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MONTHLY R
(MAR. 1944)

10000/142/390

MONTHLY REGIONAL REPORT, REGION VI
(MAR. 1944); JULY 1944 - JUN. 1945

FILE CLOSED 16 June 1945

21

file
HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4043/8/L.

/lc.
16 June 1945.

SUBJECT : Form 13.

TO : Provincial Commissioner(Attn: Senior Legal Officer),
ANCONA Commune.

Reference your Anc /11/3 of 11 June, will you please forward monthly with your monthly report Form 13 with all the data required thereon. The Column "disposizioni" should show total sentence to be served when there are concurrent sentences, and where the prisoner is confined.

By command of Rear Admiral STONE:

W. E. Behrens
W. E. BEHRENS,
Colonel,
Chief Legal Advisor.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4002/8/L

True
15 April 1945.

SUBJECT : Sentences of Imprisonment.

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

1. Reference this Sub-Commission's letter AC/4002/8/L dated 12 July 1944.
2. Herewith list of cases tried in Ancon Province during the month of May 1945 in which sentences of more than one year were imposed by Allied Military Courts.

Incl. : 1 List.

True
W. E. BEIRNS,
Colonel,
Chief Legal Advisor.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4043/8/L.

/lrh.
6 June 1945.

SUBJECT : Monthly Report.

TO : Provincial Commissioner, (Attn: Senior Legal
Officer), Ancona Commune.

With reference to your report dated 30 May 1945,
no copy of form 13 was forwarded (See Consolidated Instruction
Art. 37). Would you please have this form prepared and
forwarded for the use of the Italian Authorities.

By command of Rear Admiral STONE:

W. E. Behrens

W. E. BEHRENS,
Colonel,
Chief Legal Adviser.

Copy to
AG/4002/8/L.

HEADQUARTERS
SARDEGNA REGION ALLIED COMMISSION
LEGAL DIVISION

3 April 1945

Ref. L/1419

SUBJECT: Final Report of Regional Legal Officer,
Sardegna Region.

TO : Chief Legal Officer,
Headquarters Allied Commission, APO 394.

I. Organization of Legal Office.

1. When Sardegna Region was organized in October 1943, there were assigned to the organization, three officers of legal background, Lt. Col. E.N. Berl, Major R.G.S. Alexander and the undersigned. Unfortunately none of these officers were utilized as legal officers as an initial proposition.

2. It was not until March 1944 that the Legal Office was organized with Major Alexander as Regional Legal Officer. The undersigned voluntarily went to work in the Legal Office in April 1944 in addition to other duties.

3. We were fortunate in procuring the services of Sottotenente Pietroni who had been a Sostituto Procuratore Generale at the Military Tribunal. He is now employed as a liaison officer with the Ministry of Grace and Justice. He was most useful in orienting us in the judicial system of Sardinia, as well as providing explanation of Italian law and procedure and acting as interpreter and translator. The staff was later supplemented by two Italian officers as interpreters, a civilian typist and one American enlisted man.

CLO	
DIR	MM
Chief Clerk	
CL	
Italian Section	
CLERS	
8 APR 1945	

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4. Much valuable time between November 1943 and March 1944 had been lost by not having the legal division functioning. However by the middle of April the general situation had been surveyed and it was possible to begin the task of re-establishing the court system and have it start down the road from chaos to order.

II. Condition Of Court System as of March 1944.

1. After the Legal Office had been organized, and the first surveys of the court system were made, it took no great detective mind to discover that the judicial process and administration was in a state of complete chaos. None of the Italian civilian courts in Cagliari had functioned since since June 1943. The city had been heavily bombed and damage extensive. The Palace of Justice in Cagliari suffered one direct hit and had been subjected to several bomb-blasts from near-hits. Records were either totally or partially destroyed and even the undamaged were blasted into heaps of almost hopeless disorder.

2. The bombing of Cagliari naturally drove the court officials to seek refuge in the country. The Office of the Procuratore Generale and the Court of Appeal moved about 90 kilometers north of Cagliari to Ozieri. The Tribunale and Office of the Procuratore del Regno moved to Sassari about 75 kilometers from Cagliari. The Office of the Pretura in turn moved about 20 kilometers away from Cagliari to the town of Isili. It can be readily seen that with practically no transport and with communications only functioning occasionally, the work accomplished by the Courts from June 1943 to the time of their re-establishment in Cagliari in April 1944 was negligible.

3. On 11 March 1944 Major Edward Palmieri arrived from Legal Sub-Commission. Through his energetic work from then until his departure on 13 April 1944, a tremendous amount was accomplished in rejuvenating the judicial system of Sardinia.

4. In those early days the function of this Office was more that of an expeditor of house hold problems than legal. The wall of Italian governmental apathy had to be

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torn away and officials coaxed, cajoled, and inveigled into making necessary repairs to the Palace of Justice. Sufficient repairs were accomplished so that the offices of the Primo Presidente, Procuratore Generale, Tribunale, and Procuratore del Regno moved back and the first Court session was held on 12 April 1944.

5. Through the cooperation of Lt. Col. E.R. McPhee and Major Gael E. Sullivan of the Food Division, a mess was set up in the Palace of Justice. This had the dual salient effect of inducing the officials to come back to Cagliari and also did away for a time with the long luncheon free time so enjoyed by Italian officials. By keeping the mess going we were able to keep the judicial officials at the building and consequently considerably more work was accomplished than there would have been under the usual routine.

III. Supervision of the Courts.

1. In the early days it was extremely difficult to obtain any centralized statistics that could be considered even remotely reliable. Consequently we devised our own system for compiling the necessary information. Forms were devised which are designed to show the number of cases pending at the beginning of any given period, number of cases awaiting Instruction, cases disposed of, new cases received during the period, in fact all the information necessary to reflect the movement of cases in that particular section for that particular period. These forms were distributed to all possible sources of information - that is to the Procuratori, the Primo Presidenti of each Tribunale and each Preturi. While such a system placed a considerable burden on this Office staff, it was possible by having a direct report from each court to reasonably detect any inaccuracies. It also afforded us an opportunity to determine what courts were seriously failing to dispatch current work and consequently placed us in a position to investigate the reasons for any lags in court efficiency.

2. The latest results of the statistics gathered by the system outlined in Para III sub-para 1 are outlined below:

- 4 -

a. Court of Assize

(i) The total number of cases pending before this Court as of 31 March 1945 was 69. Present position is shown by Appendix "A". While this Court has not substantially reduced the number of current cases, it has been able to keep abreast of current work. Cf. Monthly Report of 3 October 1944 where the number of pending cases as of 30 September is shown as 67.

b. Court of Appeal

(i) The present situation with reference to this Court is shown as Appendix "B".

(ii) While the number of pending cases in this Court does not compare favorably with several months ago, it must be borne in mind that, the work of the Court of Appeal is not reflected until several months after the lower court has disposed of the case. Hence the moderate increase in pending cases is not considered alarming.

c. Special Section for Minors of Court of Appeal and Tribunal of Minors.

(i) The work of both these courts, reflected by Appendices "C" and "D" respectively, has been ably handled. Both courts have been under the supervision of Commendatore Cocco, who has acted for several months as Procuratore Generale, in addition to his normal duties. The record of these two courts reflects great credit upon his zeal and seldom found devotion to duty.

d. Offices of Tribunali and Preturi

(i) The present position of each Tribunale together with its depending Preturi are shown in Appendix "E". These figures are of necessity not later than 28 February 1945 due to the difficulties in transportation and communication.

(ii) It will be noted that with the exception of the Preturi of Tempio and the Preturi of Nuoro, all courts are at least keeping abreast of current work. This is a credible advance from the ever increasing number of cases awaiting trial a year ago.

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(iii) The consolidated statistics for the Tribunali and depending Preturi are shown as Appendix "F". The number of pending cases was reduced between 31 January 1945 and 28 February 1945 by 191 cases.

c. Offices of Instruction

(i) This phase of Italian criminal procedure seems to be the present stumbling block affecting the cleaning up of cases in arrears. The situation is shown in Appendix "G". The most serious handicap is lack of adequate personnel which is commented upon below at Para X sub-para 2 .

3. Comments on Pending Criminal Cases.

a. The consolidated position as to the total number of pending cases is shown as Appendix "H". There has been little change between the last of January 1945 and the 28 February 1945.

b. While it is appreciated that the total number of cases still pending gives cause for anxiety, it is at least a small gratification to realize that the rapid rise of pending cases has apparently been checked. The total figure has fluctuated in the vicinity of 16,500 for several months. There is every indication that the figure will gradually decrease, particularly as crimes induced by the War atmosphere gradually subside.

IV. Crimes Committed Against the Allied Forces.

1. Since A.M.C. was never in force in Sardinia, all cases of this type are tried in the Italian Civilian or Military Courts. As an initial proposition all Courts were instructed to give these cases precedence. To a great extent this has been done. Arrangements were made with the U.S. Military Police and the Commander of the CC. RR. to have all cases involving offenses against the Allies reported to this Office. In addition forms provided by this Office were supplied to each Court to report the progress of the case, that is, date case received, date case was assigned for trial etc..

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A card index system was instituted for easy reference to any particular case.

2. While there are still 321 such cases presumably pending, the cases are for the most part of minor importance. In addition many of them involve unidentifiable witnesses. For example many reports came to this Office with the only witness named as being an American soldier of the Air Corps. Since there were over 40,000 troops on the Island at one time, this information was worthless.

3. The entire position with reference to cases involving the Allies is shown Appendix "I". There were a total of 340 cases reported. Of this total 447 cases have been disposed of. In addition there were 64 cases against unknown offenders, which for all practical purposes can be considered as finished, thus bringing the total of closed cases to 511. Of the remaining 321 cases probably not more than 200 of them can be tried due to the unavailability of essential witnesses. Of the 196 cases in which the Instruction has been completed, nearly all have been assigned for trial.

4. On the whole the Italian Courts have handled these cases well. Sentences have been adequate in nearly every case, and in many quite severe. Good publicity was given to the more prominent cases and it is felt that it had a certain desired deterrent effect to a certain extent.

V. Offenses Against the Granai del Popolo.

1. In order to assist the Food and Agriculture Divisions in their arduous task of amassing wheat during the harvest of 1944, a system for reporting offenses to this Office was instituted. Activity in that regard is shown in Appendix "J".

2. While only 123 of the total of 339 reported cases have been disposed of, the desired results were obtained. It was insisted upon that a sufficient number of these offenses be tried during the harvest season to gain the necessary deterrent effect. This to a large degree was accomplished and through arrangement with F.W.B. wide publicity was given to the sentences imposed.

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VI. Cases Involving the Allied Commission.1. Grauso Brothers et al.

a. In the last week of July 1944, Food Division discovered certain irregularities in inventories that led to the detection of considerable thefts of Allied Commission food which was destined for civilian distribution. The accused were agents for distribution for Cagliari Province. Approximately L. 3,000,000 worth of food was involved. The undersigned worked closely with the Procuratore Generale Militare and convictions resulted in sentences up to 16 years.

b. The Grauso firm also owed the Allied Commission over L. 11,000,000 at the time of arrest. Sequestration of all the accused's property was obtained and Allied Commission was eventually reimbursed in full.

2. Coccheo Francesco et al.

Involves a case of misappropriation of Allied Commission medical supplies. The investigation in this case has been extensive. The trial has been set for 10 April 1945 and the Court has been instructed to report the result directly to Legal Sub-Commission.

3. Puddu Giuseppe et al.

This case involved a rather extensive theft from the Allied Commission Club. The accused were tried in January 1945 and sentences up to 3 years 4 months were imposed.

VII. Cases Involving Fascist Activities.

Only two cases of major importance under this category have arisen.

1. Martini Giovanni Generale.

a. In December 1943, General Martini and several others attempted to escape to German occupied Italy. They were apprehended at the port of Palau and found to be in possession of certain maps and ciphers. After long investigation, the Prosecuter, Captain Iopane was sent to the Italian Military High Command with all the documents. His plane crashed, he was killed and all papers lost. Due to the necessity of beginning investigations anew, the case did not come up for trial until November 1944. Convictions were obtained and Martini was sentenced for 15 years.

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2. Usai Luciano et al.

This case involving alleged espionage ^{and} was the subject of a special report submitted as of 30 March 1945. Usai was sentenced to 30 years imprisonment and the other eight accused were released.

VIII. Legal Advice and Opinion.

1. From time to time this Office has had occasion to work very closely with Public Safety, Finance, and Industry.

a. Public Safety. Problems in this category have generally involved the probative value of evidence, and what evidence would be necessary to turn over to the Italian prosecutor in order that he might prepare his case. After the Military Police left the Island the undersigned frequently assisted in interrogations and investigations when the matter appeared important.

b. Finance. Problems chiefly concerned with here have been principally concerned with the Piercy Estate. This estate is partially owned by a British subject and partially by an Italian subject. Frequent disagreements arose between the two Italian conservators and this Office sought peaceful solutions wherever possible.

c. Industry.

(i) One important problem arose with reference to this department in connection with the Gruppo Lanario Sardo, a large wollen mill. The manager, presumably a former Fascist of high category, fell within the scope of the De Fascistization Decrees. The Intendente di Finanza acting upon his authority thereunder, sequestered the wollen mill. However the manager did not in fact own the mill or have shares of stock. He did however own shares in a holding company which in turn owned the majority of the shares of the plant.

(ii) The sequestration had the effect of stifling the normal operations. At the request of the Industry Officer, the undersigned intervened, but only after it was thoroughly explained that it was not for the purpose of interfering with the process of De Fascistization, but purely to suggest the correction of an apparent mistake.

