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MONTHLY REPORT
SEPT. 1944 - MAR

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

10000/142/398

MONTHLY REPORT, SOUTHERN REGION
SEPT. 1944 - MAR. 1945

0930

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

FILE CLOSED 28 March 1945.

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

L-2000

28 March 1945

SUBJECT: Report on work of the Legal Division,
Southern Region, for the Month of March 1945.

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

1. STAFF. A list of Legal Officers stationed in
Southern Region is attached as Appendix "A".

Lt. Col. L.F. Dawson, on instructions received from HQ,
A.C. is to proceed to Bari to assume duty there as Allied
Commission Liaison Officer, Bari.

Major E.T. Kerr has been ordered to report for temporary
duty with G-5 AFHQ, for the purpose of attending a training
course for one week and on completion of this course is to
return to his station. 153

Lt. C.C. Bannò is to be withdrawn from Southern Region
but continues his duties as Officer in Charge of Italian Courts.

Lt. J.J. Vogel is to remain attached on 48 hours notice
of removal to Lombardia Region.

Major F.J. Aplisi, assigned to Venezia Region, is
temporarily available for service in the Naples Military
Courts and will continue to sit as a Superior Court Judge.

Major J.A. Boyd-Carpenter left BARI on 19 March 1945.

Major F.L. Vecchiolla is shortly to arrive for duty in
the Naples AMG Area.

Captain H.G.J. Christians and Lt. F.H. Dalboni are, on
verbal instructions from A.C., HQ, remaining in Bari for the
time being.

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29 MAR 1945

2. COURTS - ALLIED AND ITALIAN - NAPLES ZONE.

A total of 1313 reports of arrest was received by the Prosecuting Officer Naples, during the period under review, of which 1261 were referred to the Italian Courts for disposal. These reports concerned prostitution (313), larceny (299), illegal possession (276), conspiracy (80), attempts (71), possession of arms (15), bribery (8), assault (6), and miscellaneous offences (245). 32 Cases were brought before the Superior Military Courts, Naples of which 29 were finally disposed of, involving 64 individuals. 14 Cases are now awaiting disposal, of which 9 have been set down for trial, and 5 are still under investigation. At the present time the Court calendar is such that an accused person can be brought to trial within 4 to 5 days of the completed arrest report reaching the Prosecuting Officer. See Appendices "B" & "C".

The trial of De Amicis and 2 others on numerous charges of conduct prejudicial to the Armed Forces of the Allies, of corruption and so forth has been set down for 29 March 1945 and succeeding days. The accused will be tried by an Allied General Military Court of which an officer of the R.A.M.C. will be a member.

The Permanent Allied Military Courts in Naples Commune will, on instructions from Legal Sub-Commission, continue to function with such staff as remains available. Another Allied Military General Court has been convened for 9 April 1945 for the trial of a serious case of murder of an American officer in the execution of his duty.

A directive on the general question of the duties to be performed by the Legal staff after the 31st March 1945 is awaited.

The Italian Courts in what was once the Naples Zone continue to show improvement but whether this will be maintained under the new order of things is a matter upon which I prefer not to express any opinion.

3. COURTS - ALLIED AND ITALIAN - BARI ZONE and generally in South Eastern Italy.

A.M. Courts. Three Allied General Military Court cases were tried in the period covered by this report. A fourth was tried on 21-22 March 1945. Of these cases, three were for homicide, and one for vaunted credit. The last mentioned case was complicated, and the trial lasted five days. The Prosecution was very ably conducted by Lieuts Balboni and Robertazzi.

Col Dawson states that this paragraph is to be prepared. (bun)

Italian Courts - Statistics of trial of Allied Interest cases in Bari Province are attached as Appendix "D". Latest available statistics from out-lying Districts are shown as Appendices "E" and "F". It will be appreciated that these, owing to postal difficulties, are not all up to date.

Arrangements have been made for the summoning of Allied personnel as witnesses, in the Southern Districts, through 52 Area, and Town Major, LECOE.

With the arrangements made at Rome, the threat of strikes among personnel has been alleviated.

General. There are four cases still outstanding, where HQ, AC has not yet decided on a General Court being convened. One more case of homicide has been reported to this office, but as yet no request has been received for a General Court.

4. GENERAL REMARKS. The closing down of the Southern Region will of course throw almost complete responsibility upon the Italian Judiciary everywhere to ensure that Allied interests are properly safeguarded. They will henceforth be left to exercise their own initiative and organisational powers in the handling of a very important branch of Government and the period which lies ahead will be a testing period for them. How they will respond to this test is a matter upon which I apprehend I am not called upon to express an opinion. I can only say, however, that the Italian Courts have been brought up to their present standard of efficiency by the application of unremitting pressure to them and by assistance of every kind rendered to them by officers of the Legal Division. Upon the whole they are co-operative and are willing and indeed trying to give of their best under the many handicaps under which they still suffer. It is hoped that the doctrines of expedition in the handling of criminal cases, of the passing of deterrent sentences and of rapid improvisation to meet all situations as they arise will not be soon forgotten by them but on the contrary will continue to govern and advise their actions.

All available Military Court records numbering some 30,000 including those from the Naples Allied Military Courts are now being sorted, indexed and packed for transmission to Legal Sub-Commission upon instructions from that Sub-Commission.

L. F. Dawson.

L.F. DAWSON,
Lt.Colonel, GL,
Reg. Legal Officer.

APPENDIX "A"

Regional Legal Officer
 Stationed at HQ Southern RegionLt. Col. L.F. DAWSON (B)

Asst. to Reg. Legal Officer
 Stationed at HQ Southern RegionMajor E.T. KERR (A)

Officer i/c of certain
 Italian Courts
 Stationed at HQ Southern Region1st Lt. C.C. BANNO' (A)

Officer i/c Central
 Prosecuting Office -
 Stationed at HQ Southern Region1st Lt. J.J. VOGEL (A)

Judicial Officer AMG Courts
 Naples Military Government Area
 and L.O. Naples Zone -
 Stationed at HQ Southern RegionMajor A.E. GOLD (A)

Officers i/c of certain Italian
 Courts and having general duties
 as and when required to be performed
 Stationed at Bari -Capt. H.G.J. CHRISTIANS (B)
 Lt. F.H. BALBONI (A)

Attached

Judge of Superior Military
 Courts, Naples
 Stationed at HQ Southern RegionMajor F.J. AULISI (A)

Provincial Legal OfficerMajor Frank L. VECCHIOLLA (A)
 (unreported)

APPENDIX "B"

Report on Allied Military Courts for the month of March 1945.

A. CASES TRIED AND FINDINGS.

Vince of	Summary Court		Superior Court		General Court		TOTALS	
	Not guilty	Guilty	Not guilty	Guilty	Not guilty	Guilty	Not guilty	Guilty
Naples	19	707	3	64	-	-	22	771
TOTALS	19	707	3	64	-	-	22	771

Report on the Allied Military Courts for the month of March 1945.

E: CONTINUING.

Province of	Carrying & Possession of	Black Market	Looting	Arms & Ammunition	Viol. It.	Others	TOTALS
Province of	Carrying & Possession of	Black Market	Looting	Arms & Ammunition	Viol. It.	Others	TOTALS
Viol. pass	of allied goods						
59	612		4	8		88	771
TOTALS	612	-	4	8	-	88	771

.....
(Signature) (Rank) (Official Designation)

APPENDIX " D "

Allied Interest Cases in Italian Courts of Bari Province

	<u>cases pending 17.3.45</u>	<u>cases tried 17.3.45</u>	<u>cases pending 17.2.45</u>
Tribunale Militare	155	155	142
Corte D'Appello	52	28	64
Tribunale Civile	102	58	47
Tribunale Minori	48	12	36
Tribunale Trani	45	11	37
 TOTAL	 402	 264	 326

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APPENDIX "E"

ALLIED INTEREST CASES IN ITALIAN COURTS OF TARANTO PROVINCE.

	Cases pending 17.3.45	cases tried 17.3.45	cases pending 17.2.45
<u>TARANTO</u>			
Tribunale Militare	185	65	194
Tribunale	87	29	103
<u>LECCE</u>			
Tribunale Militare	121	48	141
Tribunale	37	—	31
Tribunale Minori	28	15	27
<u>BRINDISI</u>			
Tribunale	177	69	160
	635	226	656

APPENDIX "F"

Allied interest cases in Italian Courts of Lucera Province.

	Cases pending 17.3.45	Cases tried 17.3.45	Cases pending 17.2.45
<u>LUCERA</u>			
Corte d'Appello	40	--	38
Tribunale	35	18	22
<u>FOGGIA</u>			
Tribunale	57	54	26
<u>CAMPOBASSO</u>			
Tribunale	6 (4.3.45)	-	6
<u>ISERNIA</u>			
Tribunale	6 (4.3.45)	-	-
<u>LARINO</u>			
Tribunale	38 (25.2.45)		
	176 =====	72 =====	94 =====

Allied interest cases in
Italian Courts of
Calabria Province

<u>CATANZARO</u>			
Corte d'Appello	7 (24.2.45)		39
Tribunale Militare	57 (11.3.45)	--	--
Tribunale	--	--	--
Tribunale Minori	--	--	--
<u>COSENZA</u>			
Tribunale	9		
<u>CASTROVILLARI</u>			
Tribunale	2 (25.2.45)		
	76 =====	-- ==	39 =====

APPENDIX G

A. TRIALS FOR CRIMES COMMITTED AGAINST THE ALLIED FORCES.

	N° of cases	N° of defen- dants	N° of per- sons con- victed	N° of per- sons acquitted
1. By PRETURA COURTS	721	721	653	68
2. By TRIBUNALI	256	356	321	35
3. By COURT OF APPEAL	84	127	114	13
4. By JUVENILE COURT	81	86	66	20
5. By MILITARY TRIBUNAL	70	91	72	19
TOTALS	1212	1381	1126	155

B. Analysis of charges, judgement and sentences re Para "A" above

I. PRETURA	<u>VIOLATION</u>	<u>JUDGMENT</u>	<u>SENTENCE</u>
a) 106	Prostitution	guilty	from 1 mo. imp. to 1 year and 4 mos imp and 8000 lire fine.
44	"	not guilty	acquitted
b) 14	Curfew	guilty	from 50 to 3000 lire fine
c) 496	Traffic Violation	guilty	from 50 to 3000 lire fine.
20	"	not guilty	acquitted
d) 22	Unauthorized sale to Allied soldiers	guilty	from 1500 lire fine to 3 months imp. and 4000 lire fine.
3	do	do not guilty	acquitted
e) 15	Miscellaneous offence	guilty	from 800 lire fine to 4 mos imp and 1500 lire f.
1	do do	not guilty	acquitted

2. TRIBUNALE		<u>RELATION</u>	<u>JUDGMENT</u>	<u>SENTENCE</u>
a)	101	Theft	guilty	from 20 days imp and 1000 lire fine to 2 years and 15.000 lire fine
	12	"	not guilty	acquitted
b)	215	Receiving Allied stolen goods	guilty	from 500 lire fine to 2 years, 10 mos imp. and 22.000 lire fine
	21	do do	not guilty	acquitted
c)	5	Miscellaneous offence	guilty	from 300 lire fine to 4 months imp.
	2	"	not guilty	acquitted
3. COURT OF APPEAL				
a)	41	Theft	guilty	from 2 mos and 20 days impr. to 3 years imp. and 5000 lire fine
	3	"	not guilty	acquitted
b)	61	Receiving Allied stolen goods	guilty	from 8 days imp and 1000 lire fine to 1 year imp. and 2000 lire fine
	10	" " "	not guilty	acquitted
c)	2	Miscellaneous offences	guilty	from 6 to 8 months imp. and 2000 lire fine
4. JUVENILE COURT				
a)	38	Theft	guilty	from Judicial Pardon to 1 year imp. and 1000 lire fine
	9	"	not guilty	acquitted
b)	24	Receiving Allied stolen goods	guilty	from Judicial pardon to 3 months imp. and 300 £ f.
	11	do do	not guilty	acquitted
c)	4	Miscellaneous offence	guilty	Judicial pardon

5.	<u>MILITARY</u> <u>TRIBUNAL</u>	<u>VI</u> <u>ATION</u>	<u>JUDGMENT</u>	<u>SENTENCE</u>
a)	25	Theft	guilty	from 3 mos to 6 years imp.
b)	4 27	" Receiving Allied stolen goods	not guilty guilty	acquitted from 1 month to 4 mos imp.
c)	15 20	do do do Miscellaneous offence-	not guilty guilty	acquitted from 1 to 4 mos imp.

C. TRIALS FOR OFFENCES NOT AGAINST THE ALLIED FORCES

	Disposed by decree	Disposed by Judgment
1. By PRETURA CRT.	4275	1285
2. By TRIBUNALI		997
3. By COURT OF APPEAL		366
4. By JUVENILE COURT		41
TOTALS	4275	2689

D. Arrests and complaints made by the Italian Police for crimes committed against the Allied Forces.

	ARRESTS	COMPLAINTS
1. Illegal possession Allied goods	100	54
2. Prostitution	174	261
3. Theft	99	
4. Curfew	5	
5. Traffic Violation	18	742
6. Unauthorized sale	3	17
7. Corruption	2	
8. Counterfeit money	12	
9. Housing Allied soldiers	2	
10. Harboring deserters	1	
11. Wounding Allied soldiers	1	
12. Threatening Allied soldiers	2	
TOTALS	419	1071

E. Total Number of persons arrested by the Italian Police for crimes not against the Allied Forces
No....995.

APPENDIX "H"

Statistical report for Court of Appeal, Tribunale for Minors
and Preture.

I

PRETURECases affecting Allied Interests.

1.	N° of cases pending on 17 Feb 45 in 87 Preture of Tribunale Districts of Naples, Ariano Irpino, Avellino, Benevento, Salerno, S. Maria C.V. , S. Angelo dei Lombardi (except Naples Comune)	109	
2.	N) of cases pending on 17 feb. 45 in Pretura Naples Comune.	<u>156</u>	
3.	Total Cases pending in all Preture		265
4.	N° of cases received during period in all Preture (except Naples Comune)	287	
5.	N) of cases received by Preture Naples Comune (except Curfew and Traffic cases)	442	
6.	N° of Traffic cases received Naples Comune	516	
7.	N° of cases (curfew) received Naples Comune	<u>14</u>	
8.	Total cases received during period		1259
9.	Total of cases pending and received during period		1524
10.	N° of cases tried by Courts or otherwise disposed of (except Naples Comune)	276	
11.	N° of cases tried or otherwise disposed of by Pretura Naples Comune	<u>729</u>	
12.	Total number of cases tried or otherwise disposed of all Preture		1005
13.	N° of cases pending on March 17.45 all Preture (except Pretura Naples Comune)	120	
14.	N° of cases pending on March 17.45 Pretura Naples Comune	<u>399</u>	
15.	Total cases pending on 17 March 45 all Preture		519

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II
PRETURE

Cases NOT affecting Allied interests .

1. No of cases pending on 17 Feb.45 in 87 Preture of Tribunali Districts of Naples, Avellino, Ariano Irpino, Benevento, Salerno, SMaria C.V. S. Angelo dei Lombardi (except Naples Comune.	13409	
2. No of cases pending on 17 feb 45 in Pretura Naples Comune	<u>3135</u>	
3. N Total cases pending on 17 Feb.45 all Preture		16544
4. No of cases received during period in all Preture (except Naples Comune)	3384	
5. No of cases received by Pretura Naples Comune	<u>6632</u>	
6. Total cases received during period		10016
7. Total of all cases pending and received during period		26560
8. No of cases tried by Courts or otherwise disposed of (except Naples Comune)	3571	
9. No of cases tried or otherwise disposed of by Pretura Naples Comune	<u>6985</u>	
10. Total number of cases tried or otherwise disposed of all Preture		10556
11. No of cases pending on 17 march 45 all Preture (except Naples Comune Pretura)	13222	
12. No of cases pending on 17 March 45 Pretura Naples Comune	<u>2782</u>	
13. Total cases pending on 17 March 45 all Preture	16004	

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III

Court Appeal Naples
Cases affecting Allied interests.

1.	N° of cases pending on 17 Feb. 45	127	
2.	N° of cases received during period	<u>107</u>	
3.	Total received and pending during period		234
4.	N° of cases tried during period		<u>84</u>
5.	Total pending on 17 March 45		150

IV

Court of Appeal, Naples
Cases NOT affecting Allied interests.

1.	N° of cases pending on 17 March 45	993	
2.	N° of cases received during period	<u>172</u>	
3.	Total received and pending during period		1175
4.	N° of cases tried during period		<u>366</u>
5.	Total pending on 17 March 45		799
6.	N° of cases pending "istruzione"	5	
7.	N° of cases pending Procura Generale	<u>63</u>	
8.	Total "istruzione" and Procura Generale		~ 68
9.	Total cases pending on 17 March 45		867

V

TRIBUNALE OF MINORS
Cases affecting Allied interests

1.	N° of cases pending on 17 March 45	147	
2.	N° of cases received during period	<u>115</u>	
3.	Total received and pending during period		262
4.	N° of cases tried during period	<u>81</u>	
5.	Total pending on 17 March 45		181

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VI

TRIALS OF MINORS
Cases affecting Allied interests

1. No of cases pending on 17 Feb. 45	721	
2. No of cases received during period	<u>241</u>	
3. Total received and pending during period		962
4. No of cases tried during period		<u>41</u>
5. Total pending on 17 March 1945		921

VII

MILITARY TRIBUNAL

1. No of cases pending on 17 March 45	156	
2. No of cases received during period	<u>73</u>	
3. Total received and pending during period		229
4. No of cases tried or otherwise disposed of		<u>70</u>
5. Total pending on 17 March 1945		159

VIII

MILITARY TRIBUNAL--PROCURA

1. NO of cases pending on 17 Feb. 45	270	
2. No of cases received during period	<u>106</u>	
3. Total received and pending during period		376
4. No of cases disposed of		<u>90</u>
5. Total pending on 17 march 1945		286

Carl C. Bannò
1st Lt. A.C.
Officer i/c Italian Courts

4045/14

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

L-2000

27 February 1945

SUBJECT: Report on work of the Legal Division,
Southern Region, for the month of February 1945.

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

1. STAFF. A list of Legal Officers stationed in Southern Region is attached as Appendix "A". Major D.A. Rogers assigned to Legal Division as a Superior Court Judge has now been attached to PBS having left the Legal Staff on 3 February 1945. Major F.E. Young left Bari on 17 February 1945 to report to R.C. Liguria Region. Major M.B. Setton left Bari on 17 Feb. '45 on Python Mov. Major W.R. Lupton, lately attached as LO Foggia Zone left Lucera to report to HQ, AC for rotation. Major A.C.J. German has left Taranto for Emilia Region. Capt. L.G. Greenfield was dispatched on 17 February 1945 to report ~~for~~ RLO Rome Region. Major Goodacre's duties have come to an end and he is now available for posting elsewhere by Public Safety Sub-Commission.

The only officers still remaining in Bari, besides Major J.A. Boyd-Carpenter are Major F.J. Aulisi, Capt. H.G.J. Christians, Lt. G.J. Robertazzi and Lt. F.H. Balboni. All these officers, with the exception of Major Boyd-Carpenter, will be withdrawn from Bari as soon as three important trials upon which they are at present engaged have been completed.

2. PERMANENT MILITARY COURTS - BARI and BITONTO. The Permanent Allied Military Courts set up in Bari and Bitonto in November 1944 have now been closed in accordance with instructions from HQ, AC, dated 9 February 1945. At the time of writing this report three important cases are engaging the attention of the Military Courts in Bari. Trials have been delayed in two of these cases by reason of the absence on

operational duties of the principal prosecution witnesses. The remaining case is of a very serious nature, involving bribery and corruption on a considerable scale. Every effort is being made to ensure completion at the earliest possible date. All cases affecting Allied interests are now being diverted to the Italian Courts for disposal.

The BITONTO Military Court was finally closed on 15 February 1945.

The work of the Permanent Allied Military Courts in Bari and Bitonto attained a very high degree of efficiency due in no small measure to the co-operation of all Allied organizations concerned. Offenders in the majority of cases were charged with and tried for stealing or being unlawfully in possession of Allied Military property. The Courts in Bari have disposed of upwards of 600 cases involving some 850 individuals. A considerable quantity of property involved in these cases after having been confiscated was returned to the proper military authorities. GSO 2, 54 Area in addressing the monthly conference in NAPLES on 14 February 1945 stated that the work of the AM Courts had practically eliminated pilfering from 14 B.A.D. BITONTO.

3. COURTS ALLIED AND ITALIAN - NAPLES ZONE. A total of 1336 reports of arrest was received by the Prosecuting Officer Naples during the period under review, of which 1262 were referred to the Italian Courts for disposal. 53 cases were brought before the Superior Military Courts, Naples, of which 47 were finally disposed of, involving 128 individuals. 30 cases are now awaiting disposal, of which 16 have been set down for trial, and 14 are awaiting completed reports, of investigations. Two cases were tried by a General Military Court in Naples, during the month of February 1945. One accused a Carabinieri (D'Urso Carmine) charged with the killing of a British soldier was found not guilty and acquitted; the other (Veneruso Giuseppe) charged with possession of firearms, assaulting a member of the Allied Forces, stealing Allied property and offering a bribe to two members of the Allied Forces, was sentenced to 3 years imprisonment and 100,000 lire fine.

The trial of Prof. Arturo De Amicis, and Prof. Renato Blasio, one time Directors of the "Pace" Hospital, Naples, on a charge of doing acts to the prejudice of the safety or security of the Allied Forces with a possible alternative of corruption, is expected to begin as soon as the necessary investigations, which are of a complicated character, have

been completed. On instructions issued by the R.C., S.M., Prof. De Amicis has been admitted to bail but will remain under the close supervision of the Naples Zone Public Safety Officer pending the completion of his trial.

With reference to cases affecting Allied interests the Salerno Tribunale is improving. During the two week period immediately following the visit of the RLO and Lt. Bannò in January 1945, the Santa Maria C.V. Tribunale has shown a change for the better. Of 44 cases tried only two resulted in suspended sentences. The number of acquittals has also diminished to such an extent that it now assumes no very great importance. With the considerable assistance which 3 District has promised to give to this Tribunale, there is reason to hope for better things from this Tribunale in the future. The Tribunale of Naples has had a great increase in activity. It received 421 cases as compared with 165 cases for the previous period. However, 311 cases were disposed of as compared with 216 for the previous period. The Italian Military Tribunale continues to maintain a current docket and continues to render such exemplary justice as war conditions require. The Pretura of Naples also continues to set a good example to all Courts. The number of 366 Allied interest cases pending on 23 December 1944 has been reduced to 156 cases as at 17 February 1945. As to penal cases not affecting Allied interests a great volume of activity is being shown by all Courts.

4. GENERAL POSITION IN THE ITALIAN COURTS- BARI AND TARANTO ZONES.- The number of cases affecting Allied interests pending before the Italian Courts continues to show a substantial improvement. In fact, the total of such cases is 326 as at 17 February 1945 as compared with 462 as at 20 January 1945. L.C. Apulia & Calabria visited the Court of Appeal and Tribunale Militare of CATANZARO, the Tribunale Militare of TARANTO, and the Tribunale of TRANI and COSENZA during the period under review, in addition to his regular visits to the Courts located in BARI. The Press continued to give valuable assistance and publicity to trials carried out by the Italian Courts in Allied interest cases. The following are examples of sentences imposed by the Italian Courts in TARANTO:

Domenico Paglielunga	- 4 years, 6 months imprisonment, and 5000 lire fine, for receiving 10 kilos of lead;
Mario Giusti	- 3 years, 8 months imprisonment for possession of Allied and Italian articles;
Pannocchia Ras	- 3 Years, 2 months imprisonment and 6.000 lire fine, for the same offence;

Sebastiano Narco - 1 year, 4 months imprisonment and 6.000 lire fine for misappropriation of an Allied vehicle and for fraud ;
Cosimo Di Campa - 1 year, 4 months and 5 days imprisonment for the same offence.

