	89
3,019,913	593

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(5) On 11 Feb '44 the whole of Region 2 was handed over to King's Italy, and for liaison purposes Aulida became part of Region 2. Particulars of the additional territory are as follows:-

Province	Approx. Area in Sq. Miles	Population	No. of Communes
Lecce	1,080	526,553	24
Brindisi	700	254,082	29
Bari	1,900	1,010,907	46
Taranto	940	321,889	26
	4,620	2,112,430	156

(6) On 1 Mar. '44 the Province of Salerno was transferred to Region 3, so that the approximate area of Region 2 was then 14,530 sq. miles, and consisted of nine provinces comprising 634 communes, with a total population of 4,428,323.

(7) On 25 Apr. '44, Calabria (consisting of the Provinces of Cosenza, Catanzaro, and Reggio) was formed into a Region of its own, and thereafter Region 2 consisted, and now consists of six provinces comprising 289 communes, with a total population of 2,856,672, and an area of about 6,580 square miles.

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(8) On 19 Jan '44 personnel of Region 5 arrived, and four of their Legal Officers (consisting of three Majors, and one Lieutenant), were sent to the Provinces for instruction. On 30 Jan '44, of the original L.Os., two Captains and one 2nd Lieutenant were sent to England, and on 8 May the last of the Region 5 legal personnel left. One Captain has been transferred from the Legal to the executive branch.

(9) The Legal personnel is now distributed as follows:-

R.L.O. and 1 ^{Major} ~~Colonel~~ (D.R.L.O. and L.O. Potenza and Matera)
at R.Q.
1 Major at Taranto
1 Captain at Bari.

Further postings are anticipated later, when it is expected that the legal personnel will be reduced to R.L.O., and one officer for Asulia.

R2

ANG. COURTS COMMON CASES.II.

(1) The total number of persons who have been tried in Region 2, including tried after the transfer of the Province of Salerno to Region 3 (in respect of offenses by persons detained or against whom summons had been issued before that date) and a (affecting 119 persons) which had not been reviewed by Region 3 before 6 Dec 43, and H.Q. for review, amounts to 1598.

(2) The following list gives particulars of cases tried:-

<u>Province</u>	<u>No of Persons Tried</u>	<u>No of cases Heard</u>	<u>No. of Sup. Courts.</u>	<u>No of Gen. Courts.</u>	<u>No. of death Sentences</u>	<u>No. of sentences of more than year or of 11 of more than 50,000</u>
Napoli	431	380	362	1	1	20
Potenza	19	19	5	-	-	14
Salerno	564	421	18	4	2	14+

II.

persons who have been tried in Region 2, including 5 cases (involving 6 persons). Province of Salerno to Region 3 (in respect of offences committed prior to 11 Feb when summons had been issued before that date) and also including 65 Records and not been reviewed by Region 3 before 6 Dec 45, and were accordingly sent to this

gives particulars of cases tried:-

No. of Sup. Courts.	No of Gen. Courts.	No. of death Sentences	No. of sentence of more than 1 year or of fines of more than Lt. 50,000	Remarks
362	1	1	20	365 grain cases involving 363 persons all before sup. courts. Death sentence not carried out, but 20 years imp. on a 2nd charge. Two sentences of 4 and 5 years. In 17 cases fines from Lt. 53,000 to Ir. 150,000
5	-	-	14	+ Quashed 1 other Sup. Ct. case quashed. In no less than 14 other cases the verdict was N.G. This Province has always been quiet.
18	4	2	14+	Figures include period prior to incorporation in Region 2. One death sentence commuted to 20 years. Two sentences of 15 years, one of 10 years. +3 suspended.

-3-

<u>Province</u>	<u>No of Persons Tried</u>	<u>No of cases Heard</u>	<u>No. of Sup. Courts.</u>	<u>No of Gen. Courts.</u>	<u>No. of death Sentences</u>	<u>No. of sent of more than year or of of more than 50,000</u>
Cosenza	26	23	7	-	-	-
Catanzaro	51	34	25	2	-	15
Reggio	518	228	4	1	-	14+

(3) The following table shows roughly the numbers and types of the most serious of a really serious nature.

<u>Landing on Shore without permission</u>		<u>In possession of Arms</u>		<u>Larceny, and being in u possession of goods of forces and materials.</u>	
<u>Cases</u>	<u>Persons</u>	<u>Cases</u>	<u>Persons</u>	<u>Cases</u>	<u>Persons</u>
52+	203	120	145	445(.)	610

(4) There have in addition been various minor offences, such as failing to smoke in prohibited areas, being out after curfew, offending against the circulation of prices in excess of those laid down, speeding etc., and also a few not particularly false statements etc., which are not of any particular interest, and in respect of which imprisonment and L. 50,000 fine downwards were given.

-3-

No. of Sup. Courts.	No of Gen. Courts.	No. of death Sentences	No. of sentence of more than 1 year or of fines of more than Ir. 50,000	Remarks
7	-	-	-	-----
25	2	-	15	The second Gen Court was assembled to retry a case heard by the first Gen. Court. This figure excluded sentence of the first General Court, the same having been reduced to 6 months' imp. by the second.
4	1	-	14+	This figure related to one General Court case in which there were 73 accused.

shows roughly the numbers and types of the most common offences which have not been

Possession
Arms

Larceny, and being in unlawful
possession of goods of Allied
Forces and materials.

Remarks

Cases	Persons	Cases	Persons
120	145	445(.)	610

+Practically all from Reggio
(.) Majority from Salerno.

ion been various minor offences, such as failing to surrender photographic equipment, going out after curfew, offending against the circulating regulations, selling goods at night, speeding etc., and also a few not particularly serious cases offering a bribe, making not of any particular interest, and in respect of which sentences of from one year's upwards were given.

A.

Killing, and assaults with intent to kill or inflict serious bodily harm.

(1) On 25 Oct 43 Parlate, Giuseppe, age 21 was charged at Crotone in the Province of Catanzaro with striking a Canadian soldier with a knife. The evidence showed considerable provocation, and a Superior Court sentenced the accused to 3 1/2 years' imprisonment. This case has been submitted for re-view in the light of the provisions for that purposes laid down by Executive Memorandum No. 7 of 12 Feb. 1944.

(2) On 16 Dec '43 a General Court at Crotone, adjourned from 8 Nov and 22 Nov, sentenced Teverna, Alberto, to 18 years' imprisonment for shooting and killing a member of the Allied Forces. The evidence showed a great degree of provocation, and the Court misdirected itself with regard to the effect of the admissibility of such evidence, with the result that a retrial took place, on 14 Feb. by a General Court of which the Chief Judicial Officer was President. The accused was sentenced to 6 months' imprisonment, and the unserved balance of the sentence was suspended.

(3) On 25 Jan '44 a General Court at Salerno, of which the Chief Judicial Officer was President, sentenced Di Landro, Filippo, to death for assaulting a number of the Allied Forces with a knife with intent to kill. The conviction and sentence were affirmed. It is believed that the sentence has still not been carried.

(4) On 25 and 26 Jan '44 a General Court at Salerno under the same President sentenced to death Fortunato, Andrea, for assault with intent to kill by shooting. The sentence was on review commuted to one of 20 years' imprisonment.

B.

UNLAWFUL ASSEMBLIES.

There have been altogether six cases of this kind, involving altogether 117 persons. Only one of these cases was of any particular interest, and this was dealt with by a General Court at Reggio on 17, 18, 19 and 21 Feb '44 under the Presidency of the Chief Judicial Officer, and involved 73 persons. Of these 22 were absent, and 31 were found

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C

MISCELLANEOUS.

(1) On 24 Dec '43 a Superior Court at Cosenza under the Presidency of Lt.Col. G.H. McCallrey sentenced Gruenberg, David, to 3 years' imprisonment and a fine of Ir.500,000 for a black market currency transaction.

(2) On 22 Jan '44 an Italian was sentenced by a Superior Court at Salerno to 3 years' imprisonment for "being a party to a gross act of indecency". The act in question was held to be contrary to the

good order of a member of the Allied Forces, though it was not contrary to the laws of our co-belligerents. In addition a further sentence of 3 months' imprisonment was imposed for being in possession of Allied property. It is a pity that the accused did not for his own sake restrain his ardour for a further 20 days.

(3) On 27 Jan '44 a General Court at Salerno presided over by the Chief Judicial Officer sentenced two men to 15 years' and one to 10 years' imprisonment for a particularly bad black market offence which included bribing members of the Allied Forces.

(4) On 31 Jan '44 two cases were heard by a Superior Court at Ugento as a result of which eight persons were sentenced to 3 1/2 years' imprisonment for a more than usually neat abstraction from a storage place of M.D. petrol.

(5) On 7 Feb '44 two accused were sentenced by a Superior Court at Matera to 4 years' imprisonment in one case, and 3 years' imprisonment and a fine of Lr. 100,000 or in default a further 3 years' imprisonment in the other for a black market offence.

(6) By far the most interesting case was that against Pastore, Giovanni, who was charged before a General Court at Matera presided over by the Chief Judicial Officer on 8 Feb '44 with (i) interfering with communication by mail, stealing mail bags and (ii) being in unlawful possession of property of the Allied Forces. The accused was sentenced to death on the first charge, and the Court stated that had it been the custom to pronounce sentence on the second charge after an imposition of the death penalty, it would have sentenced the accused to 20 years' imprisonment on the second charge. The case aroused great interest, and was reported in both English and Italian papers circulating in Italy, and in the press in England. It was unfortunate that the case came to be popularly known as the "Mail Bag Robbery Case", as the charge was not one of robbery. On review the conviction and sentence on the first charge were quashed on the ground of lack of jurisdiction, the robbery having taken place at Bari, and the sentence of 20 years' imprisonment on the second charge was brought into effect. The case has been productive of much discussion both amongst and between lawyers and laymen, mainly on the question as to whether or not "interference with communication by mail" should be construed as a single act or an act which continues for so long as the person interfering prevents the mail from reaching its destination.

(7) There have been six cases on so-called anti-aircraft offences.

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(7) There have been six cases or so of cutting telephone cables. Most appear to have been actuated by a desire to acquire wire, the sentences ranged from 16 months' imprisonment downwards, and some of the Court did not appear to realise how serious the offence is.

AMC COURTS - CHAIN SES.

IV

(1) The problem of amassing grain is virtually peculiar to the Province of Matera, the production in the other Provinces of Region 2 being trivial.

(2) By the third week in Dec '43 amassing had virtually come to a standstill, whereupon the problem was tackled by the L.O. for Matera Province, Capt. A.C.J. German, who issued an order that all grain should be amassed by 10 Jan '44.

(3) As however the denuncie filed by individuals were quite unreliable, each individual vying with his neighbour to see who could produce the most inaccurate result without stirring the Italian authorities to action, a committee was formed in each commune by Capt. German of local citizens of such reputable character as the respective communes were capable of producing. These local citizens were also chosen for their knowledge of the local producers, of the particular land farmed by them, and of the normal production of such farms, and there was also included on each committee one technician (or grain expert), and the local ammassatore to give particulars of production figures for the past years.

(4) These committees, which whenever possible met under the personal supervision of Lieut. Henry F. Loyet, were ordered to take every possible contingency into consideration, such as the number of hectares sown, the type of land farmed, the weather, and any other relevant factors. All usual allowances e.g. for family, hired employees, and seed, were also made, and the Committees instructed to err on the lenient side.

(5) Producers were at once informed of the amount of the committee's assessment, and were given ample time to amass. If amounts were assessed between the dates of the issue of the summons and the hearing, cases were dismissed.

(6) Summonses were issued against persons in the communes of Stigliano, Genzano, Palazzo, Montalbano, Irsara, and Pisticci, and altogether 365 cases were heard involving 383 persons.

(7) As a result, to 1 Mar '44 a total of 4827.29 quintals was amassed, and fines were collected to the tune of Ir. 2,736,900. Genzano were the principal sufferers, as the producers there made it quite clear that their intention of contributing to the amass. Many were

60F

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(8) The principle adopted by the Courts was to fine Ir. 1000 for each quintal deficient, with a term of imprisonment in default, which considerably damped the enthusiasm of those who were inclined to be recalcitrant. A new order to amass was made, and a similar term of imprisonment inflicted but suspended pending obedience to the new order.

(9) If the new order was not obeyed, a far larger fine was inflicted with a similar term of imprisonment in default, and the offender had to serve the original suspended sentence. There was only time for two such cases to be heard, and in those the offenders were fined Ir. 2,000 respectively on the first hearing, and Ir. 125,000 and Ir. 26,000 respectively on the second. Each thereupon amassed his full quota!

- 7 -

(10) The results have amply rewarded the excellent work done by Capt. A.C.J. German, and by Lieut Henry E. Ryet who prosecuted in all the cases. A total of 4817.29 quintals were amassed to 1 Mar '44 whereas 2590.25 quintals only had been amassed to the dates of hearings. Most of this latter amount was brought in after 10 Jan when producers began to realize that the Courts meant business.

(11) Immediately prior to 11 Feb. '44 600 summonses had actually been prepared for the benefit of Matera, and there had been insufficient time within which to attend to several other rich communes, such for instance as Bernolda, Grassano, and Tricarico. There is little doubt that at least a further 20,000 quintals would have been obtained, all of which have now gone on to the black market. It is known that the Italians completely lack the will to continue this work. Their attitude, which is heard on all sides, is that, having gone short for four years, the rich Allied Governments can now support them.

(12) On the other hand the producers are not entirely to blame for their unwillingness to amass. It is notorious that Italians in District 'A' are quite indifferent as to whether Italians in District 'B' starve so long as their own stomachs are full. It is therefore scarcely a matter for wonder that when the price paid for the amassed grain is only Ir. 350, and the production price is in the neighbourhood of Ir. 600, there is not likely to be a rush to bring in grain. This was adumbrated in this H.C.'s report for the month of December. But the committee's figures were really generous, and it is known that production must have exceeded them, and it is unquestionable that producers have not been out of pocket when they have been able to sell their surplus grain for Ir. 2000 to Ir. 3000 per quintal.

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ALL COURTS - SUMMARY OF CASES.

The following is a summary showing the types of offences with which the 1598 persons referred to in Section II (1) were charged:-

TYPE OF OFFENCE	NO. OF PERSONS CHARGED
landing on shore with out permission	203
in possession of firearms	145
larceny, unlawful possession acquiring military stores	610
Serious offences (Section III)	144
Grain Cases (Section IV)	383
Other offences (Section II (4))	113
	<u>1598</u>

VII.

A.M.G. COURTS FINES

The following list shows the position with regard

Province	Total fines imposed Lire	Total fines collected Lire	Name of those imp- in default	Amounts for which imp. Lire	Sentence in Default
MATERA	3,299,415	3,034,415	Di Stasi Giovanni	30,000	4 months
			Paradiso Michele	90,000	8 months
			Penarelli Michele	100,000	9 months
			Muriano Giuseppe	33,000	5 months
			Picerno Vincenzo	12,000	4 months
POTENZA	9,000	9,000	-	-	-
SALERNO	-	749,097	-	-	-
COSSENZA	595,000	95,000	-	-	-

VII.A.M.G. COURTS FINES

The following list shows the position with regard to fines:-

Name of those imp- in default	Amounts for which imp. Lire	Sentence in Default	REMARKS
Di Stasi Giovanni	30,000	4 months	Balance of fines.
Paradiso Michele	90,000	8 months	The odd amount includes a sum
Penarelli Michele	100,000	9 months	of money confiscated from one
Muriano Giuseppe	33,000	5 months	accused.
Picerno Vincenzo	12,000	4 months	
-	-	-	Lr. 5,600 stolen from P.O.'s. office. Court of Enquiry held.
-	-	-	No further particulars yet obtainable, save that records sent to this HQ in respect of cases prior to 1 Dec '43 show that total fines imposed amounted to Lr. 129,600 and total fines since then (exclusive of last 59 cases) to Lr. 830,200. Many Records are however believed to be missing.
-	-	-	Greenberg, sentenced by Sup. Court to 3 year's imp. and a fine of Lr. 500,000, has not paid, neither has he the means to pay. No terms of imp. in default was imposed.

109

Province	Total fines imposed Lire	Total fines collected Lire	Names of those imp. in default	Amounts for which imp. Lire	Sente in De
CATANZARO	325,250	120,250	Sbaracano Giacinto	100,000	2 yrs 15 Au
			Sarcone Giuseppe	15,000	6 mos 8 Jul
			Benincasa Francesco	15,000	- d
			Del Re Giuseppe	50,000	1 yea 9 May
			Cannistra Eugenio	25,000	6 mon 21 Ma
REGGIO	102,6504	96,680	-	-	

The figures in Col.3 are the amounts actually received by the R.F.O., say to the Province of Potenza.

4 This figure is taken from this HQ's books, and represents the total of records received. It is feared however that many Records are missing from the earl there have been so many changes in L.Os. that an exact account is now impossible. gowever being made.

Names of those imp. in default	Amounts for which imp. Lire	Sentence in Default	REMARKS
Sbaracano Giacinto	100,000	2 yrs. from 15 Aug '44	When present sentence expires
Sarcone Giuseppe	15,000	6 mos. from 8 July '44	- do -
Benincasa Francesco	15,000	- do -	- do -
Del Re Giuseppe	50,000	1 year from 9 May '44	Sentenced to 5 years from 9 Feb '44-4 yrs and 9 mos. being suspended
Cannistra Eugenio	25,000	6 months from 21 May '44	When present sentence expires.
-	-	-	On 9 Feb 44 Cilione, Carmela was fined Lr.500 payment to be by monthly instalments of Lt 50 Lr 100 has been paid.

the amounts actually received by the R.F.O., save as indicated with regard

this HQ's books, and represents the total of fines in accordance with
never that many Records are missing from the early days of occupation, and
L.Os. that an exact account is now impossible. Further enquiries are

VIII.