- 9 -

(iii) Later the advice given at a conference of all concerned was followed, and the Ministry of Finance approved the cancellation of the sequestration of the mill and only the interests of the manager in the holding company were sequestered.

IX. Supervision of Judicial System in General.

A. Military Courts.

1. One Military Tribunal with autonomous authority is located at Oristano and has jurisdiction over the provinces of Cagliari and Nuoro. The other Tribunal is located at Sassari and has jurisdiction over Sassari Province. Both these courts have suffered from inadequate staffs but their work has been well done. The major trials in which this Office has been interested have been tried before the Military Tribunal of Oristano.

2. The personnel of the Tribunal of Oristano have acquitted themselves well in the opinion of the undersigned. Tenente Francesco Coco, Sostituto Procuratore Militare Generale, has shown himself to be very able. He was formerly a Sostituto Procuratore dell Regno of the Cagliari Tribunal and will be a distinct asset to that office when he is released from the Army.

3. There is at the present time about 4,000 cases pending before the Oristano Tribunal. It is estimated that about 40% of these cases involve civilians, or offenses arising under conditions of war rather than strictly cases of military discipline.

B. Civil Courts.

1. In General

a. For the most part the officials of the civil courts have been very co-operative and amenable to useful suggestions. The better run courts systems are the Tribunali of Cagliari, Oristano and Nuoro.

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2. Personnel.

a. The new Procuratore Generale Eccellenza Giovanni Provero arrived on 24 March 1945 and has assumed his new duties. A long conference was held with him and he already appears to have assimilated a fair working knowledge of the present conditions.

b. The Court of Appeal is still without a Primo Presidente. His Eccellenza Volpe left some months ago to assume a new position on the Mainland. His departure was not regretted by this Office as he had not the slightest interest in Sardinia and this attitude was adversely reflected in his work.

c. Commendatore Luigi Cocco has acted as Procuratore Generale for approximately 10 months. He is a most energetic and intelligent public official. He has more ably demonstrated a public spirit and devotion than any other official of the Judicial System.

X. Recommendations for the Future.

1. Avvocato Generale

a. It is urgently recommended that the Ministry be prevailed upon to appoint Commendatore Cocco to this position. His knowledge of the court system in Sardinia, his knowledge of the personnel involved, plus his intense love of his native Sardinia would assure commendable work. An appointment to this position is most essential if the Courts are ever going to receive the supervision they require.

2. Judges of Instruction.

a. Appendix "G" graphically demonstrates the crying need for more personnel for this phase of work. The Tribunale of Cagliari is pitifully under-staffed in this respect. A minimum of 4 additional Judges for this work would be required to cope with the present work.

- 11 -

b. In future allotments of Judges of this category, it is hoped that this will be considered as an earnest plea for the needs of Sardinia.

3. Procuratore del Regno

a. A new Procuratore del Regno for Nuoro should be appointed. The present procuratore is sick and unable to carry out his duties. It is not likely that he may return to full duties. This leaves a Sostituto of only three years experience to carry on the work.

b. When Commendatore Sasella moves to the Court of Cagliari, it will leave a vacancy at the Procura of Nuoro. It is felt that this office will not function to any degree without a replacement.

4. Preturi

a. To overcome extreme difficulties due to lack of transportation etc, the Pretura vacancies of Bitti, Bono, Senorbi and Terralba should be filled at the earliest opportunity. There are other Pretura vacancies but they can be handled for the time being by other jurisdictions.

5. Consiglieri

a. The normal assignment of Consiglieri for the Corte D'Appello is 14. However at the present time there are only 6. Any assignment of personnel to this department, even one extra person, would greatly assist this all important court.

6. Inspections by Legal Sub-Commission

a. Due to the fact that the officials of Sardinia quite rightly consider themselves all too frequently as orphans, it would be helpful if an occasional visit was paid to the Judicial officials of Sardinia.

b. The response of the Ministry to necessary inquiries by the Judicial officials have never been too good at best. An occasional visit would probably assist in keeping in closer touch with Rome and would certainly be a tremendous aid to the morale of the responsible court officials.

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c. The remarks and comments from the Primo Presidente and Procuratori Generali about the work of this department have been most gratifying. They are truly grateful for what has been accomplished and it is felt that they are truly sincere in their expressions of regret at our departure.


JOHN J. SCANLAN,
1st Lt., CME,
Regional Legal Officer.

Appendix "A"

Court of Assize

	Cases pending at the 1st March 45	Cases coming up during the period 1st Mar. pd. to 31 March 45.	Cases disposed of during the 1st March 31st March 45.	Cases awaiting trial at the 31st March 45.
1st Section	47	7	5	49
2nd Section	27	1	6	20
Total	74	8	13	69

Appendice "D"

Court of appeal

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Cases pending
at 1st March
1945.

Cases coming up
during the pd.
1st March 1945
31st March 1945.

Cases disposed
of during the pd.
1st March 1945
31st March 1945.

Cases pending
at the 31st
March 1945.

141

63

77

127

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Appendix "C"

Special section for minors at the
Court of Appeal of Cagliari

Cases pending at
1st March 1945

Cases coming up
during the pd.
1st March 1945
31st March 1945.

Cases disposed
during the pd.
1st March 1945
31 March 1945.

Cases pending at
the 31st March 1945

6

2

10

Appendix "D"

Tribunal for minors at the
Tribunal of Cagliari

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Cases pending
at the 1st March
1945/

Cases coming up
during the pa.
1st March 1945
to 31st March 45.

Cases disposed
of during the pa.
1st March 1945
31st March 1945

Cases pending
at the 31st
March 1945

21

5

10

23

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Appendix "E"

STATISTICS FOR EACH TRIBUNAL AND ITS DEPENDENT PRETURE, 31 JANUARY - 28 FEBRUARY 1945

Tribunale and Preture	Period	Cases pending at beginning of pd.	Cases rec'd during period	Cases disposed during period	Cases pending end of period
CAGLIARI					
Sezione Penale	Feb 1-15	1,528	100	81	1,547
	Feb 15-28	1,547	78	101	1,524
Preture	Feb 1-15	1,782	614	708	1,688
	Feb 15-28	1,688	583	631	1,640
ORISTANO					
Sezione Penale	Feb 1-15	303	36	18	321
	Feb 15-28	321	12	14	319
Preture	Feb 1-15	649	289	234	704
	Feb 15-28	704	368	439	633
SASSARI					
Sezione Penale	Feb 1-15	1,112	31	22	1,121
	Feb 15-28	1,121	36	31	1,126
Preture	Feb 1-15	794	375	450	719
	Feb 15-28	719	251	330	640
TEMPIO					
Sezione Penale	Feb 1-15	101	13	9	105
	Feb 15-28	105	12	11	106
Preture	Feb 1-15	79	121	75	125
	Feb 15-28	125	85	113	97
NUORO					
Sezione Penale	Feb 1-15	290	15	9	296
	Feb 15-28	296	15	3	308
Preture	Feb 1-15	689	205	125	769
	Feb 15-28	769	127	146	750
LANUSEI					
Sezione Penale	Feb 1-15	56	4	3	57
	Feb 15-28	57	5	1	56

CAGLIARI					
Sezione Penale	Feb 1-15	1,528	100	81	1,547
	Feb 15-28	1,547	78	101	1,524
Preture	Feb 1-15	1,782	614	708	1,688
	Feb 15-28	1,688	583	631	1,640
ORISTANO					
Sezione Penale	Feb 1-15	303	36	18	321
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Preture	Feb 1-15	649	289	234	704
	Feb 15-28	704	368	439	633
SASSARI					
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	Feb 15-28	1,121	36	31	1,126
Preture	Feb 1-15	794	375	450	719
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TEMPIO					
Sezione Penale	Feb 1-15	101	13	9	105
	Feb 15-28	105	12	11	106
Preture	Feb 1-15	79	121	75	125
	Feb 15-28	125	85	113	97
NUORO					
Sezione Penale	Feb 1-15	290	15	9	296
	Feb 15-28	296	15	3	308
Preture	Feb 1-15	689	205	125	769
	Feb 15-28	769	127	146	750
LANUSEI					
Sezione Penale	Feb 1-15	56	4	3	57
	Feb 15-28	57	-	1	56
Preture	Feb 1-15	510	60	55	515
	Feb 15-28	515	61	73	503

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Appendix "F"

CONSOLIDATED STATISTIC FOR EACH TRIBUNAL AND DEPENDING PRETURE PERIOD 31 JANUARY to 28 FEBRUARY 1945

Court	Cases pending 31 Jan. 1945,	Cases received 31/1 - 28/2/45,	Cases disposed 31/1 - 28/2/45,	Cases pending at 28 February 1945.
CAGLIARI				
Sezione Penale All Preture	1,528 <u>1,782</u>	178 <u>1,197</u>	182 <u>1,339</u>	1,524 <u>1,640</u>
Totals	3,310	1,375	1,521	3,164
ORISTANO				
Sezione Penale All Preture	303 <u>649</u>	48 <u>657</u>	32 <u>673</u>	319 <u>633</u>
Totals	952	705	705	952
SASSARI				
Sezione Penale All Preture	1,112 <u>794</u>	67 <u>626</u>	53 <u>780</u>	1,126 <u>640</u>
Totals	1,906	693	833	1,766
TEMPIO				
Sezione Penale All Preture	101 <u>79</u>	25 <u>206</u>	20 <u>188</u>	106 <u>97</u>
Totals	180	231	208	203
NUORO				
Sezione Penale All Preture	290 <u>689</u>	30 <u>332</u>	12 <u>271</u>	308 <u>750</u>
Totals	979	362	283	1,058
LANUSEI				
Sezione Penale All Preture	56 <u>510</u>	4 <u>121</u>	4 <u>128</u>	56 <u>503</u>

CRISTANO			
Sezione Penale All Preture	303 649	48 657	32 673
Totals	952	705	952
SASSARI			
Sezione Penale All Preture	1,112 794	67 626	53 780
Totals	1,906	693	833
TELFIO			
Sezione Penale All Preture	101 79	25 206	20 188
Totals	180	231	208
NUORO			
Sezione Penale All Preture	290 689	30 332	12 271
Totals	979	362	283
LANUSEI			
Sezione Penale All Preture	56 510	4 121	4 128
Totals	566	125	132
Total cases of Sezione Penale and all Preture for Sardinia	7,893	3,491	3,682
			7,702

Appendix G

STATISTICS FOR OFFICE OF INSTRUCTION FOR SIX TRIBUNALS
PERIOD 31 JANUARY to 28 FEBRUARY 1945.

Period	Cases pending at beginning of prd.	Cases received during period	Cases disposed of during period	Cases pending at end of period
CAGLIARI				
Feb 1-15	2,665	445	463	2,647
Feb 15-28	2,647	420	159	2908
ORISTANO				
Feb 1-15		20	14	292
Feb 15-28	286 292	15	2	305
TEMPIO				
Feb 1-15	162	38	54	146
Feb 15-28	146	48	48	146
NUORO				
Feb 1-15	236	76	71	241
Feb 15-28	241	135	114	262
SASSARI				
Feb 1-15	390	163	155	398
Feb 15-28	398	130	127	401
LANUSEI				
Feb 1-15	307	43	37	313
Feb 15-28	313	80	37	356
Court	Cases pending 31 January 45	Cases received 31/1 - 28/2/45.	Cases disposed of 31/1 - 28/2/1945	Cases pending 28 February 45.
Cagliari	2,665	865	622	2,908
Oristano	286	35	16	305
Sassari	390	293	282	401
	162	86	102	146

Feb 1-15	286	20	14	292
Feb 15-28	292	15	2	305
TEMPIO				
Feb 1-15	162	38	54	146
Feb 15-28	146	48	48	146
NUORO				
Feb 1-15	236	76	71	241
Feb 15-28	241	135	114	262
SASSARI				
Feb 1-15	390	163	155	398
Feb 15-28	398	130	127	401
LANUSEI				
Feb 1-15	307	43	37	313
Feb 15-28	313	80	37	356
Court	Cases pending 31 January 45	Cases received 31/1 - 28/2/45.	Cases disposed of 31/1 - 28/2/1945	Cases pending 28 February 45.
Cagliari	2,665	865	622	2,908
Oristano	286	35	16	305
Sassari	390	293	282	401
Tempio	162	86	102	146
Nuoro	236	211	185	262
Lanusei	307	123	74	356
Total of 6 offices of Instruction }	4,046	1,613	1,281	4,378

Appendix "H"

STATISTICS FOR 6 OFFICES OF PROCURA FOR PERIOD 31 JANUARY to 28 FEBRUARY 1945.