H.E. Filippo Masucci arrived in BARI on 3 February 1945 to assume duty as First President of the Court of Appeal of BARI. H.E. Carmelo Tecce arrived on 12 February 1945 to assume duty as Procuratore Generale of the Bari Court of Appeal, vice H.E. Giuseppe De Santis, removed as the result of epuration proceedings. Unfortunately neither of these two gentlemen called upon the R.L.O. before departing for Bari. Generale di Brigata Vallerino, the President of the Tribunale Militare of Catanzaro was suddenly removed at the beginning of February and replaced by Generale di Brigata De Bonis who assumed duty on 6 February 1945.

The trial arising out of the alleged murder of Socialist Deputy DI VAGNO Giuseppe at MOLA di Bari on 21 September 1921, began before the Court of Assize in Bari on 5 February 1945 and was adjourned to 12 February, owing to the illness of the widow of Di Vagno, the parte civile. The reopening of the hearing resulted in the case being adjourned to a new list. This has been done in order that certain preliminary issues may be referred to the High Commissioner for Sanctions against Fascist Crimes and to the Court of Cassation in Rome. Only 5 accused are actually present and they will remain in custody during the adjournment.

The trial of 88 persons charged with Fascist conspiracy in Calabria opened on 15 February 1945 before the Tribunale Militare Catanzaro. As the trial will last some weeks, a second section of the Court has been opened for the trial of Allied interest cases during this period.

The Catanzaro Bar has started an agitation, backed by the threat of a strike, against the Civil side of the Court of Appeal remaining closed. This closure is due to the strength of the Court being less than half of establishment. The Minister of Justice was informed that the proposed transfer of four Consiglieri from Naples to Catanzaro could only be authorized when suitable substitutes had taken up their duties.

Court officials (not judges) of Tribunale of PALMI went on strike against their low level of pay. There is no information as to any spread of the strike.

5. ALLIED AND ITALIAN COURTS- FOGGIA ZONE. Major W.R. Lupton who assumed the position of LO for Foggia Zone on 20 January 1945, left Lucera on 8 February 1945 to report to HQ, AC, for rotation. The last report received from Major Lupton bears date 7 February 1945.

Liaison with Military Police detachments now operating in Foggia Zone has been established.

The Court of Appeal in Lucera is not yet functioning. The President of the Bar Association has requested the co-operation of the LO Foggia Zone in the opening of a session of the Court of Assize for which a heavy Calendar has been laid on.

Allied Interest cases continue to have priority in Italian Courts and are being heard and disposed of with dispatch. Sentences have been stepped up considerably since a conference held by the LO Foggia Zone with the representatives of the Bar Association, the Procuratori del Regno of Foggia and Lucera and the Judges of the Tribunali.

Returns of Tribunali disclose that a sentence of imprisonment has been passed in all cases of conviction. The Preture Courts have increased the amounts of the fines they impose but still show some reluctance to order imprisonment. Apparently the Preture Courts feel that the cases set down before them are in the main only of minor importance and that they can be dealt with summarily and moderate sentences imposed. The Procuratori del Regno have been advised to set down before these Courts only those cases in which it appears that a fine will upon conviction constitute an adequate sentence.

6. GENERAL REMARKS. In accordance with orders conveyed by HQ, AC, Southern Region is now being rapidly stripped of its Legal Officers. Major W.R. Lupton and Major A.C.J. Gerten left Lucera and Taranto respectively and their offices have been closed down. Files case records etc. from these offices have been concentrated in Major Boyd-Carpenter's office in Bari. With the exception of the Headquarters Legal Staff there now remain in the Southern Region only Major Boyd-Carpenter and three officers still engaged upon the completion of certain General Court cases in Bari and Major A.E. Gold and 1st Lt. Vogel in Naples. The illness of Major Gold and Lt. Col. Clair of the Port Court and, for a short period, of Major Kerr, coupled with the posting of Major Rogers, has made it a task of no little difficulty in

this critical period to liquidate the work in a very extensive Region like this but it is hoped that all pending work will have been completed by about the 15th to 20th of March 1945.



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

LFD/mo

Encls-
Appendix "A", "B", "C", "D", "E", and "F".

APPENDIX "A"

Regional Legal Officer
 Stationed at HQ Southern Region Lt. Col. L.F. DAWSON

Asst. to Reg. Legal Officer
 Stationed at HQ Southern Region Major E.T. KERR

Officer i/c of certain
 Italian Courts
 Stationed at HQ Southern Region 1st Lt. C.C. BANNON

Officer i/c Central Prosecuting
 Office -
 Stationed at HQ Southern Region 1st Lt. J.J. VOGEL

Judicial Officer AMG Courts
 Naples Military Governm. Area
 and L.O. Naples Zone -
 Stationed at HQ Southern Region Major A.E. GOLD

Officer i/c of certain Italian
 Courts and having general duties
 as and when required to be performed
 Stationed at Bari -
 L.O. Apulia & Calabria Major J.A. BOYD-CARPENTER.

---oooOOOooo---

Major F.J. AULISI
 Capt. H.G.J. CHRISTIANS

Lt. O.J. ROBERTAZZI
 Lt. F.H. BALBONI

Attached on temporary duty to BARI ZONE.

APPENDIX "B"

REPORT ON ALLIED MILITARY COURTS FOR THE MONTH OF FEBRUARY 1945

A. CASES TRIED AND FINDINGS.

Province of	Summary Court		Superior Court		General Court		TOTALS		Total cases
	Not Guilty	Guilty	Not Guilty	Guilty	Not Guilty	Guilty	Not Guilty	Guilty	
Naples	33	780	5	128	1	1	39	909	
	33	780	5	128	1	1	39	909	

APPENDIX "C"

REPORT ON THE ALLIED MILITARY COURTS FOR THE MONTH OF FEBRUARY 1945.

B. CONVICTIONS.

Proc. ce of	Curfew & ! Viol. pass! of	Theft & Poss. of Al. goods	Black Market	Looting ! Poss. of ! Arms & Am.	Viol. ! It. Penal ! Code	Others	TOTALS
Naples	73	567		7		262	909
	73	567		7		262	909

.....
 Signature (Rank) (Official Designation)

APPENDIX "D"

Allied interest cases in Italian Courts of Bari Province.

	<u>cases pending 20.1.45</u>	<u>Cases tried 17.2.45.</u>	<u>Cases pending 17.2.45</u>
Tribunale Militare	180	119	142
Corte D'Appello	107	68	64
Tribunale Civile	39	37	47
Tribunale Minorenni	32	5	36
Tribunale Trani	44	7	37
 TOTAL	 402 =====	 236 =====	 326 =====

APPENDIX "E"

A. TRIALS FOR CRIMES COMMITTED AGAINST THE ALLIED FORCES

	N°of cases	N°of defen- dants	N°of per- sons con- victed	N° of persons acquitted
A.				
1.By PRETURA COURTS	750	730	641	89
2.By TRIBUNALE	311	385	349	36
3.By COURT OF APPEAL	112	132	121	11
4.By JUVENILE COURT	53	61	50	11
5.By MILITARY TRIBUNAL	45	49	37	12
6. TOTALS	1251	1357	1198	159

B. Analysis of charges, judgement and sentence re. Para "A" above.

1. PRETURA	<u>VIOLATION</u>	<u>JUDGEMENT</u>	<u>SENTENCE</u>
a) 136	Prostitution	guilty	from 500 lire fine to 1 year, 6 mos imp and 10.000 lire fine.
b) 69	" "	not guilty	acquitted
2	Receiving Allied stolen goods	guilty	from 2 mos imp to 11 mos imp and 2000 L. fine
c) 25	Curfew	guilty	from 100 to 6500 L. fine
d) 441	Traffic violation	guilty	from 100 to 6500 L. fine
16	" "	not guilty	acquitted
e) 1	Theft	guilty	1000 lire fine
f) 27	Unauthorised sale	guilty	from 3000 L. fine to 15 days imp & 1200 L. fine
4	" "	not guilty	acquitted
g) 9	Miscellaneous offences	guilty	from 20 days to 4 months imprisonment.

2. TRIBUNALE		DESCRIPTION	JUDGMENT	SENTENCE
a)	108	Theft	guilty	from 20 days imp and 300 lire fine to 1 yr, 6 mos imp & 4000 L. fine.
	12	"	not guilty	acquitted
b)	238	Receiving Al- lied stolen good	guilty	from 200 L. fine to 2 yrs imp & 20.000 L. fine
	23	" "	not guilty	acquitted
c)	3	Miscellaneous offences	guilty	from 4000 lire fine to 5 months imp.
	1	" "	not guilty	acquitted

3. COURT OF APPEAL

a)	24	Theft	guilty	from 1 mo imp & 3000 L. fine to 1 yr, 6 mos & 4000 lire fine.
	4	"	not guilty	acquitted
b)	93	Receiving Al- lied stolen goods	guilty	from 100 lire fine to 8 mos imp & 1000 lire fine
	6	" "	not guilty	acquitted
c)	2	Miscellaneous offences	guilty	from 500 lire fine to 3 months imp.
d)	2	Corruption	guilty	6 mos imp & 2000 lire fine
	1	"	not guilty	acquitted

4. JUVENILE COURT

a)	25	Theft	guilty	from Judicial Pardon to 8 mos imp & 800 lire fine
	6	"	not guilty	acquitted
b)	25	Receiving Al- lied stolen goods	guilty	from Judicial Pardon to 2 mos imp & 400 Lire fine
	2	" "	not guilty	acquitted
c)	3	Miscellaneous offences	not guilty	acquitted

5. MILITARY TRIBUNAL	VIOLATION	JUDGEMENT	SENTENCE
a) 9	Theft	guilty	from 4 mos to 6 yrs imp
1	"	not guilty	acquitted
b) 20	Receiving Allied stolen goods	guilty	from 1 month & 5 days imp to 6 mos imp
9	" "	not guilty	acquitted
c) 5	Stopping in War zone	guilty	1 month and 5 days imp each
1	" "	not guilty	acquitted
d) 3	Miscellaneous offence	guilty	1 month and 5 days imp each
1	" "	not guilty	acquitted

C. TRIAL FOR OFFENCES NOT AGAINST THE ALLIED FORCES

	Disposed by decree	Disposed by Judgement
1. By PRETURA Court	3292	1206
2. By TRIBUNALE		1005
3. By COURT OF APPEAL		324
4. By JUVENILE COURT		42

5. TOTALS	3292	2577
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D. Arrests and complaints made by the Italian Police for crimes committed against the Allied Forces.

	ARRESTS	COMPLAINTS
1. Illegal possession	105	64
2. Prostitution	278	130
3. Theft	159	5
4. Curfew	16	
5. Traffic Violation	8	571
6. Unauthorised sale	2	19
7. Possession of blue seal money	4	
8. Counterfeit signature	3	
9. Housing Allied soldiers	2	
10. Stopping in prohibited zone	1	
11. Counterfeit release orders	1	
12. TOTALS	579	789

E. Total number of persons arrested by the Italian Police for crimes committed not against the Allied Forces

Nº.....II87

APPENDIX "F"

Statistical report for Court of Appeal, Tribunale for Minors
and Preture.

I

PRETURECases affecting Allied interests.

1.	No. of cases pending on 20 Jan. 45 in 87 Preture of Tribunale Districts of Naples, Ariano Irpino, Avellino, Benevento, Salerno, S. Maria C.V., S. Angelo dei Lombardi (except Naples Comune)	95	
2.	No. of cases pending on 20 Jan. 45 in Pretura, Naples Comune	<u>295</u>	
3.	Total cases pending in all Preture		390
4.	No. of cases received during period in all Preture (except Naples Comune)	403	
5.	No. of received by Pretura Naples Comune (except curfew and traffic cases)	119	
6.	No. of traffic cases received Naples Comune	457	
7.	No. of cases (curfew) received Naples Comune	<u>25</u>	300
8.	Total cases during period		1004
9.	Total of all cases pending and received during period		1394
10.	No. of cases tried by Courts or otherwise disposed of (except Naples Comune)	389	
11.	No of cases tried or otherwise disposed of by Pretura Naples Comune	<u>740</u>	
12.	Total number of cases tried or otherwise disposed of all Preture		1129

13 No. of cases pending on Feb 17, '45 all Preture (exc v Preture Naples Comune)	I09	
14 No. of cases pending on Feb. 17, '45, Preture Naples Comune	<u>I56</u>	
15 Total cases pending on Feb 17, '45, all Preture		265

II

PRETURECases NOT affecting Allied interests

1 No. of cases pending on 20 Jan. 45 in 87 Preture of Tribunali Districts of Naples, Avellino, Ariano Irpino, Benevento, Salerno, S. Maria C.V., S. Angelo dei Lombardi (except Naples Comune)	12932	
2 No. of cases pending on 20 Jan. 45 in Pretura Naples Comune	<u>3461</u>	
3 Total cases pending in all Preture		16393
4 No. of cases received during period in all Preture (except Naples Comune)	4631	
5 No. of cases received by Pretura Naples Comune	<u>4734</u>	
6 Total cases received during period		9565
7 Total of all cases pending and received during period		25758
8 No. of cases tried by Courts or otherwise disposed of (except Naples Comune)	4154	
9 No. of cases tried or otherwise disposed of by Pretura Naples Comune	<u>5060</u>	
10 Total number of cases tried or otherwise disposed of All Preture		9214

11 No. of cases pending on Feb. 17, 1945 all Preture (except Pretura Naples Comune)	13409
12 No. of cases pending on Feb. 17, '45, Pretura Naples Comune	<u>3135</u>
13 Total cases pending on Feb. 17, '45, all Preture	16544

III

COURT OF APPEAL, NAPLES

Cases affecting Allied interests

1. No. of cases pending on 20 Jan. 45	143
2. No. of cases received during period	<u>96</u>
3. Total received and pending during period	239
4. No. of cases tried during period	<u>112</u>
5. Total pending on Feb. 17, '45	127

IV

Court of Appeal, Naples

Cases NOT affecting Allied interests

1 No. of cases pending on 20 Jan. 45	1075
2 No. of cases received during period	<u>242</u>
3 Total received and pending during period	1317
4 No. of cases tried during period	<u>324</u>
5 Total pending on Feb. 17, 45	993
6 No. of cases pending "istruzione"	6
7 No. of cases pending Procura Generale	88
8 Total "istruzione" and Procura Generale	94
9 Total cases pending on Feb. 17, 1945	1087

V
TRIBUNALE OF MINORS
Cases affecting Allied interests

1	No. of cases pending on 20 Jan. 45	30	
2	No. of cases received during period	<u>170</u>	
3	Total received and pending during period		200
4	No. of cases tried during period	<u>53</u>	
5	Total pending on 17 Feb. 45		147

VI
TRIBUNALE OF MINORS
Cases NOT affecting Allied interests

1	No. of cases pending on 20 Jan. 45	274	
2	No. of cases received during period	<u>489</u>	
3	Total received and pending during period		763
4	No. of cases tried during period	<u>42</u>	
5	Total pending on 17 Feb. 45		721

VII

MILITARY TRIBUNALE

No. of cases pending on 20 Jan. 45	137	
No. of cases received during period	<u>64</u>	
Total received and pending during period		201
No. of cases tried or otherwise disposed of	<u>45</u>	
Total pending on 17 Feb. 45		156

VIII

MILITARY TRIBUNALE - PROCURA -

No. of cases pending on 20 Jan. 45	295
No. of cases received during period	<u>75</u>
Total received and pending during period	370
No. of cases disposed of	<u>100</u>
Total pending on 17 Feb. 45	270

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

JKD/tt/bb

R/1588

19 February 1945

SUBJECT: Monthly Report.

TO: All Divisions.

In the special circumstances of this month I should like to write the report for February on the 23 of the month.

I should be glad therefore if you would let me have a brief report for the month by the evening of the 27.

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

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CONFIDENTIAL

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

L-2000

2 February 1945

SUBJECT: Report on work of the Legal Division,
Southern Region, for the month of January 1945.

TO : Chief Legal Advisor, Legal Sub-Commission,
Allied Commission, H.Q.

1. STAFF. There is attached as Appendix "A" a list of Legal Officers stationed in Southern Region. Major P.D. Cotes-Preedy's temporary assignment terminated at Bari Zone. Major W.L. Lupton, Summary Court Judge, Bitonto, and assistant in the Prosecuting Branch Bari Zone was temporarily assigned to Foggia Zone to assume the duties of Legal Officer with effect from 20 January 1945. 5 Legal Officers have recently been promoted :

Captain to Major

Abraham E. Gold
Ewing T. Kerr

Donald A. Rogers
A.C.J. German

F.J. Aulisi.

2. PERMANENT MILITARY COURTS, BARI. The Allied Military Courts now operating in certain sections of Bari Zone continue to receive valuable assistance from the Press and Radio. Case reports so far received from these Courts indicate that since they were opened 96 Superior Court cases involving 205 persons, and 225 Summary Court cases involving 264 persons have been tried. These figures do not include the substantial number of cases in which records are en route to the Legal Office, Bari Zone, or which are in course of preparation.

Totals of cases tried have risen each week. This is NOT due to any increase in crime but to the fact that the innumerable police agencies in the area are becoming accustomed to the practice of charging appropriate offences in the A.M. Courts rather than in the Italian Courts, with consequent acceleration of trials.

A General Military Court sat at Biton. on 17 and 18 January to try NAGLIERI Gaetano for attempted murder of a British soldier on December 2nd 1944. NAGLIERI was found NOT GUILTY of attempted murder but guilty of wounding (Art. 382, Penal Code) and of possession of arms, Arts. 697 and 699, Penal Code, and sentenced to a total of 3½ years' imprisonment.

The Bari Superior Court has tried a number of serious cases. These include that of CIRASOLA Pasquale, which arose out of damage to a petrol pipe line in order to steal petrol. He received a sentence of 10 years imprisonment. It will be recollected that this case was originally submitted for trial by a General Military Court. A number of other cases in this Court have resulted in substantial sentences for Bari merchants charged with dealings in stolen W.D. sugar, chocolate, wool and paraffin wax.

A difficult feature is the number of boys aged 14 to 17 who are brought before A.M. Courts on charges of organized and deliberate robbery. These young boys constitute a danger to W.D. property, but by reason of their youth their correct treatment is not easy. A number have been sentenced to substantial terms of imprisonment, and the Legal Officer, Bari Zone, has later requested the Procuratore del Regno of the Tribunale of Minorenni to effect their transfer from prison to a riformatorio giudiziario. Owing to the fact that the only one of these institutions which has any vacancies is in Calabria, and the number of vacancies is limited, this is not a universal solution, and the Legal Officer, Bari has had to recommend to HQs, A.C., the suspension of some of these sentences.

3. COURTS ALLIED AND ITALIAN - NAPLES ZONE. A total of 920 reports of arrests were received by the Prosecuting Officer, Naples Zone during the period under review. 761 of the said arrests were on charges of a minor nature and were referred to the Italian Courts for disposal. During the period under review 93 cases were brought before the Superior Military Courts of which 48 were finally disposed involving 100 individuals. In each of a number of these cases there were numerous accused defended by different Counsel and in consequence the trials occupied an appreciable time.

During the aforementioned period an Italian youth was sentenced to 10 years imprisonment for homicide under provocation, the said offence having occurred outside the communal limits of Naples and there is now pending another case of the same kind. There are at present 35 cases awaiting trial

which will be finally disposed during February 1945.

With reference to cases affecting Allied interests the Tribunali Courts are showing a steady improvement, particularly as regards the number of cases tried or otherwise disposed of. For example: Salerno Tribunale tried 112 Allied cases this period as compared with 91 for the previous period; S. Maria C.V. Tribunale disposed of 83 Allied cases as compared with 40 for the previous period. It is interesting to note that this improvement in the activity of the Tribunali took place during a period which includes the Christmas, New Year and Court Holidays. During the period covered by this report at least 1/3 of the usual number of Court days was lost. Some reports recently received, which will however be dealt with in the February 1945 report, indicate that the increase in the number of Allied cases tried is continuing.

A slow but on the whole steady improvement is shown in the exemplary and deterrent sentences imposed in cases affecting Allied interests.

In the Naples Tribunale suspended sentences have practically ceased. The sentences imposed are reasonable and usually of a deterrent nature.

S. Maria C.V. Tribunale and to some extent that of Salerno still remain problems. All through the period under review complaints coupled with repeated demands for Military Courts have been coming in from the Military Authorities about the work of the Courts at these two centres and, as a result, the R.L.O. in company with Lt. Bannò visited Santa Maria C.V. and had a long conference with all the judges there. The R.L.O. pointed out the serious view taken by the Allied Authorities and indeed by the Italian Law itself of any sort of interference with ammunition in particular and with W.D. property in general. He indicated clearly the disastrous consequences which might flow from such interference even when apparently slight and concluded by exhorting all concerned to deal with Allied interest cases with expedition and to impose exemplary and deterrent sentences. He indicated that in such cases in the middle of a war with the enemy still in the land the peace time principle of reformation of the criminal could find no place, and that putting him under lock and key was the only remedy of any value.

The R.L.O. was assured by all present that he had explained many matters which had, until then been obscure or not appreciated at all, and that he could confidently look forward to a real and immediate improvement.

R.L.O. will next visit Salerno and endeavour to ^{impose} a more helpful and co-operative spirit into the judicial functionaries operating there. This Tribunale has lately been suspending a high percentage of sentences which, coupled with the operation of DLL 194 of 10 August 1944, is ^{tending} to exasperate the military authorities on the spot and to call forth a demand for Military Courts to be set up. Everything possible is being done to satisfy everybody and at the same time to give effect to the Commission's policy in regard to Military Courts in territory now controlled by the Italian Government, but the task is an exacting one which is taxing the resources of patience and tact of ~~any~~ officers and myself to capacity.

The Italian Military Tribunal of Naples continues to perform its duties cheerfully, co-operatively and with as much efficiency as is attainable in the face of a variety of difficulties.

4. GENERAL POSITION IN THE ITALIAN COURTS - BARI AND TARANTO ZONES'. The fact that cases pending before the Italian Courts within the jurisdiction of L.O. Apulia & Calabria show another substantial reduction is satisfactory, though this is largely due to the diversion of new cases to the A.M. Courts. The Tribunale Militare figure of "pending" is roughly one third of what it was in September 1944 and that for the Civile Tribunale is merely the number of cases working their way through the mill.

In Calabria the only Court with a significant number of Allied interest cases remains the Tribunale Militare of Catanzaro. During the period under review it has tried 9 such cases, and latest figures show 33 pending. In his last statistical report the President however makes the point that one of these cases occupied the Court for 3 days.

This case is of some interest; Eleven persons, including 3 Finance Guards were tried on charges of aggravated theft or receiving of Allied sugar. They were convicted, two receiving sentences of 6 years, one of 5½ years, 3 of 5 years and 3 months, 2 of 2 years, and 2 of 18 months.

The only Allied interest case tried by the Tribunale of Cosenza resulted in a sentence of 18 months imprisonment for a woman charged with harbouring deserters - Art. 378, P.C.

The trial of 88 persons charged with Fascist activities in Calabria has been arranged to begin on 15 February 1945 before the Tribunale Militare of Catanzaro.