BAIL MONIES AT PRESENT HELD BY AMG/ACC

The following bail monies are at present held by the Regional Finances never having been claimed by the persons providing bail:-

DATE	FROM WHOM RECEIVED	PROVINCE	AMOUNT LIRE
8/12/43	Avv. Commo di Ciccio	Salerno N.W. District	6,000
13/1/44	Capt. A.C.J. German	Matera	60,000
	FANIO, Antonio	Salerno	500
	DI FLORIO, Vincenzo	"	5,000
	CELENTANO, Giovanni	"	2,000
	INFANTE, Cosimo	"	1,000
	FERRAIOLI, Luigi	"	2,500
	CALACE, Giuseppe	"	500
	ESPROSITO, Giuseppe	"	500
	IENNA, Antonio	"	10,000
	COLAPETELLO, Vincenzo	"	2,500
	MACCHIAROLI, Stefano	"	10,000
	LIGUORI, Raffaele	"	2,500
	CASABULO, Cono	"	1,000
	CASSILLO	"	1,000
	LA MURA, Gennaro	"	1,000
	DI MARCO, Donato	"	2,000
	ABATE, Vincenzo	"	2,000
			<u>110,000</u>

VIII.BAIL MONIES AT PRESENT HELD BY AMG/ACC

1 monies are at present held by the Regional Finance Officer, the same
 y the persons providing bail:-

PROVINCE	AMOUNT LIRE	FOR WHOM APPOINTED
Salerno E.W. District	6,000	Russo, Francesco
Matera	60,000	Mennuni - now repaid -
Salerno	500	
"	5,000	
"	2,000	
"	1,000	
"	2,500	
"	500	
"	500	
"	10,000	
"	2,500	
"	10,000	
"	2,500	
"	1,000	
"	1,000	
"	1,000	
"	2,000	
"	2,000	
	<u>110,000</u>	

IX.A.M.G. A.C.C. REGION 2Schedule of Cash receipts from the proceeds of sale of confiscated or ca

	<u>Building Materials</u>	<u>Cash</u>	<u>Chemicals</u>	<u>Foodstuffs</u>	<u>Fuel (Petrol)</u>	<u>Tobacco</u>
REGGIO	1500	-	2400	1800	6	10482
CATANZARO	-	-	-	500	-	23412
COSENZA	-	-	-	-	-	-
MATERA	-	-	-	-	-	-
POTENZA	-	-	-	-	-	-
SALERNO		17690			20544	
	1500	17690	2400	2300	20544	33894

=====

(Sgd)

IX.A.M.G. A.C.C. REGION 2Receipts from the proceeds of sale of confiscated or captures supplies.

Chemicals	Foodstuffs	Fuel (Petrol)	Tobacco	War Material	Sundries	Total
2400	1800	6	10482	500	9217	25899
-	500	-	23412	500	65	24477
-	-	-	-	-	2509	2509
-	-	-	-	-	2567	2567
-	-	-	-	-	-	-
		20544		2300	141	40675
2400	2300	20544	33894	3300	14499	96127 Lire

(Sgd)

G.H. TIPPING. Lieut. R.A.Regional Accountant

X.ITALIAN CIVIL COURTS.

604

All Italian Courts in Region 2 were functioning by the beginning of December '43, and on the whole they have done well, though by A.M.G. standards their procedure may justly be described as leisurely, and their hours of work impose no strain on their personnel. Sentences have on the whole been reasonable except in the cases of black market offences, the seriousness of which is incapable of being impressed on the South Italian. Owing to the difficulty of communications, reports, especially in Calabria, have been difficult to obtain.

The following points arose, and were considered by higher authority:-

- (a) A petition was received for the re-establishment of a Tribunale at Sala Consilina in view of transport difficulties and consequent means of communication. This however was decided to be a matter with which the Italians should themselves deal on the hand-over to King's Italy.
- (b) The same applies to an application from the Bar at Potenza for the section of the Court of Appeal in that town to be given the same dignity as that of the Corte Autonoma of Naples to enable the former to deal with labour disputes and insurance cases.
- (c) The same also applies to petitions received as to the status of the Court of Appeal at Reggio, which had no civil jurisdiction. The matter appeared at the time to be based on jealousy between the avvocati of Catanzaro and those of Messina, but on the handing over the Region to King's Italy the Government had no hesitation in transferring the Court to Messina.

Has this been
 taken in order
 all (id) had not

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*Has Tribunal
been in order
and did it work*

(60M)

XI.

ITALIAN MILITARY COURTS.

Prior to the hand over, there was only one Italian Military Court in the Region, namely the Tribunale Militare Territoriale di Guerra presso il XXI Corpo D'Armata which started to function on 7 Oct. 43. It dealt exclusively with crimes committed by Italian military personnel, and co-operated satisfactorily with the I.O. at Catanzaro, especially in cases in which military and civilians were concerned.

A ruling was requested as to the position of Italian military personnel who deserted pursuant to Allied propaganda. This matter has now been settled, and all such offenders are being pardoned by the King.

The military courts in Apulia have not up to the present shown any real signs of co-operating with the Allied authorities. Whilst willingness is expressed, information is not forthcoming. Sentences for pilfering-an offence which is being committed on a large scale - are ~~few~~ too low, and the Courts have been asked to increase them.

XII.

REGIONAL ORDERS

The following is a list of Regional Orders which have been prepared during the period of occupation:-

No	Subject Matter	Remarks
1	As to re-opening of Banks and cesser of moratorium	Published in Provinces where Proc. 5 and G.Os. 1 and 2 were posted.
2		
3	Bread and pasta ration of Carabinieri	Published in Provinces where above were not published.
4	Restriction on circulation northwards	
5	Labour Relations	With administrative instructions.
6	Temporary Wage Adjustments	
7	Restrictions on circulation of motor vehicles etc.	Published as provincial order in Province of Salerno only.
8	Bar Associations	
9	Temporary amendments to civil and penal procedure.	
10	Restrictions on sales and leases of land.	Never published. Draft laid before Chief Financial Officer.
11	Restrictions on export of timber, to Sicily.	
12	Registration of Aliens	Published, except in Salerno
13	Control of prices of olive oil and products	Printed, but not published
14	Control of price of petroleum products.	
15	Control of price of hemp	

5	Labour Relations	With administrative instructions.
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14	Control of price of petroleum products.	Printed, but not published
15	Control of price of hemp	
16	Control of price of grain	Printed, but not published
17	Provincial Administration	
18	Amendment to R.O. 14	Printed, but not published

HEADQUARTERS
ALLIED CONTROL COMMISSION
REGION 2

REF: 2201/70/G

5 June 1944

SUBJECT: Monthly report Legal Division Region 2.

TO : C.L.O. Legal Subcommittee, ACC., Salerno
copy to R.C., Region 2.

1. In view of the fact that the Lecce General Court has monopolized the attention of all the Staff of the Legal Division except Major Franklin for two weeks, permission is requested that this monthly report may be mainly statistical.

The Lecce trial is expected to end by June 10th.

2. An AKG General Court sat at Bari on 26.5.44 and tried four civilians for mail thefts. Sentences imposed were 9 years, 6 years, 6 years and 3 years. On the same day an Italian Court tried a more important mail bag robbery case, outstanding since early February. Sentences imposed were:

6 years	and	8,000 lire fine
6 "	"	8,000 "
8 "	"	11,000 "
6 "	"	8,000 "
6 "	"	8,000 "
4 "	& 4 mos	6,000 "
1 "	" 4 "	2,000 "

3. The situation in Apulia has been variously reported during the month, and is moreover carefully being scrutinized. Attached are proformas showing the statistical position in Apulia and Lucania.

It is feared that a scrupulously accurate picture of the statistics is impossible as yet, for the following reason. Column 1 of the proforma consists partly of groups of co-defendants forming 'one' 'case' wherever this has been notified by the Italian authorities. Partly also it consists of single defendants, who in many instances they may later decide to treat as codefendants and therefore one 'case'. If this latter

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The same is true of column 3.

Even so, the joint effect of the first three columns of the proforma give little cause for satisfaction, since column 2 (a) (as well as 2 (b)) represent 3 months work by the Courts.

4. In Lucania, though several matters require rectification, so few cases occur affecting allied interests that reference will be made only to two

(a) The Procuratore Generale is a very old and a very sick man and unable to perform his duties:

(b) In Matera, 20 persons have been in prison awaiting trial for insurrection at Irsina in Sept 1943,

(continued)

- 2 -

before Allied occupation. Pressure is being brought to bear for early trial.



D.E.S. COUSINS, Lt. Col.

R.L.O.

Region II

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CASES AFFECTING ALLIED INTERESTS

PLACE: APULIA

Number of cases registered up to date	Number of cases tried up to date by	Number during past month of	Number of cases tried by Civil Courts in past month
4611	(a) Civil Courts 602 (b) Military Courts 627	(a) arrests reported 755 (b) charges reported 199	(a) Assaults on Allied personnel 8 (b) Thefts 134 (c) Unlawful possession 102 (d) Miscellaneous 17
TOTAL 4611	1229	954	261

CASES AFFECTING ALLIED INTERESTSMONTH OF: May (1st-to 28th)

State	Number during past month of	Number of cases tried by Civil Courts in past month	Number of cases tried by Military Courts in past month
ts	(a) arrests reported 755 (b) charges reported 199	(a) Assaults on Allied personnel 8 (b) Thefts 134 (c) Unlawful possession 102 (d) Miscellaneous 17	(a) Assaults on Allied personnel 1 (b) Thefts 93 (c) Unlawful possession 177 (d) Miscellaneous -
	954	261	271

532

CASES AFFECTING ALLIED INTERESTSPLACE LUCANIA

Number of cases registered up to date	Number of cases tried up to date by	Number during past month of	Number of cases Civil Courts in month
61	(a) Civil Courts 15	(a) arrests reported 14	(a) Assaults on personnel
	(b) Military Courts -	(b) Charges reported 28	(b) Thefts
			(c) Unlawful pos
			(d) Miscellaneous
No reports from Potenza since 15th May.			
TOTAL 61	15	42	

CASES AFFECTING ALLIED INTERESTSMONTH OF MAY 1944

es tried	Number during past month of	Number of cases tried by Civil Courts in past month	Number of cases tried by Military Courts in past month
arts 5	(a) arrests reported 14	(a) Assaults on Allied personnel --	(a) Assaults on Allied personnel --
Courts -	(b) Charges reported 28	(b) Thefts 1	(b) Thefts --
ay.		(c) Unlawful possession 2	(c) Unlawful possession --
		(d) Miscellaneous 2	(d) Miscellaneous --
5	42	5	--

HEADQUARTERS
ALLIED CONTROL COMMISSION
REGION II

1 May 1944

Ref. :- 2201/58/8

Subject :- Legal Division Region 2 Monthly Report

To :- C.I.C. Legal Subcommission Salerno

1. Personnel - Disposition of Legal personnel remains unchanged, but:

(a) Capt. D.G. MOTTIE ceased to be posted to Region 2 on 23.4.44 when he became R.I.C. Region 7.

(b) Major. A.V.I. FRANKLIN, in addition to his duties as I.C. Apulia has become Liaison Officer to General Treina in respect of all A.C.C. territory.

2. A.M.G. Courts - While it is agreed that trial of even the LECCE spy case by Italian Courts is in keeping with higher policy, a similar though more serious case will shortly be reported at Brindisi, and since high Italian Army officers will be involved, it is hoped that an exception will be made, and that they will be tried by an A.I.C. Court.

(Experience has already shown the freemasonry existing among Italians where an officer is to be punished.)

3. Provincial Reports - Attached hereto are detailed reports from each of the I.Cs in Region 2. From these and from deductions made during the C.D.Os. visit to Region 2, it would seem that:

(a) In the compartments of Lucania, offences affecting Allied interests are trivial in number (19) and the Military Tribunals have not been invoked to try them. Ordinary offences affecting Italian interests are less than in other parts of Region 2, but that such in no way condones the influence of the Presidents of the Corte d'Appello, nor the dilatory arrangements made for appeals. The C.I.Cs. words, will doubtless have an immediate effect and the hours spent at work by the Courts are being closely investigated.

- (b) Major. A.V.L. FRANKLIN, in addition to his duties as I.C. Puglia has become Liaison Officer to General Traina in respect of all A.C.C. territory.

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(b) In the Compartimento of Puglia. The machinery whereby to cope with the vast numbers of offences against Allied interests has now been elaborated, and except at Barietta, is already in motion. Except at Bari, the Civil Tribunals have so far proved more diligent in trying cases than have the Military. The whole problem of dealing with crime in Puglia is as much one for the Police as for the Legal Division since prevention would obviate the need for cure.

The D.P.M. District 2 has been most cooperative, and is doing his utmost in spite of an power shortage, to systematize preventive efforts of various police and dock authorities.

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The press is being utilized both to report weekly the results of trials of offenders against Allied interests and to publish leading articles with propaganda value. It cannot yet be claimed that offences against Allied interests committed before 11.2.44 have yet all been recorded, but only a few old ones are now coming to light. The total number of such offenders registered in Apulia, is now 2662 but of these many are jointly accused, so that the number of cases involved is, approximately 2400 - Of these, 265, have been tried by the Military and 332 by the Civil Courts, i.e. a total of 597. Sentences imposed by all Courts are with exceptions satisfactory. Alone those inflicted by Military disciplinary boards on Military offenders require, and are receiving the attention of the C.I.O.

1. At Bari, the Procurator del Re appears to consider that the Civil tribunals need contribute little or nothing towards trial of offences against the Allies. Almost all such are relegated to the Military Courts which have tried 245 cases as against only 32 tried by the Civil Courts. The R.L.O. is meeting the Prime Presidente and Procuratore del Re on 4.5.44 when an explanation will be requested, inquiry made regarding the hours spent in adjudicating, and the position clarified. Attention is invited to the problem contained in para 15 of the L.O.^{Bar} attached report.
2. At Taranto, sixteen cases only have been tried by the Military as opposed to 128 by the civil tribunals. Minor problems raised by the L.O. have mostly been resolved by the C.I.Os. visit, and Major Franklins visit to Salerno.
3. At Brindisi and Lecce, 172 cases have been tried by the Civil as against 4 only by the Military Courts. The dilatoriness of the latter is receiving attention.

(c) In the compartmento of Calabria, offences affecting Allied interests are so few, that the R.L.O. has been able to galvanize the judiciary into improving themselves for their own good. To their great surprise, they are working daily from 9 to 6 to clear off arrears. The hearing of cases has therefore in almost every tribunale increased more than 100% as compared with the period before.

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BAC
D. E.S. COUSINS, Lt. Col.
R.L.O.
Region II

P E T E R A.

REPORT OF LEGAL OFFICER FOR MONTH OF APRIL.

(1) Normal work of the Italian Courts is proceeding satisfactorily though somewhat on the slow side. On Sunday 23rd April Col. Upjohn - C.I.C. A.C.C. - had a straight talk with the President of the Court of Appeal on the necessity of working longer hours and I have no doubt that this will accelerate results.

(2) A Court of Assize has been fixed to sit in Legnano commencing 6 May 1944. There are 12 cases ready for hearing and every attempt is being made to get other cases ready before the opening of the Assize. No other sessize has yet been fixed.

(3) There are 17 cases affecting Allied interests (chiefly possession of Allied property), in which arrests have been made during the current month. None have yet come to trial as a result of the Procureatore failing to take advantage of the shortened procedure, due to the fact that the instructions for this procedure have not yet been received. ~~The matter has been due to be decided~~ ^{has been decided to be postponed} ~~has been decided to be postponed~~ The first case has been set down for hearing on the 5th May 1944 and four further cases for the 8th May 1944.

(4) I have also spoken to the Procura on the question of only allowing provisional liberty - ~~advised~~ ^{advised} to cases affecting Allied interests are concerned - in exceptional circumstances.

(2) A Court of Assize has been fixed to sit in Lagonegro commencing 8 May 1944. There are 12 cases ready for hearing and every attempt is being made to get other cases ready before the opening of the Assize. No other assize has yet been fixed.

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(4) I have also spoken to the ~~Procuratore~~ on the question of only allowing provisional liberty ~~to be granted~~ as cases affecting Allied interests are ~~handled~~ - in exceptional circumstances.

(5) I find to-day that the Procuratore del Re (Città Crinale) has been transferred to Iccos to assume the office of substitute Procuratore Generale. No notice of this change was received by this office. No fresh appointment has been made for Totenes, and in the meantime the Senior Sostituto Procuratore is carrying on the duties.

Potenza, 29 April, 1944.

acf German

Capt. I.O. Potenza.

55-

MATERA.

REPORT OF LEGAL ATTACHE FOR MONTH OF APRIL.

- (1) The work of the Italian Courts is proceeding in a satisfactory manner and at an increased speed. The Procuratore del Re co-operates in every way possible.
- (2) Two arrests have been made in connection with cases affecting Allied interests. The first - a case of a ~~man~~ woman who had stolen 285 boxes of matches - was heard on Monday, 24th April and a sentence of 8 months imprisonment imposed. The date of hearing for the second case, again possession of Allied property, has not yet been fixed. definite instructions on the shortened procedure would be welcomed.
- (3) The appeals in the grain cases have been dealt with in accordance with instructions. All persons who have paid their fines have been released, and the fine repaid in the one case that was quashed. One further fine of 30,000 lire has been paid since this action was taken and the prisoner since released.
- (4) No assize has yet been fixed to deal with cases awaiting trial in Matera and I am continuing my efforts with this aim in view.