	Cases pending as of 31 January 1945.	Cases pending as of 28 February 1945.
Cagliari	2,477	2,400
Oriстано	777	797
Sassari	410	458
Tempio	190	198
Nuoro	269	271
Laurese	452	331
Totals	4,575	4,455

CONSOLIDATED STATISTICS OF CRIMINAL CASES FOR ISLAND SARDINIA

	All cases pending on 31 January 1945.	All cases pending on 28 February 1945.
Offices of the 6 Procuratore	4,575	4,455
Offices of instruction	4,046	4,378
Sezione Penale and all Preture	7,893	7,702
Totals	16,514	16,535

Schedule showing situation in Region 6 as at 31 March 1945.
as regards Disposal of Criminal Cases to the prejudice of the
Allied Forces

Court	Pending Cases - Instruction			Total Cases disposed of since Sept.	Cases disposed of during the mo. March 1945	Total Cases appeal by	
	Awaiting (1)	Finished (2)	Total (3)			Accused (6)	Prosecuto (7)
Tribunal for Minors	2	5	7	38	0	0	0
Court of Assize	2	0	2	0	0	0	0
Mil. Trib. Oristano	65	43	108	132	7	0	0
Mil. Trib. Sassari	10	7	17	22	7	0	0
Tribunal Cagliari	54	41	95	163	9	0	0
Sassari	37	9	46	37	1	0	0
Tempio	23	7	30	30	2	0	0
Lanusei	0	1	1	2	0	0	0
Nuoro	0	1	1	0	0	0	0
Oristano	1	6	7	6	1	0	0
Proture Alghero	0	0	0	2	0	0	0
Iglesias	0	2	2	2	0	0	0
Ittiri	0	0	0	0	0	0	0
Villacidre	1	0	1	4	0	1	0
Portototterres	0	1	1	0	0	0	0
Cagliari	1	0	1	2	0	0	0
Tempio	0	0	0	0	0	0	0
Sassari	0	0	0	1	0	0	0
Olbia	0	0	0	1	0	0	0
Nuoro	0	1	1	0	0	0	0
Quartu S.E.	0	1	1	0	0	0	0
La Maddalena	0	0	0	1	0	0	0
Tortoli'	0	0	0	1	0	0	0
Decimo	0	0	0	2	0	0	0
Bonorva	0	0	0	0	0	0	0
Jerzu	0	0	0	1	0	0	0
Court of appeal	0	0	0	0	0	20	0
	196	124	321	447	27	21	0

Appendix "I"

showing situation in Region 6 as at 31 March 1945.
 Disposal of Criminal Cases to the prejudice of the
 Allied Forces

Action	Total Cases disposed of since Sept.	Cases disposed of during the mo. March 1945.	Total Cases appealed by		Cases since Sept. 1945. vs. Unknown	Total Cases columns: 3, 4 & 8.
			Accused	Prosecutor		
(3)	(4)	(5)	(6)	(7)	(8)	
7	38	0	0	0	0	45
2	0	0	0	0	0	2
08	132	7	0	0	19	266
17	22	7	0	0	1	40
95	163	9	0	0	24	282
46	37	1	0	0	9	92
30	30	2	0	0	8	70
1	2	0	0	0	0	3
1	0	0	0	0	0	2
7	6	1	0	0	1	14
0	2	0	0	0	0	2
2	2	0	0	0	0	4
0	0	0	0	0	0	0
1	4	0	1	0	0	5
1	0	0	0	0	0	1
1	2	0	0	0	0	3
0	0	0	0	0	1	1
0	1	0	0	0	0	1
0	1	0	0	0	0	1
1	0	0	0	0	0	1
1	0	0	0	0	0	1
0	1	0	0	0	0	1
0	1	0	0	0	0	1
0	2	0	0	0	0	2
0	0	0	0	0	1	1
0	1	0	0	0	0	1
0	0	0	20	0	0	
21	447	27	21	0	64	840

Schedule showing Cases involving offenses
against Granai del Popolo 31 March 1945.

Court	Pending Cases in Instruction			Total Cases disposed since August 1944.	Cases disposed during month of March 1945
	Awaiting	Finished	Total		
	(1)	(2)	(3)	(4)	(5)
Cagliari	10	12	22	11	0
Tempio	18	13	21	22	5
Lanusei	14	6	10	21	0
Nuoro	16	18	34	33	0
Oristano	19	15	34	6	0
Sassari	60	25	85	28	0
Mil. Trib. Sassari.	0	1	1	2	1
Totals	137	90	207	123	6

Appendix "J"

Schedule showing Cases involving offenses
against Granai del Popolo 31 March 1945.

Instruction		Total Cases disposed since August 1944.	Cases disposed during month of March 1945.	Cases appealed		Total of columns 3 and 4.
ed	Total			Accused	Prosecutor	
	(3)	(4)	(5)	(6)	(7)	
	22	11	0	0	0	33
	21	22	5	0	0	43
	10	21	0	0	0	41
	34	33	0	0	0	67
	34	6	0	0	0	40
	85	28	0	0	0	113
	1	2	1	0	0	3
	—	—	—	—	—	—
	207	123	6	0	0	33

HEADQUARTERS
ALLIED COMMISSION
SARDEGNA REGION

12 November 1944.

4043/8 *mgj*
Reference: L/1419.

Subject : Monthly Report.

To : HQ. Allied Commission.
Attention: Chief Legal Officer - Legal Sub-Commission.

Herewith Monthly Report for month of October. The undersigned regrets that it has been somewhat delayed due to the Martini trial, particularly the trip to Corsica.

For the Regional Commissioner.

John J. Scanlan
JOHN J. SCANLAN,
1st Lt., C.M.P.,
Regional Legal Officer.

HEADQUARTERS
ALLIED COMMISSION
SARDEGNA REGION

12 November 1944.

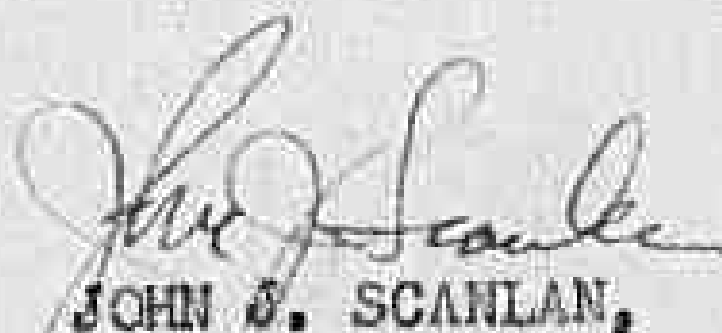
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For the Regional Commissioner.


JOHN S. SCANLAN,
1st Lt., C.M.P.,
Regional Legal Officer.

HEADQUARTERS
ALLIED COMMISSION
SARDEGNA REGION

12 November 1944.

Reference: L/1419

Subject : Monthly report.

To : HQ. Allied Commission.

Attention: Chief Legal Officer - Legal Sub-Commission.

I. Crimes against the Allied Forces.

1. Consolidated report as of 31 October 1944 is attached as Appendix "A".

The following observations may be noted:

(a) Of the total of 546 cases reported to this office, 305 have been disposed of. Of the total number of cases, 510 were against known offenders. Hence 59% of the total number of cases against known offenders have been disposed of.

(b) During the month of October, 74 new cases were received, of which 71 were against known offenders. Of this number 4 were disposed of during the month, leaving a carry-over of cases from October amounting 67. It will be noted from Appendix "A" that the total number of Allied cases disposed of during the month of October was 60.

(c) Of the 205 cases pending as of 31 October, the instruction in 92 cases has been completed. A large proportion of these 92 cases have already been assigned for trial during the month of November.

(d) Lest an unfair conclusion be drawn with reference to the Military Tribunal at Sassari, it should be pointed out that this court officially opened on the 18th October. This Court originally sat as a Military Tribunal for the 7th Army Corp. at Ozieri. It has been given autonomous jurisdiction over the Province of Sassari. Many of the Allied Cases now before it were originally assigned to the Military Tribunal at Oristano. The undersigned was favorably impressed with the organization and staff of this Tribunal during an inspection trip about three weeks ago.

2. The number of new cases likely to arise during the month of November may well be anticipated as high for the first two weeks at least. With numerous Allied units leaving, and preparing to leave, the opportunities for theft on the part of Italian Civilians and soldiers are invariably accentuated. However, when the move of Allied Garrison has been completed, new cases involving

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II. Functioning of Italian Courts.

1. Court of Assize:- The work of this court from 1st January to 31st October 1944 is shown in Appendix "B". The number of cases pending in the 1st Section as of 31 October has increased by 16 over the position a month ago. The second Section remains virtually the same with one less case pending. However on the basis of new cases received during the month, both Sections show that they are keeping abreast of current business.

2. Court of Appeal: Present position is shown at Appendix "C". This court has had a good record throughout. While there are 9 more pending cases, than a month ago, this should give no particular cause for great concern at the moment.

3. Special Section for Minors of Court of Appeal: The amount of work handled by this Section has been negligible, as shown by Appendix "D".

4. Tribunal Minoris: The considerable disposition of business in this Court is demonstrated by Appendix "E". This Section and the Special Section for Minors are under the direct supervision of Commendatore COCCO who can well be gratified that one phase of the Judicial System is functioning with reasonable efficiency.

5. Tribunali

(a) The position of each Tribunale and its depending Preture is shown at Appendices "F" and "G". The figures speak for themselves and they tell a unhappy story. The increase in pending cases amounts to 255 cases.

(b) The six offices of instruction likewise show an increase in pending cases amounting to 189. This is shown in Appendix "H".

(c) The greatest increase in pending cases shows up in the six Procure. The increased number of pending cases amounts to 1,523 cases.

(d) The total number of cases pending as of 31 October are 1,967 more than as of 30 September. As of even date this question was discussed with the Procure-tore Generale and he confirms that our figures are approximately the same as those in his office.

(e) Further remarks with reference to this problem will be found under Administration in Para. VI.

III. Cases Involving Fascist Activity and Conspiracy against the Italian Gov't.

1. The Martini Trial

The long awaited Martini trial finally commenced on 25 October. Even now after months of foreseen and unforeseeable delays, the trial has already experienced interruptions. On the 28th, Court had to be suspended due to the illness of Capt. Dore, the Giudice Relatore. The Court reconvened for the 30th and 31st but was suspended for 1st and 2nd November due to two Holy Days. On 5th November it was necessary for the undersigned, together with 3 members of the Court and 2 of the Defense Counsel to proceed to Bastia Corsica to take the deposition of the witness, Casati. Fortunately we were accompanied by Capt. Hayes, Regional Public Safety Officer. We had not been in Bastia fifteen minutes when the presence of the Italian personnel created a demonstration, necessitating the calling out of the Military Police and the French Gendarmes. The precarious position was solved by moving the Italian personnel to the Military Stockade outside the city. The following day permission was granted by the French Authorities, for the release, under armed guard, of the witness Casati, who was then transported to the Stockade for interrogation.

About 3 to 4 days of final argument remain and the case should be completed by the 16th November at which time a full report will be rendered.

2. Casbia Case.

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About 3 to 4 days of final argument remain and the case should be completed by the 16th November at which time a full report will be rendered.

2. Casati Case.

From the last information received the investigation was not quite complete with reference to this case involving the parachutists. However the undersigned will urge an early transmission of all documents to the Military Tribunal.

IV. Cases Involving A.C.

1. Coccheo Francesco.

This case involves illegal traffic in Medical Supplies supplied by A.C. Coccheo was the Medico Provinciale of Nuoro. The Grossisti Dr. Antonio Meloni is also involved. Copies of the denunciation were received in this office on 31st October. The undersigned has worked closely with the investigators of this crime and an early date for trial will be sought.

V. Offenses against the "Grani Del Popolo".

The position with reference to "Amassai" cases is demonstrated by Appendix "J". As this is a comparatively new field, the courts have thus far disposed of 43 cases out of a present total of 215. However these cases are being accorded the same special attention as Allied Cases, so that the effect of punishments will aid the voluntary turning in of all grain that should be "amassed".

VI. Administration of Criminal Courts in General

1. It is to be regretted that the projected visit of the Minister of Justice for 24 October was postponed. A complete agenda of difficulties had been prepared by the Procuratore Generale for discussion with his Excellency. It is firmly believed that more constructive work can be accomplished in a short while if the Minister favors the Island with a visit, then can be accomplished by voluminous reports, which may never come under very close scrutiny, and are even then likely to be misunderstood. However this office will press for an early visit from His Excellency.

2. It is also regretted that the Martini case has necessarily commanded nearly the full time of the undersigned at the moment, so that a great deal has not been available of time for dealing with some of the many "house-keeping" problems of the Courts.

3. However a fruitful discussion was held, 2nd November, with the Procuratore Generale which may result in ironing out a few of the problems. A separate report will be rendered in due course.

4. Latest reports from the Ministry confirm our suspicion that the seven Magistrates originally loaned to Sardinia will not be returned.

For the Regional Commissioner.

John J. Scanlan
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1st Lt., C.M.P.,
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HEADQUARTERS
ALLIED COMMISSION
SARDEGNA REGION

12 November 1944.

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(page one)

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From the last information received the investigation was not quite complete

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(page two)

contd/....

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For the Regional Commissioner.

John J. Scanlan
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1st Lt., C.M.P.,
Regional Legal Officer.

Schedule Showing Situation in Region 6 as at 31st October 1944
as regards Disposal of Criminal Cases to the prejudice of the
Allied Forces.

COURT	Pending Cases Instruction			Total cases disposed of since Sept. 1943.	Cases disposed of during the mo. October 44	Total Cases Appeared by	
	Awaiting	Finished	Total			Accused	Prosecuted
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
Tribunal Minors	4	0	4	32	3	1	0
Court of Assize	2	0	2	0	0	0	0
Mil. Trib. Oristano	46	36	82	94	17	0	0
Mil. Trib. Sassari	20	7	27	2	2	0	0
Tribunal Cagliari	26	38	64	103	26	1	0
Sassari	8	3	11	30	9	0	0
Tempio	4	3	7	17	3	0	0
Lanusei	0	1	1	0	0	0	0
Nuoro	0	1	1	1	0	0	0
Oristano	0	0	0	9	0	0	0
Preture Alghero	0	0	0	2	0	0	0
Iglesias	1	1	2	2	0	0	0
Ittire	0	0	0	0	0	0	0
Villacidro	1	0	1	4	0	1	0
Porto Torres	0	1	1	0	0	0	0
Cagliari	1	0	1	2	0	0	0
Tempio	0	0	0	0	0	0	0
Sassari	0	0	0	1	0	0	0
Olbia	0	0	0	1	0	0	0
Nuoro	0	0	0	0	0	0	0
Q.S. Elna	0	1	1	0	0	0	0
La Maddalena	0	0	0	1	0	0	0
Tortoli	0	0	0	1	0	0	0
Decimo	0	0	0	2	0	0	0
Bonorva	0	0	0	0	0	0	0
Jerzu	0	0	0	1	0	0	0
Court of Appeals	0	0	0	0	0	15	0
TOTALS	113	92	205	305	60		

Appendix "A"

Schedule Showing Situation in Region 6 as at 31st October 1944
regards Disposal of Criminal Cases to the prejudice of the
Allied Forces.