The trial of 11 persons for complicity in the alleged murder of DI VAGNO Giuseppe, a Socialist Deputy on the 21st September 1921, is fixed for hearing by the Bari Court of Assize on 5 February 1945.

In his review of a 28 day period, Major A.C.J. German,

Legal Officer, Taranto Zone, reports 303 cases disposed of by the Courts of Taranto, Brindisi and Lecce. For the same period 830 cases remain to be tried.

A second section of the Tribunale Militare is in process of formation and should be of material assistance.

A personal visit by the Legal Officer of Taranto to the Tribunale Civile, Brindisi at the end of December (the president was again absent) resulted in a decided turn for the better in the figures of cases tried by that Court. During the last week of December only 6 cases affecting Allied interests had been set down for hearing during the first 19 days of January! A large proportion of these cases have actually now been heard.

The figures of Tribunale Civile and Tribunale Minorenne, Lecce are so comparatively trivial that they cause no concern.

The Tribunale Militare, Lecce has been working under a certain amount of difficulty. After Major German had arranged excellent new premises for their accommodation, the President of the Court allowed himself (without consultation with the Legal Officer) to be influenced by the Prefect - with threats of demonstrations and possible disorders - into accepting an old school in lieu of the premises previously provided. The premises are however adequate though a considerable amount of alteration, both structural and otherwise, has been necessary. This work is only now nearing completion and the audiences were held during the past month in the Court of Assize. Major Cotes-Predy's presence on the spot has been invaluable but quite naturally his presence there is only just beginning to show solid improvement in results.

Although actual figures this month are slightly disappointing they are somewhat misleading. In point of fact with the exception of the Military Court at Lecce, the remainder of the Courts are approximately current and it is felt that as soon as the arrears at Lecce have been reduced, the whole position may be considered as fairly satisfactory. To achieve this result constant vigilance and pressure on the part of the Legal Officer have been necessary.

The figures of outstanding Italian cases are appalling but - as far as the Military Courts are concerned - a large number of cases are for desertion in which it is impossible to trace the accused. The more current cases appear to be dealt with in a normal manner.

A total of 741 enquiry forms was sent out by Legal Officer Taranto, 610 of which have been returned up to date. As a result of these there have been discovered 211 cases which had already been decided but the results

not previously reported and a further 20 cases which have been returned to units for disciplinary action owing to the value of the goods involved being under 200 lire.

An attempt is being made at Lecce to remove the Sostituto Procuratore Dott. Giovino Umberto. Major German is of the opinion that he is an asset to the Military Court at Lecce and is now dealing with this matter by separate correspondence through Legal Officer Apulia.

"La Gazzetta del Mezzogiorno", popular newspaper in the Southern portion of Italy continues to publish emphatic warnings to the Italian people that criminal acts directed against the Allied Forces will not be tolerated; and that in order to reduce to a minimum crimes affecting Allied interests severe sentences will be imposed upon persons found guilty of such crimes.

The following are some examples of sentences imposed by the Courts in Taranto:-

- Francesco Liuzzi - 4 years imprisonment and 4000 lire fine for theft of 100 liter gasoline;
- Carmelo Miccoli - 3 years imprisonment and 3000 lire fine for theft of 100 liters gasoline;
- Giuseppe Bonfrate - 3 years imprisonment and 3000 lire fine for theft of 100 liters gasoline;
- Angelo Di Pasquale - 2 years, 6 months imprisonment and 1000 lire fine for concealing of goods and allurement;
- Michele Fuina - 1 year imprisonment and 1000 lire fine for theft of 45 Kg. flour;
- Giovanni Macelletti - 2 years imprisonment and 2000 lire fine for aggravated theft of clothings;
- Vito D'Agnano - 2 years imprisonment and 2000 lire fine for aggravated theft of clothings;
- Simone Francesco and Egidio and Giuseppe Girone - 1 year and 4 months imprisonment, and 2000 lire fine each, for attempted bribery;
- Giulivo Concetto Salvatore - 8 months imprisonment and 8000 lire fine, for unauthorized sale of poniards (paperknives);
- Domenico Bitetti - 1 year imprisonment and 3000 lire fine for the theft of 8 blankets;
- Francesco Scarpetta - 9 months imprisonment for illicit possession of cigarettes;
- Sante Casto - 1 year imprisonment for illicit possession of 23155 cigarettes;

Vincenzo Espo - 1 year imprisonment and 2000 lire fine for the theft of 1790 cigarettes;
 Michele Gerunda - 1 year and 6 months imprisonment, and 4500 lire fine, and then to liberty under vigilance, for immorality;
 Mario Zelletta - 6 years and 8 months imprisonment for murdering an Allied soldier by a punch;
 Cosimo Maffei - 6 months and 7 days imprisonment for the theft of a can of varnish;
 Salvatore Minutello - 4 months imprisonment and 3500 lire fine for illicit possession of 220 grams of explosive.

5. ALLIED AND ITALIAN COURTS - FOGGIA ZONE. Major W.R. Lupton upon assuming the position of Legal Officer for Foggia Zone immediately went into a conference with Comm. Francesco Ventriglia, Procuratore del Regno of Lucera in relation to Allied interest cases, sentences and disposal of cases now pending.

Transportation and communication in the delivery of summons and citations to the Carabinieri in outlying communes for service upon accused persons have now been arranged within the limits of available resources.

Allied interest cases in the Lucera Courts can now be disposed of within 10 days after receipt of the complaint or arrest asserts the Procuratore del Regno.

The number of Allied interest cases on the Lucera Court of Appeal Calendar is 27 but the number is increasing.

Allied interest cases before the Italian Courts have been given first priority and have been disposed of on the whole as expeditiously as Italian forms of procedure permit.

The Procuratori have on the Courts' Calendars approximately 100 Allied interest cases undisposed of and are making a determined drive to deal with them. The Tribunali continue to keep more or less abreast of the influx of work.

The Court of Appeal Lucera is not yet functioning although strenuous efforts have been made by the Allied Commission, the R.L.O. and his officers to bring this about and to complete the complement of judges for this Court. Continued efforts must result in the eventual opening of this Court.

Inclement weather and impassable roads have not permitted contact with Campobasso.

The situation in regard to sentences generally was discussed at great length and the position of the Legal Officer in relation to Allied interest cases was fully explained on the

occasion of a conference held with Procuratori del Regno of Lucera and Foggia and judges of the Tribunali.

Instructions were given to these officials that sentences of deterrent value must be passed, and the Legal Officer, Foggia Zone, expressed the general opinion that only a sentence which involved a period of incarceration could be considered of any deterrent value. The Foggia Zone Courts have recently been exhibiting a tendency to impose small fines.

6. GENERAL REMARKS. There has, as already mentioned, been a recrudescence of complaints from the Military Authorities in most parts of the Region about the working of the Italian Courts. These complaints have been accompanied by demands for more Military Courts. The main cause of these complaints is the practical operation of D.L.L. 194 of 10 August 1944 although there are of course many other causes, not all of which can reasonably be laid at the door of the Italians. Prostitution is not being sufficiently determinedly dealt with by the Italian Courts in the Bari Area and damage to and theft of ammunition in the Nola Area are being dealt with by the Courts in a spirit of some levity.

I am personally travelling to the various centres from which these complaints are coming and am once more trying to extract a satisfactory standard of work from the Courts concerned. Possessing little real power or authority over the Italian Judiciary I am patiently exhorting, explaining and discussing and am receiving promises of immediate improvement. Everything possible will be done to see to it that these promises are implemented. The new First President of the Naples Court of Appeal has given me an assurance of his firm and enthusiastic support and has undertaken, when I ask him to do so, to travel himself ³ in my car to the affected places to add the weight of his authority to the efforts of my officers and myself.

I have yet to interview the new First President of the Court of Appeal in Bari but I shall certainly do my best when I do see him to give him a very adequate idea of our difficulties in that part of Italy.

On the other hand every effort is being made to secure more tangible assistance from the military authorities for the Italian Courts and it is hoped that in future police units will see to it that accused persons and necessary witnesses get to the seat of Court. Already statements

in cases brought by the Military Police are being translated into Italian before being transmitted to the Courts.

In addition I have explained very carefully to all the complaining authorities the various aspects of the Italian Law which have been causing some of the trouble and if, in this direction, I have achieved nothing else I have at least elucidated a number of matters which previously had not been understood. Every complaint has been investigated, a full explanation given of the causes which lie at the root of it and wherever it has been within my power to do so all possible action has been taken or is being taken to eliminate the causes.

LFD/mo

L. F. Dawson

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

ENCLS- Appendices "A", "B", "C", "D", "E" and "F".

Appendix "A"

Regional Chief Legal Officer
 Stationed at HQ Southern Region Lt.Col. L.F. DAWSON

Asst. to Reg. Legal Officer
 Stationed at HQ Southern Region Major E.T. KERR

Officer i/c of certain
 Italian Courts
 stationed at HQ Southern Region 1st Lt. C.C. BANNO

Officer i/c Central
 Prosecuting Office
 stationed at HQ Southern Region 1st Lt. J.J. VOGEL

Judicial Officer AMG Courts
 Naples Military Governm. Area and
 LO Naples Zone
 stationed at HQ Southern Region Major A.E. GOLD

Temporary Duty
 Superior Court Judge, Naples Zone
 stationed at HQ Southern Region Major D.A. ROGERS

Officer i/c of certain Italian
 Courts and having general legal
 duties as and when required to
 be performed Major W.L. Lupton

Officer i/c of certain Italian
 Courts and having general duties
 as and when required to be performed
 Stationed at Bari -
 L.O. Apulia & Calabria Major J.A. BOYD-
 CARPENTER

L.O. Taranto Zone
 Stationed at Taranto Major A.C. GERMAN

Asst. to Major Boyd-Carpenter
 stationed at Bari Major M.B. SETTON

Major F.E. YOUNG
 Major T. GOODACRE
 Major F.J. AULISI

Capt. H.G.J. CHRISTIANS
 Capt. L.G. GREENFIELD
 Lieut. G.J. ROBERTAZZI
 Lieut. F. BALBONI

Attached on temporary duty to BARI ZONE.

APPENDIX "B"

REPORT ON ALLIED MILITARY COURTS FOR THE MONTH OF JANUARY 1945.

A. CASES TRIED AND FINDINGS.

Province of	Summary Court	Superior Court	General Court	TOTALS
	Not Guilty! Guilty!	Not Guilty! Guilty!	Not Guilty! Guilty!	Not Guilty! Guilty!
NAPLES	16 882	2 100	- 1	18 983
TOTAL	16 882	2 100	- 1	18 983

APPENDIX "C"

REPORT ON THE ALLIED MILITARY COURTS FOR THE MONTH OF JANUARY 1945.

B. CONVICTIONS.

	Curfew & Theft & Poss. of Black Market	Viol. of Al. goods	Loot- Poss. of Arms & Am.	Viol. It. Penal Code	Others	TOTALS
Naples	104	573	-	9	-	197
TOTALS	104	573	-	9	-	983

.....
 Signature (Rank) (Official Designation)

APPENDIX "D"

APPENDIX TO REPORT OF JANUARY 1945.

Allied interest cases
in Italian Courts of BARI Province.

	Cases pending 23.12.44	Cases tried 23.12.44 20.1.45	Cases Pending 20.1.45.
Court of Appeal	92	47	107
Tribunale Militare	240	137	180
Tribunale of BARI	66	87	39
Tribunale of TRANI	52	6	44
Tribunale of Minorenni	<u>26</u>	<u>6</u>	<u>32</u>
TOTAL	476	283	462

=====

Note. In addition 60 cases were tried by Preture of BARI. 1 5

APPENDIX " E "A. TRIALS FOR CRIMES COMMITTED AGAINST THE ALLIED FORCES. *Naples Zone.*

	N° of cases	N° of defendants	N° of persons convicted	N° of persons acquitted
1. By PRETURA COURTS	654	657	605	52
2. By TRIBUNALE	216	307	255	49
3. By COURT OF APPEAL	39	47	39	8
4. By JUVENILE COURT	28	32	28	4
5. By MILITARY TRIBUNAL	38	46	32	14
6. TOTALS	975	1089	959	127

B. Analysis of charges, judgement and sentence re. Para "A" above.

I° PRETURA		VIOLATION	JUDGEMENT	SENTENCE
a)	60	Prostitution	guilty	from 500 lire fine to 1 year & 7 mos imp & 8000 lire fine
	42	"	not guilty	Acquitted
b)	20	Sale of wine or food without license	guilty	from 300 lire fine to 1 month imp
	5	" "	not guilty	Acquitted
c)	19	Curfew	guilty	from 100 to 10,000 lire fine
d)	500	Traffic violation	guilty	from 100 to 10,000 lire fine
	"	" "	not guilty	Acquitted
e)	6	Miscellaneous	guilty	from 300 to 1000 lire fine
	6	" "	not guilty	Acquitted

- 2 -

2.	TRIBUNALE	VIOLATION	JUDGEMENT	SENTENCE
a)	77	Theft	guilty	from 8 days imp to 3 years & 1 month imp & 4000 lire fine
b)	17 176	" Receiving Allied stolen goods	not guilty guilty	Acquitted from 200 lire fine to 1 year imp & 60.000 lire fine.
c)	9 2	" " Miscellaneous offences	not guilty guilty	Acquitted from 15.000 lire fine to 6 mos imp.
d)	3 2	" " Corruption	not guilty guilty	Acquitted 6 mos imp & 2000 lire fine
e)	1	Wounding Allied soldier	guilty	2 years imprisonment
3. COURT OF APPEAL				
a)	13	Theft	guilty	from 20 days imp & 1000 lire fine to 4 years, 6 mos imp & 6000 lire fine
b)	4 24	" Receiving stolen Allied goods	not guilty guilty	Acquitted from 5 days imp 1000 lire fine to 8 mos imp. & 10.000 lire fine.
c)	3 2	" " Miscellaneous offences	not guilty guilty	Acquitted from 1 to 8 months imp.
	1	" "	not guilty	Acquitted.
4. JUVENILE COURT				
a)	12	Theft	guilty	from Judicial pardon to 1 year imp. 1200 lire fine
b)	2 16	" Receiving Allied stolen goods	not guilty guilty	Acquitted from Judicial pardon to 6 mos imp. 600 lire fine
	2	" "	not guilty	Acquitted

- 2 -

- 3 -

3. MILITARY TRIBUNAL	VIOLATION	JUDGEMENT	SENTENCE
a) 16	Theft	guilty	from 4 mos to 4 years imprisonment.
I	"	not guilty	Acquitted
b) 13	Receiving Allied stolen goods	guilty	from 1 mo. & 5 days imp. to 5 mos. imp.
II	" "	not guilty	Acquitted
c) 3	Miscellaneous offences	guilty	from 400 lire fine to 6 months imp.
2	" "	not guilty	Acquitted

=====

C. TRIALS FOR OFFENCES NOT AGAINST THE ALLIED FORCES.

	Disposed by Decree	Disposed by Judgement
1. By PRETURA COURT	3325	1135
2. By TRIBUNALE		597
3. By COURT OF APPEAL		248
4. By JUVENILE COURT		84
5. By COURT OF ASSIZE		I
6. TOTALS	3325	2065

=====

D. Arrests and complaints made by the Italian Police for crimes committed against the Allied Forces.

	ARRESTS	COMPLAINTS
1. Illegal Possession of Allied goods	82	62
2. Prostitution	164	110
3. Theft	88	2
4. Curfew	19	
5. Traffic violation	5	514
6. Unauthorised sale	3	14
7. Wounding Allied soldier	2	
8. Harboring desertors	2	
9. Housing Allied soldiers	1	
10. TOTALS	326	702

=====

E. Total number of persons arrested for crimes not against the Allied ForcesN° 735.

APPENDIX "F"

Statistical report for Court of Appeal, Tribunale for Minors and Preture.

I

PRETURECases affecting Allied interests

1	No. of cases pending on 23 Dec 44 in 87 Preture of Tribunale Districts of Naples, Ariano Irpino, Avellino, Benevento, Salerno, S. Maria C.V., S. Angelo dei Lombardi (except Naples Comune)	83	
2	No. of cases pending on 23 Dec 44 in Pretura, Naples Comune	<u>366</u>	
3	Total wases pending in all Preture		449
4	No. of cases received during period in all Preture (except Naples Comune);	316	
5	No. of cases received by Pretura Naples Comune (except curfew and traffic cases)	78	
6	No. of traffic cases received Naples Comune	503	
7	No. of cases (curfew) received Naples Comune.	<u>19</u>	
8	Total cases received during period		600
9	Total of all cases pending and received during period		1049
10	NO. of cases tried by Courts or otherwise disposed of (except Naples Comune)	304	
11	No. of cases tried or otherwise disposed of by Pretura Naples Comune	<u>975</u>	
12	Total number of cases tried or otherwise disposed of all Preture		1279

13. No. of cases pending on Jan. 20/45 at Preture (except Pretura Naples Comune)	95	
14. No. of cases pending on Jan. 20/45, Pretura Naples Comune	<u>295</u>	
15. Total cases pending on Jan. 20/45, all Preture		390

II

PRETURECases NOT affecting Allied interests

1 No. of cases pending on 23 Dec'44 in 87 Preture of Tribunali Districts of Naples, Avellino, Ariano Irpino, Benevento, Salerno, S.Maria C.V., S.Angelo dei Lombardi(except Naples Comune)	13023	
2 No. of cases pending on 23 Dec 44 in Pretura, Naples Comune	<u>3249</u>	
3 Total cases pending in all Preture		16272
4 No. of cases received during period in all Preture (except Naples Comune)	5167	
5 No. of cases received by Pretura Naples Comune	<u>4948</u>	
6 Total cases received during period		10115
7 Total of all cases pending and received during period		26387
8 No. of cases tried by Courts or otherwise disposed of (except Naples Comune)	5258	
9 No. of cases tried or otherwise disposed of by Pretura Naples Comune	<u>4736</u>	
10 Total number of cases tried or otherwise disposed of all Preture		9994

11	No. of case pending on Jan. 20/45 all Preture (except Pretura Naples Comune)	12932	
12	No. of cases pending on Jan. 20/45, Pretura Naples Comune	<u>3461</u>	
13	Total cases pending on Jan. 20/45, all Preture.		16393

III
COURT OF APPEAL, NAPLES
 Cases affecting Allied interests.

1	No. of cases pending on 23 Dec. 44	137	
2	No. of cases received during period	45	
3	Total received and pending during period		182
4	No. of cases tried during period		39
5	Total pending on Jan. 20/45		145

IV
COURT OF APPEAL, NAPLES
 Cases NOT affecting Allied interests

1	No. of cases pending on 22 Dec. 44	1132	1132
2	No. of cases received during period	<u>191</u>	
3	Total received and pending during period		1323
4	No. of cases tried during period		<u>248</u>
5	Total pending on Jan. 20/45		1075
6	No. of cases pending "istruzione"	6	
7	No. of cases pending Procura Generale	60	
8	Total "istruzione" and Procura Generale		66
8	Total cases pending on Jan. 20/45		1141

V

TRIBUNALE OF MINORSCases affecting Allied interests

1	No. of cases pending on 23 Dec. 44	35
2	No. of cases received during period	<u>23</u>
3	Total received and pending during period	58
4	No. of cases tried during period	28
5	Total pending on 20 Jan. 45	

VI

TRIBUNALE OF MINORSCases NOT affecting Allied interests

1	No. of cases pending on 23 Dec. 44	323
2	No. of cases received during period	<u>35</u>
3	Total received and pending during period	358
4	No. of cases tried during period	<u>84</u>
5	Total pending on 20 Jan. 45	274

VII

MILITARY TRIBUNALE

1	No. of cases pending on 23 Dec. 44	233
2	No. of cases received during period	109
3	Total received and pending during period	342
4	No. of cases tried or otherwise disposed of	47
5	Total pending on 20 Jan. 45	295.

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

I-2000

2 January 1945

SUBJECT: Report on work of the Legal Division,
Southern Region, for the month of December 1944.

TO : Chief Legal Advisor, Legal Sub-Commission,
Allied Commission, E.C.

1. STAFF. There is attached as Appendix "A" a list of Legal Officers stationed in Southern Region. Major W. Lupton was assigned on temporary duty to Bari Zone. Major W.R. Kane's temporary assignment terminated at Bari Zone. Capt. Donald A. Rogers was assigned on temporary duty to Naples Zone. Major Cotes-Predy was assigned on temporary duty at Lecce.

2. ESTABLISHMENT OF PERMANENT MILITARY COURTS.
Full publicity and propaganda continue to keep before the public eye the setting-up of permanent Allied Military Courts in certain portions of Bari Zone. Explanations as to the purposes of the aforesaid Courts, and references to individual cases, have been undertaken through the Bari branch of P.W.B. This organization has arranged extensive publicity in the press and on BARI Radio, and has given full and helpful co-operation.

3. It is not possible to give statistics of the effect on crime in this area of the opening of the Military Courts, as no complete criminal statistics exist. It is, however, the opinion of the police agencies concerned that offences against Allied property have already begun to diminish, slightly in Bari and very noticeably in Bitonto. In the latter town it has become the practice for W.D. property, some of which has probably been in the possession of civilians for some time, to be left on the streets in considerable quantities.

Dawson is emulating Anderson in patting himself
on the back!!

4. A case of more than usual interest was the trial of 33 persons before the Bari Superior Court on 14 and 15 December 1944 in connection with the theft and subsequent disposal for Black Market purposes of more than 1 1/2 tons of British Army Sugar. Against two of the accused the prosecution offered no evidence, but the remaining 31 pleaded guilty. Sentences include 2 of 6 years imprisonment and 3 of 5 years, or a total of 74 years imprisonment and 95,000 lire fines.

5. Difficulty has been encountered by reason of the limits imposed on the type of case which A.M. Courts have jurisdiction to try. A frequent cause of difficulty is the co-existence of charges some within and some outside these limits, such as bribery and assault. Representations on this point, as also in connection with trial of prostitution offences have already been submitted.

6. COURTS ALLIED AND ITALIAN - NAPLES ZONE. During the period under review 1700 reports of arrests were received by the Legal Office, Naples Zone, 1567 of the said arrests were of a minor nature and were referred to the Italian Courts for disposition.

7. A total of 79 cases was brought before the Military Courts of which 51 were finally disposed of. In the said total 245 accused were involved.

8. Mussolino Salvatore, Italian youth of 15 years, was tried before a General Court for the unlawful killing of a British sailor. The said youth was found guilty and received a sentence of 25 years imprisonment.

9. With reference to the previous monthly report five former employees of the Allied Forces were convicted of forging prison release warrants. Sentences ranging from 5 to 7 years imprisonment were passed and this particular kind of "racket" has now been successfully broken up.

10. Capt. Donald A. Rogers has been temporarily assigned to Naples Zone as an additional Superior Court Judge due to the increasing number of cases to be heard.

11. With respect to cases affecting Allied interests and as indicated in last month's report, the Italian Courts, on the whole, are operating on a current docket, to wit, there

is the same or, in fact, a smaller number of Allied cases pending as of December 23, 1944, than were received during the period covered by this report. It is true that one or two Courts have a slightly larger number of cases pending than were received during this period, but it is equally true that other Courts have fewer cases pending than were received. For example while Salerno Tribunale received 98 cases and has 232 cases pending and S. Maria C.V. Tribunale received 99 cases and has 168 pending, Naples Tribunale received 374 cases, but has 189 cases pending. Together all Tribunali have 622 cases pending as compared with 600 cases received. The Preture together received 1474 cases, but have pending only 449 cases. It is of interest to note that the Court of Appeal has 137 cases pending after having received 107 cases; the Tribunale for Minors received 62 cases and has 35 cases pending. SOME INTERESTING COMPARISONS: Received by all Tribunali, period preceeding this current period, 237 Allied cases. Received this period 600 cases. Disposed of by all Tribunali in previous period, 166 cases. Disposed of this period, 462. Received by all Preture in previous period, 893 cases. Received this period, 1474. Cases disposed of by all Preture, 1020. Disposed of this period, 1422.