Matera, 30 April, 1944.

A. G. Suman.

Capt. I.O. Matera.

(7)

(5-84)

ALLIED CONTROL COMMISSION
LEGAL LIAISON OFFICE
BARI

26 Apr 1944

SUBJECT: MONTHLY REPORT.

(To and including Saturday the 22nd April 44).

TO : R.C.L.O. HQ. Region 2, Matera (Copy to LLO, Taranto).

1. LISTED CASES. (New) to April 22, 1944

	6 B.S.A.		PM (AAP)	CCRR	Questura	Total
	181 P.P.	DAPM & SIB (SIS)				
15 Apr	52	14			38 °	104
22 "	54	24	14	30	146 &	268
° 3 of 38 included also in reports from Allied Mil. sources.						
* 56 " 146 " " " " " " "						

FINAL TOTAL: 15 Apr - "101" + 22 Apr - "212" = 313

2. CASES SET FOR TRIAL FOR SUCCEEDING WEEK:

		April	
Tribunale Bari		8	15 22
Tribunale Militare			12 18
	Total		71
		12	89
101			
3. a. <u>TRIED CASES:</u> (Current) for week ending-			
Tribunale Bari		4	3 8
Tribunale Militare			55 32
	Total	4	58 40
			102

b. OLD CASES, reported tried, entered in the register till

26 April 1944:

Tribunale Bari		24
Tribunale Militare		158
		182
		TOTAL 284 (3 a+b)

TRIBUNALE CIVILE.

4. Complaint del Procuratore del Re:

- a) lack of paper for office and other reports;
 - b) lack of transportation for: (i) process serving, (ii) investigation of cases, (iii) transportation of witnesses;
 - c) lack of interpreters.
- An effort is being made to meet points raised in a) and c).

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Tribunale Bari	15	22	
Tribunale Militare	12	18	
		71	
Total	12	89	101

3. a. TRIED CASES:(Current) for week ending-

Tribunale Bari	4	3	8
Tribunale Militare		55	32
Total	4	58	40

102

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Tribunale Bari	..	24
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5. The list of 12 cases received on 15.4.44 representing those for trial in the succeeding week were 5 old cases and 6 not in this Office Register.

- a) The record of results of these cases shows 8 cases tried in week ending April 22.
- b) The list of 18 cases received 22 April for trial in week of 24 April showed 7 to be in this office Register and 11 not previously recorded.

6. The Tribunale Civile sits in 4 sections of 3 members each, one section sits one day each week, none at all on Wednesday and Saturdays (according to Procuratore del Re).

7. On Wednesday 20 April a judge of the Tribunale Civile

- 2 -

appeared at this office to ask for a pass to go to Fog-
gia to obtain payment for services rendered at a pre-
vious date. During the course of the conversation
curiosity prompted the question of "whether cases for
the day were finished". It was 1145 hours. The response
was "This day we had a short calendar."

TRIBUNALE MILITARE.

8. Two sections (5 officers each) sitting at same time, hold-
ing daily trials, 6 days a week. They try old and current
cases.
9. The conference with the President of Tribunale Militare
in this area resulted in a complete accord of views
- namely, the importance of individual cases when totaled
up and the effect of individual violations (when grouped
together) against Allied Military interests - as affect-
ing the war effort.
10. That desires of Allied Military interests are being met
in indicated in sentences imposed in cases heard since
12 April 44, date of conference with President of Military
Tribunal.
11. The Procuratore Militare reached an agreement some time
about the middle of March with the A.C.C. Provincial
Police Commissioner and Provost Marshal of USAAF here,
not to release anyone on Provisional Liberty who is
charged with violations of Allied Military interests, un-
less previous notice is given.
12. Complaint that Questura holds up papers to Militare for
period up to 10 days. Matter being checked with Questura.
13. During discussions of violations, attention has been
called to the distinction in Italian Law between Riten-
zione and Ricettazione - the first being unlawful poss-
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12. Complaint that Questura holds up papers to Militare for period up to 10 days. Matter being checked with Questura.
13. During discussions of violations, attention has been called to the distinction in Italian Law between Ritenzione and Ricettazione - the first being unlawful possession where not connected with theft, robbery or guilty knowledge of illegality, the latter - Receiving, being with knowledge. The penalty for Ritenzione is up to six months, (with exceptional circumstances may be up to eight months) regardless of the value of the property involved. In my view this ties the hands of the Tribunale. It is recommended that a decree be made enlarging the possible penalty of imprisonment to 2 years (or more) along with a possible fine, to give more latitude to the Court to enable it to exercise a wider discretion. The section of the Codice Militare di Guerra involved is Article 166. (See paragraph No. 25 below).

A case in point - the report from the Tribunale Militare made on 22.4. shows cases of illegal possession by defendants - of many articles - being giving sentences of 2, 4, 5, 6 months while the same list included cases

of "furto" - theft of single items - such as a pair of shoes, or a blanket, or several tins of food - shows sentences of 1 year and 2 months. It is believed that the possibility of sentence should be as great ~~many~~ in the former cases as in the latter. In a great many cases there would be no theft if there were no receiver.

14. Information given by the Assistant Procuratore Militare on 19.4. indicates an approximation of 8000 cases having reached that office since Jan 1, 44.

- a. For Provinces of Bari, Foggia, Matera, Potenza
- b. The bulk of the cases are desertation from the Italian Army.
- c. The bulk of violations against Allied Military interests are brought before the Military Tribunal and are not equally distributed between that body and the Civilian Tribunal. This matter is being looked into.

d. According to the Italian Military Code of Penal Procedure the Military Court must be constituted with 5 members. With many new cases reported to be coming up daily it is questionable whether the Military Tribunal can catch up or keep abreast with this restriction.

My suggestion is, that a decree be issued permitting a Summary Court (of one member) to hear minor cases and give sentences up to 1 year.

Permit these Summary Courts to sit at Bari, Foggia, Barletta, Matera, Potenza to try minor cases locally in each of these places. This would make possible trials of Italian violations currently with others. The 5 member Courts could hear all but minor cases.

15. Attention is called to following facts - a case exists in which a group is to be tried before the Tribunale Militare involving some defendants for violation of (a) Allied Military interests and some for violation of (b) Italian law, yet all defendants were acting in what appears to be a common cause.

The apparent "breach" of the group are those in

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The apparent "brains" of the group are those in -(b)-. An amnesty decree of 5 April applies to -(b)- to extend of cancelling 3 years from any term of imprisonment that may be imposed (in the type of case here involved). The possibility exists therefore, that those in (a) might be punished severely and those in (b) either not at all or very lightly.

This difficulty could be cured by issuing a decree to the effect that those who are charged and found guilty of a violation of Italian law while associated, or in connection, with others charged or found guilty of violating Military interests (Allied or Italian) do not come within the scope of the 5 April 44 decree granting this amnesty.

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16. CARABINIERI

1. Form J 1 has been given to the Carabinieri for distribution to all 56 Stations in the Province.
2. Carabinieri reports are slow coming in.
 - a. Initiation of forwarding reports to this office is taking too much time.
 - b. Reports not complete.

The matter is being discussed further for correction.

17. VENEREAL DISEASES

Informal note from V.D. Control Officer, A.C.C., indicates importance of withdrawal from circulation of prostitutes, particularly those infected, because of menace to Allied personnel. Cooperation along this line is being given by this office in conjunction with routine matters, as a part of the general picture of coordinating prosecutions.

GENERAL COMMENT

18. There are so many cases at this time, many regarded with importance from an Allied Military point of view, that I recommend that an Officer be retained permanently to continue this work because of
 - a. Necessity of having an Allied representative to follow up
 - (1) To see that there is no letup by officials in activity
 - (2) To attend Court Sessions.
 - (3) To cope with problems of prosecutions arising in Allied Military Units and follow up such questions (2 Distr., 6 BSA, CID, CIC, AAF, Allied Finance office).
19. The weekly figures given above record the number of cases in the Pari area alone.
20. Total number of cases in register as of 22 April is 1056. (As of 15 April the figure was 8059).

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19. The weekly figures given above record the number of cases in the Bari area alone.

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21. Report on the figures of cases in the Barletta area is not at hand. It has not been possible to organize the latter area as yet because of the amount of work pending in the Bari area. Progress in this direction has been made, however, because several trips have been made to Barletta and Trani. Reports are being awaited from both the Military authorities at Barletta and the Italian authorities at Trani.

22. a. Publicity on efforts to lower the crime rate has been made:

La Gazzetta del Mezzogiorno 30 Mar 44; 16 Apr 44;
20 Apr 44

The last publication contains record of severe sentences imposed. - Attached are copies of these publications.

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- b) Arrangements have been made for continuation of publicity of sentences by both Military and Civilian Tribunale.
- c) In the belief that the Italian population is not to blame entirely for the condition existing and in an attempt to focus attention of personnel of the Allied Armed Forces on the problem, an effort is being made to have proper publicity in the Army publications - Union Jack and Stars and Stripes. The idea is to center attention on the part played by the personnel, whether innocently or intentionally - and what a continuation of this means in practical effect.

23. The DAPM 2 Distr reports that the 181 Ports Provost Co has had since occupation (to end of March 1944) the following number of cases:

civilians 483
soldiers (Italian) 1290 -total 1773

This office has report of current cases from that office and is procuring a report of old cases (not desired before this time). Some of old cases not yet reported by this unit may have been received in reports from other sources. It is not possible to state what this number may be.

24. Information procured from office of Procuratore Generale is that there are adequate Judges in the Court of Appeals of this district.

25. ^{See 4713} Ritenzione - Art. 166 CPMP (15-47 CPMG):
 Register No. 900- 100 pairs of socks, 26 blankets,
 4 jackets: 6, 4, 3 months impr.
 " " 1059- 10 pairs of shoes, 2 blankets,
 16 cartons of food: 6 mos impr.
 " " 1060- 1 kg rice, 1 kg potatoes: 2 mos
 impr.
 " " 1061- 15 litres petroleum crude oil,
 10 pieces of soap, 6 pairs of
 socks, 2 packs of Amer. Cigarettes:
 5 mos. impr.

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This office has report of current cases from that office and is procuring a report of old cases (not desired before this time). Some of old cases not yet reported by this unit may have been received in reports from other sources. It is not possible to state what this number may be.

24. Information procured from office of Procuratore Generale is that there are adequate Judges in the Court of Appeals of this district.

25. *See # 13* Ritenzione - Art. 166 CPMP (15-47 CPMG):
 Register No. 900- 100 pairs of socks, 26 blankets, 4 jackets: 6, 4, 3 months impr.
 " " 1059- 10 pairs of shoes, 2 blankets, 16 cartons of food: 6 mos impr.
 " " 1050- 1 kg rice, 1 kg potatoes: 2 mos impr.
 " " 1061- 15 litres petroleum crude oil, 10 pieces of soap, 6 pairs of socks, 2 packs of Amer. Cigarettes: 5 mos. impr.
 " " 1067- 1 pair of pants, 1 pair goggles, 3 receptacles for petrol, 1 pair of gloves, 1 hand pump, 1 screw-driver: 4 mos. impr.

Furtp - Art. 230 CPMP (15-47 CPMG)
 Register No. 1062 - shoe buttons and 1 package of cocoa: 1 year, 2 mos impr.
 " " 1064 - 1 pullover: 1 year, 2 mos. impr.
 " " 1065 - 1 " : 1 " 2 " 5

William R. Cohen

WILLIAM R. COHEN

Major A.C.C.
 Legal Liaison Officer

SUBJECT:- Monthly Report, Taranto.

Allied Control Commission,
Legal Officer - Apulia.

R.C.M.O.,
Hq., Allied Control Commission,
Region 2, Matera.

27 Apr. 44.

1. There are 662 cases registered in the Taranto Area with in all 1093 accused for the period to date. The number of cases of which I have no particulars must be very small. They can be divided as follows:-

A. Crimes against property. Total 603, subdivided as follows:-

Theft or attempted theft-283
Receipt of stolen goods or purchase without proper enquiry - 315
Violation of mails - 2
Sabotage - 1
Damage to goods - 2

B. Crimes against the person - 29. Subdivided as follows:-

Calumny - 2
Insult or attack on honour - 2
Shooting, stabbing, beating or attempted murder - 13
Murder and manslaughter - 3
Carrying or keeping arms without licence - 7
Wrongful use of arms - 2

C. Crimes against the Health of the Troops. Subdivided as follows:-

Obscenity in a public place - 9
Pimping - 6

D. Miscellaneous Contraventions - 15. Subdivided as follows:-

Drunkenness (reported by S.I.S.) - 1
Sale of wine to troops without licence or outside hours - 11
Curfew offences - 3

2. The results have been reported in 144 cases, 115 decided by the Tribunal Taranto, 16 by the ^{Tribunal} Tribunal Taranto, 13 by Pretors courts in the area. Enquiries continue to discover what has happened in each case and it cannot be presumed that 418 are still pending: in particular many reported cases in which Italian naval and military personnel were involved have been dealt with disciplin-

Sabotage - 1

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3. Only 35 accused have been acquitted: the judicial pardon has been granted to only 8 persons all before April.

4. The number of persons arrested during the month of April to date is 64. The number of persons reported during the month of April who are not in custody is 48.

Warrants are out for the arrest of 2 who have not been traced.

5. Penalties seem not inadequate in the majority of cases. The Tribunal usually gives one month's imprisonment and a fine between 500 and 1000 Lire in theft or receiving cases, two months and a fine between 1 and 2000 Lire if the amount is larger. Where the amount is very large or other aggravating circumstances exist, heavier sentences are awarded. Suspended sentences were not awarded in April.

The sentences awarded by the Preture are generally inadequate; the attention of the Procuratore del Re has been drawn to this fact and an improvement is expected. There have not been sufficient cases in the Tribunale Militare to make a generalisation possible though in theft cases sentences are generally a little heavier than those awarded by the Civil Tribunal. I do think, however, that particularly in cases of stabbing or shooting the Pubblico Ministero (composed of professional magistrates) appears to demand adequate sentences but the Tribunal (largely composed of professional sailors or soldiers) appears only anxious to whitewash the accused. This is even more noticeable in Courts of Enquiry. We have not yet however sufficient data for a formal protest: I am watching this phase (the most difficult to control) particularly.

6.

The average time in which persons have remained in prison without trial has been reduced from 36 days in March to 28 in April so far as present statistics go. I urge continually the use of "direttissima". I urge further the necessity for speed on the Provost branch: I have found that certain companies used to submit the case in English including the translation of "interrogatorio" originally made in Italian to the DPM's office where it was translated and sent to the Questura to be forwarded to the Italian courts. Thus the "interrogatorio" were translated first into English then back into Italian. I have secured the removal of this anomaly. Further, I hope to arrange with DPM, 2 District that in cases where a house is searched the accompanying Agente or Carabinieri will prepare and submit direct to the Tribunal his own report thus saving some days' delay. This is not possible in theft cases as it would involve all Provost personnel being accompanied by an Agente or Carabinieri.

7.

In several cases I have arranged for the examination by the Italian Courts of British military personnel. (In one case I have myself given evidence to show the Anglo-American attitude to mail violations.)

I have further obtained from hospitals information required by the Italian courts in wounding cases. Issue of an order by No 2 District to ensure that such information is always available is under consideration in conjunction with DPM.

8.

Recommendations have been made for the amendment of Italian law to deal with the existing situation, in particular the publication of decrees 1) to make the citation of the "parte offesa" unnecessary and 2) to clear doubts arising from the language used

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8. Recommendations have been made for the amendment of Italian law to deal with the existing situation, in particular the publication of decrees 1) to make the citation of the "parte offesa" unnecessary and 2) to clear doubts arising from the language used in the Royal Decree of February 11th and 3) to increase the courts' powers in dealing with prostitution. Nos. 1 and 2 have been accepted, No 3 is still under discussion.

9. There are three elements necessary in the suppression of crime, speed of sentence, severity of sentence and certainty of detection: the necessity of the last is shown by the state of crime in England in the 1740s. In my submission the present crime wave which is not diminishing cannot be accounted for by the alleged inadequacy of the Italian courts in the first two respects. If the astronomical figures supplied by District and others in respect of thefts and venereal infection are in any way reliable, the prevalence of theft and prostitution is due to the inadequacy of law enforcement. This again is very largely due to lack of personnel, though the system can, as shown above, be improved.

(48)

Collaborati by Army personnel in Tar to has been good though one cannot escape the feeling that except in the case of the Provost Branch it is granted as a personal matter and not from a realisation of the full implications of Military requirements either by each Staff Officer himself or as a result of directives from District or HQ. A.A.I.

Until my arrival I found all branches of the military in complete ignorance of what the Italian Courts were actually doing and could be expected to do. Information on this point has removed a great deal of the original sense of dissatisfaction.

Andreas Major

Legal Officer - Apulia.

ALLIED CONTROL COMMISSION

COMMISSIONE ALLEATA DI CONTROLLO

Ref.