Total	Total cases disposed of since Sept. 1943.	Cases disposed of during the mo. October 44	Total Cases Appealed by		Cases since Sept. 1943 Vs. Unknown	Total Cases in columns 3,4 & 8.
(3)	(4)	(5)	Accused	Prosecutor	(8)	
4	32	3	1	0	0	36
2	0	0	0	0	0	2
82	94	17	0	0	5	181
27	2	2	0	0	0	29
64	103	26	1	0	24	191
11	30	9	0	0	1	42
7	17	3	0	0	4	28
1	0	0	0	0	0	1
1	1	0	0	0	0	2
0	9	0	0	0	0	9
0	2	0	0	0	0	2
2	2	0	0	0	0	4
0	0	0	0	0	0	0
1	4	0	1	0	0	5
1	0	0	0	0	0	1
1	2	0	0	0	0	3
0	0	0	0	0	1	1
0	1	0	0	0	0	1
0	1	0	0	0	0	1
0	0	0	0	0	0	0
1	0	0	0	0	0	1
0	1	0	0	0	0	1
0	1	0	0	0	0	1
0	2	0	0	0	0	2
0	0	0	0	0	1	1
0	1	0	0	0	0	1
0	0	0	15	0	0	

APPENDIX "B"

- Court of Assize -

	Cases pending at the 1st January 1944.	Cases coming up during the period 1/1/44 -31st Oct.1944	Cases disposed of during the period 1/1/1944 31st Oct.1944	Cases awaiting trial at the 31st Oct 44
1st Section	12	97	51	58
2nd Section	14	46	36	24
T o t a l	26	143	87	82

APPENDIX "C"

- Court of appeal -

Cases pending at 1st January 1944	Cases coming up during the period 1st January 1944 31st October 1944	Cases disposed of during the period 1st January 1944 31st October 1944	Cases pending at the 31st October 1944
303	335	552	86

APPENDIX "D"

SPECIAL SECTION FOR MINORS at the Court of Appeal of Cagliari

Cases pending at 1st January 1944.	Cases coming up during the period 1st January 1944 31st October 1944	Cases disposed of during the period 1st January 1944 31st October 1944	Cases pending at the 31st October 1944
2	4	5	1

APPENDIX "E"

TRIBUNAL FOR MINORS at the Tribunal of Cagliari

Cases pending at 1st January 1944	Cases coming up during the period 1st January 1944 31st October 1944	Cases disposed of during the period 1st January 1944 - 31st Oct. 1944	Cases pending at the 31st October 44
10	120	97	33

STATISTICS FOR EACH TRIBUNALE AND ITS DEPENDENT PRETURE

PERIOD 31 AUGUST 1944 TO 30 SEPT. 1944

Appendix "F"

Tribunale and Preture	Period	Cases pending at beginning of period.	Cases received during period.	Cases disposed of during period.	Cases pending at end of period.
Cagliari					
Sezione Penale	Sept. 1-15	1,316	40	59	1,297
	Sept. 15-30	1,297	135	46	1,386
Preture	Sept. 1-15	1,752	855	808	1,799
	Sept. 15-30	1,799	635	698	1,736
Oristano					
Sezione Penale	Sept. 1-15	242	17	11	248
	Sept. 15-30	248	25	13	260
Preture	Sept. 1-15	772	441	529	684
	Sept. 15-30	684	392	423	653
Sassari					
Sezione Penale	Sept. 1-15	949	34	12	971
	Sept. 15-30	971	37	18	990
Preture	Sept. 1-15	566	376	277	665
	Sept. 15-30	665	379	216	828
Tempio					
Sezione Penale	Sept. 1-15	75	14	12	77
	Sept. 15-30	77	13	16	74
Preture	Sept. 1-15	76	90	65	101
	Sept. 15-30	101	82	131	52
Nuoro					
Sezione Penale	Sept. 1-15	259	5	3	261
	Sept. 15-30	261	7	6	262
Preture	Sept. 1-15	519	168	124	563
	Sept. 15-30	563	150	149	564
Lanusei					
Sezione Penale	Sept. 1-15	55	5	0	60
	Sept. 15-30	60	7	10	57
Preture	Sept. 1-15	516	121	183	454
	Sept. 15-30	454	136	100	490

CONSOLIDATED STATISTICS FOR EACH TRIBUNAL AND ITS DEPENDENT PRETURE

PERIOD 31 AUGUST 1944 TO 30 SEPT. 1944.

Appendix "G"

Court	Cases pending 31 Aug. 1944	Cases received fr. 31/8 - 30/9	Cases disposed of from 31/8 - 30/9	Cases pending as of 30 Sept. 1944
Cagliari				
Sezione Penale	1,316	175	105	1,386
All Preture	1,752	1,490	1,506	1,736
Total	3,068	1,665	1,611	3,122
Oristano				
Sezione Penale	242	42	24	260
All Preture	772	833	952	653
Total	1,014	875	976	913
Sassari				
Sezione Penale	951	71	30	992
All Preture	566	755	493	828
Total	1,517	826	523	1,820
Tempio				
Sezione Penale	75	27	28	74
All Preture	76	172	196	52
Total	151	199	224	126
Nuoro				
Sezione Penale	259	14	9	262
All Preture	519	318	273	564
Total	778	330	282	826
Lanusei				
Sezione Penale	55	12	10	57
All Preture	516	257	283	490
Total	571	269	293	547
Total cases of Sezione Penale and All Preture for Sardinia.	))))	4,164	3,909	7,354

STATISTICS FOR OFFICE OF INSTRUCTION FOR 6 TRIBUNALS
PERIOD 31 AUGUST 1944 TO 30 SEPT. 44

Appendix "H"

Period	Cases pending at beginning of period.	Cases received during period.	Cases disposed during period	Cases pending at end of period.
Cagliari				
Sept. 1-15	2,854	646	636	2,864
15-30	2,864	399	353	2,910
Oristano				
Sept. 1-15	201	281	259	223
15-30	223	10	13	220
Sassari				
Sept. 1-15	252	174	114	312
15-30	312	74	51	335
Tempio				
Sept. 1-15	133	74	68	139
15-30	139	24	22	141
Nuoro				
Sept. 1-15	255	153	151	257
15-30	257	84	90	251
Lanusei				
Sept. 1-15	254	59	36	277
15-30	277	39	35	281

CONSOLIDATED STATISTICS FOR THE 6 OFFICES OF INSTRUCTION
PERIOD 31 AUGUST 1944 TO 30 SEPT. 1944

Court	Cases pending 31 August 44	Cases received 31/8 to 30/9	Cases disposed of 31/8 to 30/9	Cases pending 30 Sept. 44.
Cagliari	2,854	1,045	989	2,910
Oristano	201	281	259	223
Sassari	252	174	114	312
Tempio	133	74	68	139
Nuoro	255	153	151	257
Lanusei	254	59	36	277
Total	4,048	2,788	2,636	4,212

Sassari			
Sept. 1-15	252	174	114
15-30	312	74	51
			312
			335
Tempio			
Sept. 1-15	133	74	68
15-30	139	24	22
			139
			141
Nuoro			
Sept. 1-15	255	153	151
15-30	257	84	90
			257
			251
Lanusei			
Sept. 1-15	254	59	36
15-30	277	39	35
			277
			281

CONSOLIDATED STATISTICS FOR THE 6 OFFICES OF INSTRUCTION
PERIOD 31 AUGUST 1944 TO 30 SEPT. 1944

Court	Cases pending 31 August 44	Cases received 31/8 to 30/9	Cases disposed of 31/8 to 30/9	Cases pending 30 Sept. 44.
Cagliari	2,854	1,045	989	2,910
Oristano	201	291	272	220
Sassari	252	248	165	335
Tempio	133	98	90	141
Nuoro	255	237	247	251
Lanusei	254	98	71	281
Total of 6) offices of) Instruction)	3,949	2,017	1,826	4,138

STATISTICS FOR 6 OFFICES OF PROCURA
FOR PERIOD 31 AUGUST TO 30 SEPTEMBER 1944

Appendix I

	Cases pending as of 31 August 1944	Cases pending as of 30 September 44.
Cagliari	1,406	2,690
Oristano	1,003	1,059
Sassari	317	423
Tempio	110	127
Nuoro	107	180
Lanusei	229	216
Total	3,172	4,695

CONSOLIDATED STATISTICS OF CRIMINAL CASES FOR ISLAND OF SARDINIA

	All Cases pending on 31 August 1944	All cases pending on 30 September 1944
Offices of the 6 Procuratore	3,132	4,695
6 Offices of Instruction	3,949	4,138
6 Sezione Penale and all Preture	7,099	7,354
Total	14,220	16,187

Appendix "J."

Schedule Showing Cases Involving Offenses
Against the Granai Del Popolo
SARDEGNA REGION

Court	Pending Cases in Instruction			Total Cases disposed of Since 1st Aug. 44 (4)	Cases disposed of during the Mo. of October 44. (5)	Total Accused (6)
	Awaiting (1)	Finished (2)	Total (3)			
Tribunal of Cagliari	4	14	18	3	3	0
" " Tempio	21	5	26	3	3	0
" " Lanusei	22	0	22	9	0	0
" " Nuoro	23	2	25	8	7	0
" " Oristano	15	10	25	7	5	0
" " Sassari	53	0	53	13	9	0
Mil. Trib. Sassari	2	1	3	0	0	0
TOTAL	140	32	172	43		

Schedule Showing Cases Involving Offenses
Against the Granai Del Popolo
SARDEGNA REGION

Total (3)	Total Cases disposed of Since 1st Aug. 44 (4)	Cases disposed of during the Mo. of October 44. (5)	Total Cases Appealed by		Total cases in columns 3 & 4.
			Accused (6)	Prosecutor (7)	
18	3	3	0	0	21
26	3	3	0	0	29
22	9	0	0	0	31
25	8	7	0	0	33
25	7	5	0	0	32
53	13	9	0	0	66
3	0	0	0	0	3
172	43				215

HEADQUARTERS
ALLIED CONTROL COMMISSION
SARDEGNA REGION

Legal

2687

file one complete only copy

4 October 1944.

TO : H.Q., A.C.C. Legal Sub-Commission.
SUBJECT : Monthly Reports.
REFERENCE: L/1419.

Herewith Monthly Report for September 1944.

For the Regional Commissioner.

R. G. S. Alexander
R.G.S. ALEXANDER,
Major,
Regional Legal Officer.

SUB-COMMISSION	
TO	
FROM	
DATE	
BY	
REMARKS	
CLERKS	
10 OCT 1944	

HEADQUARTERS
10 OCT 1944
A.C.C.

HEADQUARTERS
ALLIED CONTROL COMMISSION
REGION VI

3 October 1944.

TO : HQ. A.C.C. - Legal Sub-Commission.

SUBJECT : Report by Regional Legal Officer for month ended 30 September 44.

REFERENCE: L/1419.

I. Crimes against Allied Forces.

Appendix "A" shows position as at 30th September 1944.

The following points emerge:-

(1) The number of cases disposed of during the month in all courts was 79. This is more than double the number disposed of last month and much the highest monthly total recorded to date.

(2) The number of new cases received during this month (exclusive of cases against "unknowns") was 67. This is more than double last month's total. Most of these cases were comparatively small thefts. It is thought that the reason for the increase may be that many Allied units have been in process of leaving the Island during the month and that there may have been some relaxation in arrangements for guarding stores etc.. It is reasonable to suppose that the very large reduction now made in the number of Allied Troops on the island will result in a corresponding decrease in these crimes in future months.

(3) The number of cases tried by the Military Tribunal during the month was only 15. It is fair to observe, however, that several very heavy cases were occupying this court during the period and in these circumstances they have probably done fairly well.

(4) The overall picture shows a reduction during the month from 236 to 204 cases pending. While this cannot be regarded as a particularly satisfactory rate of progress it is felt that in the light of the above remarks the situation is fairly well in hand.

II. Statistics re Functioning of Italian Courts (General).

(1) Courts of Assize. The figures for the 2 Sections are given at Appendix "B".

(2) Court of Appeal. The figures are given at Appendix "C".

(3) Court of Appeal. Special Section for Minors. The figures are given

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II. Statistics re Functioning of Italian Courts (General).

(1) Courts of Assize. The figures for the 2 Sections are given at Appendix "B".

(2) Court of Appeal. The figures are given at Appendix "C".

(3) Court of Appeal. Special Section for Minors. The figures are given at Appendix "D".

(4) Tribunal for Minors. The figures are given at Appendix "E".

(5) Tribunali and Preture.

(a) The figures for the 6 Sezioni Penali and the depending Preture are given at Appendices "F" and "G".

(b) The figures for the 6 Offices of Instruction are given at Appendix "H".

(c) The figures for the 6 Procure are given at Appendix "I".