12. GENERAL POSITION IN THE ITALIAN COURTS - BARI AND TARANTO ZONES. The total of Allied cases pending in the Italian Courts in Bari Zone shows another substantial reduction. It is considered that no further reduction can be expected except in the case of the Tribunale Militare.

13. As already reported both the Magistrates and clerks associations of the Bari Court of Appeal District 33 have announced that they will meet on 5 January 1945 to consider the reply (if any) of the Minister of Grace and Justice to their request for an increase in their wholly inadequate salaries. The Clerks Association have further stated that if a satisfactory reply is not received they will strike w.e.f. 7 January 1945, but that they will continue to work on Allied interest cases.

14. Neither the new First President of the Court of Appeal nor the new Procuratore Generale has yet arrived in Bari.

15. The most important defect in the working of the Italian Courts so far as Allied Interest cases are concerned is the trial of offences relating to prostitution. These cases are mainly tried by the First Pretore of Bari and his assistants. His punctilious observance of the rules of Italian procedure, aggravated by D.L. 194 of 1944, has resulted in persons being at liberty after several convictions for offences relating to prostitution. Police agencies are perturbed at the situation, and state that the V.D. rate in Bari is rising.

16. The Legal Officer, Taranto Zone, reports for a period of 35 days 474 cases disposed of by the Courts of Taranto, Brindisi and Lecce. For the same mentioned period 807 cases remain to be tried.

17. This officer expresses satisfaction with the work of the Tribunale Civile and Tribunale Militare, Taranto, although he disagrees with the Tribunale Militare upon the question of adequacy of sentences. Major German states that pressure on these Courts will continue but he feels they are now doing their best to assist.

18. He is dissatisfied with the Brindisi Courts. It is felt that the Italian Officials there are not performing their duties to the utmost of their ability and that they do not show any great desire to co-operate. An example of failure to co-operate is as follows:-

Inquiry Forms were forwarded to satisfy the Legal Officer on the position of various cases in exactly the same manner as that in which they were sent to all other Courts from all of which latter satisfactory replies were received. The Chancellor of Brindisi, however, returned all the forms stating that he could not give the required information unless he was provided with the name of the father and mother of each accused! Major German has since shown the Chancellor from his own books how easily he could have provided the required information.

19. An example of sentences imposed by the Italian Courts of Taranto is as follows:

Alfonso Ligorio - 5 years, 4 months, 10 days imprisonment;
Angelo Cicciello - 5 years, 4 months, 10 days imprisonment;

Mario Coloso - 3 years imprisonment, 3,000 lire fine;
 Valdo Lo Papa - 4 years imprisonment, 10,000 lire fine;
 Nicola Maturano - 2 years imprisonment, 5,000 lire fine;
 Raffaele Alessio - 3 years imprisonment, 10,000 lire fine;
 Carlo Merca - 2 years imprisonment, 10,000 lire fine;
 Ciro Ciccia - 2 years imprisonment;
 Giovanni Papa - 2 years imprisonment, 7 months imprisonment.

20. IN a campaign to discourage crimes against Allied interests wide publicity in the Italian newspapers gave the aforementioned sentences considerable space.

21. Tribunale Civile and Tribunale Minorenni of Lecce give no particular cause for concern apart from the fact that Major German continually endeavours to persuade Tribunale Minorenni to decrease the number of suspended sentences on minors in view of the prevalence of thefts and the manner in which minors are employed by their parents to commit these crimes.

22. The Tribunale Militare, however, will not do their best unless under constant supervision and with continual driving. Major German went over about a fortnight ago and gave certain of the officials a very straight talk - with the result that the number of cases heard in the subsequent week exactly equalled the total number heard during the previous three weeks. In addition Major Cotes-Freedy has, thanks to the helpful attitude of the D.C.L.A. been assigned for temporary duty to Lecce.

23. The R.A.F. have arrived in a certain place and have requisitioned the premises of the local Tribunale Militare. This of course led to some dissatisfaction but Major German and the Town Major acting together were able to find other suitable premises for the Court and peace and concord were re-established.

24. GENERAL REMARKS. Looking back over the whole period since my assumption of duty here I think I have cause to be satisfied with the work accomplished by the Legal Division of this Region. The period has been one of re-organiza-

tion, steady cleaning-up and consolidation of the results achieved. The work of the Italian Courts has, upon the whole, been brought up to a standard beyond which I do not feel it is reasonable nor even possible to attempt to press them. Complaints against them by the various services have fallen off very considerably and there have even been signs of satisfaction on the part of certain of the Military Authorities with the work they are doing.

Close co-operation with the Royal Navy, Army and Royal Air Force in the matter of staffing Military Courts has been established and their complaints, once so disturbingly numerous, against the manner in which the Military Courts were doing their work have practically ceased.

There is no question that the setting-up of Allied Military Courts in the Bari Zone has had a salutary effect upon all concerned and the officers staffing them are doing an excellent job. Under Major Boyd-Carpenter they are working as a very efficient team and are producing good results.

I wish in this, the last report of the year 1944 to place on record my high appreciation of the manner in which all my officers and other personnel have performed their duties and have addressed themselves to the performance of a task at once formidable in its proportions and always difficult and often delicate in its performance.

22



L.F. DAWSON,
Lieut. Colonel, G.I.,
Reg. Legal Officer
Southern Region, A.C.

LFD/mo

ENCLOS-

Appendices

"A"- "B"- "C"- "D"- "E"- "F".

Appendix "A"

Regional Chief Legal Officer
 Stationed at HQ Southern Region Lt.Col.L.F. DAWSON

Asst. to Reg.Chief Legal Officer
 Stationed at HQ Southern Region Capt. E.T. KERR

Officer i/c of certain
 Italian Courts
 stationed at HQ Southern Region 1st Lt. C.C.BANNO

Officer i/c Central
 Prosecuting Office
 stationed at HQ Southern Region 1st Lt.J.J.VOGEL

Judicial Officer AMG Courts
 Naples Military Governm. Area and
 LO Naples Zone
 stationer at HQ Southern Region Capt. A.E. GOLD

Temporary Duty
 Superior Court Judge, Naples Zone
 stationed at HQ Southern Region Capt. D.A. ROGERS

Officer i/c of certain Italian
 Courts and having general duties as
 and when required to be performed
 stationed at Bari
 L.O. Apulia and Calabria Maj.J.A. BOYD-CARPENTER

L.O. Taranto Zone
 stationed at Taranto Maj. A.C. GERMAN

Asst. to Major Boyd-Carpenter
 stationed at Bari Major M.B. SETTON

oooooooooooooooo

Major F.E. YOUNG
 Major T. GOODACRE
 Major P.D. COTES-PREEDY

Capt. F.J. AULISI
 Capt. H.G.J. CHRISTIANS
 Capt. L.G. GREENFILED

Lieut. G.J. ROBERTAZZI
 Lieut. F. BALBONI

Attached on temporary duty to BARI ZONE.

APPENDIX "B"

REPORT ON ALLIED MILITARY COURTS FOR THE MONTH OF DECEMBER 1944.

A. CASES TRIED AND FINDINGS.

Evidence of	Summary Court		Superior Court		General Court		TOTALS	
	Not Guilty	Guilty	Not Guilty	Guilty	Not Guilty	Guilty	Not Guilty	Guilty
MADES	11	1062	3	126	-	1	14	1189
	11	1062	3	126	-	1	14	1189
TOTALS	11	1062	3	126	-	1	14	1189

APPENDIX "C"

B4
C3

REPORT ON THE ALLIED MILITARY COUNTS FOR THE MONTH OF DECEMBER 1944.

B. CONVICTIONS.

Province of	Carfew & Theft & Viol. Poss. of Al. Goods	Black Marketing	Loat- ing	Poss. of Arms & Am. Code	Viol. Lit. Penal Code	Others	TOTALS
NAPLES	97	998		10		184	1189
TOTALS	97	998		10		184	1189

.....
 Signature (Rank) (Official Designation)

APPENDIX "D"

Allied Interest Cases, BARI PROVINCE.

	CASES PENDING <u>18-11</u>	CASES TRIED <u>18-11-23-12</u>	CASES PENDING <u>23-12</u>
Court of Appeal	73	46	92
Tribunale Militare	307	262	240
Tribunale Bari	141	110	66
Tribunale Trani	59	13	52
Tribunale Minori	20	19	26
TOTALS	600-	450	476

Note. In addition 79 cases were tried by Pretori.

APPENDIX "E"

TRIALS FOR CRIMES COMMITTED AGAINST THE ALLIED FORCES.

	N. of cases tried	N. of defen- dants	N. of per- sons con- victed	N. of per- sons acquit- ted
A.				
1. By PRETURA Courts	1048	1062	914	148
2. By TRIBUNALE	308	382	336	46
3. By COURT OF APPEAL	51	66	55	11
4. By JUVENILE COURT	44	55	47	8
5. By MILITARY TRIBUNAL	11	17	10	7
6. TOTALS	1462	1582	1362	220

B.

Analysis of charges, judgement and sentences ref. Para A. above.

I)	<u>PRETURA</u>	<u>VIOLATION</u>	<u>JUDGEMENT</u>	<u>SENTENCE</u>
a.	54	Curfew	guilty	from 80 lire to 5000 lire fine
b.	619	Traffic viola=	guilty	from 80 lire to 5000 lire fine
	14	" "	not guilty	acquitted
c.	146	Prostitution	guilty	from 11 days imp. to 1 year and 10 ms. imp. and 10,000 lire fine
	86	" "	not guilty	acquitted
d.	I	Receiving Al- lied stolen goods	guilty	500 lire fine
	I	" "	not guilty	acquitted
e.	83	Sale of wine or cooked food to all. soldier	guilty	from 800 to 3000 lire fi- ne
	47	" "	not guilty	acquitted
g.	10	Miscellaneous offences	guilty	from 300 lire fine to 8 months imp.
h.	I	Theft	guilty	18 months imp. and 5000 lire fine.

(2)

<u>TRIBUNALE</u>	<u>VIOLATION</u>	<u>JUDGEMENT</u>	<u>SENTENCE</u>
a. 84	Theft	guilty	from 10 days imp. to 3 years imp. and 5000 lire fine
b. 238	" Receiving Allied stolen goods	Not guilty	acquitted from 500 lire fine to 3 years imp. and 4000 lire fine
c. 36	" "	guilty	acquitted
4	Miscellaneous offences	not guilty	from 1000 lire fine to 6 months imp.
3	" "	guilty	acquitted

3).

COURT OF
APPEAL

a. 3	Theft	guilty	from 15 days imp. to 6 months imp. and 1000 lire fine
b. 51	" Receiving Allied stolen goods	not guilty guilty	acquitted from 500 lire fine to 10 months imp. and 1000 lire fine
c. 10	" "	not guilty	acquitted
I	Illegal sale of Allied goods	guilty	2 months imp. and 4000 lire fine

4).

JUVENILE
COURT

a. 27	Theft	guilty	from Judicial pardon to 1 year imp. & 1000 lire fine
b. 5	"	not guilty	acquitted
20	Receiving Allied stolen goods	guilty	from Judicial pardon to 6 ms. imp & 600 L. fine
3	" "	not guilty	acquitted

(3)

MILITARY TRIBUNAL	<u>VIOLATION</u>	<u>JUDGEMENT</u>	<u>SENTENCE</u>
a. 9	Theft	guilty	from 1 month and 5 days imp. to 5 years and 6 months imp.
b. 7 I	" Stopping in war zone	not guilty guilty	acquitted 1 month imprisonment.

C.

TRIALS FOR OFFENCES NOT AGAINST ALLIED INTERESTS.

	Disposed of by Decree	Disposed of by Judgement
1. PRETURA	6036	1902
2. TRIBUNALE		1243
3. COURT OF APPEAL		535
4. JUVENILE COURT		47
5. COURT OF ASSIZE		2
6. TOTALS	6036	3729

(4)

ARRESTS & COMPLAINTS MADE BY ITALIAN POLICE FOR CRIMES COMMITTED
AGAINST ALLIED FORCES

	ARRESTS	COMPLAINTS
1. Illegal possession Allied goods	118	100
2. Prostitution	158	460
3. Theft	169	5
4. Curfew	72	
5. Traffic violation		970
6. Illegal sale of wine or cooked food to Allied soldiers	9	16
7. Obstructing arrests	1	
8. Housing desertors	4	
9. Housing Allied soldiers	2	1
10. STOPPING IN PROHIBITED zone	4	
11. Counterfeit prisoners releasing tickets	15	14
12. Counterfeit pass or documents	3	
13. Stabbing Allied soldiers	1	
14. Counterfeit Allied Money	15	
=====		
15. TOTALS	571	1566

E.

Total N° of persons arrested by Italian Police for crimes not against
Allied ForcesN° 1001

APPENDIX "F"

Statistical report for Court of Appeal, Tribunale for Minors
and Preture.

I

PRETURE

Cases affecting Allied interests .

1. No. of cases pending on 19 Nov. 44 in 87 Preture of Tribunale Districts of Naples, Ariano Irpino, Avellino, Benevento, Salerno, S. Maria C.V., S. Angelo dei Lombardi (except Naples Comune)	81	
2. No. of cases pending on 19 Nov. 44 in Pretura, Naples Comune	<u>318</u>	
3. Total cases pending in all Preture		399
4. No. of cases received during period in all Preture (except Naples Comune)	353	
5. No. of cases received by Pretura Naples Comune (except curfew and traffic cases)	434	
6. No. of traffic cases received Naples Comune	633	
7. No. of cases (curfew) received Naples Comune	<u>54</u>	33
8. Total cases received during period		1474
9. Total of all cases pending and received during period		1873
10. No. of cases tried by Courts or otherwise disposed of (except Naples Comune)	349	
11. No. of cases tried or otherwise disposed of by Pretura Naples Comune	<u>1073</u>	
12. Total number of cases tried or otherwise disposed of all Preture		1422

13. No. of cases pending on Dec. 23 all
Preture (except Pretura Naples
Comune)

83

14. No. of cases pending on Dec. 23,
Pretura Naples Comune

366

15. Total cases pending on 23 Dec.,
all Pretura.

449

II

PRETURECases NOT affecting Allied interests

1. No. of cases pending on 19 Nov 44
in 87 Preture of Tribunale Districts
of Naples; Ariano Irpino, Avellino,
Benevento, Salerno, S. Maria C.V.,
S. Angelo dei Lombardi (except Naples
Comune)

14291

2. No. of cases pending on 19 Nov. 44
in Pretura, Naples Comune

4018

3. Total cases pending in all Preture

18309

4. No. of cases received during period
in all Preture (except Naples Comune)

6463

5. No. of cases received by Pretura
Naples Comune

7954

6. Total cases received during period

14417

7. Total of all cases pending and
received during period

32726

8. No. of cases tried by Courts or otherwise
disposed of (except Naples Comune)

7692

9. No. of cases tried or otherwise
disposed of by Pretura Naples Comune

8723

10. Total Number of cases tried or otherwise
disposed of all Preture

16415

- | | | |
|---|-------|-------|
| 11. No. of cases pending on Dec. 23 all Preture (exc Pretura Naples Comune | 13062 | |
| 12. No. of cases pending on Dec. 23, Pretura Naples Comune | 3249 | |
| 13. Total Cases pending on Dec. 23, all Preture | | 16311 |

III

COURT OF APPEAL, NAPLESCases affecting Allied interests

- | | | |
|---|------------|-----------|
| 1) No. of cases pending on 19Nov. 44 | 79 | |
| 2) No. of cases received during period | <u>107</u> | |
| 3) Total received and pending during period | | 186 |
| 4) No. of cases tried during period | | <u>49</u> |
| 5) Total pending on Dec. 23 | | 137 |

IV

COURT OF APPEAL, NAPLESCases NOT affecting Allied interests

- | | | |
|--|------------|------------|
| 1) No. of cases pending on 19 Nov. 44 | 1353 | |
| 2) No. of cases received during period | <u>314</u> | |
| 3) Total received and pending during period | | 1667 |
| 4) No. of cases tried during period | | <u>535</u> |
| 5) Total pending on Dec. 23 | | 1132 |
| 6) No. of cases pending " istruzione " | 7 | |
| 7) No. of cases pending Procura Generale | <u>34</u> | |
| 8) Total " istruzione " and Procura Generale | | 41 |
| 9) Total cases pending on Dec. 23 | | 1137 |

V

TRIBUNALE OF MINORSCases affecting Allied interests

1) No. of cases pending on 19 Nov. 44	20
2) No. of cases received during period	<u>62</u>
3) Total received and pending during period	82
4) No. of cases tried during period	<u>47</u>
5) Total pending on Dec. 23	35

VI

TRIBUNALE OF MINORSCases NOT affecting Allied interests

1) No. of cases pending on 19 Nov. 44	342
2) No. of cases received during period	<u>126</u>
3) Total received and pending during period	468
4) No. of cases tried during period	<u>145</u>
5) Total pending on Dec. 23	323

VII

MILITARY TRIBUNALE

This Court disposed of 10 cases affecting Allied interests.

ALLIED COMMISSION
LEGAL OFFICE

REF: 13/156/2/5148

SUBJECT: Monthly Report.

TO : R.C.L.O., Southern Region A.C., Naples (in duplicate)

25 Dec 44

1. Period Covered.

Forwarded herewith is monthly report by L.C. Anulim & Calabria covering period since report submitted under reference 13/LC/2/6197 of 24.11.44. Report is submitted later than usual in the month in order to include statistics of Italian Courts in BARI Province as at midnight on 23rd Dec. which were not submitted until 26 December owing to the closure of Italian Court offices over Xmas. This delay was accepted by R.C.L.O. on his recent visit in order that statistics should be up to date.

2. Personnel.

Since date of my above mentioned report, following changes have taken place in personnel:

- (i) Major W. Luntton has arrived;
- (ii) Major W.A. Ware has left;
- (iii) Major P.D. Cotes-Predy has left. Authority

has however been obtained to intercent, this officer when he arrives, and employ him on duties in connection with Italian Courts at BARI. (See also para 4 (ii), infra).
Assignments of personnel remain as set out in para 2 of my last report, except that Major Luntton has taken the place of Major Cotes-Predy as Summary Court Judge at BIRTONTO. Until the work available for that Court is sufficient to justify employment of an officer full-time on those duties Major Luntton also assists in the work of the Prosecuting Branch. Major Goodacre has taken over, in addition to his other duties, liaison work with police and military at BIRTONTO previously done by Major HARE.

3. Allied Military Courts.

- (i) Allied Military Superior Courts were formally opened at BARI and BIRTONTO on 24 November. A short ceremony attended by Zone Commissioner at both places and also by H.C. the Prefect at BARI marked the openings. One case was in the list at each town, but that at BIRTONTO was adjourned at request of accused. The Courts did NOT begin to sit regularly until the following week.
- (ii) Superior and Summary Courts at BARI have since...

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1. Period Covered.

Forwarded herewith is monthly report by L.C. Apulia & Calabria covering period since report submitted under reference HQ/LC/4/6157 of 24.11.44. Report is submitted later than usual in the month in order to include statistics of Italian Courts in EMI Province as at midnight on 23rd Dec. which were not submitted until 20 December owing to the closure of Italian Court offices over Xmas. This delay was accepted by R.C.L.C. on his recent visit in order that statistics should be up to date.

2. Personnel.

Since date of my above mentioned report, following changes have taken place in personnel:

- (i) Major T. Lupton has arrived;
- (ii) Major W.H. Hare has left;
- (iii) Major F.D. Cotes-Predy has left. Authority has however been obtained to intercept this officer when he arrives, and employ him on duties in connection with Italian Courts at BAFI. (See also para 4 (ii), infra).

The last two arrived and 4 then transferred to BAFI (para 4 (ii) of my last report, except that Major Lupton has taken the place of Major Cotes-Predy as Summary Court Judge at BAFI. Until the work available for that Court is sufficient to justify employment of an officer full-time on those duties Major Lupton also assists in the work of the Prosecuting Branch. Major Goodacre has taken over, in addition to his other duties, liaison work with police and military at BAFI previously done by Major HARE.

3. Allied Military Courts.

- (i) Allied Military Superior Courts were formally opened at BAFI and BAFI on 24 November. A short ceremony attended by Lord Commissioner at both places and also by H.E. the Prefect at BAFI marked the openings. One case was in the list at each town, but that at BAFI was adjourned at request of accused. The Courts did NOT begin to sit regularly until the following week.
- (ii) Superior and Summary Courts at BAFI have since sat regularly, as has Superior Court at BAFI. There has been insufficient work to justify more than 2 sittings a week of the Summary Court at BAFI. This has been mainly due to the stopping of searching of houses in BAFI which took place at request of HQs 54 Area and of CC Troops BAFI after the disturbances in that town on Dec 3rd. It is also due to the greater convenience

of trial in BARI having regard to transport difficulties which causes the police agencies concerned to bring into BARI cases which equally well be tried in MILANO. It is however understood that as the result of the police arrangements made by Major BARI prior to his departure and of the relaxation of the restriction on searches, the volume of work in MILANO will shortly increase. Statistics of numbers of cases tried from opening of Courts until date of this report are annexed as Appendix A.

(iii) Publicity for opening of A.M. Courts, explanation of purpose of them, and with reference to individual cases, has been undertaken through BARI branch of P.M.C. This organisation has arranged extensive publicity in press and on BARI Radio, and has given full and helpful co-operation.

(iv) It is not possible to give statistics of effect on crime in this area of opening of Military Courts, as no complete criminal statistics exist. It is however the opinion of the police agencies concerned that offences against Allied property have already begun to diminish, slightly in BARI and very noticeably in MILANO. In the latter town it has now become the practice for M.D. property, some of which has probably been in the possession of civilians for some time, to be left on the streets in considerable quantities. Lieut. BUSBY, R.N.F., who commands a platoon on duty in MILANO told me that a day or two ago he found 345 cartridges in the street, and added that he was considerably embarrassed by the question of disposal of the large quantity of assorted M.D. property picked up similarly by his men. This includes new clothing and ammunition components. This would appear to indicate that in MILANO at any rate it has at long last become apparent to the population that the possession of M.D. property involves elements of risk. It may be added that according to Italian officials MILANO has in normal times a reputation for crime unequalled in Italy for any town of similar insignificance. Your L-4091 of 11.12.44 also refers to this question.

(v) An individual case of more than usual interest was the trial of 33 persons before the BARI Superior Court on 14 and 15 December in connection with the theft and subsequent disposal of Black Market purchases of slightly more than 14 tons of British Army sugar. Against two of the accused the prosecution offered no evidence, but the remaining 31 pleaded guilty. Sentences include 2 of 6 years imprisonment and 3 of 5 years, and amount in all to a total of 71 years imprisonment and 95,000 lire fines.

(vi) Some difficulty has been encountered by reason of the limits imposed on type of case which A.M. Courts have jurisdiction to try. A frequent cause of difficulty is the co-existence of charges within these limits with important charges not within these limits, such as bribery or assault. Representations on this point, as also in connection with trial of prostitution offences (see para 4 (xii)) have already been

pose of them, and with reference to individual cases, has been undertaken through BARI branch of P.C.E. This organization has arranged extensive publicity in press and on BARI Radio, and has given full and helpful co-operation.