SITUATION AT DATEBRINDISI - TRIBUNALE

No. of cases reported by the Proc. del Rege
BRINDISI as pending on 26 April 274

LECCE

(a) No. of old cases pending with Proc. Mil. 20
(b) No. of new cases pending " " 176
(persons)
(c) No. of cases pending with Proc. del Re
TRIBUNALE 67

2. Cases decided

(a) TRIBUNALE BRINDISI 172
(b) MIL. TRIBUNALE LECCE 4
(c) TRIBUNALE LECCE (report not yet received)

3. No. of arrests reported during month

(a) Civilians 82
(b) Soldiers 144

4. Deficiencies in Italian legal personnel
(so far as ascertained)...

(a) TRIBUNALE BRINDISI 2 Judges
(b) PROCURATORE del RE " 2 Sostituti

(Note : The present sostituto is being retransferred
shortly to the judicial side. Another sostituto is also
required urgently as a temporary measure, to assist in
dealing with the extra work involved in trying these Allied
cases)

5. GENERAL. The Tribunale of BRINDISI is working well, and it
is hoped that all cases dating back before Mar. 4, 1944 will
be disposed of by the end of May. As regards the Mil. Tribunale
of LECCE, I am assured that after cases of less than L.200

LEGAL LIAISON OFFICER

BRINDISI

Subject:- Monthly report, APRIL 1944

To :- R.I.O. Region 2

1. I assumed charge from Lt. BOONE A.V.S. on 3 April.

2. The scheme initiated by him is working satisfactorily on the whole, that is to say, the persons arrested by the Police, whether British or Italian are handed over to the CC.PP. or the Questore as the case may be. The latter send the papers to the Procure-tore del Re Brindisi in the case of civilians, and to the Proc. Militare IECCE where the accused are service personnel. No civilians have so far been sent for trial to the Military Court, Lecce, which is just as well, as this latter Court has for all practical purposes not functioned, during the period under review. This will be referred to later. My task has been to expedite the disposal of cases by the Tribunale BRINDISI, and to galvanise the Military Court IECCE into activity.

3. The Tribunale Brindisi is working fairly satisfactorily. Four sittings weekly have been held (except during Easter week when there were two only). The Courts however only sit from 9-2 nominally), and disposals are capable of improvement. Sentences in many case have been light.

3. To improve disposals, it is necessary to strengthen (a) the Procuratore's staff (b) the judiciary.

(a) The Procuratore was deputed to Bari for a considerable part of the month, and there is only one substitute. The Procuratore now states that this substitute is being transferred shortly to the judicial side, and he wants another sostituto (who must be an experienced man) appointed at once, and an extra sostituto as well, to cope with the extra work involved. He also wants an assistant to his Secretary.

I will speak to the Avv. Generale, IECCE, and endeavour to arrange this.

(b) The Presidente of the Tribunale wants at least two more judges. The present number is eight, including the

are LECCE where the Court, Lecce, which is just so far been sent for trial to the Military Court, Lecce, which is just as well, as this latter Court has for all practical purposes not functioned, during the period under review. This will be referred to later. My task has been to expedite the disposal of cases by the Tribunale BRINDISI, and to galvanise the Military Court LECCE into activity.

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I will speak to the Avv. Generale, LECCE, and endeavour to arrange this.

(b) The Presidente of the Tribunale wants at least two more judges. The present number is eight, including the presidente and the Giudice Istruttore. This leaves six only available for the four weekly sessions, which is inadequate. The normal establishment to said to be ten, so that the Court is two below strength.

I recommend that action should be taken at once as above.

4. I have spoken personally to the Presidente about the sentences, and he promised to impress my view on the members.

It is unless in my view to insist on the Bench sitting longer hours unless and until the Procuratore's staff is strengthened, to enable them to prepare more cases for trial.

- 2 -

5. The Military Court, Lecce, has been undergoing reorganisation during the month. The difficulty here is that the Court is situated at a distance of 25 miles from Brindisi, and the question of transport has not yet been solved. I have been pressing for the Court to start work, and it has now made a start with four cases decided last Friday and it has fixed a sitting at Brindisi on 2 May, when 15 cases will be tried.

When regular setting are initiated, I will see if it is practicable for the Court to try civilians for offences coming within the jurisdiction of military tribunals. But at present it is far more convenient to try them by the Tribunale.

6. The majority of cases are of a petty nature. The following may however be mentioned.

- (1) The case in which two British soldiers were stabbed last November, and one had recently died in Hospital in N. Africa. Police enquiries are still proceeding, but there seems little hope of further evidence being obtained. The case is in charge of the S.I.S. working in conjunction with the Carabinieri.
- (2) One man charged with damaging parachutes with a knife to the extent of L. 36,000. I have asked the Carabinieri to let me have an immediate report.
- (b) Near Brindisi, the Carabinieri train guard opened fire on a gang of men who were looting the train. The men fled, abandoning the property. The Carabinieri have made several arrests and recovered other property.

7. Generally, cases of pilfering at the docks are on the decrease. This is attributed by the Port A.P.M. to improved surveillance. No important cases of receiving have come to light. The Sub-Area Commander agrees that the situation at BRINDISI is not serious.

8. The Jail situation continues unsatisfactory. Orders have now been received to clear out the remaining prisoners from the Brindisi civil jail, so that the whole may now be taken by the Military. The Prefect has objected to the site previously selected. It will not be easy to find a suitable alternative building. I have reported on this separately.

9. I am much handicapped by inadequate clerical assistance,

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9. I am much handicapped by inadequate clerical assistance, the present men being practically useless. Though a "trier" the loan of Max, kindly proposed by you will relieve the situation at least temporarily.

10. I attach a statement showing the position at date.

3d B. Drury Capt
LO Brindisi

1837

86.
8: 532 }
19 }
2942 3459
78
1174

4831

Major Lushan

5/4/44

2, Will you please advise for monthly report and I suggest following letter to U.P. Admin. Sec.

"Report of Region 2 for month of February has just been received. 4 copies are enclosed which please have attached as Appx. B to our ACC/4043/L dated 10 March 1944."

Incidentally this is a case of delay which you asked me to draw to your attention. *W. Lushan*

Indus. Riunite Editoriali Siciliane
PALERMO

Modello

Copie

Cliente

Data

6 copies of report as amended in
pencil omitting that which is in
pencil brackets.

George. Make this your
last job but please see me
before typing. Encl. 18

8 APR 1944

HEADQUARTERS
ALLIED CONTINGENT COMMISSION
REGION II

2201
Ref: /57/4

Subject: Report on the Legal Division Feb. 1944.

To : HC Region II
Copy to CIO Legal Sub-Commission CG, Salerno ✓

1. Personnel - Consequent upon the transfer of Region II to King's Italy, and to the withdrawal of three American IO's for ENO, a readjustment of personnel has been necessary. In place of IO's for each province, Liaison Officers to the various Corti d'Appello have been appointed as under:-

(a) Bari	Major A.L. Franklin
(b) POTENZA	Capt. A.C. German
(c) CATANZARO	Capt. D.S. Little
(d) REGGIO	Capt. B. Drayfus

2. Allied Military Courts - Starting on Feb 7th, the CIO presided over a circuit in the provinces of Matera, Cosenza, Catanzaro and Reggio - Potenza and Salerno and no cases to try. During the circuit, the most important cases tried were:-

- (a) At Matera - Pascale G. was sentenced to death for interference with Allied mail. (It is regretted that this sentence was quashed for lack of jurisdiction by the Court.)
- (b) At Catanzaro - Taverna F. formerly sentenced to 18 years imprisonment for killing an Allied soldier, was retried and sentenced to 6 months instead.
- (c) At Reggio - Over 50 persons were tried for taking part in disturbances, and those convicted received sentences ranging from 10 years to 3 months. (Since Feb. 11th, a considerable number of cases then pending have been tried but it is understood that no more of these will be tried by A.G. Courts.)

3. The taking over of Apulia on 11-2-44 will entail the closest legal supervision over this province for a considerable time. Separate reports on the situation have been submitted by the CIO and Lt. Col. Willis.

To assist Major Franklin, the CIO has agreed to the loan of two IO's from Region 2, Major Loopp and Lieut. Boon.

- (a) Bari Major A.M. Franklin
 (b) Potenza Capt. A.C. German
 (c) Catanzaro Capt. D.S. Little
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3. The taking over of Apulia on 11-2-44 will entail the closest legal supervision over this province for a considerable time. Separate reports on the situation have been submitted by the RLs and Lt. Col. Willis. To assist Major Franklin, the CIO has agreed to the loan of two LC's from Region 5, Major Loopp and Lieut. Doon.

4. The Committees of Investigation, and the Committee of Security at Potenza have ceased to exist, by virtue of the transfer to King's Italy.

5. Italian Courts -

(a) The situation regarding the Court of Appeal Reggio remains as unsatisfactory as hitherto. No progress appears to have been made in the past month.

(b) Elsewhere, apart from in Apulia which is receiving special attention, the Italian Courts appear to be functioning satisfactorily. Jurisdiction has been restored to the various Corte d'Appello in open court with appropriate formality and speeches.

[Signature]

R.B.S. COUSINS, Lt. Col.

RLS

Region II

4 APR 7 1944

HEADQUARTERS
ALLIED CONTROL COMMISSION
REGION II

31 Mar 44

Ref: 2201/58/8

Subject:- Monthly Report on the Legal Division March 1944

To :- R.C. Region II
Reported C.L.O. Legal Subcommittee ACC. SALERNO

1. Personnel The bulk of legal work in Region 2 having shifted to Apulia, a reorganisation of Legal Officers has been made, in order to provide the maximum number available for that province. Therefore:

(a) Major A.W.L. Franklin is Liaison Officer Apulia and has been assisted by Major Cohen of Region 5 at Bari, at Brindisi by Lieut Boon who is returning to Region 5 on 3.4.44 and is being relieved by Capt. Dreyfus.

It is considered that 3 officers is the minimum for coping with Apulia at present, and it is therefore requested that

Major Cohen may not be withdrawn for some time yet to come.

(b) Capt. A.C.J. German is IO to the Court of Appeal at Potenza and supervises the province of Matera as well.

(c) Capt D.S. Little is IO to the Court of Appeal Catanzaro and supervises the provinces of Catanzaro Cosenza and Reggio.

2. AMG. Courts - All trials by AMG Courts for cases pending prior to 11.2.44 have now ended - During the month of March, 17 such cases involving 41 persons were tried in Reggio province, and 59 in Salerno, which however reverted to Region III on 11.3.44.

3. All files, documents and records relating to Salerno province have been to Region III.

4. Italian Courts - The functioning of the Italian Courts represents varying stages of development.

(a) In the distretto of Potenza, there are ^{no} grounds at present for complaint, but cases involving allied interests have always been fewest in the province of Potenza.

It remains yet to be seen how far the Italian Courts will continue the excellent work done by AMG Courts in Matera province, in assisting the assessing of grain.

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It remains yet to be seen how far the Italian Courts will continue the excellent work done by AMG Courts in Matera province, in assisting the amassing of grain.

It has been impressed upon them, that the matter is deemed of vital interest to ACC.

(b) In the distretto of Catanzaro, the LO Capt. Little has shown great persuasive ability in dealing with the Italian Judicial officials.

As a result, more cases have been tried by them during the month of March, than in the preceding four months together.

He appears to have secured a surprising degree of cooperation from the Italian authorities and is now extending his sphere of control to include Reggio province.

(c) In Apulia, Major Franklin, assisted by Lieut Boon and Major Cohen, have laid excellent foundations for the machinery whereby to cope with the vast number of cases past and anticipated in the future. Much time has had to be spent on personal contacts and basic organization, which have been hampered by the usual difficulties of transport, clerical staff, office and personal accommodation.

- 2 -

(42)

But the machinery is starting to work, the first returns required from the Procuratori have begun to be received, and though it is yet too early to give statistical results, it is roughly assessed that some 400 old cases have yet to be tried in Apulia.

The main trouble is to be found in the vast amount of petty pilfering which in bulk represents a serious loss to the Allies. It has been estimated as high as L.50.000 a day, but attempts are being made to check this figure.

Cooperation from British and Italian officials has been varying, but in the main satisfactory.

The prison problem remains the most acute, and it is regretted that with the exception of the D.P.M., District 2 has not so far shown any appreciable desire to assist in its solution.

D.E.S. Cousins

D.E.S. COUSINS, Lt. Col.
R.L.O.
Region II

45

403/2

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
REGION II

Major Grossman

3 Feb 44 (4)

Ref: 2204/57/4

Subject: Report of the Legal Division Jan 1944

To : AGAO Region II
GIA Legal Sub-Commission Brindisi

1. Personal

- (a) Lt. Col. D.E.S. Cousins took over as RCIO on 10-1-44.
 - (b) Each province has one IO, and that of Cosenza has two.
 - (c) A return is awaited showing what other officers not officially in the Legal Division, have legal knowledge and particulars of same.
 - (d) Major A.W.R. Franklin now LC Catanzaro has made a special study of the Italian Courts throughout Calabria.
- Since this subject is likely to increase greatly in importance, it is proposed that this officer should temporarily be attached to Regional HQ to coordinate and advise upon the Italian Courts and Judicial personnel throughout the region.

2. Allied Military Courts

- (a) The number of cases tried by Military Courts during the month ^{ended} has been 170.
- (b) Of these, a general court held at Salerno passed the death sentence on a conviction for wounding with intent to kill. Superior Courts have tried several cases of local disorders connected with the distribution of grain. In each, there were a considerable number of accused, who received sentences ranging from 2 years imprisonment to fines for minor delinquents.
- (c) ^{Prosecution in} Court practice in the province of Matera has most usefully assisted the amassing of grain. Summons served on defaulters on Jan 10th, had by Jan 14th induced the amassing of 1132 quintals as opposed to 178 quintals previous to that date. Persons still in default at the date of trial, were served with an order to amass the deficit by Jan 23th, fined, and sentenced to various terms of the imprisonment to be held in suspense until that date, with the assurance that the sentences would be cancelled if the deficit were by then amassed. The fines were all paid, and almost all the grain then due, had been amassed by Jan 23th.

3. Circuit of the CJO

Partly in order to gauge the qualifications of LO's, but mainly to demonstrate Court procedure to them, and other officers interested, the CJO will visit provinces as under, and will preside at cases which LO's have been instructed to arrange for trial within the following respective dates

(40)

- (a) Matera Feb 7th - 9th inclusive
- (b) Cosenza " 10th - 12th "
- (c) Catanzaro 14th - 16th "
- (d) Reggio " 17th - 19th "
- (e) Potenza " 21st - 23rd "
- (f) Salerno " 24th - 26th "

4. The Committee of Investigation at Potenza still finds its work impeded by the series of amnesties granted under the Fascist regime. Application has already been made for their abrogation.
5. The Committee of Security established also at Potenza has formed the basis of reports to the RGAO and the CIO under references this HQ letters 2201/59/8 of 21-1-44 and 23-1-44 respectively.
6. Italian Courts are in the main functioning satisfactorily and are progressively hearing more cases, and their work is closely supervised by HQ's.
 - (a) The failure of the Courts of Appeal at Naples to appoint a Court of Assize to function in Salerno province continues to be a grievance and has been reported to higher authority.
 - (b) The somewhat arbitrary withdrawal of the Court of Appeal at Reggio and its transfer to Messina has been represented to be a matter of some concern to Region II. It is hoped that not only will its immediate return be effected, but that it will be vested with both Civil and Criminal jurisdiction.
7. Regional Orders

During the month of January the following Regional Orders have been published;

- No 7 Licensing of cars and petrol
- No 11 Registration of Aliens

D. E. S. Cousins

D. E. S. COUSINS, Lt. Col.
RGIO Region 2

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BEST COPY POSSIBLE

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
SECTION II

4043/2
6 Jan 44

Ref: 2201/22/7

Subject: Report of Legal Division, December 1943.

To : C.L.C. Legal Sub-Commission AMG Naples

1. Personnel: One Legal Officer is now permanently established in each of the six provinces, and work is proceeding smoothly. The Regional Legal Officer, Major M. Dell. Rose was recently posted to AMG HQ 15 Army Group, and Major P. Backhouse is temporarily acting R.L.O.

2. Allied Military Courts: The number of cases heard amounted to 43, most of which were comparatively trivial. In one case however a sentence of 15 years imprisonment was inflicted on a charge of shooting and killing a member of the Allied Forces (the evidence revealing a certain amount of provocation), and in another case an ex-internee was sentenced to 3 years imprisonment and a Lt. 500,000 fine for illegal transactions in currency.

3. Committees of Investigation: These are now established at Potenza and Catanzaro for the purpose of investigating crimes committed during the last few years of the Fascist regime, and of sending bad cases for trial by the Italian Courts. Their work is however being greatly hampered by the amnesties given by the former Fascist Government. The question of the cancellation of these amnesties has been taken up with the Allied Control Commission. One man was convicted by the Tribunale of Potenza for malpractices revealed as a result of the proceedings of the committee there, and was sentenced to 17 months imprisonment. The Procuratore del Re, in view of the lightness of the sentence, has appealed to the Corte di Appello. The cases in Potenza investigated or being investigated to 9 Dec 43 numbered 71.

The Committee at Catanzaro has only just been established, and its first meeting was held on 29 Dec. 43.

4. Italian Civil Courts: There has been an improvement in the administration of Justice by these Courts. The Court of Appeal at Potenza has decided 6 civil and 32 criminal cases including 11 cases in which a conviction was unobtainable owing to the amnesties referred to in clause 3. (The Bar at Potenza has requested that the Court of appeal be given the same dignity as the Corte Antonina of Naples, in which latter Court all administrative and disciplinary powers of the former are vested. The request has been passed to the Chief Legal Officer, and, if granted, it will mean that the Court at Potenza will be able to deal with labour, insurance, and other such cases. All Courts in Potenza Province are now functioning.)

In the Province of Matera all courts are working smoothly, and there is nothing on which to report.

In Calabria only a comparatively few of the 90 Courts have submitted returns. This is no doubt largely accounted for by the absence of postal facilities. The reports received call for little comment. One Court has informed that its sentences for black market offences are too light. Where sentences appear to require explanation, the records are sent

Legal Dec 43 Report Cont'd

The disposal of cases is hampered by lack of transport and the consequent difficulty of securing the attendance of parties and witnesses.