NOTE. A glance at the figures in Appendices "B" to "I" shows that practically every court and office of Instruction is losing ground.

(page one)

contd/.....

(d) The consolidated figures for all Courts and offices given in Appendix "J" shows that during the month of August pending cases of all categories increased by 1,300. This may be partly due to seasonal causes inasmuch as some of the Courts were in vacation during August but the increase is obviously much too great. (See remarks in paragraph V - 5.)

III. Individual cases of Importance.

1. Grauso Brothers.

This case was disposed of during the month both as to its Criminal and Civil aspects. A separate Report has been rendered in this office letter L/1470 dated 30 September 44, a copy of which is attached at Appendix "K".

2. "Fire Fighting Brigade" Case.

This case against Major Elia and others referred to in last months Report is down for trial in the Military Tribunal Oristano on 18 October 1944.

3. Martini Trial.

This case is down for trial in the Military Tribunal Oristano on 25 October 1944.

4. Abwehr agents drowned by Parachute.

CASTIA Antonio and others.

Investigations by C.I.C. have now been completed in respect of recently captured enemy agents in Sardinia. Arrangements for the trial of these men will be the subject of a separate communication.

5. Case of Col. TANTILLO and others.

The trial of the above persons charged with attempting to escape to German occupied Italy is now in progress. A report will be submitted on conclusion of the case.

IV. Granai del Popolo.

A considerable number of these cases has been received during the month. The position is shown in Appendix "L". Strong representations as to the necessity for swift dispatch of these cases have been made.

V. Administration of Criminal Courts in General.

3. Martini Trial.

This case is down for trial in the Military Tribunal Oristano on 25 October 1944.

4. Abwehr agents drowned by Parachute.

CASTIA Antonio and others.

Investigations by C.I.C. have now been completed in respect of recently captured enemy agents in Sardinia. Arrangements for the trial of these men will be the subject of a separate communication.

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The trial of the above persons charged with attempting to escape to German occupied Italy is now in progress. A report will be submitted on conclusion of the case.

IV. Granai del Popolo.

A considerable number of these cases has been received during the month. The position is shown in Appendix "I". Strong representations as to the necessity for swift dispatch of these cases have been made.

V. Administration of Criminal Courts in General.

1. The Primo Presidente of the Court of Appeal (Ecc. Volpe) has returned from the mainland after an absence of a few weeks. He has received no information as to a possible transfer although it is understood that his successor has been provisionally nominated. I need not repeat that I consider a change in this appointment to be urgently necessary. The present incumbent seems unwilling or unable even to attempt to deal with the present difficult situation.

2. It is further understood that a successor to Ecc. Spallanzani as Procuratore Generale has been provisionally nominated. Should any hitch occur as regards this appointment I feel that the present Sostituto Procuratore Generale (Comm. Cocco) who is a native Sardinian and a man of considerable energy would do very well in the appointment. He is one of the few legal officials holding any of the higher posts in Sardinia who has evinced any trace of public spirit. All the rest seem to think only of their chances of returning to the mainland.

3. A request for return of the judicial officials lent to Sardinia from the mainland has been made by Southern Region. This will be the subject of a special report but I may say at once that far from there being too little for these officials to do there is more work for them in Sardinia than they are able to handle. Their removal would add greatly to present difficulties.

(page two)

contd/.....

4. An additional Military Tribunal with fairly large territorial jurisdiction has been opened in Sassari. It is hoped that this will do something towards relieving pressure on the Oristano Tribunal.

5. (a) Whilst the statistics contained in Appendices "F", "G", "H" and "I" are not considered to be very reliable (a comparison of this months figures with detailed figures given in previous monthly Reports shows a wild inaccuracy on the part of some of the individual Courts in the carrying forward of pending cases from one period to the next) it is thought that the broad general picture for the past few months given below may represent at least an approximation to the true state of affairs:-

Abstract showing a comparative arrears in all Courts etc. for months up to August 1944.

	30 April '44	30 June '44	31 July '44	31 August '44
6 Offices Procure	4,141	2,283	2,243-2,781	3,172
6 Offices of Instruction	3,504	4,182	4,321-4,323	3,947
6 Sezioni Penali and Preture.	7,396	5,301	6,361-6,062	7,099
TOTAL	15,041	11,766	12,925-13,166	14,218.

From the above figures it would appear that the situation as regards arrears is progressively deteriorating. It was not possible to say this with any confidence until the final figures for August were obtained a few days ago. The increases and decreases shown in the previous 3 months might have represented normal fluctuations. The upward trend, however, is now unmistakable. Furthermore the apparent improvement in May and June of this year may have been illusory. These months cover a period when the operation of the Amnesty Decree would probably be reflected to some extent in the figures.

(b) The actual present total of the arrears, though obviously excessive, may not be abnormal in Italy at the present time when it is considered that it includes cases of all types from the most trifling upwards. In any case the destruction of Cagliari (the Headquarters of the Courts in Sardinia) apparently produced a situation in which the work of the Courts was practically suspended over a long period and the fact of a large back-log of cases must be accepted. I have never been optimistic about the possibility of the Sardinian Courts making substantial inroads into these arrears whilst general conditions here and on the mainland remain as they are. But the fact that arrears appear to be steadily increasing,

6 Offices Procure	4,141	2,283	2,243-2,784	3,172
6 Offices of Instruction	3,504	4,182	4,321-4,323	3,947
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TOTAL	15,041	11,766	12,925-13,100	14,218.

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(c) It is necessary to add a word of caution, with regard to the statistics given. These have been prepared according to a rough-and-ready formula evolved in this office and not by Italian legal experts. It is always possible that my statistics may be over-simplified and, though sufficiently accurate arithmetically, convey a false picture. It appears that the routine statistics which were formerly prepared twice yearly by the Procura Generale are now, in accordance with new instructions, forwarded directly by each Tribunale to the Ministry. It is understood that these statistics so far as Sardinia is concerned have already been rendered to the Ministry for the period up to the end of June of this year. They are of course prepared according to a different and much more complicated formula than that adopted by me but it should be possible for the Ministry to confirm or correct my figures by reference to the official figures as far as the latter go.

A. G. S. Alexander
 R.G.S. ALEXANDER,
 Major,
 Regional Legal Officer.

APPENDIX "A"

Schedule showing progress of
prejudice of Allied Forces i

Court	Cases pending as of 31 Aug. 44.			New cases received during September		Total Cases disposed of during Sept.	"Known" Cases pending 30 September 1944	
	Awaiting Instr.	Instr. finished	Total	Known	Unkn.		Awaiting Instr.	Instr. finished
Tribunal for Minors	7	4	11	4	0	10	4	1
Court of Assize	2	1	3	-	-	-	2	0
Military Tribunal	55	37	92	18	2	15	54	21
Sez. Autonomi Trib. Mil	0	0	0	-	-	-	10	7
S. ri								
Trib. Cagliari	29	51	80	35	3	33	32	41
" Sassari	7	13	20	5	1	6	6	9
" Tempio	8	2	10	1	4	2	2	5
" Lanusei	1	0	1	-	-	-	1	0
" Nuoro	1	0	1	-	-	1	0	0
" Oristano	2	1	3	1	-	4	0	0
Pretura Alghero	0	2	2	0	0	0	0	2
" Iglesias	2	0	2	0	0	0	1	1
" Ittire	0	0	0	0	0	0	0	0
" Villacidro	3	0	3	1	-	3	1	0
" Porto Torres	-	1	1	-	-	0	0	1
" Cagliari	2	0	2	-	-	0	2	-
" Tempio	0	1	1	-	-	1	-	-
" Sassari	1	0	1	-	-	1	0	0
" Olbia	0	1	1	-	-	1	0	0
" Nuoro	0	0	0	0	0	0	0	0
" S. Elena	0	1	1	0	0	0	0	1
" La Maddalena	0	0	0	0	0	0	0	0
" Tortoli	0	0	0	0	0	0	0	0
" Decimo	0	0	0	1	0	1	0	0
" Bonorva	0	0	0	0	1	0	0	0
Court of Appeals	0	0	0	1	0	1	0	0
Total	120	116	236	67	11	79	115	89

Schedule showing progress of disposal of Criminal Cases to the prejudice of Allied Forces in Region 6 as at 30 September 1944.

Total	New cases received during September		Total Cases disposed of during Sept.	"Known" Cases pending at 30 September 1944			Remarks
	Known	Unkn.		Awaiting Instr.	Instr. finished	Total	
11	4	0	10	4	1	5	
3	-	-	-	2	0	2	
92	18	2	15	54	21	75	
0	-	-	-	10	7	17	
80	35	3	33	32	41	73	
20	5	1	6	6	9	15	
10	1	4	2	2	5	7	
1	-	-	-	1	0	1	
1	-	-	1	0	0	0	
3	1	-	4	0	0	0	
2	0	0	0	0	2	2	
2	0	0	0	1	1	2	
0	0	0	0	0	0	0	
3	1	-	3	1	0	1	
1	-	-	0	0	1	1	
2	-	-	0	2	-	2	
1	-	-	1	-	-	-	
1	-	-	1	0	0	0	
1	-	-	1	0	0	0	
0	0	0	0	0	0	0	
1	0	0	0	0	1	1	
0	0	0	0	0	0	0	
0	0	0	0	0	0	0	
0	1	0	1	0	0	0	
0	0	1	0	0	0	0	
0	1	0	1	0	0	0	
236	67	11	79	115	89	204	

x- Unknown cases are not carried forward into the cols. 6,7 & 8 showing cases pending at end of period.

APPENDIX "B"

- COURT OF ASSIZES -

	Cases pending at the 1st January 1944.	Cases coming up during the period 1/1/44 -30th Sept. '44	Cases disposed of during the period 1/1/44 -30th Sept. '44	Cases awaiting trial at the 30th Sept. 1944
1st Section	12	60	50	42
2nd Section	14	35	24	25
TOTAL	26	115	74	67

APPENDIX "C"

= COURT OF APPEAL =

Cases pending at 1st January 1944.	Cases coming up during the period 1st January 1944 - 30th September 1944	Cases disposed of during the period 1st January 1944 - 30th September 44	Cases pending at the 30 Sept. 1944
308	295	521	77

A P E N D I X "D"

= SPECIAL SECTION FOR MINORS at the Court of Appeal of Cagliari =

Cases pending at 1st January 1944.	Cases coming up during the period 1st Jan. 1944 - 30th Sept. 1944.	- Cases disposed of during the period 1/1/1944 - 30th September 1944.	Cases pending at the 30th September 1944
2	4	5	1

APPENDIX "T"TRIBUNALE FOR MINORS at the Tribunal of Cagliari

Cases pending at 1st January 1944.	Cases coming up during the period 1st January 1944- 30th September 44	Cases disposed of during the period 1 January 1944- 30th Sept. 1944.	Cases pending at the 30th Sept. 44
10	111	80	41

A P P E N D I X "F"

STATISTICS FOR EACH TRIBUNALE AND ITS DEPENDENT PRETURE

PERIOD 31 JULY 1944 TO 31 AUGUST 1945

Tribunale and Pretori	Period	Cases pending at beginning of period.	Cases received during period,	Cases disposed of during period.	Cases pending at end of period
Cagliari					
Sezione Penale	Aug. 1-15	1,287	54	53	1,288
	Aug. 15-31	1,288	96	68	1,316
Preture.	Aug. 1-15	1,460	925	784	1,601
	Aug. 15-31	1,601	933	782	1,752
Oristano					
Sezione Penale	Aug. 1-15	227	8	11	224
	Aug. 15-31	224	32	14	242
Preture.	Aug. 1-15	687	467	381	773
	Aug. 15-31	773	518	519	772
Sassari					
Sezione Penale	Aug. 1-15	934	29	13	950
	Aug. 15-31	950	23	22	951
Preture	Aug. 1-15	370	409	354	425
	Aug. 15-31	425	417	276	566
Tempio					
Sezione Penale	Aug. 1-15	55	21	7	69
	Aug. 15-31	69	15	9	75
Preture.	Aug. 1-15	68	68	40	96
	Aug. 15-31	96	89	109	76
Nuoro					
Sezione Penale	Aug. 1-15	251	20	6	265
	Aug. 15-31	265	4	10	259
Preture	Aug. 1-15	467	253	212	508
	Aug. 15-31	508	216	205	519
Lanusei					
Sezione Penale	Aug. 1-15	56	2	3	55
	Aug. 15-31	55	-	-	55
Preture.	Aug. 1-15	499	102	90	511
	Aug. 15-31	511	181	176	516

APPENDIX "C"

CONSOLIDATED STATISTICS FOR EACH TRIBUNALE AND ITS DEPENDENT PRETURE
PER 31 JULY 1944 TO 31 AUGUST 1944

Court	Cases pending 31 July 1944	Cases received from 31/7-31/8	Cases disposed of from 31/7-31/8	Cases pending as of 31 Aug. 44.
Cagliari				
sezione Penale All Preture	1287 <u>1460</u>	150 <u>1858</u>	121 <u>1566</u>	1316 <u>1752</u>
Total	2747	2008	1687	3068
Oristano				
Sezione Penale All Preture	227 <u>687</u>	40 <u>985</u>	25 <u>900</u>	242 <u>772</u>
Total	914	1,025	925	1,014
Sassari				
Sezione Penale All Preture	934 <u>370</u>	52 <u>826</u>	35 <u>630</u>	951 <u>566</u>
Total	1,304	878	665	1,517
Tempio				
Sezione Penale All Preture	55 <u>68</u>	36 <u>157</u>	16 <u>149</u>	75 <u>76</u>
Total	123	193	165	151 33
Nuoro				
Sezione Penale All Preture	251 <u>467</u>	24 <u>469</u>	16 <u>417</u>	259 <u>519</u>
Total	718	493	433	778
Lanusei				
Sezione Penale All Preture	56 <u>499</u>	2 <u>283</u>	3 <u>266</u>	55 <u>516</u>
Total	555	285	269	571

Sezione Penale All Preture	1287 <u>1460</u>	150 <u>1858</u>	121 <u>1569</u>	1316 <u>1752</u>
Total	2747	2008	1687	3068
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Total	718	493	433	778
Lanusei				
Sezione Penale All Preture	56 <u>499</u>	2 <u>283</u>	3 <u>266</u>	55 <u>516</u>
Total	555	285	269	571
Total Cases of) Sezione Penale and) 6,361 all Preture for) Sardinia)	4,882	4,144		7,099

A P P E N D I X "H"

STATISTICS FOR OFFICE OF INSTRUCTION FOR THE 6 TRIUNALS PERIOD OF 31 JULY 1944 TO 31 AUGUST 1944

Period	Cases pending at beginning of period.	Cases received during period	Cases disposed during period.	Cases pending at end of period.
Cagliari				
Aug. 1-15	3,310	97	315	3,092
Aug. 15-31	3,092	221	461	2,852
Oristano				
Aug. 1-15	187	11	9	189
Aug. 15-31	189	20	8	201
Sassari				
Aug. 1-15	190	61	34	217
Aug. 15-31	217	44	9	252
Tempio				
Aug. 1-15	121	112	103	130
Aug. 15-31	130	37	34	133
Nuoro				
Aug. 1-15	264	56	73	247
Aug. 15-31	247	59	51	255
Lanusei				
Aug. 1-15	249	57	20	286
Aug. 15-31	286	20	52	254

CONSOLIDATED STATISTICS FOR THE 6 OFFICES OF INSTRUCTION PERIOD FOR 31 JULY 1944 TO 31 AUGUST 1944.