(iv) It is not possible to give statistics of effect on crime in this area of workings of Military Courts, as no complete criminal statistics exist. It is however the opinion of the police agencies concerned that offences against Allied property have already begun to diminish, slightly in BARI and very noticeably in BITONTO. In the latter town it has now become the practice for M.D. property, some of which has probably been in the possession of civilians for some time, to be left on the streets in considerable quantities. Lieut. BUSBY, R.A.F., who commands a platoon on duty in BITONTO told us that a day or two ago he found 345 cartridges in the street, and added that he has considerably embarrassed by the question of disposal of the large quantity of assorted M.D. property picked up similarly by his men. This includes new clothing and ammunition components. This would appear to indicate that in BITONTO at any rate it has at long last become apparent to the population that the possession of M.D. property involves elements of risk. It may be added that according to Italian officials BITONTO has in normal times a reputation for crime unequalled in Italy for any town of similar insignificance. Your L-4091 of 11.12.44 also refers to this question.

(v) An individual case of more than usual interest was the trial of 33 persons before the BARI Superior Court on 14 and 15 December in connection with the theft and subsequent disposal for Black Market purposes of slightly more than 1½ tons of British Army sugar. Against two of the accused the prosecution offered no evidence, but the remaining 31 pleaded guilty. Sentences include 2 of 6 years imprisonment and 3 of 5 years, and amount in all to a total of 71 years imprisonment and 95,000 lire fines.

(vi) Some difficulty has been encountered by reason of the limits imposed on type of case which A.M. Courts have jurisdiction to try. A frequent cause of difficulty is the co-existence of charges within these limits with important charges not within these limits, such as bribery or assault. Representations on this point, as also in connection with trial of prostitution offences (see para 4 (iii)) have already been submitted.

4. Italian Courts.

(i) The total of Allied cases pending in the Italian Courts in BARI Province show another substantial reduction. Figures appear as Appendix B to this report. Given the dilatory

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nature of Italian procedure with the consequence of a certain number of cases always being overlooked in the meshes of the istruttoria process, it is NOT considered that any further very great reduction can be expected except in the case of the Tribunale Militare.

PCN

(ii) Capt. German has reported that the Tribunale Militare of Lecce (technically a detached section of the Tribunale Militare of TARANTO) is falling into arrears in its work, and is making little effort to improve its position. On December 15th 284 cases were pending at this small and relatively unimportant Court. Consequently authority has been obtained to detach Major Gotes-Fredy to check to supervise this Court as well as the Detached Section Court of Ancona, Tribunale, and Tribunale of Vinorena there. See on this point Captain German's report dated 17.12.44

(iii) Only Court not dealt with in Appendix B or in Captain German's above mentioned report which tried important numbers of Allied Interest cases is Tribunale Militare of CATANZARO. Figures in respect of this Court appears as Appendix C.

(iv) Statistical reports are now being received in respect of all Tribunale in my area. The number, however, of Allied Interest cases pending at or tried by Courts other than those referred to above is so insignificant that it is NOT considered worth while attaching them to this report.

(v) As already reported ^{Both} the Magistrates and Clerks associations of the Bari Court of Appeal District have announced that they will meet on 3th of January 1945 to consider the reply (if any) of the Minister of Pardon and Justice to their request for an increase in their wholly inadequate salaries. The Clerks association have further stated that if a satisfactory reply is NOT received they will strike w.e.f. 7th January 1945, but that they will continue to work on Allied interest cases.

(vi) As already reported 52 persons are in CATANZARO gaol and 36 at liberty awaiting trial by Tribunale Militare of CATANZARO in connection with an alleged Fascist conspiracy. The Procuratore Militare hopes to conclude the instruction stage during the present month.

(vii) Person referred in para 5 (viii) of my report dated 23 November, KONSERLO, Nicola, was sentenced to 9 months imprisonment by the Tribunale of Bari on 1st December 1944.

(viii) A former employee of HQS 54 Area is awaiting trial by Tribunale of Bari on charges ~~of~~ ^{being} out of his alleged intervention with the Tribunale Militare of Bari during which he is stated to have purported to act in the name of the Allied authorities.

NT 11 (ix) Neither the new First President of the Court of Appeal nor the new Procuratore Generale have yet arrived in Bari.

and is making little effort to improve its position. On December 15th 264 cases were pending at this small and relatively unimportant Court. Consequently authority has been obtained to designate Major Gotes-ready to take over supervise this Court as well as the Detached Section Court of Appeal, Tribunale, and Tribunale of Minorenni there. See on this point Captain German's report dated 17.12.44

(iii) Only Court not dealt with in Appendix B or in Captain

German's above mentioned report which tried important numbers of Allied Interest cases is Tribunale Militare of CATANZARO. Figures in respect of this Court appears as Appendix C.

(iv) Statistical reports are now being received in respect of all Tribunali in my area. The number, however, of Allied Interest cases pending at or tried by Courts other than those referred to above is so insignificant that it is not considered worth while attaching them to this report.

(v) As already reported ¹¹³ Both the Registrars and Clerks associations of the Court of Appeal District have announced that they will meet on 5th of January 1945 to consider the reply (if any) of the Minister of Pardon and Justice to their request for an increase in their wholly inadequate salaries. The Clerks association have further stated that if a satisfactory reply is not received they will strike w.e.f. 7th January 1945, but that they will continue to work on Allied interest cases.

(vi) As already reported 52 persons are in CATANZARO gaol and 36 at liberty awaiting trial by Tribunale Militare of CATANZARO in connection with an alleged Fascist conspiracy. The Procuratore Militare hopes to conclude the instruction stage during the present month.

(vii) Person referred in para 5 (viii) of my report dated 23 November, CONSERIO, Nicola, was sentenced to 9 months imprisonment by the Tribunale of Bari on 1st December 1944.

(viii) A former employee of HQs 54 Area is awaiting trial by Tribunale of Bari on charges ¹¹³ ~~of~~ out of his alleged intervention with the Tribunale Militare of Bari during which he is stated to have purported to act in the name of the Allied authorities.

(ix) Neither the new First President of the Court of Appeal nor the new Procuratore Generale have yet arrived in Bari.

(x) An arrangement made by Acting First President of Court of Appeal for opening of new Judicial Year on January 8th, 1944 with consequent closing of Courts from 1st to 8th January, was cancelled on representations from this HQs. Formal opening, to which Zone Commissioner and representatives of principal military authorities in Bari have been invited, will now take place on January 2nd, 1945.

(xi) proceedings have been started by Proc atore del Regno BARI in respect of 10 persons, 4 of whom are still in hospital, charged with offences in connection with disturbances at ELTONIC on 3 Dec. This HQS is of the opinion, which is shared by HQS 54 Area, that, inter alia for reasons of evidence, this case is one best left to the Italian Courts.

(xii) The most important defect in the working of the Italian Courts so far as Allied Interest cases are concerned is the trial of offences relating to prostitution. These cases are mainly tried by the First Pretore of BARI and his assistants. This official is NOT actively unco-operative but undoubtedly regards a strict observance of the minutiae of Italian procedure as of greater importance than assisting in the suppression of offences affecting Allied Interests. His punctilious observation of the rules of Italian procedure, aggravated by D.L. 194 of 1944, has resulted in persons being at liberty after several convictions for offences relating to prostitution. Police agencies are, NOT unjustifiably, perturbed at the situation, and state that the V.D. rate in BARI is rising. Representations as to method of dealing with this situation were submitted under this HQS BL/CA/1/41 of 7.12.44

JA 50/rk

J.A. SCYD-CARPENTER
Major, LC,
Apulia & Calabria

T.A. Ryd-1 (1st)

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JABO/TK

T.A. Boyd-Carrington

J.A. BOYD-CARRINGTON
Major, LC,
Apulia & Calabria

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Appendix "A" to monthly report dated 26.12.44 4

Cases tried by A.M. Courts in BARI for since opening of permanent Courts on 24.11.44.

Superior Court, BARI	39 cases involving	104 accused
Summary Court, BARI	55 "	76 "
Superior Court, RIGNANO	12 "	16 "
Summary Court, RIGNANO	21 "	21 "
Total	137 "	217 "

Appendix "B" to monthly report dated 26.12.44

Allied Interest Cases, BARI Province

	Cases pending 18.11	Cases tried 18.11-23.12	Cases pending 23.12
Court of Appeal	73	45	92
Tribunale Militare	307	262	240
Tribunale BARI	141	110	56
Tribunale TRIANI	55	13	53
Tribunale Minori	20	19	26
Totals	500	450	475

In addition 79 cases were tried by Pretori.

Appendix "C" to monthly report dated 26.12.44.

Tribunale Militare of CATANZARO

No figures are available since 9.12.44. On that date 42 Allied Interest Cases were pending, 34 of them at the Procura. Only 5 cases were tried up to 9.12.44.

Letter has been taken up.

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

L-2000

30 November 1944

SUBJECT: Report on work of the Legal Division,
Southern Region, for the month of November 1944.

TO : Chief Legal Advisor, Legal Sub-Commission,
Allied Commission, H.Q.

1. STAFF. There is attached as Appendix "A" a list of legal officers stationed in the Southern Region. This list includes a number of officers temporarily assigned to preside over and prosecute before the Special Allied Military Courts established at Bari.

2. FORGED PRISON RELEASE WARRANTS. In my previous monthly report reference was made to an intensive investigation being carried on by this office under the very able direction of Captain Ewing T. Kerr, AUS, in an attempt to stop the issuance of forged release warrants which in my judgment has been one of the most serious criminal activities existing in this part of the Region. For many months a group of civilians confederated together in a profitable illegal enterprise in the issuance of forged release warrants. These release warrants were presented to the Director of the Prisons and thereby brought about the illegal release of prisoners, sentenced by A.M.G. Courts, long before the expiration of the lawful sentence imposed. In some of these cases the prisoner would not serve more than a few months of a term ranging from 3 to 7 years. These forged release warrants were sometimes sold for as much as 208,000 lire each but the standard price appeared to be 162,000 lire each. Several former civilian A.C. employees at the Tribunale in Naples have been arrested, all of whom have made complete confessions of their illegal activities in this conspiracy. At the present time 13 arrests have been made and most of the prisoners illegally released have been rearrested and

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returned to prison to complete their sentences. The trial of the former civilian employees at the Tribunale as well as other civilians associated with them will be held before an Allied Court in Naples within the next week or 10 days. Co-operation of Questura. The investigation was conducted and the apprehension of the accused in this case was brought about very largely thru the efficient work of agents from the Questura in Naples. These agents gave the fullest co-operation possible and their services are entitled to commendation.

3. ESTABLISHMENT OF PERMANENT MILITARY COURTS. The establishment of Permanent Superior and Summary Military Courts at Bari by A.C. is in full operation. The aforesaid Courts will deal with cases of pilferage and sabotage by civilians in and around Bari and in particular at 14 B.A.D. They will try all cases affecting Allied supplies and Allied Military installations. In addition, there is attached to the Courts a special Public Safety Officer. 3 District Command has assured us of its fullest co-operation in order that the maximum value may be obtained from the Permanent Military Courts.

4. Publicity and propaganda relative to the above mentioned Courts were brought forward to the Italian people through the medium of newspapers. The attention and assistance of Allied Military units have been enlisted through circular letters.

5. MILITARY COURTS IN NAPLES ZONE. The Naples Port Summary Court has shown no decrease in the number of crimes committed in the Port. The Port Court under the energetic leadership of Lt.Col.Guy S. Claire, J.A.G.D.,A.U.S., at the present time is trying 40 to 50 cases per day or an average of more than 200 cases per week. The establishment of one Superior Court presided over with conspicuous ability and tirelessness by Capt. A.E. Gold, A.U.S., in Naples has proved insufficient to cope with the volume of work and it has been necessary for me to provide additional officers from my very attenuated staff at HQ, S.R., to assist in disposing of a number of important cases constantly arising in Naples Commune which are of such a serious nature that the trial of the same is deemed advisable before an Allied Court. These cases involved truck loads of Allied property and many arms cases. One case tried during the past week involved 3500 cartons of cigarettes; another involved a

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truck load of Allied sugar. I mention these two cases to point out the importance of continuing in operation a Superior Military Court or Courts in Naples before whom all cases involving large amount of Allied property should continue to be tried as heretofore.

6. For the month ending 20th November there were 69 cases tried before A.M.G. Courts, Naples, of which 41 involving 134 persons were disposed of. Cases and persons involved were almost double those of the previous month. The cases concerned conspiracy and attempts to steal, illegal possession, possession of firearms, unauthorized newspapers, bribery, counterfeiting, harbouring deserters and so forth.

7. It is interesting to note that in Naples Province the Italian authorities were very active against violators of food supplies and price laws. Hundreds of cases against individuals, traders, and industrial concerns were undertaken resulting in addition to fines, in the temporary closure of shops and in the withdrawal of licences.

8. Two cases were tried before General Military Courts in Naples during the month of November 1944. One accused was acquitted and the other sentenced to two years imprisonment for the killing of a British Sailor in circumstances amounting to manslaughter.

9. GENERAL POSITION OF THE COURTS. The Italian Courts situation in NAPLES ZONE indicates that for the period 23 October 1944 to 18 November 1944 more than 2220 cases affecting Allied interests were before the Italian Courts for trial. Of these 1240 cases were tried, in which only 7 per cent resulted in acquittals. There are now pending in all the said Italian Courts in Naples Zone 982 cases affecting Allied interests.

10. The said Courts had a case load of 45,000 cases not affecting Allied interests (round figures), of which 15,000 were tried and disposed of, leaving 30,000 cases pending.

11. The bulk of the work above described is concentrated in Naples, Salerno and S. Maria Capua Vetere, although considerable work is done by the areas headed by the Tri-

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bunali of Ariano Irpino, Avellino, Benevento, and
S. Angelo dei Lombardi.

12. The work done by the Courts here under reference gives cause for satisfaction in view of the fact that they have to operate with what is to them limited judicial personnel, lack of transportation, lack of fuel and tires when vehicles are available, shortage of other than judicial personnel, lack of stationery and supplies, and inadequate or damaged court-houses. However, in spite of all of the above handicaps what has been said above gives some ground for hope that the Italian Courts on the Western side of this Region will under constant supervision and pressure unremittingly applied by 1st Lt. Carl C. Bannò, AUS, within the not too remote future show themselves capable of operating with a fair degree of efficiency and industry.

13. The Legal Officer TARANTO reports that a total of 391 cases were disposed of during a period of 26 days. Some satisfaction at least can be felt with this improvement due to constant pressure applied by Major Boyd-Carpenter during the previous month and continued by his successor, Capt. German.

14. It will be observed that there is pending in TARANTO, LECCE and BRINDISI a total of 804 cases which includes all new cases to-date. The total number of cases tried exceeds the number of new cases that have arrived and between the three towns (7 Courts apart from Preture), it is hoped to make a rapid reduction in this figure of 804.

15. In a continued attempt to trace some hundreds of cases hitherto untraceable, the Legal Officer of TARANTO ZONE originated an "Enquiry Form" which produced good results. Over 100 of these enquiry forms have been sent out during the past month. There are 768 cases which it has not yet been possible to trace. I propose to instruct Capt. German to desist from his labours in this respect and to strike off all cases which have not been traced by the time the next monthly report is submitted.

16. One A.W.G. Court was held in Taranto during

1018

this period, before which RISCOI Michelangelo was charged with stealing petrol from a pipe line. He was sentenced to 20 years imprisonment and a fine of 45,000 lire.

17. The co-operation being shown by BRINDISI is fairly satisfactory. It is regretted that at the moment Lecce cannot be included in the same category. The co-operation given the Allies at Taranto is commendable. I am listing a few of the sentences recently imposed by the local Tribunale at Taranto. All of these cases involved Allied interests :

Papale Spiridone to 7 years imprisonment and 15,000 lire fine;
Stella Cosimo to 1 year and 6 months imprisonment, and
12,000 lire fine;

Di Pierro Angelo to 1 year and 4 months imprisonment and
4000 lire fine;

Buonocore Mario to 5 years imprisonment and 11,000 lire fine;
Catapano Cosimo to 6 years and 4 months imprisonment and
14,000 lire fine;

Tanese Vincenzo to 2 years imprisonment and 6,000 lire fine;
Nazzaro Salvatore to 2 years imprisonment and 6,000 lire fine;
Delle Noci Antonio to 4 years and 6 months imprisonment and
12,000 lire fine;

Fiore Salvatore to 1 year imprisonment and 8,000 lire fine;
Ventaggiato Cosimo and Mele Francesco to 4 years of imprisonment and 11,000 lire fine.

This improvement may be due in no small measure to the setting up of Allied Military Courts in Bari.

18. The drafting of two Consiglieri of the Bari Court of Appeal for service with the Court of Appeal, Lucera, has provoked a vigorous protest to the Ministry from the Acting First President of the Bari Court of Appeal setting out the parlous state of affairs now prevailing at the Court of Appeal in Bari, by reason of shortage of Magistrates and volume of work.

19. The facts on which the Acting First President bases his attitude and protest are as follows:

- a) No First President (the senior Section President is Acting First President)
- b) 3 Section Presidents (of whom, one is acting First President, and another is, and is likely to continue to be, too ill to function) ;

c) 16 Consiglieri (the missing three are composed of one too ill to function, a second detached to act as President of the Trani Tribunale and a third detached to sit on the Bari Military Tribunale). Of these 16 four of the older Consiglieri are expecting within a month or two, to be placed on the Retired List.

20. The shortage of staff is further aggravated, according to the Acting First President, by the increase in the volume of work - consisting partly of Allied cases - which he states has in the last year doubled.

21. The risk of a break-down in the Bari Court of Appeal is manifestly serious. Even on present strength the number of Allied interests cases pending in the Court of Appeal only was 86 on 18 November 1944 and of Italian cases the number on the same date was 1369.

22. The practice of the Ministry of relying upon a policy of robbing Peter to pay Paul in order to meet admitted shortages of personnel is made more difficult to understand by their frequent refusal to exercise their powers under RDL 28 of 20 January 1944, of retaining in service during the present emergency magistrates who have passed the age-limit.

23. Attached hereto are Appendices "A", "B", "C", "D", and "E".


L.F. DAWSON,
Lieut.Colonel, G.L.,
Reg.Chief Legal Officer
Southern Region, A.C.

ETK/mo

Appendix "A"

Regional Chief Legal Officer
 Stationed at H.Q. Southern RegionLt.Col. L.F. DAWSON

Asst. to Reg.Chief Legal Officer
 Stationed at H.Q. Southern RegionCapt. E.T. KERR

Officer i/c of certain
 Italian Courts
 stationed at H.Q. Southern Region1st Lt. C.C. BANHO

Officer i/c Central
 Prosecution Office
 stationed at H.Q. Southern Region1st Lt.J.J. Vogel

Judicial Officer AMG Courts
 Naples Military Governm.Area and
 LO Naples Zone
 stationed at HQ Southern RegionCapt.A.E. GOLD

Officer i/c of certain Italian
 Courts and having general legal
 duties as and when required
 to be performed
 stationed at Lucera Capt.D.A.ROGERS

Officer i/c of certain Italian
 Courts and having general duties as
 and when required to be performed -
 stationed at Bari -

L.O. Apulia and CalabriaMajor J.A. BOYD-CARPENTER

L.O. Taranto Zone
 stationed at TarantoCapt. A.C. GERMAN

Asst. to Major Boyd-Carpenter
 stationed at BariMajor M.B. SETTON

80800000000000000000

Major F.E. YOUNG	Capt. F.J. AULISI
Major T. GOODACRE	Capt. H.G.J. CHRISTIANS
Major P.D. COTES-PREEDY	Capt. L.G. GREENFIELD
Major W.R. HARE	

Lieut. G.J. ROBERTAZZI
 Lieut. F. BALBONI

Attached on temporary duty to BARI ZONE.

APPENDIX "B"

REPORT ON ALLIED MILITARY COURTS FOR THE MONTH OF NOVEMBER 1944.

A. CASES TRIED AND FINDINGS.

Province of	Summary Court		Superior Court		General Court		TOTALS		Total cases
	Not guilty	Guilty	Not guilty	Guilty	Not guilty	Guilty	Not guilty	Guilty	
Naples	16	918	17	50	1	1	34	969	1003
TOTAL	16	918	17	50	1	1	34	969	1003

APPENDIX "C"

REPORT ON THE ALLIED MILITARY COURTS FOR THE MONTH OF NOVEMBER 1944.

B. CONVICTIONS.

Conviction of	Curfew & Viol. pass	Theft & Poss. of Al. Goods	Black Market	Looting	Pass. of Arms & Am.	Viol. It. Penal Code	Others	TOTALS
Naples	37	859	-	1	-	-	72	969
TOTAL	37	859	-	1	-	-	72	969

 Signature (Rank) (Official Designation)

APPENDIX "D" Napl June.

A. TRIAL FOR CRIMES COMMITTED AGAINST THE ALLIED FORCES

	N.of cases tried	N.of defen= dants	N.of persons convicted	N.of per= sons acquit ted.
1.By PRETURA Courts	794	799	735	64
2.By TRIBUNALE	190	216	193	23
3.By COURT OF APPEAL	16	20	19	1
4.By JUVENILE COURTS	36	37	36	1
5.By MILITARY TRIBUNAL	19	30	27	3
6.TOTALS	1035	1102	1010	92

B. Analysis of charges, judgements and sentences ref. Para A.above.

I)	<u>PRETURA</u>	<u>VIOLATION</u>	<u>JUDGEMENT</u>	<u>SENTENCE</u>
a.	166	Curfew	guilty	from 80 lire to 1000 lire fine.
	4	"	not guilty	Acquitted.
b.	431	Traffic violation	guilty	from 25 to 5000 lire fine.
	4	" "	not guilty	Acquitted.
c.	34	Prostitution	guilty	from 20 days imp. to 15 ms imp. and 9000 lire fine.
	26	"	not guilty	Acquitted.
d.	26	Unlicensed brothel	guilty	from 20 days imp. to 15 ms imp. and 3000 lire fine.
	16	brothel	not guilty	Acquitted.
e.	47	Sale of wine and food without license	guilty	from 500 lire fine to 20 days imp. & 1800 lire fine.
	7	" "	not guilty	Acquitted.
f.	17	Accosting and soliciting	guilty	from 1 ms imp. to 5 ms imp. & 2000 Lire fine.
	7	"	not guilty	Acquitted.
g.	14	Miscellaneous offences	guilty	from 500 lire fine to 2 months imp.

(2)

2.	<u>TRIBUNALE</u>	<u>VIOLATION</u>	<u>JUDGEMENT</u>	<u>SENTENCE</u>
a.	4I	Theft	guilty	from 15 days imp. & 100 lire fine to 3 years imp. & 10.000 lire fine.
b.	6 I52	" Buying stolen goods	not guilty guilty	Acquitted from 200 lire fine to 8 ms. imp. & 15.000 lire fine.
	I		*not guilty	Acquitted
3.	<u>COURT OF APPEAL</u>			
a.	I2	Theft	guilty	from 1 ms. imp. & 1000 lire fine to 8 ms. imp. & 3000 lire fine.
b.	I 7	" Buying stolen Allied goods	not guilty guilty	Acquitted from 1 ms. imp. & 2000 lire fine to 5 ms. imp. & 1500 lire fine.
4.	<u>JUVENILE COURTS</u>			
a.	25-	Theft	guilty	from Judicial pardon to 6 ms. imp. & 2000 lire fine.
b.	8	Illegal possession of allied goods	guilty	were all Judicial pardon
c.	3	Buying Allied stolen goods	guilty	from Judicial pardon to 2 ms. imp. & 400 lire fine.
d.	I	Damage to Allied vehicle	not guilty	Acquitted
5.	<u>MILITARY TRIBUNAL</u>			
a.	10	Illegal possession of Allied goods	guilty	from 40 days imp. to one year and 6 ms. imp.
b.	3 15	" Theft	not guilty guilty	Acquitted from 6 ms. to 7 year imprisonment.
c.	2	Leaving post without authority.	guilty	from 1 year to 1 year and 6 mos. imp.