A report is still awaited from the Province of Salerno. A petition has been received, (and forwarded to the GLO) for the re-establishment of a Tribunale at Sala Consilina in view of transport difficulties and consequent means of communication.

5. Italian Military Courts: The Tribunale Militare Territoriale di Guerra presso il XXI Corpo D'Armata started to function at Catanzaro on 7 Oct 43. It deals exclusively with crimes committed by military personnel. Where crimes are committed by civilians and the military in conjunction the case is discussed between the LO at Catanzaro and the Procuratore Militare. (In one of such cases where the military were ringleaders and the civilian had committed a venial offence, the military were tried before this court, and the case against the civilian was dropped.) The civilian Courts had for trial 257 cases in which both civilians and soldiers were involved. Action is at the moment suspended in 15 such cases where both soldiers and civilians are concerned, and all should be put on trial, pending a ruling from the ACC as to the best method of over reaching the Italian law under which soldiers and civilians cannot be tried separately where their crimes are connected.

6. Regional Orders: During the past month the following Regional Orders have been put into force:

- No 4 relating to the control of the movement of civilians.
- No 5 relating to Labour Relations.
- No 6 relating to Temporary Wage Adjustments.
- No 8 relating to the Re-organisation of Bar Associations, and
- No 9 relating to Temporary Amendments to Civil and Penal Procedure.

An order numbered 7 was drawn, but cancelled before publication.

The A.C.C. has advised that in view of the prospective change over it is hardly worth while issuing orders as to the appointment of curators of abandoned property, and as to the creation of Notarial Councils.

An order as to restrictions on the sale and letting of property is now before the Chief Financial Officer for his approval.

7. General: The elimination of the Compartimenti system has brought the Provinces closer to Headquarters, and the great advantages of this are now beginning to be felt. In particular it has had the effect of speeding up communications to a considerable extent.

Prosecutions for black market sales of corn and for failing to make proper declarations of supplies of corn are anticipated. It is thought that the low fixed price may be the cause, and that farmers may no longer be able to sell at that price save at a loss. Whilst there has been a sharp rise in their wage bills, there has been no rise in the controlled price of corn.

Backhouse
P. BACKHOUSE
Major, RASC
ACIO

HEADQUARTERS
ARMED MILITARY GOVERNMENT
LEGAL SUB-COMMISSION

AMG/4067/L

6 January 1944

SUBJECT: Monthly Situation Reports.

TO : R.G.L.Os (through H.G.L.Os) Regions I and II.

1. Hereafter the ^{separate} reports of the Legal Divisions of Regions will be dispatched so as to reach this office by the seventh of each month, latest. High adherence to this schedule will be required in order to secure possible compliance with AMG instructions directed to this Headquarters.

2. The foregoing refers only to the ^{separate} reports of Legal Divisions of Regions to the Chief Legal Officer, and is not to be confused with instructions AMG/319.1 issued to Regional Civil Affairs Officers, Regions I and II by AMG Hq. on 4th January, 1944.

RICHARD H. TILMAN,
Lt. Colonel,
Deputy Chief Legal Officer.

404312.

RECEIVED
OFFICE OF THE ATTORNEY GENERAL
WASHINGTON 25

Adm Div (36)

(36)

2 Dec 1943

Ref: 2201/22/3

SUBJECT: Report of Legal Division, Region 2,
for November 1943

TO : Chief Legal Officer, Legal Sub-Commission, HQ AF.

1. Personnel: During the month of November there were no changes in the personnel of the Legal Division. The establishment of a Court-Martial for Calabaria at Corvina di, however, must now be allocated of 10's in that area. The appointment of keeping two of the three 10's at the 30 Corvina and of giving the 10's at Corvina the official responsibility of a judicial division. The 10's at Corvina has not, it is believed, proved successful, and the 10's for Calabaria has been directed to have one of the 10's assigned on a permanent basis to Vagati. Captain Vagati who has been temporarily loaned from HQ to Vagati. Captain Vagati who has been temporarily loaned from HQ to Vagati is being transferred to Calabaria in order that a 10 may be stationed on a full time basis in each of the three Divisions.

2. Allied Military Courts: The number of cases to be heard by Allied Military Courts continued to be very small. In October Provinces only one case was tried; the defendant was acquitted by a Superior Court of the charge of aiding, abetting, or assisting the Italian forces. In October a summary Military Court reviewed the defendants of committing a treason against the United States and the officers of the Allied Military Government and found them each guilty. Although a full report from Calabaria has not yet been received it is believed that the five summary Court Cases were heard, all in Reggio. At Calabaria a court composed of three judicial officers heard charges of the unlawful killing of an allied soldier by an Italian civilian and convicted the accused. The appointment of the defendant as a General Military Court is now pending, and upon its receipt the defendant will be sentenced. In all of the provinces of the Region there are a substantial number of cases under investigation and awaiting trial by Military Tribunal.

3. Committee of Investigation, Lancia: The Committee which has established in Province for the investigation of crimes committed during the last years of the Fascist regime and which, for political reasons, were never prosecuted has been operating efficiently and industriously. Some thirty cases have been investigated by the Committee, and, in accordance with the procedure established in the Order establishing the Committee, fourteen have been referred to the Commission del Re for further investigation and possible prosecution in accordance with Italian law. One case referred by the Committee to the Commission, and Italian law. One case referred by the Committee to the Commission, and Italian law.

4. Italian Courts: It is regretted that delay in the arrival of reports from Calabria makes a full summary of the work of Italian Courts impossible. It is believed, however, that the situation in Calabria will not be found to be substantially different from that which has prevailed in Lucania. Unfortunately this situation shows that the machinery of Italian justice is riving with extreme slowness. In the Corte d'Appello at Potenza 23 criminal cases have appeared on the calendar for hearing between 20 September and 23 November. Of these cases only one has been decided; the hearing of the others had to be postponed for differing reasons, varying from the absence of judges, the escape of prisoners, and ineffective communications. In the same period 20 civil cases appeared on the calendar; eight of these have been disposed of on their merits. In the Tribunale at Potenza 61 criminal cases have been on the docket for trial; only 17 have been heard. Of the 24 cases on the civil docket only one has been decided. Although the chief reason for this highly unsatisfactory record is a defective transport and communication in the Potenza area, a cause which is of diminishing importance, the lethargy of judges is a factor. Everything that the legal division can do to make the judges aware of our concern that justice should be administered with a dispatch is being done. In Potenza cases have been disposed of more expeditiously; of the 30 criminal cases appearing on the trial calendar of the Tribunale between Oct 27 and Nov 24, 25 have been decided, and each of the three civil cases has been disposed of. In so far as the merits of decisions of Italian courts are concerned accurate judgment is impossible, on the tendency in minor criminal cases to impose sentences which seem excessive according to Anglo-American standards continues to be noticeable. Italian judges and prosecuting officials continue to urge upon us the desirability of reducing by legislative order the minimum penalties established by Fascist decrees in black market and price cases.

5. General Considerations: The ambiguities of our relations to the Italian people during the last month and the administrative disadvantages of the organization of a Comptenditorato, information between Regional He and the Provinces have continued to make the precise and exact execution of legal policy difficult. Until some of these ambiguities are eliminated and the administration of the Region is re-organized confusion will continue. It is believed, however, that the last month has taught in lessons which will be useful no matter what course future events may take.

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Ward H. H. H. H.

MARK DEL. HOWE,
Major, AUS,
AFSA, Region 2.

Copy to: HQAD, Region 2.

38

TO: Chief Legal Officer, 15 Army Group.

FROM: Lieut. H. G. T. Christians

SUBJECT: - Legal Report

The writer arrived in Foggia 16 Oct 43, and was detailed by SOA Foggia Province to attend to legal matters there. Prior to arrival of the writer, the work was being done by Lieut. Cashman.

There were then no Italian Courts functioning, all officials having fled.

There is an average of thirty cases per diem of offences against Proclamations. - All these are trivial, consisting of carter offences. There were several cases of looting from bombed buildings, but nothing that could be called looting in the proper sense of that word.

The Record book was kept in the form prescribed by the AGOT "BILLY".

The writer increased sentences from small fines of 50 lire, to imprisonment up to twenty-one days, and when he left, as subsequently mentioned, the number of cases had dropped to two or three per day.

The prison was at LUCERA, and Lieut. Cashman was dealing with this. There was one case of alleged sniping, and it was understood that the local Divisional Commander was to convene a General Court to deal with this. When I reported to 8th Army H.Q., I was informed by Group Captain Bunsby that the best way of dealing with this matter, was for particulars to be sent to him, and he could arrange the matter.

It is understood that Lieut. Cashman has no left Foggia, and an American Legal Officer, a Major, has relieved him.

PROVINCE OF CARPOTASSO

On 20 Oct 43, the writer was detailed by SOA, AGO, 8th Army, to make an inspection of the front from the legal standpoint, and to report to him. The gist of that report is as follows

"at part of the Province in Allied hands is administered from (a) Carpobasso, and (b), from Marino.

(a) The town and surrounding district was being administered by the 6th, Capt. Grizzard, and the CAPO Lieut.

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The prison was at LUCCERA, and Lieut. Cushman was dealing with this. There was one case of alleged sniping, and it was understood that the local Divisional Commander was to convene a General Court to deal with this. When I reported to H.Q. Army R.Q., I was informed by Group Captain Benson that the best way of dealing with this matter, was for particulars to be sent to him, and he could arrange the matter.

It is understood that Lieut. Cushman has no left Foggia, and an American Legal Officer, a Major, has relieved him.

PROVINCE OF CAMPOTRASSO

On 20 Oct 43, the writer was detailed by OC, AMG, 3rd, 7-10 Army, to make an inspection of the Front from the legal standpoint, and to report to him. The gist of that report is as follows.

At part of the Province in Allied hands is administered from (a) Campotrasso, and (b) from Larino.

(a) The Town and surrounding district was being administered by the Gao, Capt. Grizzaro, and the CAPO Lieut. Simpson. The Gao had been opened by the Germans, and the only prisoners were those put in by F.S.E., and 33 who had returned voluntarily. There were then no offences against proclamations, proclamations 1, 2, 3, and 4 had been posted, with our own and surrender of Arms Notices. The town was still under shell-fire. The F.S.E. had "vetted" all officials of the Tribunale and Practorian Courts, and one Judge of the Tribunale was pronounced unsatisfactory.

It was arranged, that subject to a positive examination of all Officials, the Tribunale and Practorian Courts could open on 1 Nov 43. The Courts had to be re-constituted in the Prefecture, owing to the requisitioning by the Military of the Tribunale Building.

The Courts mentioned did in fact open on the date mentioned.

Due to the difficulty of communications, and the fact that Judges came on Circuit from Naples and Rome, Courts of Assize cannot function. Owing to transport difficulties, the Procuratore del Rey advised that civil cases could not be dealt with.

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(encls)
As at 1 Nov 43, there were five trivial cases for trial under the proclamation, and one case, then under investigation by CAGO of alleged help to the Germans. Those matters were reported to Major Mercer, who relieved the writer on that date.

(b) The Court Offices were "vetted" by F.S.S., and the Tribunale and Praetorian Courts commenced to function as above.

There were seventeen cases on alleged plots, and it was arranged that the writer should try these on 5 Nov 43.

Major Mercer has been informed of these matters. The same difficulty arises in regard to civil matters, as with Courts of Assize.

Prison- All prisoners had been freed by the Germans

GENERAL

CAGO's having now received them. Proclamations 1, 2, 3, and 4 are automatically passed in new towns. Records of cases are being kept in the improved form, but there are no printed forms in circulation.

There was one case at St. Trinità, where the CAGO had conducted a trial (a) without passing proclamation No. 4, and (b) the conviction was for "willfully disobeying". All the defendant had done, was to move after having been refused a pass by the CAGO. The writer was relieved before he could go further into the matter, but Major Mercer agreed with him that the conviction should not stand.

This case also raised the question of the status of Italian soldiers. The Carabinieri reported that the prisoner was in fact an Italian officer. The prisoner did not raise the matter in Court.

The writer asked for a ruling from higher authority upon the whole question.

In The Field,

3 Nov 43.

Verget

lieut.

Further to above: On 30 but 43 the writer, with CAGO

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In The Field,

3 Nov 43.

Verdict

Lieut.

Further to above: On 30 but 43 the writer, with CAPO and the Provosts old Reg, visited the yard at CAMPO BASSO and examined the prisoners. There were released, and one was detained for a mental home. Of those released, five had no proper records of conviction; one had been badly wounded in another yard, & the remaining four were "Political" i.e. Anti-Fascists. All records with Major Mercer. There were two alleged murders, committed in 1939 & 1942 respectively. Major Mercer agreed that they must wait.

Verdict - Lieut.

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
APO 512
ITALY SUB-REGION II

33

ASG/4043/2/1

21st November, 1945.

SUBJECT: Monthly Report.

TO : R.C.L.C. Region II.

1. Thank you for your monthly report for October and for your letters on the status of Italian Soldiers and on Committees of Investigation.
2. A directive containing the rules under which Italian Military Tribunals may function is enclosed. Normally, all members of the Italian armed forces will be tried before such courts unless Allied personnel or property is involved, but any civilians will not be tried before such courts but before an Allied Military Court; you will exercise your discretion in the application of these rules.
3. Your action in appointing a committee of investigation, though admirable in many ways, in several particulars is this is a matter to be coordinated with the Italian Government. By all means continue investigations already begun but do not institute proceedings without further reference to this HQ. It is hoped that this matter will be dealt with on a National basis shortly.
4. Your notice appointing the appointment of the Committee of Investigation should not have been signed by you as Legal Officer. All public notices must as a staff matter be signed by or for the **RCAO**.
5. Your policy outlined in your para. 8 is wholly admirable and is entirely approved.
6. Your Regional Order ~~on~~ determining the moratorium even in respect of transactions in lands has been referred to the Finance Sub-Commission as it does not accord with their policy. This is of course a matter of financial policy and not for you or us as lawyers.
7. Referring to our meeting in Colonel Ross's Office it appears to be some delay over the matter of your future which we then discussed, so you will remain until further order R.C.L.C. Region II.

GERALD GIBSON,
Colonel,
Deputy Chief Legal Officer.

Copies to:

ASG/4043/2/1
ASG/4043/2/1

Subject: Report of Legal Section,
Region 2, for October 1943

To: Chief Legal Officer

(Through Chief Staff Officer)

AMG HQ., Sicily

2 November 43
AMG HQ.
Region 2
Ref. 2201/22/1

1. The request for a report on the activities of the Legal Division of Region 2 for the month of October which should be in your hands not later than 4 November reached this HQ. at 1800 hours today. Full reports from the L.O's in the field have not as yet been received, due to difficulties of communications. It is hoped, however, that the following summary of the basic accomplishments of the last month will be sufficient for your present needs.

2. Organization: Region 2 to date has included only the three Provinces of Calabria and the two Provinces of Lucania. It has not, as some of the directives from HQ. would seem to imply, included any of the Provinces of Apulia. In each of the five Provinces of the area there is one L.O.; the L.O's in Catanzaro and Potenza, in addition to their Provincial responsibilities, have supervisory responsibility throughout the whole of the Compartmenti in which they are located. At Regional HQ. there are the R.S.L.O. and two L.O's, both of whom have so far had special, temporary assignments away from HQ.

3. Italian Courts: Catanzaro is the seat of a Corte d'Appello. That Court has jurisdiction over all of Calabria except Reggio, which falls under the Corte d'Appello at Messina. Potenza is the seat of a Detached Section of the Corte d'Appello of Naples and has jurisdiction over the Provinces of Potenza and Matera. Instructions were issued through those courts at the earliest possible moment after effective occupation for the immediate resumption of criminal business by all ordinary Italian courts. In Calabria the order was issued on 19 September; in Lucania it was issued on 1 October. The orders have been complied with and it is believed that every criminal court in Region 2 is now open. Liaison has been established between the L.O. for Reggio and the S.L.O. for Messina. On 6 October the R.S.L.O. authorized all the ordinary Italian courts of the area to resume their normal civil jurisdiction, but the judges were informed that they must give priority to the determination of ~~criminal~~ criminal cases. It should be added that in some areas, particularly in Potenza, the death or absence of judges

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4. Military Courts: In neither Calabria nor Lucania have the number of cases to come before Allied Military Courts approached those which came before such courts in Sicily during the first two months of occupation. This has been due partly to

2.

a deliberate policy of bringing charges before those courts only when the matter seems to be of some importance, partly to the relaxation of general regulations such as the curfew and 10 kilometer rule, and partly to the shortage of personnel, not only in the Legal Division, but in all other sections as well. Although definite statistics on the number of cases tried by Summary and Superior Courts will not be available for two or three days it is significant that, so far as is known to this HQ, there have been only two trials in the whole of Lucania. Each of these was before a Superior Court. Reggio, where conditions have generally been more like those in Sicily during the first months of occupation, is the only Province where Summary Courts have sat with any regularity.

5. Release of Prisoners and Security Arrests: In both the Compartimenti of the Region L.O's have given considerable time to problems concerning the release of various categories of prisoners. These have included cases of libertà provvisoria, liberazione condizionale, and the outright release of political prisoners. In addition many cases of imprisonment by P.S.S. have been looked into and releases ordered. In those large areas where P.S.S. has either not been present or has moved on after a few days, security arrests have been made by AMG under Section 2 of Article 7 of the 2nd Proclamation. In the case of every arrest of this sort the Legal Division has played an important part. Full details on these arrests will be forwarded to HQ shortly. In dealing with all matters touched upon in this paragraph the Legal Division has worked in the closest collaboration with the Public Safety Section. It has also made much use of the advice of committees of reliable Italian civilians, including judicial and prosecuting officials.