Court	Cases pending 31 July 1944	Cases received 31/7 to 31/8	Cases disposed of 31/7 to 31/8	Cases pending 31 August 44.
Cagliari	3,310	318	776	2,852
Oristano	187	31	17	201
Sassari	190	105	43	252

Aug. 1-15	190	61	34	217
Aug. 15-31	217	44	9	252
Tempio				
Aug. 1-15	121	112	103	130
Aug. 15-31	130	37	34	133
Nuoro				
Aug. 1-15	264	56	73	247
Aug. 15-31	247	59	51	255
Lanusei				
Aug. 1-15	249	57	20	286
Aug. 15-31	286	20	52	254

CONSOLIDATED STATISTICS FOR THE 6 OFFICES OF INSTRUCTION
PERIOD FOR 31 JULY 1944 TO 31 AUGUST 1944.

Court	Cases pending 31 July 1944	Cases received 31/7 to 31/8	Cases disposed of 31/7 to 31/8	Cases pending 31 August 44.
Cagliari	8,310	318	776	2,852
Oristano	187	31	17	201
Sassari	190	105	43	252
Tempio	121	149	137	133
Nuoro	264	115	124	255
Lanusei	249	77	72	254
Total of 6 offices of Instruction)	4,321	795	1,169	3,947

A P P E N D I X "I"

STATISTICS FOR 6 OFFICES OF PROCURA
FOR PERIOD 31 JULY 1944 TO 31 AUGUST 1944

	Cases pending as of 31 July 1944	Cases pending as 31 August 1944
Cagliari	1,034	1,406
Oristano	714	1,003
Sassari	159	317
Tempio	105	110
Nuoro	40	107
Lanusei	<u>191</u>	<u>229</u>
Total	2,243	3,172

A P P E N D I X "J"

CONSOLIDATED STATISTICS OF CRIMINAL CASES FOR ISLAND OF SARDINIA

	All Cases pending on 31 July 1944	All cases pending on 31 August 1944
Office of the 6 Procuratore	2,243	3,172
6 Offices of Instruction	4,321	3,947
6 Sezione Penale and all Preture.	6,361	7,099
Total	<u>12,925</u>	<u>14,218</u>

APPENDIX - "K"Schedul
Ammassi
30 Sept

Court	Cases pending as of 31 August 1944			New cases received during September	Total cases disposed of during September.	Known pending Cases at 30 September 44.		
	Awaiting Instr.	Instr. finished	Total			Awaiting Instr.	Instr. finished	Total
Total for all Courts	6	3	9	85	3	84	7	91

N D I X - "K"

Schedule showing progress of disposal of
Amnassi Cases in Region 6, for period as of
30 September 1944.

New cases received during September	Total cases disposed of during September.	Known pending Cases at 30 September 44.			REMARKS
		Awaiting Instr.	Instr. finished	Total	
85	3	84	7	91	

A P P E N D I X "L"

HEADQUARTERS
ALLIED CONTROL COMMISSION
REGION VI

30 September 1944.

TO : Legal Sub-Commission, H. A.C.C.
SUBJECT : Case against Grauso Brothers et al.
REFERENCE: 1/1170

1. Penal Side.

The above case was completed on 22 September 1944 and a summary of the situation involved is as follows:-

a) Brief Statement of the Facts.

The accused involved in the case were the following:

- (1) Vespa Marco
- (2) Vespa Luigi
- (3) Grauso Adriano
- (4) Grauso Vincenzo
- (5) Pagani Giovanni
- (6) Montaldo Gino.

The Vespa Brothers were members of the Consorzio Imbarchi e Sbarchi which was responsible for receiving A.C.C. food at the Warehouse, providing labor for all handling, keeping records and inventories, and dispatching on orders.

The Grauso Brothers are merchants to whom food was consigned from the A.C.C. warehouse for distribution to the Communes of Cagliari Province on orders of S.A.P.A.I.L. These goods were paid for by the Grausos.

Pagani was a dispatch man at the A.C.C. warehouse. He was an employee of the Consorzio. Montaldo was the head-bookkeeper for the Consorzio.

Information reached Dottore Colonna, Acting Inspector General for Special Police in Sardinia that a theft of a considerable quantity of goods was in the process of perpetration. A vigorous investigation was conducted by the Food and Public Safety Divisions and Dottore Colonna.

It was discovered that Pagani had been paid a bribe of Lire 15,000 by Marco Vespa to destroy certain shipping tickets. By this method he was able to ship certain goods.

a) Brief Statement of the Facts.

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Information reached Dottore Colonna, Acting Inspector General for Special Police in Sardinia that a theft of a considerable quantity of goods was in the process of perpetration. A vigorous investigation was conducted by the Food and Public Safety Divisions and Dottore Colonna.

It was discovered that Pagani had been paid a bribe of Lire 15,000 by Marco Vespa to destroy certain shipping tickets. By this method Vespa was able to ship certain goods to Grauso that would not show up as missing until the next physical inventory. Goods to the value of Lire 736,000 were found in one of the Grauso warehouses which were received under manipulation. These goods were immediately recovered by A.C.C.

b) The Trial.

The trial began on 14 September 1944 with Lt. General Adolfo Sardi, the First President, presiding. Accused were represented by ten of the best lawyers on the Island. The trial was ably handled by General Sardi and the prosecution conducted by Lt. Francesco Coco was of the highest order.

The trial was covered at all times by this office. The Regional Commissioner and other officers visited the court from time to time.

(page one)

contd/.....

c) Sentence.

Sentence was imposed by Tribunal on 22 September 44 after a deliberation of three and half hours. The sentence is as follows:

against

- (1) Grauso Adriano - 13 years penal servitude and Lire 750,000 fine.
- (2) Grauso Vincenzo - 13 years penal servitude and Lire 750,000 fine.
- (3) Vespa Marco - 15 years penal servitude Lire 425,000 fine.
- (4) Pagani Giovanni - 7 years penal servitude and Lire 16,000 fine.

A perpetual interdiction was placed against all four, forever barring them from public office or public trust.

The following were absolved, there being insufficient evidence to warrant a conviction.

- (1) Vespa Luigi
- (2) Montaldo Gino

d) Appeal

An appeal has been taken by the defense, on points of law, to the Supreme Military Tribunal. A cross appeal has been taken by the Prosecutor to have a more serious punishment imposed.

e) Public Reaction.

Good publicity has been given this case by the radio and newspapers through the effort of P.M.S. The accused were widely known on the Island, and the population seems highly elated over the results obtained.

2. Civil Side.

Aside from any possible claims for restitution of, or compensation for, missing goods over and beyond the Lire 726,000 worth, stated in paragraph 1 (a), Grauso Brothers at the time of their arrest owed A.C.C. the sum of Lire 11,736,096 resulting from normal sales.

The goods of Grauso Brothers in both their warehouses in the amount of Lire 28,000,000 were sequestered by the Italian judicial authorities to protect the interests of A.C.C.

With reference to the debt of Lire 11,736,096, this office entered into an agreement with the lawyers for Grausos, and the Grausos themselves, for a return of the remainder of the debt in cash. This was

warrant a conviction.

- (1) Vampa Luigi
- (2) Montaldo Cino

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An appeal has been taken by the defense, on points of law, to the Supreme Military Tribunal. A cross appeal has been taken by the Prosecutor to have a more serious punishment imposed.

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The goods of Grauso Brothers in both their warehouses in the amount of Lire 28,000,000 were sequestered by the Italian judicial authorities to protect the interests of A.C.C.

With reference to the debt of Lire 11,736,096, this office entered into an agreement with the lawyers for Grauso, and the Grausos themselves, for a return of Soup to A.C.C. and satisfaction of the remainder of the debt in cash. This was the subject of a Court Order and A.C.C. has already received Soup to the value of Lire 9,337,432. The balance in cash will be paid over by the sequesterator, on 2 October 1944.

The penal trial did not disclose further thefts than the amount already recovered in kind, as stated in paragraph 1 (a). The financial side of the case may therefore be considered closed when the balance in cash is received on 2 October 44.

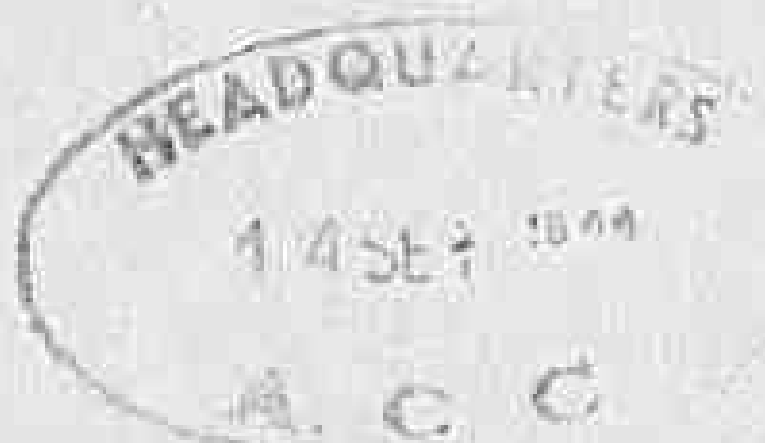
R.O.C. ALEXANDER,
Major,
Regional Legal Officer.

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Division

9 September 1944.

TO : Legal Sub-Commission, A.C.C. Hqs.
SUBJECT : Monthly Report of Legal Officer.
REFERENCE: L/1419

The enclosed monthly report is prepared and submitted by the undersigned, in the absence of Major Alexander who is confined to the Hospital.



John J. Scanlan
JOHN J. SCANLAN.
1st Lt., C.M.P.
Actg. Regional Legal Officer.

Encl.- Monthly Report.

JJS/bcg

LEGAL SUB-COMMISSION

✓ Seen 15/9/44

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Division

9 September 1944.

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1st Lt., C.M.P.
Actg. Regional Legal Officer.

Encl.- Monthly Report.

JJS/beg

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Division

9 September 1944

TO : Legal Sub-Commission, A.C.C. Hq.
SUBJECT : Monthly Report of Legal Officer.
REFERENCE: L/1449

I. Crimes Against Allied Forces.

1. Consolidated report as of 31 August is attached as Appendix "A".

The following observations may be noted:

(a) Of the total 421 cases now reported to this office 38% of the cases against known offenders have been disposed of. This indicates a slight increase over the previous months report.

(b) Of the total of 236 cases pending as of 31 August 1944, 68 have already been assigned for trial during the month of September. The total number of cases in which the instruction has been completed is 116 which leaves 48 additional cases to be assigned for trial. The question of the necessity of immediate disposition of all pending cases has been the subject of repeated conferences and letters with the Procuratore Generale del Regno and the various Procuratore del Regno.

(c) The number of cases against unknown persons continues to be small with only five (5) new cases received during the month.

2. The number of new cases arising during the month reported to this office is 31. Since the total number of cases disposed of during the month amounts to 37, the courts are keeping abreast of current business, but it leaves much to be desired in the way of disposing of the arrears. Much of the arrears can be attributed to the fact that many courts were not properly functioning until several months after the arrival of the Allies.

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3. Of the 7 cases appealed, which have been disposed of by the Court of Appeal, in only one instance was the sentence of the lower court lowered. In the other six cases the sentence was either sustained or increased.

II. Functioning of Italian Courts.

1. Court of Assize. Appendix "B" attached shows the movement of cases in this Court since 1st January 1944. While some accumulation is indicated, it is not to any extent to cause alarm.