(3)

C. TRIALS FOR OFFENCE NOT AGAINST THE ALLIED II ARRESTS

	Disposed of by Decree	Disposed of by judgement
1. By Pretura Courts	7340	1323
2. By Tribunale		599
3. By Court of Appeal		362
4. By Juvenile Courts		161
5. By Court of Assize		I
6. TOTALS	7340	2446

D. Arrests and complaints made by the Italian Police for crimes committed against the Allied Forces.

CRIMES	ARRESTS	COMPLAINTS
1. Illegal possession of Allied goods	124	122
2. Prostitution	92	548
3. Theft	III	5
4. Curfew	275	20
5. Traffic violation	10	859
6. Illegal sale of wine or cooked foods		37
7. Threatening military soldiers	5	
8. Stopping in prohibited zone	5	
9. Housing Allied soldiers	I	
10. Circulating counterfeit occupation money.	10	
II. TOTALS	633	1597

E. Total number of persons arrested for crimes not against Allied Forces made by the Italian Police N°1034

APPENDIX "E"

Allied Interest Cases - Bari Prov. -

	Cases pending 22.10.	Cases tried 22.10 - 18.11	Cases pending 18.11
Court of Appeal	97	36	73
Tribunale Militare	328	216	307
Tribunale Bari	166	92	141
Tribunale TRANI	64	35	59
Tribunale Minori	<u>24</u>	<u>13</u>	<u>20</u>
TOTAL	679	392	600

Note. In addition 78 Allied Interests cases were tried by Pretori, making total cases tried during period 470.

4043/14

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

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L-2000

31 October 1944

SUBJECT: Report on work of the Legal Division, Southern Region for the month of October 1944.

TO : C.L.O., Legal Sub-Commission, A.C., H.Q.

1. STAFF. There is attached as Appendix "A" a list of legal officers stationed in the Southern Region. Major Little's (A) temporary assignment to Southern Region terminated on 9 October 1944. Major Setton (B) was posted to Southern Region and assigned to work in conjunction with Major J.A. Boyd-Carpenter, Legal Officer Apulia and Calabria.

2. TOUR OF INSPECTION OF ITALIAN COURTS. In a desire to get a first hand cross section of the Italian Judiciary committed to my supervision, I visited the Courts of Appeal of Bari, Lucera (detached), Tribunali of S.Maria C.V., Lucera, Foggia, Brindisi, Bari, Taranto, and the Tribunali Military of Bari and Taranto. At each of these Courts long conferences were held with the chief judiciary officials, and with the Legal Officers for the Zones visited.

3. The utmost energy has been displayed by all Legal Officers under my command in an attempt to secure that degree of efficiency from the Italian Courts which alone is commensurate with the urgency of the war effort. On ^{each} occasion a mixture of persuasion and aggressive firmness spiced with words of commendation, and encouragement was used. Some improvement has been effected. However, I am satisfied that this is not proceeding and never will proceed at the tempo which is necessary to achieve the effective protection of Allied interests if these are left entirely in the hands of the Italian Courts.

4. Court sentences remain in general inadequate. Justice on the whole is tardily administered; moreover there is in

general a rising tide of judicial congestion in cases affecting the interests of the Allies. The Italian Judiciary accorded patient and outwardly courteous reception to my observations. Lack of transportation, difficulty of communication, shortage of paper and inadequate staffing were offered as the causes for these conditions.

5. I do not wish to be understood to be indicting the bona fides of the Italian judiciary as a whole. I feel that under continuous stimulation some of its members are trying to be cooperative. I am, however, clearly of the opinion that the Italian Courts with their short hours of work, with their long vacations, lack of active drive, and their cumbersome procedure are not capable of measuring up to the demands of a war situation, which calls for rapid, determined and deterrent action. In these views I think I am supported by the experience of all officers both legal and administrative.

6. Against the above Italian judicial background, on the invitation of Colonel DREWREY, O/C 14 BAD I proceeded to BITONTO to hear what he had to say about what is happening there. It is I apprehend my duty to state the facts as I see them and know them to be, and to point out that in my opinion the Italian Courts are not functioning satisfactorily certainly in the Bari Zone, and that quick and vigorous action by Allied Military Courts is requisite to put an end to or at any rate to reduce the losses which are now taking place. In a special report to the Regional Commissioner Southern Region I have made certain recommendations which need not be repeated here.

7. ACTIVITIES OF ITALIAN COURTS IN NAPLES AREA.
Naples. The Tribunali of Naples, S.Maria C.V., and Military Tribunali of Naples area have established special departments for the consideration of cases affecting Allied interests. The Pretura in the Court of Appeal District of Naples are now functioning with sections exclusively devoted to the trial of Allied cases. It is felt that this set-up will afford better supervision of the Italian Courts. The question of priority for cases affecting Allied interests is now practically eliminated in the area governed by the Court of Appeal of Naples.

8. There is attached Appendix "B" showing the number of cases tried in Naples Commune by the Italian Courts, during the period under review.

9. Report of L.O. Taranto. A detailed report has been

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submitted by the Legal Officer of the Taranto Zone. It is compiled from unchecked data and judicial statistics furnished by the Italian Judiciary and is couched in encouraging terms. The next report will be more complete and comprehensive.

10. All legal records and files which it has been possible to trace originally belonging to the former Region have been moved to the Headquarters of the Legal Officer for Apulia and Calabria located in the Municipio Bari. Efforts are being made to have the Region V records transferred to the Legal Officer in charge of Foggia Zone.

11. The Bari Military Tribunale passed salutary sentences in six cases involving Allied interests tried by it during the period under review.

12. There are attached appendices "C" and "D" representing the number of cases reported to this Headquarters from Zonal Legal Officers. These appendices record the total number of cases received since the re-organization of the Southern Region and up to October 28th.

13. Military Courts in Naples Zone. The Naples Port Summary Court averages two hundred trials a week. A superior Court has been in constant session during the period under review. Two General Court cases were tried during this period. Attached are the Appendices "E" and "F" showing the number of cases tried in Naples Commune during this period by the Military Courts.

14. GENERAL SECTION. Courts of Assize. All legal officers have been instructed to do everything in their power to help the Italian Judiciary to get on with their job. The First President of the Court of Appeal Naples has notified the Officer i/c Italian Courts that a Court of Assize will sit at Benevento on or about 17 October and will sit for six to eight weeks. Through the Town Major (Benevento) we have endeavored to arrange accomodation for all the functionaries involved.

15. The box of documents that was to have been dispatched from Catanzaro to the Regional Chief Legal Officer has never been received at this Headquarters. A thorough investigation has been instituted. A report from the Catanzaro Zone Commissioner suggests that the box of documents was never dispatched through the Catanzaro Message Center. The search for the missing documents will continue.

16. The Italian Courts through the Officer i/c Italian Courts in the Foggia and Bari zones have asked for assistance in the matter of obtaining paper. The urgency of this demand has been emphatically represented to me. I have already taken this matter up with H.Q. A.C. and pointed out the position which is arising in some parts of this Region owing to lack of paper. It is a well known fact that under the forms of the Italian Law an immense amount of paper work is necessary and it is becoming something of a task to supply the courts with the material most essential to their proper and efficient functioning.

17. During the month of October 1200 applications for revision of sentences or petitions for pardon of offenders convicted by Allied Military Courts were received. Some idea of the magnitude of this task may be gained when it is realized that each application requires an examination of the documents and official action. Moreover the hordes of lawyers and laymen who appear personally in the offices of the Legal Division Southern Region are causing a substantial strain upon my very limited H.Q. staff. In addition review work takes up much of the R.C.L.O.'s time since without an officer of the rank of Major on his staff he is obliged to do all this work personally.

LJP/mo

L. F. Dawson
L.F. DAWSON,
Lt. Colonel, G.L.,
Reg. Chief Legal Officer.
Southern Region.

Appendix "A"

Regional Chief Legal Officer
stationed at H.Q. Southern RegionLt.Col. L.F. DAWSON

Asst. to Regional Chief Legal Officer
stationed at H.Q. Southern RegionCapt. E.T. KERR

Officer i/c of certain
Italians Courts
stationed at H.Q. Southern Region.....1st Lt. C.C. BANNO

Officer i/c Central
Prosecution Office
stationed at H.Q. Southern RegionCapt. B.D. CAHN

Judicial Officer AMG Courts
Naples Military Governm. Area and
LO Naples Zone
stationed at H.Q. Southern RegionCapt. A.E. GOLD

Officer i/c of certain Italian
Courts and having general legal
duties as and when required
to be performed -
stationed at LuceraMajor R.J.G. ROLFE

Officer i/c of certain Italian
Courts and having general duties as
and when required to be performed -
stationed at Bari -
L.O. Apulia and CalabriaMajor J.A. BOYD-CARPENTER

L.O. Taranto Zone
stationed at TarantoCapt. A.C. GERMAN

Asst. to Major Boyd-Carpenter
stationed at BariMajor M.B. SETTON

APPENDIX " B "

October 1944

Return of PENAL Cases in the Month of October 1944

Total Number of persons arrested for crimes committed against
other ItaliansN° 1330

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Arrests and denounces made by the Italian Police for crimes com=
mitted against the Allied Forces

CRIMES	ARRESTS	DENOUNCES
Illegal possession	209	84
Prostitution	96	968
Theft	132	6
Curfew	387	==
Traffic violation	34	559
Sale of wine or cooked food	51	12
Corruption	2	==
Obstructing arrests	1	
Housing disertors	3	
Stopping in prohibited zone	6	
Carrying arms	6	
Warrant of arrest	1	
Buying gasoline	1	
Buying blue seal Dollars	1	

TOTALS	884	1629
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TRIALS for crimes committed against the Allied Forces

	CONVICTION	ACQUITTALS
By Pretura Courts	894	80
By Tribunal Courts	297	12
By Court of Appeal	20	1
By Juvenile Courts	24	4

TOTALS	1235	97
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(2)

Summary of offences dealt with by above Courts

PRETURA

- 17 Prostitution, sentences ranged from 1000 lire fine to 18 months in prison and 9000 lire fine.
- 18 Accosting, sentences ranged from 10 days in prison to 7 months imp. and 1000 lire fine.
- 23 Sale, without license, to Allied Forces, sentence ranged from 500 lire to 1 month imprisonment.
- 27 Unlicensed brothel, sentence ranged from 500 lire fine to 13 months imp. and 7000 lire fine.
- 1 Misrepresentation, sentence 1 month imp.
- 1 Renting rooms to Allied Forces, without license, sentence 1 ms. imp.
- 1 Pimping, sentence 3 months imp.
- 282 Curfew, sentence ranged from 25 to 3000 lire fine.
- 524 Traffic violation, sentence ranged from 25 to 5000 lire fine.

TRIBUNALE

- 34 Stealing Allied goods, sentence ranged from Judicial pardon to 10 months imprisonment.
- 263 Buying stolen goods, sentences ranged from 500 lire fine to 10 ms. imp. and 3000 lire fine.

COURT OF APPEAL

- 2 Stealing Allied goods, sentences ranged from 2 months imp. and 400 lire fine to 1 year imprisonment and 3000 lire fine.
- 18 Buying Allied stolen goods sentences ranged from 5 days imp. and 1000 lire fine to 4 years, 6 months in prison and 5000 lire fine.

JUVENILE COURTS

- 21 Stealing Allied goods, sentences ranged from Judicial pardon to 5 months, 10 days in prison.
- 3 Illegal possession of Allied goods, sentences ranged from Judicial pardon to 200 lire fine.

TRIALS for offences against other Italian

BY Pretura
 BY Tribunale Courts
 BY Court of Appeal
 BY Juvenile Courts
 BY Court of Assize

N° 4344
 " 729
 " 435
 " 121
 " 6

TOTAL

5635

APPENDIX "C"

REPORT ON ALLIED MILITARY COURTS SINCE THE RE-ORGANIZATION OF SOUTHERN REGION UP TO 28 Oct. 1944.

A. CASES TRIED AND FINDINGS.

Province of	Summary Court		Superior Court		General Court		TOTALS		Total cases
	Not Guilty	Guilty	Not Guilty	Guilty	Not Guilty	Guilty	Not Guilty	Guilty	
Taranto	15	270	-	-	-	-	15	270	
Brindisi	4	84	-	-	-	-	4	84	
Lecce	3	63	-	-	-	-	3	63	
TOTALS	22	417	-	-	-	-	22	417	

APPENDIX "D"

REPORT ON ALLIED MILITARY COURTS SINCE THE RE-ORGANIZATION OF SOUTHERN REGION UP TO 28 Oct. 1944.

B. CONVICTIONS.

Province of	Curfew and Viol. Pass	Theft & Poss. All. Goods	Black Market	Looting	Poss. Arms & Ammun.	Violat. It. Penal Code	Others	Totals
Taranto		205					65	270
Brindisi		74					10	84
Lecce		60					3	63
TOTALS		339					78	417

.....
Signature (Rank)(Official Designation)

APPENDIX "E"

REPORT ON ALLIED MILITARY COURTS FOR THE MONTH OF OCTOBER 1944.

A. Cases tried and findings.

Province of	Summary Court		Superior Court		General Court		TOTALS		Total cases
	Not Guilty	Guilty	Not Guilty	Guilty	Not Guilty	Guilty	Not Guilty	Guilty	
Naples	33	843	21	47	-	2	54	892	
TOTAL	33	843	21	47	-	2	54	892	

APPENDIX "F"

REPORT ON THE ALLIED MILITARY COURTS FOR THE MONTH OF OCTOBER 1944.

B. Convictions.

Prov.	Curfew & Viol. pass	Theft & Poss. of All. Goods	Black Marketing	Loct- ing	Poss. of arms & amm.	Viol. It. Penal Code	Others	TOTAL
Naples	94	716	-	-	9	-	78	892
TOTAL	94	716	-	-	9	-	78	892

.....
Signature (Rank) (Official Design.)

File 40431

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

Col Grossman

L-2000

2 October 1944

SUBJECT: Report on the work of the Legal Division, Southern Region.
for the month of September 1944.

TO : CLO, Legal Sub-Commission, A.C.C., H.Q.

1. The headquarters of A.C.C. Southern Region was transferred from the Prefettura Building to Provincia Building on 24 September 1944. The Legal Division is located in the west wing on the first floor. The telephone numbers of this division remain unchanged.
2. STAFF. There is attached as Appendix "A" a list of legal officers stationed in the newly constituted Southern Region.
3. Reorganization of Southern Region. There are attached Appendices "B" and "C" setting forth the reorganization of the Legal Division, Southern Region. Schedule "B" outlines the tribunali dependent upon each of the three Courts of Appeal situated in the Southern Region together with the name of the officer who has been allocated to them. Schedule "C" is a synopsis of the sphere of action of each of the officers therein.
4. The allocation of legal officers mentioned in paragraph 2, appendices "B" and "C" was made with a view to obtain the maximum efficiency in the matter of supervising, advising, and maintaining the closest possible contact with the Italian Courts. The particular duty of officers in this connection will be to maintain close touch with Italian Courts, especially with those whose judicial work brings them into contact with the Armed Forces of the Allies, and therefor whose hands lies the protection of Allied interests from the criminal attentions of the population.

5. The charges made at the Tribunale Naples as outlined in the August monthly report, have proved quite satisfactory. The Central Prosecutor's Office directs an average of 275 cases a day, more than half of which involve Allied interests. Only cases of cardinal importance to the war effort are retained for trial in the Superior and General Courts.

6. The matter of prisoners being discharged from jail by forged released warrants is still a serious concern of this section. Statements from victims of this swindle seem to incriminate some of the ex employees of the Tribunale. As a precaution release orders are now delivered by a responsible officer to the Director of the Prison. No prisoner is liberated until the release order is authenticated by the Director.

7. There are attached Appendices "D" and "E" showing the number of cases tried in AMG Courts in Naples Commune during the period under review.

8. ITALIAN COURTS.

a. NAPLES : a tour was made of the Pretura Courts and the Tribunale sections. The judges understand the wishes of the Allies and are rendering excellent cooperation on the whole. Cases affecting Allied interests are treated expeditiously and effective deterrent sentences are meted out.

b. AVELLINO: a tour was made of the Pretura Courts and the Tribunale sections. A sincere desire to cooperate with the cases affecting Allied interests was very much in evidence. There is a change of First President of the Tribunale and Procuratore del Regno contemplated.

c. SALERNO: Arrangements were made with the First President of the Court of Appeal of Naples to issue directions that 2 sections be provided for criminal cases and one for civil cases, and, that one criminal section hear only cases affecting Allied interests.

d. ARIANO IRPINO: A strong feeling prevails with the judges there that sentences must be sufficiently heavy to deter crime.

9. There is attached as Appendix "F" a table showing the number of cases tried by the Italian Courts in Naples Zone , during the period under review.

10. Sentences AMG Courts. A review of a series of Superior and Summary Court sentences by the Regional Commissioner and myself prompted a reminder to all legal officers in the Southern Region that they must by their sentences show to offenders that the Army Commander's orders as expressed in his proclamations and other measures are not to be flouted with impunity. It was pointed out that small fines or a few days imprisonment have no deterrent value whatsoever, and from a military point of view were largely worthless. Emphasis was laid upon the fact that light sentences did not deter people from stealing Allied property or carrying firearms. Sentences in the future are expected to be properly deterrent and indeed are already showing a tendency to become salutary and exemplary.

11. GENERAL COURTS. The General Court Prosecutor has reported that there are five or six cases pending all of which arose sometime before the date of my assumption of duty here. One of the difficulties encountered in the trial of these cases is military witness. Some have left this theatre of operations altogether. The constitution of General Military Courts on the panel originally submitted by A.C.C. H.Q. promised, with a depleted legal staff and many other changes, to be a real problem. It was, however, only necessary for me to represent the difficulty to A.C.C. H.Q. for that H.Q. to come to an assistance in resolving it. We have now been authorised to constitute an Allied General Military Court with only one approved Legal Officer as President supported by two other officers who need not necessarily be legally qualified. I have, however, newly completed a panel of legally qualified officers for the whole Region which will further assist us in the staffing of our Military Courts.

12. GENERAL SECTION. Records of Court cases, in association with other pertinent legal papers were allegedly dispatched from Catanzaro to this headquarters for safekeeping by Sgt. Henry Scire on the orders of Major Little on 9 August 1944. A thorough check by Major Little when he was at this headquarters revealed that they had not been delivered here. The Message Centre chief has been instructed to initiate a thorough investigation as to date these very important documents do not appear to have arrived here.

1041

13. Ca of Casizzone Raffaele (Death sentence).
On 10 September 1944 the Legal Sub-Commission considered the petition for clemency submitted on behalf of the condemned. The Legal Sub-Commission ordered the death sentence to stand. The matter of executing Casizzone Raffaele was entrusted to the D.A.P.M. 57 Area (British). On 19 Sept. 1944 a signal was received by this division officially recording that the execution had been carried out.

14. Penal proceedings against Luigi Piscitelli et al.
The Italian Military Judiciary has assumed the custody and responsibility for the trial of Piscitelli et al., under the Italian law. This division has no further interest in the case.

15. Evictions. A decree, as requested by us, has been issued by the Prefect of Naples to the effect that a Commission for lodgings be established. The Commissioner appointed is Comm. Michele Cerabona, President of a Court of Appeal section. We have had a conference with him and we are assured that immediate and effective action will be taken in this serious matter.

16. No Regional Order has been issued during the period under review.

17. During the month the R.L.O. attended a legal conference at A.C.C. H.Q.

For the Regional Commissioner:

L.F. Dawson
L.F. DAWSON,
Lt.Colonel, G.L.,
Reg.Legal Officer
Southern Region.

LJP/mo

Encl-
Appendices A-B-C-D-and F.

APPENDIX "A"

- (i) Regional Legal Officer stationed at H.Q. Southern Reg.
Lt. Col. L.F. DAWSON
- (ii) Asst. to Reg. Legal Off. " " " Capt. E.T. KERR
- (iii) Officer i/c of certain Italian Courts " " " 1st Lt. C.C. BANNO
- (iv) Officer i/c Central Prosecution Office " " Tribunale 1st Lt. B.D. CAHN
Naples
- (v) Judicial Officer A.M.G. Courts, Naples Military Governm. Area and L.O. Naples Zone " " Naples Capt. A.E. GOLD
- (vi) Officer i/c of certain Italian Courts & having general legal duties as and when required to be performed " " Lucera Major R.J. ROLFE
- (vii) Officer i/c of certain Italian Court & having general legal duties as and when required to be performed " " Bari Maj. T.A. BOYD-CARPENTER
- (viii) Asst. to Maj. Boyd-Carpenter " " Bari Capt. A.C.J. GERMAN.
-

APPENDIX "B"

C O U R T O F A P P E A L N A P L E S

AT NAPLES	Officer i/c	STATION
Tribunale di Ariano Irpino	1st Lt. C.C. BANNO'	H.Q. Southern Region
" " Avellino	"	"
" " Benevento	"	"
" " Campobasso	Major. R.J. ROLFE	Lucera
" " Isernia	"	"
" " Larino	"	"
" " Napoli	1st Lt. C.C. BANNO'	H.Q. Southern Region
" " Salerno	"	"
" " S. Maria C.V.	"	"
" " S. Angelo dei Lombardi	"	"

AT POTENZA	Officer i/c	STATION
Tribunale di Lagonegro	Major T.A. BOYD-CARPENTER	Bari
"3 " Matera	"	"
" " Melfi	"	"
" " Potenza	"	"

C O U R T O F A P P E A L B A R I

AT BARI	Officer i/c	Station
Tribunale di Bari	Major T.A. BOYD-CARPENTER	Bari
" " Foggia	Major R.J. ROLFE	Lucera
" " Lucera	"	"
" " Trani	Major T.A. BOYD-CARPENTER	Bari

AT LECCE	Officer i/c	STATION
Tribunale di Brindisi	Major T.A. BOYD-CARPENTER	Bari
" " Lecce	"	"
" " Taranto	"	"

APPENDIX "B"

COURT OF APPEAL CATANZARO

AT CATANZARO

	Officer i/c	STATION
Tribunale di Castrovillari	Maj. T. A. BOYD-CARPENTER	BARI
" " Catanzaro	"	"
" " Cosenza	"	"
" " Locri	"	"
" " Nicastro	"	"
" " Palmi	"	"
" " Rossano	"	"
" " Vibo Valentia	"	"

APPENDIX "C"

OFFICERS i/c OF TRIBUNALI IN SOUTHERN REGION1st Lt. C.C. B A N N O

Tribunale	di	Ariano Irpino
"	"	Avellino
"	"	Benevento
"	"	Napoli
"	"	Salerno
"	"	Santa Maria Capua Vetere
"	"	Sant'Angelo dei Lombardi

Major R. J. R O L F E

"	"	Campobasso
"	"	Isernia
"	"	Larino
"	"	Foggia
"	"	Lucera

Major T.A. BOYD-CARPENTER assisted by Capt. GERMAN

Tribunale	di	Lagonegro
"	"	Matera
"	"	Melfi
"	"	Potenza
"	"	Bari
"	"	Trani
"	"	Brindisi
"	"	Lecce
"	"	Taranto
"	"	Castrovillari
"	"	Catanzaro
"	"	Locri
"	"	Nicastro
"	"	Palmi
"	"	Rossano
"	"	Vibo Valentia

APPENDIX "D"

REPORT ON ALLIED MILITARY COURTS FOR THE MONTH OF SEPTEMBER 1944.