6. Committees of Investigation: In Lucania definite steps have been taken to organize, under AMG supervision and impetus, a so-called Committee of Investigation whose responsibility is shall be to receive, investigate, and pass on to the Italian prosecuting officials for action, criminal charges against persons who violated the Penal Code in the last years of the Fascist regime and who escaped prosecution by reason of their affiliation with the Fascist Party. Plans are presently being worked out in Calabria for the organization of a similar Committee there.

7. Miscellaneous Matters: The varying anti-activities of our relations with the field

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7. Miscellaneous Matters: The varying ambiguities of our relationships with the Italian people and government have inevitably complicated fundamental legal policies. The original directive of Regional HQ. that the jurisdiction of Italian Military Courts over civilians would in no circumstances be recognized was modified after the birth of co-belligerency by the ruling that civilian crimes against Italian military personnel and military property would be punishable by Italian Military Courts. This is only one example of the sort of problem which has been presented. Although no directive to do so had been received from HQ. another decision of some importance was made

3. recently. That was the decision to terminate the moratorium which had been established in those Provinces where the 5th Proclamation and supplementary General Orders had been published. In order to establish some sort of equality between all the Provinces a moratorium was also declared to have existed during the period in which banks were in fact closed in Provinces where no copies of Proclamation 5 were ever posted. In all places the moratorium was declared terminated, and the prohibition on transfers of land was terminated, as of the date when banks re-opened. Copies of these Regional Orders on the moratorium are being sent to you under separate cover.

8. Fundamental policy: Throughout the whole of the period since the occupation of the peninsula began the Legal Division has followed the basic policy of insisting that the proclamations of the Allied Military Government establish the foundations of responsibility. Although there has, of necessity, been less and less direct control of civilian affairs by AMG it has been considered to be of fundamental importance that the people of Region 2 realize that the Armistice and co-belligerency have neither altered our rights nor qualified our duties.

for James H. McCreary, Lt. Col., Inf.
R.C.A.O., Region 2

1886

Allied Military Courts - Summary of Business in
Region 2, 3 September - 1 November

C A I A B R I A

Summary Courts

Record:

- 1 case of assault on British military personnel. Adjourned for further hearing. General Court trial probable.
- 3 cases (involving 11 persons) of leaving shore without permit. Sentences of imprisonment varying from one month to six months.
- 1 case (involving three individuals) of travel without permit. Fines of £100 and £500; one acquittal.

Catanzaro:

- 1 case of theft of Allied property (involving three persons). Pleas - guilty. Suspended sentences of imprisonment against all.
- 1 case of illegal retention of arms. Defendant sentenced to one year's imprisonment and £20,000 fine on plea of guilty.
- 1 case of remarks hostile to Allies. Sentence not yet known at HQ.

Superior Courts

Record:

- 6 cases of illegal retention of arms (involving 19 persons).
- 2 defendants fined £5000; others discharged or acquitted.

Catanzaro:

- 1 case of assault on British soldier. Outcome not yet known.

L U C A N I A

Superior Courts

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- 1 case of remarks hostile to Allies. Sentence not yet known at HQ.

Superior Courts

Regio:

- 5 cases of illegal retention of arms (involving 19 persons). 2 defendants fined \$5000; others discharged or acquitted.

Catanzaro:

- 1 case of assault on British soldier. Outcome not yet known.

LEZANIA

Superior Courts

Potenza

- 1 case of pretending to act with Allied authority. One year's suspended sentence; \$5000 fine remitted by Court.
- 1 case of hostile remarks. Acquitted.

Legal Division Directives.

AMST/4013/2/L.

MO, No. 2 Region.

15 October

3

1. Herewith a folder containing directives issued from time to time by this HQ. While these directives only directly affect the provinces of Sicily, it is thought that they may be of help to you, and that their adoption by you (when circumstances permit) will make for greater uniformity between No. 1 (Sicily) Region and No. 2 Region.

2. A bag containing 100 AMST Manuals and a selection of court forms is on its way to you.

W. C. Campbell
+ W. C. CAMPBELL,
Lt. Col., AMH,
Chief Legal Officer.

38

Delivered by Major Campbell
16/10/43

Proclamation No. 13.

SIO Region II through SOAC.

1/2
SIOF/4043/1.

13 October 3

Ref. Article 506/5050/EP

1. Article 2 of Proclamation 13 does not affect the powers of the "Peters" nor the similar attributions of the "Intendants de la Finance" in fiscal matters.

2. This has been confirmed officially to the Italian Courts in this region.

W. C. CHURCH,
Lt. Col., AM,
Chief Legal Officer.

Copy to file 4043/2

Am. J. Zool. 1963, 10: 211-220.

SEPTEMBER 29 - OCTOBER 10, 1993

Character of Cases: For the most part cases are minor in character. The per-
sonal population have been reported for identification purposes and possession of
signal wires--three years. No case has been reported since the divorce showed
the cutting of an operating wireless line of communication. The case of a
labeled wire cutting by certain persons in 1944 and probably will be paid
by a national security board on emergency October 15. It is a case established
that the case involving burning of a 1944 record of a wireless line used by a
General Military School at interests. This case should be taken into considera-
tion as requested regarding the possible transfer of jurisdiction of the case
from the Military to the Italian Courts. Advice is requested also re-
garding the operation of a large radio in 1944 case. The work involved is
considerable and the time consumed great.

Italian Courts - According to our dispatches with officials of the Court of Appeals have been held, one in Caserta and the other in Circulation War An-
trovenale. Letters regarding this matter from the Court of Appeals to the other
Courts have been submitted to their attention. The District are functioning at
Messina City, Trapani, Palermo, Catania, and Messina. In Sicily, Circola-
lona, St. Agata, and Villa Franca. These latter will be visited during
the present week. All Courts will be instructed accordingly to perform their
Civil as well as their Criminal functions.

Palazzo di Giustizia: Work is continuing in connection toward reconstruction of the Palazzo of Justice. A contract had been let for temporary repairs and work in this regard has started. Several court rooms are usable.

Moving Court of Appeals: The Court of Appeals, the Court of Appeals, and the Municipal Court are ready to be moved from Guatemala to Mexico. Only transportation prevents this. AUSA, however, is unable to furnish sufficient transportation to move records, furniture, court officials families, and personal effects. Several trucks for several days will be required. AUSA is strongly that AUSA assist in this matter. The effort to remove the several courts mentioned above cost \$10,000.

Vacancies: A list of vacancies and recommendations as to appointments has been transmitted from the Court of Appeals to Major General.

Court of Cassation: A list of pending cases and a tentative schedule has been transmitted from the Court of Appeals to Major General.

Appeal Tribunal: As a result of our commission's section of the Court of Appeals was established as Appeal Tribunal. This Tribunal forms a part of the Court of Appeals at Casablanca. It is recommended that it not be a separate body but should remain its present relationship. The Court of Appeals at Casablanca states that as now it works has set up the section at Agadir as a separate court. It is recommended that this matter be investigated and possibly adopted. It seems unwise to interfere with its administrative organization.

District Tribunals: These tribunals formerly numbered 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

Transfer of Jurisdiction: The Vice President of the Court of Appeals of Morocco and the Procurator General, both being Moroccan and having been in that province prior to the transfer of power. Therefore the transfer of jurisdiction to Morocco. The Vice President formerly was Vice President at Algiers. A memorial regarding this matter has been transmitted from him to Major General. These memorial were written about rather arbitrarily by Major General. It is recommended that careful consideration be given to this matter in this matter.

Conclusion: The general legal situation in the province is good. Progress is being made. The return of the Courts to Morocco will greatly facilitate this progress.

October 10, 1943.

THOMAS S. GALT,
Captain
Major General Officer.

HEADQUARTERS AMGOT

LEGAL DIVISION

FILE _____ DATE _____

TO:

Lt. Col. Wm. C. CHAILER

Lt. Col. H. E. ROWE.

Lt. Col. W. R. JORDAN

Major I. G. H. CAMPBELL

Major R. N. GOZMAN

Major G. G. HAMILTON

FOR:

ACTION

INFORMATION

SIGNATURE

FILE

P.A.

REMARKS.

C.O. Ref para 3 of Major Howe's Report. I think we should consider whether Italian courts may be given jurisdiction to try offences against Proclamations & Orders. If so, it will need a general order to give the Italian courts jurisdiction.

By Command

12/10
15/10

To see & initial.

HEADQUARTERS AMCOB

LEGAL DIVISION

FILE	DATE
TO:	
Lt. Col. Wm. C. CHANIER	✓ W.C.
Lt. Col. H. E. ROWE	✓
Lt. Col. W. R. JORDAN	✓ W.R.J.
Major L. G. H. CHAPMAN	✓
Major R. N. GOETMAN	✓ S.N.
Major G. C. HARRISFORD	✓ Seen 12/10/43
Major S.D.C. - 7	

FOR:

☒	ACTION	
☐	INFORMATION	See also 12/10/43
☐	SIGNATURE	
☐	FILE	
☐	P.A.	
☐	REMARKS.	25

Noted 12/10/43
 Approved
 S/Sgt.

~~SECRET~~

Legal

(25)

ASST HQ REGION II3 October 1943
SECRET

1. The present location of this Headquarters is at Corigliano, 1630 - 3935. It is proposed to remain here until further notice.
2. Mail from Palermo can continue to be sent via Messina and Reggio.
3. Visitors from Sicily coming overland are advised at present to follow the route: Reggio, Palmi, Catanzaro, Cosenza, Corigliano. There is a long detour between Catanzaro and Cosenza (Soverino, Calisimo, Parente, Rogliano). Exact road direction should be requested en route at Provincial Civil Affairs Offices in Reggio, Catanzaro and Cosenza.
4. Visitors from Bari, Brindisi and Taranto are advised to follow the coastal route from Taranto to Corigliano.
5. The Headquarters is not on a line of telephone or signal communications at present. Telegraphic messages, however, can be sent through 8 Army Main with whom we shall maintain contact by despatch rider through Matera. They should be addressed as follows:

8 Army Main - For ASST Region 2 (For Gerry)

Distribution to Heads of All Divisions.

 13/ Harvey S. Gerry
 Lt. Col. AUS
 R.C.A.C., ASST, Region 2

1895

SUBJECT: Legal Affairs, Region 2
TO: C.I.O., AMGO HQ, Sicily
FROM: S.I.O., AMGOT HQ, Region 2

File 30 Sept. 1943
HQ., Region 2

2 1. On 21 September the undersigned reported to HQ Region and was advised that he was to serve at HQ as Senior Legal Officer. At that time the only other Legal Officer in the Region was Major Franklin, who had been sent a few days before to Catanzaro, the seat of the Corte D'Appello for Calabria. As sole Legal Officer Major Franklin had already issued a number of instructions to AMGOT personnel in Calabria and Lucania, and had issued certain preliminary instructions to the Primo Presidente and the Procuratore Generale in Calabria, informing them that they were to reopen all Italian criminal courts at the earliest possible moment. During the week of 20 September Captains Dreyfus and Paty arrived on the peninsula; the former has remained temporarily at Reggio-Calabria under Major Franklin who has been named Legal Officer for the Compartimento of Calabria, with HQ at Catanzaro. Captain Paty has been sent to Potenza, the HQ of the AMGOT staff for Lucania, with instructions to organize the control of legal affairs in that area. At the moment AMGOT has no responsibility for the Compartimento of Puglia except for the Province of Foggia. No legal officer is presently available for that Province.

2. As yet it is impossible to send a detailed report either on the reopening of Italian courts or on the functioning of Military Tribunals in this Region. In certain Provinces of Calabria it is known that Italian courts have begun to hear cases; in other parts of Calabria and in Lucania transport difficulties and the shortage of AMGOT legal personnel have delayed the resumption of judicial business. Summary Military Courts have sat in parts of Calabria, and all legal officers have been appointed Superior Courts. The undersigned visited many parts of Calabria and found all C.A.O's and C.A.P.O's troubled by the problem of how they can find time to participate in court proceedings. Since that time their staffs have unexpectedly been greatly

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reduced in size. This has forced a decision to centralize all controls in the Provincial capitals, removing C.A.O.'s and C.A.P.O.'s from their district offices. Needless to say this will present new problems concerning the administration of law.

3. During the first week here much time has been given to the solution of the fundamental problem of what our relationships to the Italian courts are to be now that the Armistice has been signed. Instructions had been issued to AMGOT officers and to Italian judicial officials advising them that the great majority of offenses against our Proclamations and Orders were to be tried by the Italian Courts. The advantages contemplated by such an arrangement were that the burden on our C.A.O.'s and C.A.P.O.'s would be reduced, that the Italian judiciary would be forced to commit itself to the Allied cause, and that more severe sentences than those which our own courts would be likely to impose would result. After discussion at HQ it was determined that this whole policy was inadvisable and that until definite word that we should alter our attitude and our administrative habits was received from higher authority we should continue to enforce our own law, much as had been done in Sicily prior to the Armistice. New instructions defining that policy were issued, a copy of which is enclosed herewith. It will be noticed that Paragraph 1 of those instructions goes very far in its repudiation of a jurisdiction which it would be desirable for Military Tribunals to exercise; that was done only because the small personnel allotted to the Region seemed to make it necessary. If experience shows a change to be desirable it will be made.

4. Other conventional instructions have been issued, and as soon as reports from the field come in they will be digested and sent on to HQ. The suggestion has been made that Italian Military Tribunals, which had exercised a very wide jurisdiction over civilians prior to our occupation should be allowed to continue to do so. The suggestion has been repudiated and definite instructions to that effect have gone out.

5. In the Province of Reggio-Calabria a

3.

number of apparently serious cases of concealing fire-arms have arisen. Some of these, it is believed, will be referred to a Superior Court. Another ~~few~~ group is being sent to a General Military Court which is being appointed by Brigadier Graham as the designated representative of the General Officer Commanding Eighth Army. It was determined that the extreme shortage of personnel made a Court of three judges, instead of five, necessary. The officers to be appointed to the Court are Colonel Woodington, R.M., Commander of the Reggio Sub-Area, Major Benton Jones, C.A.O. of the Province of Reggio-Calabria, and Major Howe. It is hoped that the Court will be convened within the next week or ten days. Superior Military Courts will in most cases be constituted of only one judge - a Judicial Officer.

6. There is most urgent need throughout the whole Region for copies of the new Bible, for forms to be used by Military Courts, and for copies of the rules of procedure. None of these are available at HQ, let alone the Provinces. It would be appreciated if they could be sent at the earliest possible moment.

Ward J.W. Hark

Major, S.I.O., Region 2

P.S. Since writing the above word has been received that Bibles are on their way. It is hoped that the same is true of the Court forms.

Major Graham

Have forms been sent?

21

Subject :- Legal Policies.

To :- All C.A.O.'s and C.A.P.O.'s (District and Provincial).

From :- Deputy Regional Civil Affairs Officer, A.M.G.O.T. R.O.
Region 2.

The following policies concerning legal matters should be observed throughout those portions of Region 2 in which A.M.G.O.T. controls civil affairs and in which order has so far been restored as to permit the reopening of Italian Courts for the disposition of criminal cases :-

1. Except in very special circumstances no Military Court will try violations of the Italian Penal Code as such. This principle is as applicable to violations of Italian 'black market' and price regulations as it is to other offences. Accordingly, those provisions of Proclamation 8 which give our courts jurisdiction over such marketing cases will not, for the present, be given effect. If the C.A.P.O. is convinced that a particular case or class of cases should, for some special reason be brought before a Military Court he should make a recommendation to that effect to the C.A.O. who must, in turn, order in writing that the case or cases be transferred to the Military Court.

2. It shall be the responsibility of A.M.G.O.T. to see that our Proclamations, Orders and Notices are obeyed and enforced; the responsibility is not to be delegated to Italian Courts. It is fully realized that the size of our staff is such that the fulfillment of this responsibility may be difficult, but while we are in Italy as the agency of the Military Governor our duty is clear. The method by which the task may be made manageable is for the prosecution of offences to be highly selective. It should be entirely feasible for us, even with our small staff, to make our authority apparent and effective by bringing to trial those offences which are themselves serious or have serious implications. The bulk of minor infractions against our rules may be disposed of without bringing them before either the Italian Courts or our own courts. Needless to say the legal staff is ready, to the fullest extent possible, to co-operate by sitting as judges on Summary and Superior Court cases. It should not be forgotten that every C.A.O. and every lawyer on the A.M.G.O.T. staff who is not a C.A.P.O. may, without special appointment, sit as a Summary Court, and that a Superior Court may consist of one judge. Policy 2, in so far as price and 'black market' cases are concerned, means that though the Italian Courts will be expected to determine all charges of violations of Italian regulations which are still in force, our Courts will hear all cases involving violations of price orders which we have published

provisions of Proclamation 8 which give our courts jurisdiction over such marketing cases will not, for the present, be given effect. If the C.A.P.O. is convinced that a particular case or class of cases should, for some special reason be brought before a Military Court, he should make a recommendation to that effect to the C.A.O. who must, in turn, order in writing that the case or cases be transferred to the Military Court.