2. Court of Appeal. Appendix "C" shows a commendable disposition of cases appealed to this court.

3. Special Section for Minors of Court of Appeal. Appendix "D" is self explanatory.

4. Tribunal for Minors. Appendix "E". The all important work of this Tribunal is being satisfactorily handled.

5. Tribunale.
(a) The statistics with reference to the Sezione Penale and the

depending Pretori are shown at Appendices "F" and "C". It becomes more apparent as time goes on that there is a complete lack of respect for accuracy when statistics are compiled particularly at the Pretura level. Repeated effort to correct this have thus far met with negligible results. However the statistics do invariably show an increase in pending cases as of 31 July as compared to the previous month. This is due in part to Magistrates and Officials availing themselves of month vacations and decreasing automotive transport facilities.

(b) The six offices of instruction as shown by Appendix "H" are barely keeping abreast of current business, without serious inroads being made into back work.

(c) Appendix "I" shows an increase of pending cases for Sardinia as of 31 July of over 600 cases as compared to 30 June 44.

III. Cases Involving Fascist Activity and Conspiracy Against The Italian Government.

1. Olbia Case.

The criminal proceedings against Putzu Giuseppe and 10 others before the Military Tribunal at Oristano, were concluded on Tuesday 29 August, after a six day trial. The accused were charged with an attempt to organize a Fascist Committee, and with an attempt to send one of their members to German occupied Italy for the purpose of establishing intelligence. The evidence of the prosecution was based solely on investigations by Reggente Ispettoratore and on the confessions of some of the accused. Sentences of from 2 to 11 years were imposed with dishonorable discharge from the Italian Army of the Military personnel involved, and an Interdiction was placed against all the accused prohibiting them from holding public office and denying them the ordinary rights of citizenship.

The case is of prime importance because it is the first political trial that has been heard, and it serves as a precursor for several even more serious trials to follow.

2. Martini Trial.

This most important trial has been subjected to every dilatory tactic for delay known to the legal profession in general, and to the Italian legal profession in particular. At present, completion of the "Instruction" is held up due to the absence of a witness by the name of COCCINO who is a member of the Italian Navy. The necessity for his immediate presence in SARDINIA was the subject a letter L/1417 dated 25 August 1944 to Legal Sub-Commission.

After the Instruction is completed two to three weeks will be allotted to defense lawyers for the preparation of their case.

3. "Fire Fighting Brigade" Case.

Government.1. Olbia Case.

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After the Instruction is completed two to three weeks will be allotted to defense lawyers for the preparation of their case.

3. "Fire Fighting Brigade" Case.

This case involving Major ELIA, Capt. FELLESCI and others of the 18th Fire Corps. concerns an attempt on their part to escape from SARDINIA and join the Germans in German occupied Italy. This case was vigorously investigated by the Public Safety Department of this Hqs. and the case is ready for trial. The Military Tribunal has assured this office that this case should be reached the latter part of September.

IV. Cases Involving A.C.C.1. Grauso Brothers.

(a) Penal. As of 2 September 1944 this office was informed by Lt. COCO, prosecutor for the Military Tribunal that one of the accused during the course of instruction, considerably altered his original confession, necessitating further investigations. As of 3 September 44, by telephone, the trial has been set for 18th Sept. 44.

(b) Civil. The problem of debts owed to A.C.C. by GRAUSO BROS. has been the subject of negotiations during this past week between this office and the attorneys for GRAUSO. It is hoped that a satisfactory plan will be completed to reimburse A.C.C. for all outstanding credits against GRAUSO without resort to legal proceedings.

V. With reference to cases dealt with in paragraphs III and IV above, a problem of prime importance arose. Dottore COLONNA, Eugenio, Special Police Inspectorate for Sardinia received orders from the Italian Government to return immediately to Sicily. Since this man is the chief witness in the cases outlined in paragraphs III and IV, one's suspicions can be unduly aroused. This office made temporary arrangements with the High Commissioner's Office for Dr. COLONNA's retention on the Island. Further arrangements have been made by Public Safety to insure Dr. COLONNA's retention until after these cases have been disposed of.

VI. Offenses against the "GRANAI DEL POPOLO".

1. Vigorous insistence has been maintained by this office on immediate disposition of all these cases. Since the date when farmers would be in default for failure to "ammass", has only recently been reached, it is too early to judge the effectiveness of this campaign.

2. Nine reports of sentences imposed have so far been received. Arrangements have been made with PWB to give all sentences the widest publicity.

VII. Administration of Criminal Courts in General.

1. While decided improvement has been made over the last several months, the present position of unfinished business leaves much to be desired. From all indications the Military Tribunal and the Court for Minors show a higher devotion to duty and ability to dispatch their work than obtains among the six tribunals. Leisurely hours of court business, with all offices closed by 1330 to 1400 hours necessarily prevents a serious attempt to bring the work of the courts up to date.

2. It is emphasized that Sardinia is at present without a first President of the Court of Appeal, and a Procuratore Generale del Regno. The former, H.E. Volpe is now in Rome and their is grave doubt as to his return. The latter has definitely been transferred to Rome.

3. Appointments to both of these offices is essential to the Criminal Administration in Sardinia. It has for a long time been quite evident that the Criminal Courts of Sardinia lack the guidance and impelling force that should be expected of Senior Officials. The urgency of appointments to these two all important positions of officials capable of handling a difficult task cannot be too strongly emphasized.

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4. Officials for the most part continue to be highly co-operative but too frequently their eloquently expressed good intentions are subsequently underscored by complete inertia.


JOHN J. SCANLAN.
1st Lt., C.M.P.

Actg. Regional Legal Officer.

JJS/bcg.

Appendix "A"

Schedule Showing Situation in Region 6 as at 31st August 1944 as regards
Disposal of Criminal Cases to the prejudice of the Allied Forces.

C O U R T	P E N D I N G C A S E S			(4) Total Cases disposed of since Sept 1943	(5) Cases Disposed of during August 1944	(6) Total since accus
	Awaiting Instructions (1)	Instructions finished (2)	Total (3)			
TRIBUNAL FOR MINORS	7	4	11	16	1	0
COURT d. ASSIZE	2	1	3	0	0	0
MILITARY TRIBUNAL	55	37	92	61	17	6
TRIBUNALE CAGLIARI	29	51	80	39	5	2
" SASSARI	7	13	20	9	3	0
" TEMPIO	8	2	10	4	0	0
" LANUSEI	1	0	1	0	0	0
" NUORO	1	0	1	0	0	0
" ORISTANO	2	1	3	4	1	0
PRETURA - ALGHERO	0	2	2	1	0	0
" IGLESIAS	2	0	2	1	0	0
" ITTIRI	0	0	0	0	0	0
" VILLACIDRO	3	0	3	2	1	0
" PORTOTORRES	0	1	1	0	0	0
" CAGLIARI	2	0	2	2	0	0
" TEMPIO	0	1	1	1	1	0
" SASSARI	1	0	1	0	0	0
" OLBIA	0	1	1	0	0	0
" NUORO	0	0	0	0	0	0
" QUARTU S. ELENA	0	1	1	0	0	0
" SA MADDALENA	0	1	1	0	0	0
" TORTOLI	0	0	0	1	1	0
COURT OF APPEALS	0	0	0	7	7	0
TOTAL	120	116	236	148	37	8

Module Showing Situation in Region 6 as at 31st August 1944 as regards

possession of Criminal Cases to the prejudice of the Allied Forces.

G C A S E S		(4) Total Cases disposed of since Sept 1943	(5) Cases Disposed of during August 1944	(6) (7) Total Cases Appealed since Sept 1943		(8) Cases Since Sept 1943 Vs Unknown	(9) Total of Columns 3, 4 & 5
Instructions finished	Total			By accused	Prosecution		
(2)	(3)						
4	11	16	1	0	0	0	27
1	3	0	0	0	0	0	3
37	92	61	17	6	4	8	161
51	80	39	5	2	1	19	138
13	20	9	3	0	0	7	36
2	10	4	0	0	0	2	16
0	1	0	0	0	0	0	1
0	1	0	0	0	0	0	1
1	3	4	1	0	0	1	8
2	2	1	0	0	0	0	3
0	2	1	0	0	0	0	3
0	0	0	0	0	0	0	0
0	1	2	1	0	0	0	5
1	1	0	0	0	0	0	1
0	2	2	0	0	0	0	4
1	1	1	1	0	0	0	2
0	1	0	0	0	0	0	1
1	1	0	0	0	0	0	1
0	0	0	0	0	0	0	0
1	1	0	0	0	0	0	1
1	1	0	0	0	0	0	1
0	0	1	1	0	0	0	1
0	0	7	7	0	0	0	7
116	236	148	37	8	5	37	421

APPENDIX "B"

= COURT OF ASSIZE =

	Cases pending at the 1st January 1944	Cases coming up during the period 1/1/44 -31st August 1944	Cases disposed of during the period 1/1/44 -31st/Aug./44	Cases awaiting trial at the 31st/Aug./1944
1st Section	12	65	27	50
2nd Section	14	30	23	21
TOTAL	26	95	50	71

APPENDIX "C"

= COURT OF APPEAL =

Cases pending at 1st/Jan/44	Cases coming up during the period 1/1/44 -31/Aug/1944	Cases disposed of during the period 1/1/44 -31st/Aug/44	Cases pending at the 31st August 1944	Remarks
303	269	491	81	The section has been setting each Wednesday and Friday of every week.

APPENDIX "D"SPECIAL SECTION FOR MINORS at the Court of Appeal of Cagliari

Cases pending at 1st/Jan/44	Cases coming up during the period 1/1/44 - 31st/Aug/44	Cases disposed of during the period 1/1/44 - 31/Aug/44	Cases pending at the 31st/Aug/44	Remarks
2	2	3	1	The Special section for minors has been setting the fourth Wednesday of every month.

APPENDIX "E"TRIBUNAL FOR MINORS at the Tribunal of Cagliari

Cases pending at 1st/Jan/44	Cases coming up during the period 1/1/44 - 31st/Aug/1944	Cases disposed of during the period 1/1/44 - 31/Aug/ 1944	Cases pending at the 31/st/Aug/44	Remarks
10	100	69	41	The Tribunal for Minors has been setting the following days: 1, 2, 3 March - 30 May - 6, 13, 27 June - 4, 13, 19 July and 1, 31 August 1944

Appendix "F"

STATISTICS FOR EACH TRIBUNALE AND ITS DEPENDENT PRETORI PERIOD 30 JUNE 1944 TO 31 JULY 44

Tribunale and Pretori	Period	Cases pending at beginning of period	Cases received during period	Cases disposed of during period	Cases pending at end of period
Cagliari					
Sezione Penale	July 1-15	1,336	60	170	1226
	July 15-31	1,226	120	59	1287
Pretori	July 1-15	1,313	931	791	1434
	July 15-31	1,454	808	680	1587
Oristano					
Sezione Penale	July 1-15	222	15	22	215
	July 15-31	215	20	8	227
Pretori	July 1-15	479	472	334	617
	July 15-31	617	487	417	687
Sassari					
Sezione Penale	July 1-15	118	98	95	121
	July 15-31	121	112	112	121
Pretori	July 1-15	407	521	446	518
	July 15-31	518	403	454	467
Tempio					
Sezione Penale	July 1-15	44	16	8	52
	July 15-31	52	9	6	55
Pretori	July 1-15	53	147	123	77
	July 15-31	77	107	89	95
Nuoro					
Sezione Penale	July 1-15	246	12	19	239
	July 15-31	239	15	3	251
Pretori	July 1-15	423	187	146	464
	July 15-31	464	209	188	584
Lanusei					
Sezione Penale	July 1-15	286	81	90	277
	July 15-31	277	82	110	249
Pretori	July 1-15	374	96	89	381
	July 15-31	381	120	47	454

Appendix "G"

CONSOLIDATED STATISTICS FOR EACH TRIBUNALE AND ITS DEPENDENT PRETORI PERIOD 30 June 1944 TO 31 July 1944.