A. CASES TRIED AND FINDINGS.

Province of	Summary Court		Superior Court		General Court		TOTALS		Total case
	Not guilty	Guilty	Not guilty	Guilty	Not guilty	Guilty	Not guilty	Guilty	
Naples	12	916	6	34		1	18	951	
TOTALS	12	916	6	34		1	18	951	

APPENDIX "E"

REPORT ON ALLIED MILITARY COURTS FOR THE MONTH OF SEPTEMBER 1944.

B. CONVICTIONS.

Province of	Curfew & Viol. pass	Theft and poss. of Al. Prop.	Black Market	Looting	Poss. of arms & am.	Viol. It. P. Code	Others	TOTALS
Naples	237	609					105	951
TOTALS	237	609					105	951

Signature (Rank) (Official Designation)

APPENDIX "F"

TRIBUNAL OF NAPLES

RETURN CASES FOR THE MONTH OF SEPTEMBER

Persons arrested during the month of September N° 1857
of whom 1614 were arrested for offence against the Allies

TRIALS	AGAINST ITALIANS	AGAINST ALLIED FORCES
By the Preture	4015	567
By Tribunale	300	247
By Court of Appeal	86	12
By Juvenile Courts	21	6
=====		
TOTALS	4422	832

SOUTHERN REGION

ALLIED CONTROL COMMISSION

BARI ZONE

REF: BZ/Leg/2/6148

3 Oct 44

SUBJECT: Special Legal Activity report, month September,
on Allied interests cases in Bari, Taranto, Brindisi
and Lecce provinces.

TO : RC, HQ ACC Southern Region Naples
(Copy to CLO Legal Subcommittee ACC HQ, Rome)

1. Attention is invited to Legal activity report for period 1 Sept - 30 Sept 44 on Allied cases in Bari, Taranto Zones of ACC Southern Region.

2. AMG Courts: one.

AMG vs Aldo Martellucci, tried 26, 27, 28 Sept 44 at Bari by AMG General Military Court on charges of violation of Section 59 and 61 of Italian Military Code (Espionage). Defendant dropped from German plane 28 May 44 near Monopoli, arrested same day in civilian clothes at Bari, later admitted to have been sent on mission to organize partisans bands. Defence was that defendant had no intent to carry out mission. Defendant found not guilty of violation of Section 59 CPMG; found guilty of Section 61 CPMG; sentenced to death. Court constituted of Major Boyd-Carpenter (B), Captain German (B), Captain Coleman (A); Prosecuting Officer Major Little (A); Defence Officer 1st Lt. O'Leary (A). Record is being prepared, will be forwarded by despatch.

3. Allied interests cases in Italian courts.

a. Tribunali (Military & Civil), Courts of Appeal:

Attention is invited to fact that the total number of Allied cases actually tried by Italian courts of this area (Military Tribunale of Bari, Taranto and Lecce: Civil Tribunale of Bari, Trani, Taranto, Lecce and Brindisi: Bari Court of Appeals, Lecce Court of Appeals, Bari Court of Assizes) is more than 2 times the number of Allied cases tried by these courts during the preceding month of Aug 44 (i.e. in Sept 969 cases with 1408 defendants, in Aug 443 cases 901 defendants).

b. Pretori Courts (44) : Reports received from 36 out of the 44 Pretori Courts of Bari - Taranto area, reflect that these courts during month of Sept 44 disposed of 179 petty Allied interests cases, and that on 30 Sept 44 there were pending in these courts 74 Allied cases (with 132 defendants).

The 8 Preture not reporting were Grottaglie, Martina Franca (Taranto jurisdiction); Fasano, Francavilla P., Mesagne, Ostuni, S. Vito del N. (Brindisi jurisdiction); Otranto (Lecce jurisdiction)

Of the 166 Allied cases disposed of, Bari Pretura disposed of 103, Barletta 9, Trani 15, Taranto 11.

This LC has had no opportunity to check the accuracy of these figures, as he has done with the Superior Courts.

These courts are under

1. Attention is invited to Legal activity report for period 1 Sept - 30 Sept 44 on Allied cases in Bari, Taranto Zones of ACC Southern Region.

2. AMG Courts: one.

AMG vs Aldo Martellucci, tried 26, 27, 28 Sept 44 at Bari by AMG General Military Court on charges of violation of Section 59 and 61 of Italian Military Code (Espionage). Defendant dropped from German plane 28 May 44 near Monopoli, arrested same day in civilian clothes at Bari, later admitted to have been sent on mission to organize partisan bands. Defence was that defendant had no intent to carry out mission. Defendant found not guilty of violation of Section 59 AMG: found guilty of Section 61 AMG: sentenced to death.
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This IO has had no opportunity to check the accuracy of these figures, as he has done with the Superior Courts.

These courts are under various Procuratori del Regro and are poorly supervised; they are allowed to try petty Allied cases, such as possession of Allied goods, of value of 200 lire or less.

c. Italian Military Units: 18 Italian Military Units reporting in Bari Area disposed of 75 Allied cases (223 defendants) during month of Sept 44. These Units deal with cases where Allied property involved is 200 lire or less.

No reports from such Units in Taranto Area have been received.

d. Total of Allied cases definedly reported tried by Italian Courts and Italian Military Units during month of Sept 44:

All Military Tribunali	427 cases	591 defendants
All Civil Tribunali	335 "	520 "
All Juvenile Tribunali	65 "	90 "
All Preture, except: Grottaglie, Martina Franca, Fasano, Francavilla F., Mesagne, Ostuni, S.Vito dei N., Otranto . . .	179	222
18 Military Units	75	223
All Courts of Assizes	2	7
Total	1085	1655
All Courts of Appeal	207	297
(Appealed Allied cases) Total . .	1290	1950

e. Allied cases received during month of Sept 44:

All Military Tribunali	476 cases	665
All Civil Tribunali	"	365
(except Taranto)		
All Juvenile Tribunali	34	50
All Preture, except: Grottaglie, Martina F., Fasano, Francavilla F., Mesagne, Ostuni, S.Vito dei N., Otranto . . .	131	165
18 Military Units (not reporting)		
Total	896	1245
All Courts of Appeal	227	321
Total	1135	1576

(figures from Taranto Civil Tribunale, 8 of 44 Preture and 18 Military Units not included because this information not received).

f. Allied cases pending on 30th Sept 44:

All Military Tribunali	642 cases	1062 defendants
(except Taranto)		
All Civil Tribunali	592	950
(except Taranto)		
All Juvenile Tribunali	61	81
All Preture, except: Grottaglie, Martina F., Fasano, Francavilla F., Mesagne, Ostuni, S.Vito dei N., Otranto . . .	74	132
18 Military Units (not reporting)		
All Courts of Appeal	301	402

All Civil Tribunali	339	"	520	"
All Juvenile Tribunali	65	"	90	"
All Preture, except: Grottaglie, Martina Franca, Fasano, Otranto, S. Vito dei M., Mesagne, Ostuni, S. Vito dei M., Otranto	179	"	222	"
18 Military Units	75	"	223	"
All Courts of Assizes	2	"	7	"
Total	1083	"	1553	"
All Courts of Appeal	207	"	227	"
(Appealed Allied cases) Total	1290	"	1950	"

e. Allied cases received during month of Sept 44:

All Military Tribunali	476 cases	665	"
All Civil Tribunali	355	365	"
(except Taranto)			
All Juvenile Tribunali	34	50	"
All Preture, except: Grottaglie, Martina F., Fasano, Franceca, villa F., Mesagne, Ostuni, S. Vito dei M., Otranto	151	165	"
18 Military Units (not reporting)			
Total	896	1245	"
All Courts of Appeal	237	321	"
Total	1133	1576	"

(figures from Taranto Civil Tribunale, 8 of 44 Preture and 18 Military Units not included because this information not received).

f. Allied cases pending on 30th Sept 44:

All Military Tribunali	642 cases	1062 defendants	"
(except Taranto)			
All Civil Tribunali	392	950	"
(except Taranto)			
All Juvenile Tribunali	61	81	"
All Preture, except: Grottaglie, Martina F., Fasano, Franceca, villa F., Mesagne, Ostuni, S. Vito dei M., Otranto	74	132	"
18 Military Units (not reporting)			
All Courts of Appeals	301	402	"
Total	1670	2627	"

(Figures from Taranto Civil and Military Tribunale, 8 of 44 Preture and Military Units not included because this information not received).

g. Sentences: Work of analyzing the adequacy of sentences has been

performed by Capt. German for Bari Area, and Major Boyd-Carpenter for G.anto Area. Capt. German states that there has been a definite increase in adequacy of sentences in Allied cases during the past month. Major Boyd-Carpenter states that on the whole he has found sentences to be adequate.

A. Bari Province.

(1) Bari Military Tribunal disposed (by trial) of 316 Allied interest cases (425 defendants) during 1st to 30th September period, as compared to 141 Allied cases (209 defendants) so disposed of during August 44 and 177 Allied cases (258 defendants) so disposed of during July 44.

On 30th Sept 44 there were pending before this Tribunale (including its Procura Militare and Istruttore) 404 Allied cases (681 defendants, as compared to 458 Allied cases (792 defendants) pending on 31 August 44.

During the month of Sept 44 this Tribunale received 259 new Allied interest cases (333 defendants).

Above figures disposed of cases, do not include 7 Allied cases (19 defendants) sent to Civil Tribunals. Do not include 76 cases (108 defendants) misdirected to this Tribunale, which patently were intended for Civil Tribunals.

Military Tribunal Bari has territorial jurisdiction over Provinces of Bari, Foggia, Matera and Potenza, but approximately 90% of all cases received originate in Bari Province.

Commencing 31st of August continuous advisory liaison has been constantly maintained with Gen. di Brig. Carusi Mario, President of this Tribunale, and Lt. Col. Grilli, newly appointed Procuratore Militare, with the aim and the object; increasing number of Allied interest cases tried, insuring that sentences given were adequate.

Emphasis of these objects were accomplished by numerous conferences with Procuratore Militare and staff, and by personal visits to offices of Tribunale and Procura.

By 6th Sept 44 organization was completed of a 2nd Section, of this Military Tribunale to devote its time exclusively to the trial of Allied interest cases. This 2nd Section tried its first case on 15th Sept 44. There are now 2 Sections of this Court sitting 6 days a week, morning and afternoon, trying only Allied interest cases.

On 15th Sept 44, R. E. Salerno, Under Secretary of War, contacted this IO and a day was spent with Gen. di Nisio, Comandante Militare delle Puglie, Lt. Col. Grilli, Procuratore Militare, and staff officers, in planning an increase in number of cases tried. Emphasis was laid on fact that sentences were inadequate and that suspended sentences should be given only in most exceptional cases, of which there were to be few.

It was agreed, that in view of the accumulation of

30th September period, as compared to 141 Allied cases (209 defendants) so disposed of during August 44 and 177 Allied cases (256 defendants) so disposed of during July 44.

On 30th Sept 44 there were pending before this Tribunale (including its Procura Militare and Istruttore) 404 Allied cases (581 defendants, as compared to 468 Allied cases (792 defendants) pending on 31 August 44.

During the month of Sept 44 this Tribunale received 259 new Allied interest cases (333 defendants).

Above figures disposed of cases, do not include 7 Allied cases (19 defendants) sent to Civil Tribunals. Do not include 76 cases (106 defendants) misdirected to this Tribunale, which patently were intended for Civil Tribunals.

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On 13th Sept 44, H.B. Palermo, Under Secretary of War, contacted this IO and a day was spent with Gen. di Nisio, Comandante Militare delle Fucile, Lt. Col. Grilli, Procuratore Militare, and staff officers, in planning an increase in number of cases tried. Emphasis was laid on fact that sentences were inadequate and that suspended sentences should be given only in most exceptional cases, of which there were to be few.

It was agreed, that in view of the accumulation of pending Allied cases additional officers with legal background would be provided and assigned to staff of Procuratore Militare, in order to expedite preparation of Allied interest cases.

Newly appointed acting Procuratore Militare Lt. Col. Grilli was formerly member of Trani Tribunale, Bari Province, is a man of energy, ability and determination; he has

quickly exposed the seriousness of the situation, is working hard to remedy it. This IO considers Lt. Col. Grilli the right man for this Bari situation and is of the opinion that he should be kept in his present position till this backlog of Allied cases are disposed of. This IO is confident that unless some unforeseen circumstance arises this Tribunal will dispose of more than 400 Allied cases during the month of October 44.

From 2nd to 4th Oct 44 inclusive this Tribunale tried 52 Allied cases (56 defendants).

(2) Bari Civil Tribunale disposed (by trial) of 149 Allied interest cases (239 defendants) during 1st to 30th Sept 44 period, as compared to 107 Allied cases (335 defendants) so disposed of during August 44 and 173 Allied cases (235 defendants) so disposed of during July 44.

(In addition 14 cases were closed during Sept 44 because defendants are unknown; 1 case with 1 defendant sent to ACC; 32 cases with 53 defendants sent to jurisdiction of other courts, and are reflected in other totals).

On 30th Sept 44 there were pending before this Tribunale (including its Procura del Regno and Istruttore) 173 Allied cases (310 defendants) as compared to 258 Allied cases (447 defendants) pending on 31st Aug 44.

During the month of Sept 44 this Tribunale received 111 new Allied interest cases (with 165 defendants).

This Tribunale was 65 cases short of trying twice as many cases in Sept 44 as in Aug 44. Its failure to do so is due to confusion caused by necessary transfer of Procuratore del Regno, continued absence on vacation of new Procuratore del Regno, who did not assume duty until 22nd September; absence on vacation and for other reasons during Sept of 4 out of 6 regular Sostituti Procuratori, absence on vacation of 1 Istruttore Judge during the first 5 days of Sept, absence on vacation of other Istruttore Judge during first 14 days of Sept, absence on vacation of 7 out of 20 Judges of the Tribunale.

These difficulties were overcome in part by the Procuratore del Regno of the Minori Court, acting as Procuratore del Regno of the Tribunale and by Pretore of Modugno and Vice Pretore of Bari, acting as Substitutes and 42 more Allied cases were tried in Sept than were tried in Aug 44.

During the last week of Sept acting 1st President of Court of Appeals, Cervelli, added a second Section to try exclusively Allied cases.

1st President Court of Appeals believes that difficulty of this Tribunale is due to lack of clerks, and lack of energy on part of some of the judges. Office of the Cancellaria is not well organized, disciplinary measures have recently been taken against two clerks, for disobeying orders of their superiors. Procuratore del Regno Ferrari having only been present since 22nd Sept 44 it is not possible

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During the last week of Sept acting 1st President of Court of Appeals, Cervelli, added a second Section to try exclusively Allied cases.

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This Tribunale, if carefully supervised, can and will dispose of more than 200 Allied interest cases during the month of October. 1st President of Court of Appeals has definitely promised this 10 that he will personally use supervisory pressure to obtain such result during month of October.

(3) Trani Civil Tribunale disposed (by trial) of 49 Allied interest cases (93 defendants) during st to 30th Sept 44 period, as compared to 17 Allied cases (28 defendants) so disposed of during Aug 44 and 19 Allied cases (32 defendants) so disposed of during July 44.

On 30th Sept 44 there were pending before this Tribunale (including its Procura del Regno and Istruttore) 83 Allied cases (190 defendants) as compared to 102 Allied cases (247 defendants) pending on 31st Aug 44.

During the month of Sept 44 this Tribunale received 30 new Allied interest cases (with 36 defendants).

Accompanied by the newly appointed acting 1st President of Court of Appeals, Bari, and Procuratore Generale, Bari, this IO visited the Civil Tribunale at Trani, and the day was spent in conference with all the judicial officials persuading them to:

- (a) get an accurate record of the number of pending Allied interest cases and defendants,
- (b) try 4 times as many Allied interest cases in each of the months of Sept and Oct, as had been tried in any of the 3 previous months,
- (c) cease giving suspended sentences except in the most exceptional of cases, and to give adequate sentences in all cases.

Altho this Tribunale tried 3 times as many Allied cases in Sept as tried in Aug (i.e. 49 as compared to 17) Tribunale can easily dispose of 75 Allied cases during October 44 and thus clean up its back accumulation of Allied cases.

1st President of Court of Appeals states that one difficulty with this Tribunale is that its President was dismissed because of age on the 1st of January 44, but was called back in February 44. Tribunale President considers his dismissal illegal and feels so deeply about the matter, that his mind is distracted from his work.

1st President of Court of Appeals assures that he will assume responsibility of seeing that in the future this Tribunale handles Allied cases with greater despatch.

(4) Bari Juvenile Tribunale disposed (by trial) of 32 Allied interest cases (41 defendants) during 1st to 30th Sept 44 period, as compared to 21 Allied cases (24 defendants) so disposed of during Aug 44.

On 30th Sept 44 there were pending before this Tribunale 33 Allied cases (44 defendants), as compared to 27 Allied cases (35 defendants) pending on 31st Aug 44.

During the month of Sept 44 this Tribunale received 25 new Allied interest cases (with 35 defendants).

i.

Taranto Province

(1) Taranto Military Tribunale reported by telegram that "it disposed (by trial) of 65 Allied interest cases (96 defendants) during 1st to 30th Sept 44 period", as compa-

Allied cases (190 defendants) pending on 31st Aug 44.

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On 30th Sept 44 there were pending before this Tribunale 33 Allied cases (44 defendants), as compared to 27 Allied cases (35 defendants) pending on 31st Aug 44.

During the month of Sept 44 this Tribunale received 25 new Allied interest cases (with 35 defendants).

Taranto Province

(1) Taranto Military Tribunale reported by telegram that "it disposed (by trial) of 65 Allied interest cases (96 defendants) during 1st to 30th Sept 44 period", as compared to 18 Allied cases (28 defendants) so disposed of during August 44, and 19 Allied cases (28 defendants) so disposed of during July 44 and 20 Allied cases (30 defendants) during June 44.

Procura Militare of this Tribunale reports that 186 new cases with 290 defendants were received during month of Sept 44.

Results of telephone calls by this 10 to Major Boyd-

1059

Carpenter on 1st and 3rd Oct 44, indicate that in Major Boyd-Carpenter's opinion it is impossible to obtain at this date (30th) reliable figures of number of Allied cases actually pending on 30th Sept 44 before Military Tribunal.

Since this Tribunale definitely stated to this IO and Italian Under Secretary of War, Palermo, on 14th Sept 44 that they had pending on 14th Sept 44 177 cases, (of which 36 cases were already set for trial during Sept, 25 ready to be set for trial, 116 under instruction, total 177) and since during the full month of Sept 44 the Procura Militare received 186 new Allied cases, of which only a small portion was received during 1 - 15 Sept period, (see para 1 Major Boyd-Carpenter's letter 22nd Sept 44 to this IO stating from 15 Aug to 15 Sept 68 new cases were received) and since only 65 cases were disposed of by trial, this IO concludes that there must be now (30th Sept 44) over 200 Allied interest cases pending in this Tribunale.

If such is the cases, then the suggestion made by this IO and concurred in by Under Secretary of War Palermo, that a second Section of this court be devoted exclusively to trial of Allied cases, until the accumulated Allied cases are reduced to a much lower figure, should be immediately complied with.

Although this Tribunale disposed of more cases in Sept alone, than it disposed of during the entire months of June, July and August 44, it still falls short of its capabilities, and should during October and November be able to reduce its accumulated Allied cases to less than 100.

In addition to 65 Allied cases disposed of by trial this Tribunale reports that it sent 3 cases back to Procura Militare for further inquiry, 2 cases to other courts for action, 12 cases adjourned because defendants cannot be found. Thus this Court appears to have dealt with 84 Allied cases of which 65 were disposed of by trial.

(2) Taranto Civil Tribunale, in answer to telegram of Procuratore Generale Bari, reported that they had disposed (by trial) of 61 Allied interest cases (78 defendants during 1st to 30th Sept 44 period, as compared to 65 cases (53 defendants) so disposed of during Aug 44 and 66 Allied cases (166 defendants) so disposed of during July 44.

Results of telephone calls by this IO to Major Boyd-Carpenter on 1st and 3rd October 44 indicate that in Major Boyd-Carpenter's opinion it is impossible to obtain at this date (3 Oct 44) reliable figures of Allied cases actually pending on 30th Sept 44.

Absent figures giving number of Allied interest cases received during Aug and Sept 44 IO can only estimate that probable number of Allied pending cases on 30th September 44 are between 100 and 200. Major Boyd-Carpenter reports to RLO Naples on 9th Sept 44 (Copy to this IO) that this

portion was received during 1 - 15 Sept period, (see para 1 Major Boyd-Carpenter's letter 22nd Sept 44 to this IO stating from 15 Aug to 15 Sept 68 new cases were received) and since only 65 cases were disposed of by trial, this IO concludes that there must be now (30th Sept 44) over 200 Allied interest cases pending in this Tribunale.

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Results of telephone calls by this IO to Major Boyd-Carpenter on 1st and 3rd October 44 indicate that in Major Boyd-Carpenter's opinion it is impossible to obtain at this date (3 Oct 44) reliable figures of Allied cases actually pending on 30th Sept 44.

Absent figures giving number of Allied interest cases received during Aug and Sept 44 IO can only estimate that probable number of Allied pending cases on 30th September 44 are between 100 and 200. Major Boyd-Carpenter reports to RIO Naples on 9th Sept 44 (Copy to this IO) that this Tribunale had 111 Allied cases ready for trial and 91 pending in Procura, total 202 pending.

This Tribunale responding to inquiry of Procuratore Generale Bari, states that on 15 Sept 44 total Allied pending cases were 125 (195 defendants, of which 63 (89 defendants) ready for trial in Tribunale and 62 (106 defendants) were pending in office of Procuratore del Regno.

There is no reason to assume that despite fact Civil Tribunal sent approximately 90 cases to jurisdiction ofaranto Military Tribunal and disposed of 61 by trial, pending Allied cases range between 100 and 200.

This Tribunal under advisory ACC supervision and continued pressure from Senior Italian Legal officials of Bari should certainly be able to dispose of 100 Allied cases during October 44.

This Tribunal is one of the only 2 Tribunals in the Bari -aranto Zone that tried less Allied cases in September than in August 44 (61 in Sept and 65 in Aug).

1st President of Appeals Court, Bari, states that this Tribunal is understaffed for the amount of work they have to deal with, need a 3rd Section allowing them 16 judges instead of 11.

1. Lecce Province

(1) Lecce Military Tribunale disposed (by trial) of 46 Allied interest cases (70 defendants) during 1st to 30th Sept 44 period, as compared to 18 Allied cases (42 defendants) so disposed of during Aug 44 and 29 Allied cases (53 defendants) so disposed of during July 44.

On 30th Sept 44 there were pending before this Tribunale 258 Allied cases (381 defendants) as compared to 253 Allied cases (415 defendants) pending on 31st Aug 44.

During the month of Sept 44 this Tribunale received 31 new Allied interest cases (with 42 defendants).

Above figures were obtained by this IO from President of Military Tribunale and Military Procuratore at Lecce on 30th Sept 44.

Altho this Tribunale tried 2 times as many Allied cases in Sept 44 as in Aug 44, Tribunale has not been giving necessary priority to Allied cases.