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3. The C.A.P.O's are sure to be confronted, more or less frequently, with the problem of concurrent jurisdiction. It must not be forgotten that a single act may involve a breach both of the Italian Penal Code and of one of our Proclamations or Orders; Proclamation 2, for instance, makes it an offense punishable by Military Tribunal to do an act calculated to lead to disorder or violence. Such conduct also involves a breach of the Penal Code. In many cases of concurrent jurisdiction the economical and wise procedure will be to refer the case to the Italian Courts. In accordance with the second policy described above this means, of course, a reference of the case as one arising under the Italian Law. When a problem of concurrent jurisdiction is presented the C.A.P.O. must decide, in the light of all the factors, whether our interest in the matter is so considerable as to make its reference to our courts advisable.

4. The Legal Section prescribes no rules as to the responsibility of C.A.P.O's for the release or retention in custody of persons arrested after the occupation, for violations of Italian Law.

.....The/2

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5. It must be remembered that the Carabinieri are permitted to act as prosecutors in Summary Courts. Their responsibility as such is to present the relevant evidence to the Court, and they are not expected to show detailed familiarity with the procedural rules of A.M.C.O.T. courts. The fact that an officer of the Carabinieri may have to give evidence does not disqualify him from acting as prosecutor.

7th Dec.

49

C. L. O.

Report on Tour.

27 - 30 Sep. 43.

1. I left H.Q. on 27th September with 100 copies of AMGOT "Bible" and 2,000 copies of proclamations Nos. 1, 2, 3, 4, 5, 11, 12 and 13; Notices and General Orders Nos. 1 and 2.
2. Of these, 1000 copies of the Proclamations, Notices and General Orders were for 5th Army. These are stored in AMGOT H.Q. Messina in the custody of the S.C.A.O.
3. The balance were for R.C.A.O. No. 2 Region. Of these I personally took

100	"Bibles".
1000	Proclamations No. 12.
500	Proclamations (other than No. 12), Notices and General Orders.

as far as CATANZARO on 28th September and there arranged for their onward transmission within a day or two. I sent with them a letter to R.C.A.O. explaining that C.L.O. wanted him to have these documents available in case they were required.

The balance I left at REGGIO, as I had no room for them in the jeep. Onward transmission will be arranged when there is transport going forward.

According to information available on 28th September, Regional H.Q. was at CORIGLIANO, but there was a suggestion that it might move to TARANTO.

I did not go forward of CATANZARO to CORIGLIANO as (i) to do so would have meant being away an extra three days (ii) there was a chance that H.Q. might already have moved forward and (iii) there was no certainty that I would find Major Howe at H.Q. as he is travelling extensively throughout the Region.

GENERAL POINTS.

As a "visitor" in No. 2 region I was careful not to "trespass" on Regional Staff. The following may, however, be of interest:-

2. Of these, 1000 copies of the Proclamations, Notices and General Orders were for 5th Army. These are stored in ALMOOT H.Q. Messina in the custody of the S.C.A.O.

3. The balance were for R.C.A.O. No.2 Region. Of these I personally took
100 "Bibles".
1000 Proclamations No. 12.
500 Proclamations (other than No.12), Notices
and General Orders.

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I did not go forward of CATANZARO to CORIGLIANO as (i) to do so would have meant being away an extra three days (ii) there was a chance that H.Q. might already have moved forward and (iii) there was no certainty that I would find Major Howe at H.Q. as he is travelling extensively throughout the Region.

GENERAL POINTS.

As a "visitor" in No.2 region I was careful not to "trespass" on the Regional Staff. The following may, however, be of interest:-

The staff at No.2 Region H.Q. (as given to me by Major Franklyn) is as follows :-

R.C.A.O. and Deputy	-	Gp. Capt. Benson and Lt. Col. Gerry.
Q.	-	Lt. Col. Lloyd Carson.
A.	-	W/Cdr. Beer and Major Willard.
Liaison with 5 div.	-	Lt. Mallatesta.
" " 1 Cdn. Div.	-	Lt. Mills.
" " 13 Corps.	-	Lt. Col. Nicholls.
Supply	-	Lt. Col. Ruck.
Legal	-	Major Howe.
Finance	-	Major McFadden.
Medical	-	Major Johnwick.
Police	-	Major Pollock.

No.2 Region is divided into three "compartimenti", CALABRIA,

APULIA

APULIA, and LUCANIA.

CALABRIA is divided into three provinces:-

CATANZARO	{ C.A.O.	Holmstrom;	C.A.P.O.	Moody)
COSENZO	{ C.A.O.	Watts;	C.A.P.O.	Duncan)
REGGIO	{ C.A.O.	Benton Jones)		

The only legal officers in the Compartimento of CALABRIA are Major Franklyn and Capt. Dreyfus.

Major Franklyn. (Senior Legal Officer for Compartimento of CALABRIA), raised the following points :-

(1) He is taking steps to re-open Italian Courts, but practical difficulties (e.g. lack of transport) make their reopening impossible. He would like a copy of this H.Q. instruction authorising the civil courts to re-open for certain limited jurisdictions; does this include Rent Restriction (STRATO).

(2) AMGOI Courts are not yet sitting in the Compartimento, but are likely to be doing so soon; cases are under investigation.

(3) The Military Mission has authorized the Italian Tribunale Militare to deal with offences within its jurisdiction committed by military personnel. Whether it should have a similar power when the offender is a civilian is under consideration.

(4) The C. of A. REGGIO is under MESSINA. I was asked to take up with S.L.O. MESSINA whether he would be willing to take over the supervision of the Tribunale in REGGIO. I discussed this point with Capt. Cox who thinks that the Tribunale at REGGIO should continue to work under the C. of A. MESSINA as hitherto and is quite willing to go over to REGGIO and give any advice and help that may be required; but he was emphatic that it is not possible for him frequently to visit REGGIO as he will have neither the time nor the means of crossing the straits. A direction on this point is indicated.

Major Holmstrom. C.A.O. for CATANZARO province was away on duty.

Captain MAVIS. C.A.O. for CATANZARO and neighbouring towns seems to have done well and he is experiencing no particular difficulties. In many cases the local Praetorian courts are already functioning. He suggested that some machinery should be set up to enable U.S. Officers to draw cash; at present they cannot do so, and are getting very short.

Major Benton-Jones. C.A.O. REGGIO Province has been sick with malaria and jaundice. He has now recovered and resumed duty at REGGIO.

at Region H.Q. In the absence

courts to re-open for
Rent Restriction (STRATTO).

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Major Pollock. is really C.A.P.O. at Region H.Q. In the absence of Major Benton Jones he has been "holding the fort" at REGGIO acting as C.A.O. - cum - C.A.P.O. He seems to have done splendidly. He asks that as C.A.P.O. for the Region he may be given a good supply of printed forms (summons, charge sheets, records etc.)

W.

Distribution:

C.L.O.
Major Harnafor.
Capt. Talbot. file.

Major.
Legal Division.

1 Oct 43

San Campbell

40472
Regiment II report
De

HEADQUARTERS AM/OT

LEGAL DIVISION

FILE _____ DATE _____

TO:

Lt. Col. Wm. C. CHANLER

Lt. Col. H. E. ROWE

Lt. Col. W. R. JORDAN

Major I. G. H. CAMPBELL

Major R. N. CORMAN

Major G. G. HANNAFORD

FOR:

_____ ACTION
 ✓ _____ INFORMATION
 _____ SIGNATURE
 _____ FILE
 _____ P.A.

REMARKS.

Sgt Knight
B. H. B. C. 60 m
Return
WFA
1/10

1906
Loyal. Du: 15
Present to the
piece of paper
in an extract
from CC Aoi
your dated.
28.8.43

Li 1.10.43

14. Calabria is working really pretty well. Benton-Jones is ill with jaundice. Pollock S.C.A.P.O. Region 2 is acting (very well) as S.C.A.O. Reggio Province pending Benton-Jones' recovery - in a few days. Grizzard is C.A.O. Reggio City.

15. There is food - ex. Asian till 20th October, when more must arrive. Reggio is in a bad way for food, more especially because all the roads connecting the town with the rest of Calabria are in a shocking state. Therefore the main problem is Reggio City and neighbouring villages where there is nothing. Region 2 H.Q.s have bid for call forward but you must help with A.P.H.Q. Another whole coaster load must arrive by 20th October.

16. Health is good. Public Safety good. There is some water (low pressure and little supply not damage is the cause of the deficiency.) There is current. The population is returning fast. Pollock and Grizzard have everything well in hand. There are C.A.O.s at Gioiosa, Palui and Cinque frondi where the provincial H.Q.s moved on 25th July and whence they are only slowly returning. The Carabinieri are on balance pretty lousy. Two bad Proclamation offences (concealing arms by two gangs in two villages). No brigandage, as yet. Political sentiment since the Amistice is distinctly uppish and may prove difficult.

FRANCIS RENNELL.

P.S. To-day to Catanzaro; to-morrow to Cosenza via Crotone. Then to Eighth Army rear to see Benson etc.

4043/2

13

AMCUT 61/PH

Chief Staff Officer
Chief Legal Officer
Chief of Public Safety Division
Chief Financial Officer.

24 Sept. 3

I sent herewith notes on my visit to the mainland.

The information was given by Major McNaughton and Capt. Bullock with the request that I would hand it on.

The hospital situation in Reggio is satisfactory. 20 tons of medical stores have been dispatched to Reggio.

D. Gordon Gifford

D. GORDON GIFFORD
Colonel
Director of Public Health.

13

DGC/ja

Sum
WCR

BOX 5000 MAJOR FALCON

AND JOHN

12

Prisoners of War

Thousands of prisoners of war are now going all over the place, and they are being ordered to prisoners of war camps. There are no guards available for them.

Refugees are coming in from all over the place and some villages are being abandoned up with them. The policy at the present moment is that there are still to be no crossings over to Sicily. Is this to continue, as many prisoners of war want to go to Sicily, and also many Sicilians want to go to North Africa.

There are many difficulties. Financial relief is being started and appears to be highly desirable.

In the past, countries when new liberated have been appointed the people are getting definitely "English" and are banding together. The Carabinieri do not seem to have any grip on the people and it is known that they are refusing to have in their area. At Caserta, a town of 5,000 inhabitants, the Carabinieri had raided twenty houses and we confiscated rifles. 15 people have been arrested in this place. The Carabinieri have been at San Lorenzo, a town of 6,000 inhabitants. A search has been made. Several men were found, four pistols, one rifle, some shot-guns and hand-grenades were found. Some had been hidden.

It is requested that prompt judgment of cases is made, no over complication of procedure can be made. The legal officer is being asked to hold a General Court at once. There are 200 prisoners in the province. The situation is not serious at present, but it is felt that the more we do to do on it, the more difficult it will be.

Summarizing the above, we have the following points:-

1. Food is steadily getting out to decrease and we have enough flour left for only 17 or 18 days. Another shipment is needed.
2. Prisoners of War. What is the latest policy? P.O.W.s are full, hundreds are wandering all over the place, some are wandering north and passing their Italian prisoners going south. As far as I am able, I am sending them to the nearest P.O.W. camp - at least to report.
3. Civilian Relief. Bringing into people from all parts. Some want to go to Sicily, others to Africa; Palermo, others want to go North. Most are destitute and need to be fed. We are loaded with them on our hands (getting rid of as many as we can, but we have to start a camp if numbers become excessive).
4. Transfer to Sicily. We are not allowing civilians or prisoners to cross to Sicily although I know some are getting across. If we were allowed to do this, the situation would be eased.
5. Carabinieri. After 18 days experience, I am sorry to say the standard of efficiency of Carabinieri is lower than Sicily (which was not right). In spite of our efforts to ginger them up. The officers want to cooperate, but the men

John P.O.W.

for 11/11/44

- 2 -

themselves have lost their grip on the public. We are doing what we can.

6. Civilian. Since 1941, since the war, the civilians are now feeling a new sense of freedom and liberty, which has led to a lot of party quarrelling amongst themselves. If they don't like a certain policy, they are inclined to shout a bit. The position is not bad at the moment but unless we put on the brakes, there is a possibility of our country getting out of hand.

REMARKS.

Major MacFarlane has said that 1,000 million dollars is not immediately, as we might have to pay the 21 million troops which have come over.

Conditions at Colerain are said to be still. General French is in the area.

There are 2,000 refugees at present, who will have to be absorbed.

The food situation in the province of Borneo is satisfactory. Approximately 25 tons of food are in hand. There are transport difficulties. It is proposed to send a military officer and a civilian officer up as soon as possible.

All now agree that the general situation is not too bad, and if we view it as passing through very rough times only. The picture is 100 percent.

22nd September 1943.

Major.

11

SUBJECT:- Courts.

AMCOT, 1/10

AMCOT H.Q., SICILY.

12th September 1943.

TO:-

AMCOT, Eighth Army Main,
c/o S.C.A.O. CATANIA.

See paras 4 and 5

1. Reference paras 16 and 17 of your report on Region 2 of 3rd September 1943, it is confirmed that AMCOT LIAISON has been asked to expedite the transmission through the correct channels of the C.in C.'s Order for the establishment of Military Courts.
2. Four copies of GAI No. 7, which covers the points raised by you, are attached. Copies of this GAI are in the new AMCOT "Bible" now being printed.
3. As a Civil Affairs Officer does not need to obtain a written order of appointment to establish himself as a Summary Military Court (see para 9 of GAI No. 7) and as the Order referred to in the first sentence of para 5 of the GAI has in fact been signed, there is no objection to C.A.O.s sitting as Summary Courts forthwith.

RB
 CHARLES M. SPOFFORD,
 Lieut Colonel G.S.C.
 Chief Staff Officer.

Copy to: C.L.O. ✓

For information. *RB*

GENERAL ADMINISTRATIVE INSTRUCTIONS No. 7.

LOCAL

Distributions to C.A.O's and Judicial Officers.

A. PROCLAMATIONS.

1. Copies of all Proclamations and General Orders which have been signed are contained in this folder, and all Civil Affairs Officers and Judicial Officers should be thoroughly acquainted with their provisions.

2. Proclamations Nos. 1, 2 and 3 will be posted immediately on occupation by Civil Affairs Officers. In addition to posting Proclamations Nos. 1, 2 and 3 immediately there are two Notices to the Public made under Proclamation No. 2, which must be posted at the same time. Copies of these two notices are also contained in the folders.

3. As soon as conditions allow after the commencement of the occupation and the forms of Proclamations are made available, Civil Affairs Officers will proceed to post Proclamations Nos. 4, 5, 6, 11, 13, and General Orders Nos. 1 and 2. Instructions will be issued by Allied Military Government Headquarters when the remainder of the Proclamations and General Orders, of which copies are contained in this folder, are to be posted.

B. ALLIED MILITARY COURTS.Constitution of Courts:-

4. Offenses charged with offences against the law of Military Government will be brought before Allied Military Courts as provided in Proclamations Nos. 2 and 4. Allied Military Courts will comprise General Military Courts, Superior Military Courts and Summary Military Courts, each of which is competent to try any offense. The difference between the various Courts is as to their powers of punishment.

(a) General Military Courts will consist of not less than three officers at least one of whom shall be a Judicial Officer of the Allied Military Government. A General Military Court can impose any lawful punishment, including (subject to confirmation) the punishment of death.

(b) Superior Military Courts will consist of one or more officers at least one of whom shall be a Judicial Officer of the Allied Military Government, if available. A Superior Military Court can impose a sentence of imprisonment up to 10 years and any fine.

(c) Summary Military Courts will consist of one officer who shall be a

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(b) Superior Military Courts will consist of one or more officers at least one of whom shall be a Judicial Officer of the Allied Military Government, if available. A Superior Military Court can impose a sentence of imprisonment up to 10 years and any fine.

(c) Summary Military Courts will consist of one officer who shall be a Judicial Officer or a Civil Affairs Officer of the Allied Military Government, if available. A Summary Military Court can impose a sentence of imprisonment up to 1 year and a fine up to 50,000 lire.

5. Every officer of the Allied Military Government who is a qualified lawyer is a Judicial Officer within the meaning of Proclamation No. 4.

Establishment of Courts:-

6. It is of the utmost importance for the restoration of law and order as soon as a locality is occupied that offenders be brought to trial and punished with a minimum of delay. The procedure for the establishment of General and Superior Military Courts is as follows:-

I. In areas where the Allied Military Government is functioning under the order of a first-forme Commander acting for the Military Government:-

General and Superior Military Courts are established by an Order in the following form:-

- 2 -

ALLIED MILITARY GOVERNMENT OF OCCUPIED TERRITORY.

I, General Officer Commanding /
 Commanding General....., hereby appoint
 to be President and and
 to be members of a General/Superior Military Court for the trial of all persons
 who may be brought before it.

In the Field

1943.

.....
General Officer Commanding.
 Commanding General.

A Task-Force Commander may authorize any officer in his command commanding a
 division or higher unit to sign an order in the above terms.

II. In Areas where the Allied Military Government is functioning under
 the orders of the Chief Civil Affairs Officer, acting for the Military Government.

General Military Courts are established by an Order of the Chief Civil Affairs
 Officer or the Deputy Chief Civil Affairs Officer, acting on the advice of the Chief
 Legal Officer.

Superior Military Courts are established by an Order of the Chief Civil Affairs
 Officer, the Deputy Chief Civil Affairs Officer or any Senior Civil Affairs Officer.

The form of appointment is as above, subject to the necessary modifications in
 the description of the appointing officer.

7. The procedure for the establishment of Summary Military Courts is set out
 below.

8. An Order has been made authorizing all officers of the Allied Military
 Government who are acting for the time being as Civil Affairs Officers or Judicial
 Officers to sit as a Summary Military Court. This includes Civil Affairs Police
 Officers of the Allied Military Government who are acting for the time being as
 Civil Affairs Officers. This Order applies in any area, whether it is in one in
 which the Allied Military Government is functioning under the orders of a Task-
 Force Commander or under the orders of the Chief Civil Affairs Officer.