Court	Cases pending 30 June 1944	Cases received from 30/6 to 31/7	Cases disposed of from 30/6 to 31/7	Cases pending as of 31 July '44
Cagliari				
Sezione Penale	1,336	180	229	1,287
All Pretori	<u>1,313</u>	<u>1,742</u>	<u>1,471</u>	<u>1,587</u>
Total	2,649	1,922	1,700	2,874
Oristano				
Sezione Penale	222	35	30	227
All Pretori	<u>479</u>	<u>959</u>	<u>151</u>	<u>681</u>
Totale	701	994	181	914
Sassari				
Sezione Penale	118	210	207	121
All Pretori	<u>407</u>	<u>960</u>	<u>900</u>	<u>407</u>
Total	525	1,170	1,107	588
Tempio				
Sezione Penale	44	25	14	55
All Pretori	<u>53</u>	<u>254</u>	<u>212</u>	<u>92</u>
Total	97	279	226	141
Nuoro				
Sezione Penale	246	27	22	251
All Pretori	<u>423</u>	<u>390</u>	<u>334</u>	<u>284</u>
TOTAL	669	423	356	830
Lanusei				
Sezione Penale	286	163	200	249
All Pretori	<u>374</u>	<u>216</u>	<u>130</u>	<u>424</u>
Totale	660	379	330	703
Total cases of Sezione Penale and all Pretori for Sardinia	5,301	5,170	4,506	5,062

Appendix "H"

STATISTICS FOR OFFICE OF INSTRUCTION FOR THE 6 TRIBUNALS
PERIOD FOR 30 JUNE 1944 TO 31 JULY 1944

Period	Cases pending at beginning of period	Cases received during period	Cases disposed of during period	Cases pending at end of period
Cagliari				
July 1-15	3,078	340	223	3,195
July 15-31	3,195	911	794	3,312
Oristano				
July 1-15	173	32	10	195
July 15-31	195	368	376	187
Sassari				
July 1-15	271	488	542	217
July 15-31	217	352	379	190
Tempio				
July 1-15	118	98	95	121
July 15-31	121	112	112	121
Nuoro				
July 1-15	256	72	53	275
July 15-31	275	89	100	264
Lanusei				
July 1-15	286	81	90	277
July 15-31	277	82	110	249
CONSOLIDATED STATISTICS FOR THE 6 OFFICES OF INSTRUCTION PERIOD FOR 30 JUNE 1944 TO 31 JULY 1944				
Court	Cases pending 30 June	Cases received 30/6 to 31 July	Cases disposed of 30/6 to 31/7	Cases pending 31 July 1944

Sassari			
July 1-15	271	488	217
July 15-31	217	352	190
Tempio			
July 1-15	118	98	121
July 15-31	121	112	121
Nuoro			
July 1-15	256	72	275
July 15-31	275	89	264
Lanusei			
July 1-15	286	81	277
July 15-31	277	82	249

CONSOLIDATED STATISTICS FOR THE 6 OFFICES OF INSTRUCTION
PERIOD FOR 30 JUNE 1944 TO 31 JULY 1944

Court	Cases pending 30 June	Cases received 30/6 to 31 July	Cases disposed of 30/6 to 31/7	Cases pending 31 July 1944
Cagliari	3,078	1,251	1,017	3,312
Oristano	173	400	386	187
Sassari	271	840	921	190
Tempio	118	210	207	121
Nuoro	256	161	153	264
Lanusei	286	163	200	249
Total of 6) offices of) Instruction)	4,182	3,025	2,884	4,323

Appendix "I"

STATISTICS FOR 6 OFFICES OF PROCURA PERIOD 30 JUNE 1944 TO 31 JUL 1944

	Cases pending as of June 30, 1944	Cases pending as of July 31, 1944
Cagliari	850	1,074
Oristano	737	997
Sassari	391	408
Tempio	96	115
Nuoro	44 ^m	54
Lanusei	<u>165</u>	<u>130</u>
Total	2,283	2,781

CONSOLIDATED STATISTICS OF CRIMINAL CASES FOR ISLAND OF SARDINIA

	All cases pending on 30 June 1944	All cases pending on 31 July 1944
Offices of the 6 Procuratore	2,283	2,781
6 Offices of Instruction	4,182	4,323
6 Sezione Penale and all Pretori	<u>5,301</u>	<u>6,062</u>
Total	11,766	13,166

HEADQUARTERS
ALLIED CONTROL COMMISSION

14 July 1944

SUBJECT: Monthly Report.
TO: HQ ACC (Rear) Legal Subcommittee.
REF: L/1419.

Report herewith for month of June. It is regretted that this has been delayed owing to illness of the R. L. O.

R. G. S. Alexander
Major

~~JOHN J. SOANLAP~~
~~1st Lt, GIP~~

~~for~~ RGS ALEXANDER, Major
Regional Legal Officer

5

*4 Col. Thackeray
do you think we should
put on agenda para 2d of
this report? R*

*12
Total
plus script para in
brackets.
any*

+ 2(a)

HEADQUARTERS
ALLIED CONTROL COMMISSION
REGION 6 - APC 397

2 July 1944

SUBJECT: REPORT BY REGIONAL LEGAL OFFICER ON FUNCTIONING OF ITALIAN COURTS FOR
MONTH ENDED 30 JUNE 1944

REF: L/1419

1. Criminal Courts (Civil)

(1) Crimes Against Allied Interests

(a) Appendix attached shows position up to 30 June 1944.

(b) This HQ letter L/1421 dated 26 June 1944 raises certain specific questions of a technical nature which have arisen in connection with the trial of these crimes. Apart from these difficulties, the situation may be said to be fairly satisfactory, although it is not so satisfactory as was expected a month ago. Arrests have not yet been overtaken but as a result of pressure brought to bear many trials have been fixed for the present month and most outstanding cases should be dealt with before 31 July.

(2) Other criminal cases

As stated in last month's report, statistics are being collected. Results have so far proved somewhat disappointing, many of the courts having proved unpunctual in the rendering of their returns. The Regional Legal Officer is making a further extended tour of the Island during the first week of this month (July), and it is hoped that complete figures for May and June will be in his hands at an early date. If possible these will be forwarded during this month.

Returns of penal statistics are normally rendered to the Ministry of Justice every six months on 30 June and 31 December. As far as can be ascertained these are likely to be considerably delayed this year. The figures being collected by this Office are of a simplified nature and will, of course, be ready long before the routine report to the Ministry.

The High Commissioner, the Primo Presidente, and the Procuratore Generale del Re have agreed to the setting up of an Informal Board for the purpose of examining cases of all prisoners detained for more than one year, and of making recommendations as to same. This is intended to take the place, to some extent, of the Primo Commissione formerly proposed. The Board will require no legal powers, its functions being purely advisory. When these cases have been disposed of, as far as possible, cases of all prisoners detained for more than six months will be dealt with in

(b) This HQ letter L/1421 dated 26 June 1941 raises certain specific questions of a technical nature which have arisen in connection with the trial of these crimes. Apart from these difficulties, the situation may be said to be fairly satisfactory, although it is not so satisfactory as was expected a month ago. Arrears have not yet been overtaken but as a result of pressure brought to bear many trials have been fixed for the present month and most outstanding cases should be dealt with before 31 July.

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2. Civil Courts

Some improvement is noticeable here.

Administration

(a) Personnel The 21 Cancellieri promised have not yet arrived. The need for them is exceedingly urgent. It may be said that meantime the potential benefit to be derived from the services of the officials on loan from the mainland is almost wholly neutralized by the lack of Cancellieri.

(b) Transport The position as regards public transport is not materially improved. The High Commissioner has agreed to supply seven cars for the use of the Courts, but authority to incur running and maintenance cost ~~is~~ ^{is not} ~~is~~ ^{is not} from the Ministry.

(c) Personnel arrangements for supply are under way.

(d) General Whilst the general situation is undoubtedly considerably improved, it is felt that a change in the higher offices is desirable. Successors to the present Primo Presidente and Procuratore Generale del Re have been nominated, but have not yet arrived. It is felt that the present men, whilst no doubt not below the average standard of officials of their respective grades, are out of touch with the present situation and are not facing up to it with sufficient energy and determination. In my opinion, it would be a great advantage to have replacements with experience of AMG/ACC methods in Italy.

3. Military Courts

(1) Crimes Against Allied Forces

Appendix attached shows position up to 30 June 1944.

(2) Other Cases

Statistics will be forwarded along with these for Civil Courts.

(3) Martini Case

Completion of handwriting expert's evidence is awaited.

R. G. S. Alexander
R. G. S. ALEXANDER
Major, R. L. C.

Statistics will be forwarded along with these for Civil Courts.

(5) Martini Case

Completion of handwriting expert's evidence is awaited.

R. G. S. Alexander
R. G. S. ALEXANDER
Major, R. L. O.

CONSOLIDATED REPORT AS OF 30 JUNE 1944

173

Court	Cases in Instruction		Total Cases		Total Cases Disposed of (4)	Cases Appealed		Cases vs Unknown (7)	Columns 3, 4, 7 Total (8)
	Awaiting (1)	Finished (2)	Pending (3)	By ACC By PROS (5) (6)					
Tempio Tribunale	10	0	10	2	0	0	1	13	
Imperia "	2	0	2	0	0	0	0	2	
Sassari "	25	6	31	8	0	0	7	46	
Oristano "	0	2	2	0	0	0	0	2	
Macra "	0	0	0	0	0	0	0	0	
Cagliari "	18	14	32	26	2	11	12	76	
Tribunale for Minors	4	0	4	1	0	0	0	5	
Court of Assise Cagliari	1	1	2	0	0	0	0	2	
Tribunale Militare	28	21	49	20	5	0	3	72	

*ACC. - Accused

R. O. S. ALEXANDER
Major, R. I. O.

4043/8
 Appx 'F' 1A
 Report by Regional Legal Officer, Region No. VI for period ending
 31 March 1944

1. Introductory

The Legal Department of this Region was established at the beginning of February 1944. Previous to this there had been no Legal or Property Control Departments in the Region. From the time of his arrival in Sardinia in September 1943, until the end of December Lt. Col. Berl, who was assigned to the Region as Chief Legal Officer, was employed as Liaison Officer with the Italian Army. During this time one or two minor matters were referred to him for his opinion and he was requested during the Month of November to report on the Piercy Estate. Apart from this he was not employed on Legal duties, and was never stationed at Regional Headquarters. At the end of December he was sent by AFHQ, on a special assignment to Corsica and remained there until the end of January when he returned to Sardinia to complete his duties in connection with this consignment. He finally left for England at the beginning of February 1944.

Until taking up his legal duties at the beginning of February, Major Alexander who was originally assigned to the Region as assistant Legal Officer, was employed exclusively as an S.D.A.C.

When the Legal Department was finally formed Brigadier Dunlop ruled that it should deal also with matters affecting the Interior, whilst the Finance Department should be responsible for Property Control. This arrangement continues.

The Legal Department has had the services of an Interpreter since the middle of this month.

2. Matters Dealt With

- (a) Calvi Incident: This was the matter (not strictly connected with this Legal Department) which required Lt. Col. Berl's presence in Corsica. In October 1943 a shooting affray took place at Calvi in Corsica between members of the Italian Air Force and French Civilians. Two French Civilians were killed. ~~On various charges, 7~~ members of the Italian Air Force were subsequently tried before an Italian Military Court in Sardinia. Two of these men were found guilty. One was sentenced to 27 years imprisonment and the other to 12 months imprisonment. The others were acquitted. Both the sentenced men have appealed.

Until taking up his legal duties at the beginning of February, Major Alexander who was originally assigned to the Region as assistant Legal Officer, was employed exclusively as an S.C.A.O.

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- (ii) Law Courts and Prisons: This matter is being separately reported on by Major Palmeiri.

- (iii) Requisitioning of Real Property and Motor Vehicles: Requisitioning of the above on behalf of the Commission had not been regularised. Considerable work has been entailed in putting matters straight, but the situation is now practically cleared up.

- (iv) Piercy Estate: This has been the subject of correspondence with the Legal and Property Control Sub-Commissions. A visit from a representative of the Property Control Sub-Commission is awaited. Everything, so far as the efficient interim management of this joint estate is concerned, turns on the question of what powers the Property Controller has in territories such as Sardinia which have always been administered by the Italian Government.

- 1 - /continuation.....;

Martini Case: This case concerns a Fascist Militia General who was arrested by the Italian Authorities in December 1943, whilst attempting to escape from Sardinia in a Motor Boat. Documents of an incriminating nature were found in the General's possession. The instruction phase of the case is practically complete, but the original documents are feared to have been lost in a recent plane crash. Photographic copies of same have been retained by the Italian Authorities here and they are thought to be sufficient to enable the prosecution to proceed. As at present advised, we understand the trial is to be before an Italian Military Tribunal. ~~This matter is the subject of this office letter 1/1415, dated 28 March 1944 to H.C.; A.C.C.; R.C. AG, Sec.~~

Acts Hostile to the Allied Forces: Two cases have occurred very recently on the Island involving attempts to escape from Sardinia to German Occupied Italy. It is understood that in at least one of these cases there is some prima facie evidence of intentions hostile to the Allied Forces. Investigations are proceeding and full reports will be rendered as soon as possible. Meantime the American Army Authorities have been asked to keep this Headquarters advised of all cases involving acts hostile to the Allied Forces coming to their knowledge.

Prevention of Venereal Diseases: A short digest of the Italian Laws and Regulations relative to prostitution etc., has been made for information of the American Provost Staff, and of this Commission.

Political Prisons: Numerous cases of persons serving prison sentences for alleged political acts or crimes have been brought to notice ~~by the Anti-Fascist Commission and others.~~ Some of these cases have been referred to the High Commissioner. The most important of these is the case of GIULIO DORI FALSTO, an Italian Lieutenant of Engineers who was sentenced in October 1943 by an Italian Military Tribunal for taking up arms against the Germans during the period between the fall of Fascism and the Armistice. This case has been referred to the Army Sub-Commission and is being considered

20 March 1944 to W.C. A.O.C., 13. MS, Sec.

- (v) (vi) Acts Hostile to the Allied Forces: Two cases have occurred very recently on the Island involving attempts to escape from Sardinia to German Occupied Italy. It is understood that in at least one of these cases there is some prima facie evidence of intentions hostile to the Allied Forces. Investigations are proceeding and full reports will be rendered as soon as possible. Meantime the American Army Authorities have been asked to keep this Headquarters advised of all cases involving acts hostile to the Allied Forces coming to their knowledge.
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- (ix) (x) Political Prisons: Numerous cases of persons serving prison sentences for alleged political acts or crimes have been brought to notice by the Anti-Fascist Concentration and others. Some of these cases have been referred to the High Commissioner. The most important of these is the case of GIULIO FAUSTO, an Italian Lieutenant of Engineers who was sentenced in October 1943 by an Italian Military Tribunal for taking up arms against the Germans during the period between the fall of Fascism and the Armistice. This case has been referred to the Army Sub-Commission and is being considered in the highest quarters.
- (xi) (xii) Legal Advice Bureau: It is proposed to set up a Legal Advice Bureau for British OR's on the Island. Authority has been applied for to JAG's Branch.

RGSA/pd

R. A. S. Alexander
R. A. S. ALEXANDER.
Major.
Regional Legal Officer.

0 5 2 3