9. Whenever a Task-Force Commander or a Sub Task-Force Commander desires that
 civilians in his area of control shall be brought to trial for offences against

A Task-Force Commander may authorize any officer in his command exercising a division or higher unit to sign an order in the above terms.

II. In areas where the Allied Military Government is functioning under the orders of the Chief Civil Affairs Officer, acting for the Military Government-

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Superior Military Courts are established by an Order of the Chief Civil Affairs Officer, the Deputy Chief Civil Affairs Officer or any Senior Civil Affairs Officer.

The form of appointment is as above, subject to the necessary modifications in the description of the appointing officer.

7. The procedure for the establishment of Summary Military Courts is set out below.

8. An Order has been made authorizing all officers of the Allied Military Government who are acting for the time being as Civil Affairs Officers or Judicial Officers to sit as a Summary Military Court. This includes Civil Affairs Police Officers of the Allied Military Government who are acting for the time being as Civil Affairs Officers. This Order applies in any area, whether it is one in which the Allied Military Government is functioning under the orders of a Task-Force Commander or under the orders of the Chief Civil Affairs Officer.

9. Whenever a Task-Force Commander or a Sub Task-Force Commander desires that civilians in his area of control shall be brought to trial for offenses against the Proclamations and Orders of the Allied Military Government or for war crimes, he may request any Civil Affairs Officer or Judicial Officer attached to his Staff to establish a Summary Military Court to deal with the case. The Civil Affairs Officer or Judicial Officer will then establish himself as a Summary Military Court without the need of obtaining a written order of appointment. If any case coming before such officer is one which should be sent to a Superior or General Military Court, a written Order for the appointment of such Court will be obtained as outlined in para. 6 above.

10. In areas where the Allied Military Government is functioning under the Chief Civil Affairs Officer, Civil Affairs Officers and Judicial Officers will establish themselves as Summary Military Courts when directed by the Senior Civil Affairs Officer under whose command they may be, but no written order of appointment is necessary. Superior and General Military Courts in such areas will be constituted as the need arises in accordance with para 6 above.

11. When it is desired to appoint an officer to be a Summary Military Court and such officer is NOT acting for the time being as a Civil Affairs Officer or a Judicial Officer, an appointment in writing must be obtained as outlined in para. 6 above.

- 3 -

Prosecutions:-

12. In any area where the Allied Military Government is functioning under the orders of a Task-Force Commander and the Task-Force desires offenses by civilians to be dealt with by Allied Military Courts, it is most important that Civil Affairs Officers and Judicial Officers should make immediate contact with the Provost-Marshal's department and advise the Officer in charge of the department of the establishment of Allied Military Courts, of the manner in which they are conducted and of the procedure for bringing cases to trial before them.

13. Owing to the lack of Officers of the Allied Military Government in the early stages it is often necessary for the Military Police to prosecute, as in combat areas it is unlikely that the Carabinieri will be functioning completely.

14. Where the Carabinieri Regali are able to function fully in any area, it is permissible under the rules of Procedure for them to appear and prosecute in cases before Allied Military Courts. Members of the Carabinieri cannot be expected to do more than state shortly to the Court the facts of a case and then tender the witnesses in the event of the accused pleading "not guilty". Prosecuting Officers of the Allied Military Government will only be used in important cases.

15. An Allied Military Court will always, whoever is prosecuting before it, lend such assistance to the prosecution and accused as circumstances may require to enable the truth to be ascertained and justice to be done.

Powers and Procedure of Courts:-

16. Reference must be made to Proclamation No. 4 to ascertain the jurisdiction of Allied Military Courts. The Rules of Procedure and Special Administrative Instructions Legal Sec. 4 and 2 deal with the actual conduct of trials.

17. It is essential that all of these documents be closely studied by all Officers concerned in the Administration of Justice.

3. - ITALIAN COURTS.

18. Under Proclamation No. 1, all Italian Courts are to remain closed until re-opened under the supervision of the Allied Military Government. It is to be expected that there will be found on first occupation a state of overcrowding of the jails and it is most important that Courts should be able to function again at as early a date as possible and that persons in jail awaiting trial should be dealt with expeditiously.

19. The senior Judicial Official attached to the section of the Allied Military Government taking part in a new occupation should make it his duty to

prosecute in cases before Allied Military Courts. Members of the Carabinieri cannot be expected to do more than state shortly to the Court the facts of a case and then tender the witnesses in the event of the accused pleading "not guilty". Prosecuting Officers of the Allied Military Government will only be used in important cases.

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19. The senior Judicial Official attached to the section of the Allied Military Government taking part in a new occupation should make it his immediate business, under the direction of the Senior Civil Affairs Officer, to obtain particulars of the local Judicial officials, interview them and ascertain from all available sources which of such officials may be trusted to continue in their duties and dispense justice impartially. It will be found as a general rule that the Judicial officials with long service are the most to be relied upon.

20. The most important Courts to re-open as soon as possible are the Pretura and the Tribunale Penale and all officers acting as Civil Affairs Officers should re-open in their localities these Courts without delay, first satisfying themselves of the suitability of the existing Italian Judicial Officials.

21. After the Pretura and the Tribunale Penale have been re-opened, the following further Courts should be re-established as soon as the necessary number of suitable Judicial officials can be obtained:-

Corte d' Appello (Criminal Chamber)
Corte d' Assisi

22. Approval to continue payment of the salaries of Judicial Officials should be obtained as soon as possible from the Finance Division.

- 7 -

24. In the event that it is found impossible to re-establish the Italian Criminal Courts within a reasonable time, or in the event of it being undesirable to allow any case or class of case to be brought before the Italian Courts, it is permissible to try persons for offences against Italian Law before an Allied Military Court under the provisions of Section 3 of Article II of Proclamation No. 4. This power should be resorted to unless it is absolutely necessary.

25. The order of transfer, which may be signed by the Civil Affairs Officer as an officer acting under the authority of the Military Governor will be in the following form:-

ALLIED AIRWAYS COMPANY LTD OR COUPLED AIRWAYS

TRANSMISSION OF J. MONODONTI.

By virtue of Section 3 of Article II of Proclamation 4, I

..... hereby order the case(s) of:
(the)

..... for the offense(s) of

2

100

and for any other offences with which they may be charged, be sentenced to imprisonment or to death.

into and tried by the Military Court at

Olvera under my hand this day of 1943.

Signature _____

.....Title

26. It may be found that in the jails are persons who have been confined on the order of the Questore without trial. Full particulars of these should be obtained and their cases investigated. Proclamation No. 13 relates to these persons. It will be found convenient to establish a committee in the main town of the occupied territory, consisting of Judicial Officers of the Allied Military Government and two reliable Italian Court Officials to make the investigations into the various cases and to prepare a report for the Chief Legal Officer. No action as to release should be taken until the orders of the Chief Legal Officer have been obtained, except that political prisoners may be released on the understanding that their report regularly to the nearest Civil Affairs Officer or the local police, whichever is found more convenient.

TO: C.L.O.

Please give your advice on paras. 16 and 17
of attached extract.

T. P. R. Smith
Lt Col.
for C.S.O.

Recall with by Lt Col. Smith in Original Report file
H.L.

4043/2

91/HA 5
10 xp 43

MOST SECRET

3SG-1

SUBJECT:- Military Government in Region 2.AMGOT. 4
8 Army.
6 Sept. 43.

15. There is one important matter of policy for Region 2 upon which a ruling is desired as soon as possible, and that is whether the same prices for grain obtaining on this island should be applied on the mainland. If so it will be appreciated if AMGOT H.Q. would send us immediately a copy of the complete order issued on this subject by the Supply Division and circulated in Syracuse and the other provinces.

16. It is also considered desirable to have an early ruling as to whether the Italian courts can be reopened.

17. As to AMGOT military courts, the question raised by Lt. Col. Chandler of delegating power to CAC's from the Commander-in-Chief down through divisional and corps commanders, has been referred to 15 Army Group, AMGOT Liaison for reference to the proper sources. Pending a decision at this point, and awaiting phase 2, it is our understanding that CAC's are not to sit on superior or general courts, nor are they to sit as summary courts.

SECRET

HM-1

Subject: Military Government in Region 2.

Angot,
8 AMV,
6 September 1943.

G. G. A. G.

Angot Headquarters,
Sicily.

Copy to
C.L.O.

Re original 7B 9 Sep 43

1. Military government under Angot 8 Army has been established in the areas occupied by 13 Corps.
2. General Maestri's Declaration and Proclamations 1, 2, 3, with the relevant warning and notice were posted in Reggio city on D day (3 September 1943) and in coastal cities from Scilla to Melito on D plus 1.
3. Headquarters for Angot 8 Army Region 2 have been established temporarily in the Prefetto's palace at Reggio, and Angot provincial headquarters have been placed in the new building. The office of the GAO for Reggio city is in the Municipal building.
4. Reggio district is under the direction of 86 Area with Brigadier Trollope commanding.
5. Regions covered by Angot administration on D day (3 September, 1943) included Reggio city, Gallio, Catone, and S. Giovanni.
6. Places taken over on D plus one (4 September 1943) included Scilla, Ragusa, Cardeta, and Melito.
7. Those covered on D plus 2 (5 September 1943) were Notta S. Giovanni, Alassia, and Iagradu-Galana.
8. In addition to the coastal region from Ragusa at the north and Melito to the south, 13 Corps have virtually consolidated a rectangular area toward the interior: 5964-4530-5826-6063. In the latter region Authority under Angot has been established as far as operations permit. Constant liaison is being maintained with the combat forces with a view to entering the newly liberated areas as promptly as possible.
9. Twelve officers including the undersigned were on the mainland on D day. Twenty-five officers with transport, rations and office equipment D plus 1. Eight more officers landed D plus 2, making a total of 45 including headquarters staff and specialists. Landings were advanced by two days over the original plan.
10. By D plus 2, sixteen officers had been posted in the field as GAO's and GAO's; ten were assigned to mainland headquarters; and the remaining 19 were assigned to anti-looting patrols in Reggio city pending their

have been placed in the same building. The office of the CID for Reggio city is in the Municipal building.

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10. By D plus 2, sixteen officers had been posted in the field as GAO's and GAO's; ten were assigned to mainland headquarters; and the remaining 19 were assigned to anti-looting patrols in Reggio city pending their transfer to newly occupied territories.
11. There have been no casualties to Angot personnel other than one officer, Lt. Vitti, who after arriving at Reggio came down with fever and was sent to hospital.
12. Reggio city has suffered considerably from bombing and shelling but many of the principal buildings are still intact. It is thought that from 60 to 75 per cent of the residences either are, or shortly can be made, habitable. The Cam. di Nasola was destroyed by bombing. Utilities have not been seriously affected.
13. Other towns, principally in the coastal sector, are not in bad shape with the outstanding exception of S. Giovanni, which has been virtually destroyed, and is not inhabited at the moment.
14. Approximately 15,000 persons were found to be in Reggio on D day.

The total population of Reggio is probably nearer 20,000. Formerly some 80,000 are said to reside within the city limits. This figure will be checked.

15. Water is flowing in the city to the extent of nearly 50 per cent and the GNR's are at work to improve the supply. Civilian labour has been called up for this purpose. Water is on in the other coastal towns with the exception of S. Giovanni.

16. Electricity, generated by water power, was put on in Reggio city yesterday, 5 September 1943.

17. Through the prompt action of Agent officers arriving in the town, approximately 40 tons of flour recently received from Northern Italy, was saved from looting. Bakeries have been started again and in the present basis ration of 150 grams per person per day there should be sufficient flour for the city's present population for a fortnight. However, many inhabitants will undoubtedly be returning, and outlying towns which normally depend upon Reggio are already calling for help. If the additional needs are met the present known supply of flour will last only five or six days.

18. There is practically no grain grown in the countryside presently occupied. The captain of Carabinieri at Modica reports that he recently spent several days scouring the surrounding districts and succeeded in finding only some 10 quintals of wheat. Most countries do not appear to have received any flour, except occasionally, for the last month or six weeks, but the people have managed to exist somehow, probably on their personal hoards plus fruit, maize, potatoes, and other vegetables.

19. It is reported that the Province of Reggio has in the past depended almost entirely upon imports of grain from Sicily and northern Italy.

20. Major Mack, acting supply officer, is preparing a detailed study on the whole supply picture and meanwhile efforts are being directed through the 8th Army to arrange for the shipment of flour stocks from Augusta to the mainland on the SS. Sirtori.

21. With respect to law and order in Reggio the undersigned spoke before the beginning of the campaign to General Simmons, Commanding General 1st Canadian Division, and secured his agreement to refrain from disarming the Carabinieri. This was lived up to in the main and 90 Carabinieri were at their posts on the afternoon of 3 day. The Captain of Carabinieri is cooperative but it remains to be seen if he will be vigorous enough.

22. Civilian looting had started but was quickly curtailed, partly by the timely intervention of Lt. Laven who upon arrival in the town fired over the heads of transgressors caught in the act. Civilian looting is continuing but on a petty scale. Harsh penalties will be prescribed for those apprehended. All available Agent personnel is being used to this end. The Carabinieri are inclined to be lazy and lack force, and efforts will be made to ginger them up, under penalty if they fail manifestly in their duty. It is proposed to open Italian criminal courts as promptly as possible. With re-

spent several days searching for food. Most couriers do not appear to find only some 10 quintals of wheat. Most couriers do not appear to have received any flour, except occasionally, for the last month to six weeks, but the people have managed to exist somehow, probably on their personal herds plus fruit, maize, potatoes, and other vegetables.

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21. With respect to law and order in Reggio the undersigned spoke before the beginning of the campaign to General Sirras, Commanding General 1st Canadian Division, and secured his agreement to refrain from discussing the Carabinieri. This was lived up to in the main and 90 Carabinieri were at their posts on the afternoon of 5 day. The Captain of Carabinieri is cooperative but it remains to be seen if he will be vigorous enough.

22. Civilian looting had started but was quickly curtailed, partly by the timely intervention of Lt. Leman who upon arrival in the town fired over the heads of transgressors caught in the act. Civilian looting is continuing but on a petty scale. Harsh penalties will be prescribed for those apprehended. All available Angot personnel in being used to this end. The Carabinieri are inclined to be lax and lack force, and efforts will be made to bring them up, under penalty if they fail manifestly in their duty. It is proposed to open Italian criminal courts as promptly as possible. With regard to military courts it is hoped to contact the Army Commander tomorrow with a view to securing his signature to the order signed by the C.I.O. authorizing the opening of military courts.

23. Looting by troops is also taking place to a certain extent in spite of all efforts made through Army channels to prevent it. A conference was called yesterday under Angot direction with 86 Area and 1st Canadian Division APM's attending to organize an anti-looting campaign, and it is hoped that satisfactory results will ensue. Six soldiers caught red handed over by Angot GAO's to CAP. Details of these arrests will be furnished.

24. Representations have been made to APM's, 1st Canadian Division with reference to the illegal taking of civilian cars. Some 140 vehicles are reported to have been removed from Reggio as the troops went through.

25. Good stocks of every medical stores were located on the first day and guards posted. An inventory is being made. So far as can be determined at the moment certain ordinary small things such as iodine are lacking.

26. Hospital facilities would appear adequate. No institutions visited in Reggio have a total of 1000 available beds. A third hospital (municipal) is now being examined. 86 Area is taking other accommodation for its + have been turned

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General Hospital and there is no indication at present that the Army will require civilian hospitals.

27. Health conditions appear satisfactory judging from surface indications, although it is too early to report accurately on this subject.

28. With respect to political conditions, the people are outwardly friendly and in some cases have demonstrated their pleasure by waving allied flags. No Fascist party officials have been found thus far. The Prefetto, Vice-Prefetto and Party Secretary, are reported to have left Reggio early in July for Cinquefrondi in the northern part of the Province. Most of the Provincial office records appear to have been taken to Cinquefrondi which is said to have served as a temporary provincial capital. This action is thought to have been motivated by fear of bombing and possible assault landings. The city administrative and police officials, principally the Podesta and the Captain of Carabinieri, are cooperative. They state that they have had no contact with Rome for months but they learned over the radio that the Fascist Party had been dissolved as of 25 July 1943. They believe that some of the Fascist officials who resided temporarily at Cinquefrondi must have been called to Rome for an accounting.

29. The Podesta reported that all funds and records of the banks were taken away at the time of the exodus to Cinquefrondi. However, Major MacFadden is arranging for entry into the premises of the twelve banks to see whether this is the case, and a report will be forwarded as soon as his investigation is completed.

30. A special effort will be made to enter Cinquefrondi as soon as it is conquered so as to do everything possible to apprehend officials and recover property and records.

31. It is suggested that written communications for August 8 Army Region 2 be sent by DE to the SMO in Messina with whom arrangements have been made for onward transmission to August 8 Army, Taormina. The mainland headquarters will maintain frequent contact with Taormina. For the moment, written messages appear to be quicker than signals.

32. Contact has been made with Group Captain Benson today at Taormina. The Group Captain plans to remain here for the time being and the undersigned will return to Reggio tomorrow morning.

33. The above report is intended to provide you with early data on the Region 2 undertaking, and is of necessity brief and general in character. Detailed information will be sent forward in subsequent reports.

Lt. Col. AUS.

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P.S. There is a good, modern prison on the outskirts of Reggio, which can house criminals from other parts of the province if necessary. The inmates of the prison were turned loose, apparently by the troops, as the town was captured. The number released was reported to be 300. A list has been obtained and Angot will endeavour to round them up. A detailed report on the action of releasing the prisoners will be forwarded as soon as the facts can be confirmed.

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