On 30th Sept 44 had backlog of 238 Allied cases, of which only 31 were received in Sept 44. English speaking President Viganori and acting Procuratore Militare Lt. Col. Marsano are both very intelligent men. Admit the seriousness of the situation, agree to try and remedy it during Oct 44, by giving strict priority to Allied cases. President insists he has only 3 Judges, 1 President, 2 Judges "relatori" therefore can only operate 1 section. President desires 3 Judges, 2 Judges "relatori" and 3 additional Substitutes Procuratori for second section. Even if new section is not added to deal with Italian cases, existing section can dispose of 140 cases a month without difficulty. Has only disposed of an average of 55 cases monthly during past 3 months.

Recommend a strong letter from War Ministry to President of this Tribunale, insisting on priority of trial of Allied cases and that existing section be immediately devoted exclusively to this duty until backlog of Allied cases falls below 75 pending cases.

1062

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Recommend a strong letter from War Ministry to President of this Tribunale, insisting on priority of trial of Allied cases and that existing section be immediately devoted exclusively to this duty until backlog of Allied cases falls below 75 pending cases.

(2) Lecce Civil Tribunale disposed (by trial) of 12 Allied interest cases (31 defendants) during 1st to 30th Sept 44 period, as compared to 18 Allied cases (42 defendants) so disposed of during Aug 44 and 29 Allied cases (53 defendants) so disposed of during July 44.

On 30th Sept 44 there were pending before this Tribunale (including its Procura del Regno and Istruttore) 24 Allied cases (45 defendants).

During the month of Sept 44 this Tribunale received 17 new Allied cases (with 31 defendants).

Altho Allied cases pending in this Tribunale are few, this IO has again advised Lecce Judicial Officials that Allied cases must be given trial priority, handled with despatch, and sentences must be adequate.

Since sub-section of Bari Court of Appeals at Lecce is in same building, this Tribunale can be handled by indirect supervision thru 1st President and Procuratore Generale, Bari, allowing IO time for other duties.

This Tribunale is one of the only 2 Tribunals in the Bari-Taranto Zone that tried less Allied cases in Sept 44 than in Aug 44 (12 in Sept and 18 in Aug).

(3) Lecce Juvenile Tribunale disposed (by trial) of 33 Allied interest cases (49 defendants) during 1st to 30th Sept 44 period.

On 30th Sept 44 there were pending before this Tribunale 28 Allied cases (37 defendants), as compared to 21 Allied cases (24 defendants) pending on 31st August 44.

During the month of Sept 44 this Tribunale received 9 new Allied interest cases (with 15 defendants).

k. Brindisi Province

(1) Brindisi Civil Tribunale disposed (by trial) of 64 Allied interest cases (79 defendants) during 1st to 30th Sept 44 period, as compared to 17 Allied cases (64 defendants) so disposed of during Aug 44 and 53 Allied interest cases (79 defendants) so disposed of during July 44.

On 30th Sept 44 there were pending before this Tribunale 212 Allied cases (405 defendants) of which 115 (195 defendants) are pending in Court, 89 (174 defendants) pending in Office of Procura, 8 (36 defendants) in Giudice Istruttore's Office.

During the month of Sept 44 this Tribunale received 97 new Allied interest cases (with 133 defendants).

Above figures were obtained by direct visit of this IO to Brindisi on the 30th Sept 44.

Tribunal tried 3 times as many Allied cases in Sept, as it did in Aug 44, nevertheless it has only disposed of an average of 52 Allied cases a month, during past 4 months, has back log of 212 Allied cases. Tribunale should try and dispose of 150 Allied cases in Oct and 100 Allied cases each following month until backlog falls below 75.

Acting 1st President of Court of Appeals, Bari, and

Procuratore Generale are issuing directives to this effect.

Tribunale not well organized, is understaffed; Procure-tore del Regno, whose family lives in Molfetta (90 km away),

indirect supervision thru 1st President and Procuratore Generale, Bari, allowing 10 time for other duties.

This Tribunale is one of the only 2 Tribunals in the Bari-Taranto Zone that tried less Allied cases in Sept 44 than in Aug 44 (12 in Sept and 18 in Aug).

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On 30th Sept 44 there were pending before this Tribunale 28 Allied cases (37 defendants), as compared to 21 Allied cases (24 defendants) pending on 31st August 44.

During the month of Sept 44 this Tribunale received 9 new Allied interest cases (with 15 defendants).

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On 30th Sept 44 there were pending before this Tribunale 212 Allied cases (405 defendants) of which 115 (198 defendants) are pending in Court, 89 (174 defendants) pending in Office of Procura, 8 (36 defendants) in Giudice Istruttore's Office.

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Acting 1st President of Court of Appeals, Bari, and Procuratore Generale are issuing directives to this effect. Tribunale not well organized, is understaffed; Procuratore del Regno, whose family lives in Molfetta (90 Km away), desires promotion, needs good Substitute badly, has 1 who is young, and commutes every day to Lecce (40 Km away) by train. Recommend a strong Substitute be placed here for 3 months period, if same is possible.

Continued and steady pressure will have to be applied to all branches of this Tribunale by Italian officials, and weekly check made by ACC IO to obtain proper results from this Tribunale.

1063

1st President of Court of Appeals, Bari, states: Brindisi difficulty caused by lack of personnel; that 1st President of Tribunale and President of 1st Section are newly appointed, and when assumed responsibility 2 or 3 months ago, they undoubtedly found Tribunale in bad conditions with many pending cases.

1. Courts of Appeals.

(1) Bari Court of Appeals disposed (by trial) of 121 Allied interest cases (200 defendants) during 1st to 30th Sept 44 period, as compared to 43 Allied cases (70 defendants) so disposed of during Aug 44 and 15 Allied cases (19 defendants) so disposed of during July 44.

On 30th Sept 44 there were pending before this Tribunale 94 Allied cases (171 defendants), as compared to 107 Allied cases (181 defendants) pending on 31st Aug 44.

During Sept 44 this Court received 108 new Allied interest cases (with 190 defendants).

This court hears appeals from Bari, Trevisi, Foggia and Lucera Tribunale.

Bari Assize Court disposed of 2 Allied cases (7 defendants) during Sept 44, had pending on 30th Sept 44 3 Allied cases (4 defendants).

(2) Lecce Court of Appeals disposed (by trial) of 86 Allied interest cases (97 defendants) during 1st to 30th Sept 44 period, as compared to zero Allied cases in Aug 44, and 50 Allied cases (61 defendants) so disposed of during July 44.

On 30th Sept 44 there were pending before this Tribunale 207 Allied cases (231 defendants), as compared to 164 Allied cases (179 defendants) pending on 31st Aug 44.

During the month of Sept 44 this Tribunale received 129 new Allied interest cases (with 141 defendants).

This Court hears appeals from the Tribunale of Lecce, Brindisi and Taranto.

4. Personnel changes in Bari Military Tribunale

a. On 6th Sept 44 Lt. Col. Colamassini Giovanni was discharged from further duty with this Tribunale.

On 9th Sept 44 Major Campanella Vincenzo was discharged from further duty with this Tribunale.

On 9th Sept 44 Major Crispo Alfredo was discharged from further duty with this Tribunale.

New Judges of this Tribunale appointed on 9th Sept 44 were: Lt. Col. Comandante Filiberto, Lt. Col. Massimo Gennaro, Major Scamarcio Michele, Captain Vannucci Nullo, Captain Frava Piero, Captain Binna Igino, all assumed duties on 6th Sept 44.

For other recent changes in personnel of this Tribunale see exhibit 1 attached hereto.

b. On 12 - 13 Sept 44 Under Secretary of War, Palermo, visited this Tribunale and conducted a thorough investigation

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For other recent changes in personnel of this Tribunale see exhibit 1 attached hereto.

b. On 12 - 13 Sept 44 Under Secretary of War, Palermo, visited this Tribunale and conducted a thorough investigation into personnel, and other matters.

Accompanied by this IO he spent considerable time with Bari Military Tribunale, insisting strongly that priority should be given to Allied cases: that they should be tried with despatch; that sentences must be adequate; suspended sentences should be given only in most exceptional cases, of which there were to be few.

His assistance has been invaluable. Later in the absence of this IO he made a speech to the officers of the Tribunal to the same effect.

On 14th Sept 44 Under Secretary Palermo accompanied by this IO visited Taranto and repeated same admonitions to Taranto Military Tribunale.

5. Checking missing cases.

This IO's report deals only with cases which have been actually received by Italian Courts from Allied and Italian Police agencies. No attempt has been made to include in the report cases still in Police hands and not yet received by Italian Courts.

Prior to 1st June 44 some arrests were made where no complaint concerning same ever sent to or received by Italian Courts. Obviously it is a Police and not a legal function to prepare arrest reports and see that they are actually put in the hands of the Italian Courts.

Capt German during past months has been checking arrest reports of Police agencies against cases actually received by Italian Courts and has been attempting to trace missing cases. This IO is of the opinion that responsibility of proving cases actually were sent and received by Courts is a Police function and all Italian and Allied Police Agencies should obtain receipt for cases definitely placed in hands of Italian Courts. Legal Officer at Bari should be immediately relieved of this responsibility so he can devote all his time strictly legal duties of which there are many.

6. Newly appointed (1st Aug 44) acting 1st President of Bari Court of Appeals Cervelli Giovanni, deserves special mention, he has cooperated with this IO in all matters and his advice on many things has been of great value. He is liked and respected by his subordinates.

7. This IO arrived at Bari 30th Aug 44, investigation reflected that during June, July and August there had been an appreciable slow down of trial of Allied interest cases and that due to a general state of disorganization and large number of deferred judicial vacations being taken in Sept, the assignment presented considerable more difficulty than had been previously anticipated. A trip to Taranto on 31st August indicated that the trial of Allied interest cases in the Taranto area had slowed down even more than at Bari. When Major Boyd-Carpenter arrived 1st Sept 44 it was agreed, he would proceed to Taranto to supervise that area, which altho having less pending cases than Bari was desperately in need of attention. Effort was immediately made throughout the whole Bari-Taranto area to obtain the exact number of pending Allied interest cases and defendants in all Courts, speed up trial of Allied interest cases, and see that adequate sentences were imposed. System of diverting more Allied cases to Pretori Courts

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System of diverting more Allied cases to Pretori Courts was considered and temporarily disgarged because of lenght of time required to get system in motion and iron out confused jurisdictional disputes.

Brig. Palmer 54 area and Major Rhys-Roberts G 2 54 area were immediately contacted by this IO as suggested by CIO.

Major says--Roberts reviewed theft of war materials situation in presence of Brice. Palmer and this IO was advised, that since their HQ was moved out of Bari Area 1 Sept 44, all further contacts would have to be made with new CO of 54 Area.

This IO and Captain German on 2nd Oct 44 again reviewed the situation on theft of war materials with Major Satchell new DAG 54 Area and new Major Sexton-Mills C2 54 Area.

Both Officers, (Major Sexton-Mills in particular) are still concerned over the number of thefts of war materials taking place at 14 British Ammunition Depot, Bitonto.

Analysis of recent cases of theft from this Depot reflect that no one individual case is of sufficient importance to justify an AMG Court.

Policy on AMG Courts is completely understood by Major Satchell DAG, himself a lawyer.

This IO recommends that Capt. German's suggestion of an AMG Court to be held at Bitonto instead of Bari, for the trial of 10 or 12 small cases be given careful consideration.

Should this suggestion be adopted, such cases should be carefully prepared for trial by prosecuting Officer, thoroughly investigated before trial by Police Agencies concerned.

It is submitted that under present wartime conditions with lack of judicial personnel, missing co-defendants, witnesses, documents, and all other wartime imponderables it is impossible to completely remedy the Bari-Taranto situation in the short space of 1 month.

IO feels much has been accomplished by ACC legal activity in Sept that will be reflected by increased Italian Court activity throughout the whole of the month of Oct 44.

8. Recommendations:

Recommend that strong attempt should be made by ACC Legal Officers Bari-Taranto Jones, to persuade Italian Civil and Military Tribunali to increase number of Allied cases tried in Oct 44 over number tried in Sept 44 by the following numbers.

Bari Military Tribunale increase of 120 cases; Bari Civil Tribunale increase of 60 cases; Trani Civil Tribunale increase of 60 cases; Taranto Military Tribunale increase of 120 cases; Taranto Civil Tribunale increase of 100 cases; Lecce Military Tribunale increase of 110 cases; Lecce Civil Tribunale increase of 20 cases; Brindisi Civil Tribunale increase of 70 cases.

Should this aim and object be accomplished, accumulation of Allied cases pending in those Tribunali can be reduced by 630 cases.

Bari Military Tribunale will

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Should this aim and object be accomplished, accumulation of Allied cases pending in those Tribunali can be reduced by 650 cases.

Bari Military Tribunale will probably obtain this increase without much additional advisory supervision, all other Tribunali will need constant pressure from higher Italian Officials to show proper increase in trial of Allied cases.

It will also be necessary to consistently insist on adequate sentences, and that suspended sentences should be given only in most exceptional of cases.

Donald C. Little

Donald C. Little
Major CMF - AUS
IO for Bari and Taranto
Zones Southern Region ACC.

(3 inclosures)

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Changes

in the Staff of the Bari Military Tribunale
during the month of Sept 44

Tribunale: Brig. General Carasi Mario arrived on 29 June 44. Assumed duty of President on the 4th July 44.

His predecessor was Reserve Brig. General Madia Mario, who left duty of President on 15th June 44.

In the period between 15th June and 3th July inclusive, Lt. Col. Natale Pasquale functioned as acting President of the Military Tribunale.

Judges : Lt. Col. Colamussi Giovanni was discharged on 6th Sept 44 from duty.

Major Campanella Vincenzo was discharged on 9th Sept 44 from duty.

Major Crispo Alfredo was discharged on 9th September from duty.

Lt. Col Comunale Filiberto, Lt. Col. Maggio Gennaro, Major Scamarcio Michele, Capt. Van-nucci Nullo, Capt Prava Piero, Capt Binna Iginowere appointed and assumed duty on the 6th Sept. 44.

Procura : Lt. Col. Grilli Giovanni was appointed new Procuratore Militare on the 14th Aug 44 and assumed duty on same day. His predecessor Lt. Col. Furlan Luigi left on same day.

On the 14th June 44 Lt. Giuseppe Sapienza was appointed as new and additional Substitute Procuratore Militare, assumed duty on same day.

On 11th Sept 44 Lt. Guariglia Cronzo was Attached to the Procura Office, dealing with Allied cases as collaborator. Assumed duty on same day.

Judicial PersonnelProcura Generale - Bari.

1. DE SANTIS Gius pe - Procuratore Generale. In charge before and during the vacations period.
2. GUIDI Salvatore - Subst. Procuratore Generale, in charge before and during vacations period.
3. FERRARA Luciano - Subst. Procuratore Generale, in charge until 20 Aug 44; on vacation from 21 Aug to 21 Sept 44; since 22 Sept transferred to Procura del Regno as chief.
4. TALLARIGO Cesare - Subst. Procuratore Generale since 29 Aug 44 (formerly Procuratore del Regno Bari).

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Procura del Regno - Bari.

1. FERRARA Luciano - Procuratore del Regno, in charge since 22 Sept 44 (formerly Subst. Procuratore Generale).
2. ABBONDANZA Amerigo - Subst. Procuratore, in charge before and during vacations period (Acting Procuratore until Ferrara took charge).
3. RONSEGNA Mario - Subst. Procuratore, on vacation from 17 July to 16 Aug 44; since then suspended for reasons of health.
4. RAINONE Carlo - Subst. Procuratore, on vacation from 28 Aug to 27 Sept 44.
5. BIANCHI Guido - Subst. Procuratore; enlisted since 1940; actually POW of Germans.
6. ROTONDO Michele - Subst. Procuratore, had been on vacation from 20 July to 19 Aug 44; actually in charge.
7. MEZZINA Francesco - Subst. Procuratore, on vacation from 18 Aug to 16 Sept 44; now transferred to Tribunale Foggia as judge.
8. CIASCA Rocco - Auditor acting Subst. Procuratore; on vacation from 4 Aug to 3 Sept 44; since then obtained a further leave of 30 days for reasons of health.
9. TURI Giuseppe - Pretore of Modugno, attached for the period of 2 months beginning 21 July 44; in charge also during vacations period.
10. LONGO Francesco - Auditor, Vice Pretore of Bari attached for a period of 6 months beginning 1 Aug 44; in charge also during vacations period.

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4. TALLARICO Cesare
- Subst.Procuratore Generale since 29 Aug 44 (formerly Procuratore del Regno Bari).

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- Auditor acting Subst.Procuratore; on vacation from 4 Aug to 3 Sept 44; since then obtained a further leave of 30 days for reasons of health.
9. TURI Giuseppe
- Pretore of Modugno, attached for the period of 2 months beginning 21 July 44; in charge also during vacations period.
10. LONGO Francesco
- Auditor, Vice Pretore of Bari attached for a period of 6 months beginning 1 Aug 44; in charge also during vacations period.

Procura del Minori - Bari.

1. ABBONDANZA Amerigo
- Subst.Procuratore; in charge before and during vacations period; until 22 Sept 44 also Acting Procuratore del Regno, Bari.

Procura del Regno - Trani (over)

Procura del Reg. - Trani.

1. RONGETTI Vittorio
- Procuratore, on vacation from 15 Aug to 15 Sept 44.
2. STEA Vito
- Subst. Procuratore; in charge before and during period of vacations; Acting Procuratore from 15 Aug to 15 Sept 44.
3. DI STASO Nicola
- Subst. Procuratore; on vacation from 15 Aug to 15 Sept 44.
4. LERARIO Francesco Paolo
- Subst. Procuratore, in charge; on vacation from 1 July to 31 July 44.

Court of Appeals - Bari.

1. CUOMO Giovanni
- First President; pensioned 1 Sept.
2. CERVELLI Giovanni
- Pres. of Section; Acting First President since 1 Aug 44; did not go on vacation.
3. MASI Tommaso
- Pres. of Section; on vacation from 1 Aug to 29 Sept 44.
4. CAGGIANELLI Alfredo
- Pres. of Section; on vacations since 1 Aug; pensioned since 1 Sept 44.
5. ROBERTI Michele
- Pres. of Section, in charge before and during vacations period.
6. LUPOLI Alessandro
- Counsellor; on vacation from 1 Aug to 29 Sept 44.
7. LAMONICA Luigi
- Counsellor; in charge before and during vacations period.
8. SOLE Giosuè
- Counsellor; on vacation from 1 Aug to 29 Sept 44.
9. CIBELLI Michele
- Counsellor; on vacation from 1 Aug to 29 Sept 44.
10. CRISPO Luigi
- Counsellor; on vacation from 1 Aug to 29 Sept 44.
11. CIACCIA Angelo Raffaele
- Counsellor; in charge before and during vacations period.
12. STRANIERO Pasquale
- Counsellor; on vacation from 1 Aug to 29 Sept 44.
13. CASAVOLA Vittorio
- Counsellor; in charge before and during vacations period.
14. ELIANTONIO Michele
- Counsellor; on vacation from 1 Aug to 29 Sept 44.
15. DE LUCE Antonio
- Counsellor; on vacation from 1 Aug to 29 Sept 44.
16. PANSINI Giovanni
- Counsellor; on vacation from 1 Aug to 29 Sept 44.

ation from 1 July to 31 July 44.

Court of Appeals - Bari.

1. CUOMO Giovanni
 - First President; pensioned 1 Sept.
2. CERVELLI Giovanni
 - Pres. of Section; Acting First President since 1 Aug 44; did not go on vacation.
3. MASI Tommaso
 - Pres. of Section; on vacation from 1 Aug to 29 Sept 44.
4. CAGGIANELLI Alfredo
 - Pres. of Section; on vacations since 1 Aug; pensioned since 1 Sept 44.
5. ROBERTI Michele
 - Pres. of Section, in charge before and during vacations period.
6. LUPATI Alessandro
 - Counsellor; on vacation from 1 Aug to 29 Sept 44.
7. LAMONICA Luigi
 - Counsellor; in charge before and during vacations period.
8. SOLE Gioacchino
 - Counsellor; on vacation from 1 Aug to 29 Sept 44.
9. CIBELLI Michele
 - Counsellor; on vacation from 1 Aug to 29 Sept 44.
10. CRISPO Luigi
 - Counsellor; on vacation from 1 Aug to 29 Sept 44.
11. CIACCIA Angelo Raffaele
 - Counsellor; in charge before and during vacations period.
12. STRANIERO Pasquale
 - Counsellor; on vacation from 1 Aug to 29 Sept 44.
13. CASAVOLA Vittorio
 - Counsellor; in charge before and during vacations period.
14. ELIANTONIO Michele
 - Counsellor; on vacation from 1 Aug to 29 Sept 44.
15. DE LUCE Antonio
 - Counsellor; on vacation from 1 Aug to 29 Sept 44.
16. PANSINI Giovanni
 - Counsellor; on vacation from 1 Aug to 29 Sept 44.
17. DE MARI Giovanni Battista
 - Counsellor; in charge before and during vacations period.
18. D'ALESSANDRO Gaetano
 - Counsellor; stays at S. Vittore del Lazio can not return because of lack of means of transportation.
19. DE RENZO Giulio
 - Counsellor; on vacation from 1 Aug to 29 Sept 44.

20. DE CICCIO Fra - esco - Counsellor; in charge before and during vacations period.

21. CHIETRIA Lorenzo - Counsellor; on vacation from 1 Aug to 29 Sept 44.

22. CAZZI Enrico - Counsellor; in charge before and during vacations period.

23. MAGGI Amerigo - Counsellor; as enlisted officer attached to Milit. Court Bari.

24. SPINELLI Giuseppe - Counsellor; on vacation from 1 Aug to 29 Sept 44.

25. CALDERAZZI Luigi - Counsellor; on vacation from 1 Aug to 29 Sept 44.

Tribunale - Bari

1. GALLO Vittorio - President of Tribunale; since 21 Aug on vacation.

2. LEZZA Sergio - President of Section; since 21 Aug Acting President of Tribunale.

3. SCARDACCIONE Giuseppe - Pres. of Section; on vacation from 1 Sept to 30 Sept 44.

4. FRAGOLI Giuseppe - Pres. of Section; on vacation from 1 Aug to 31 Aug on vacation.

5. PARMIGIANI Stefano - Judge; since 15 Sept 44 on vacation.

6. DE CARLO Ariberto - " " 22 " " " "

7. LOVERRE Vittorio - " " " " " " "

8. BUONO Ielio - " " " " " " "

9. BARTOLI Saverio - " " " " " " " "

10. PANZINI Giuseppe - " " " " " " " "

11. FRATE Pasquale - " " " " " " " "

12. MAGARELLI Ugo - " " " " " " " "

13. PAGLIARULO Vito - " " " " " " " "

14. AMATI Domenico - " " " " " " " "

15. CERVELLI Antonio - " " " " " " " "

16. MORCUSE Vitantonio - " " " " " " " "

17. MEDICI Tommaso - " " " " " " " "

18. MEZZINA Nicola - " " " " " " " "

19. MACARONE-PALMERI Enrico - " " " " " " " "

20. COLAPINTO Vito - " " " " " " " "

21. GIANCASPRO Carlo - Instruction-Judge; from 6 Aug to 5 Sept 44 on vacation.

22. Jandolo Antonio - Instruction-Judge; from 15 Aug to 14 Sept on vacation.

Tribunale - Trani

1. DE STERANO Vincenzo - President; pensioned as from the 1st Sept 44.

2. ANTONACCIO Palmo - Presid. of Section; on vacation from

25. CALDERAZZI Luigi

- Counsellor; on vacation from 1 Aug to 29 Sept 44.

Tribunale - Bari

1. GALLO Vittorio

- President of Tribunale; since 21 Aug on vacation.

2. IZZA Sergio

- President of Section; since 21 Aug Acting President of Tribunale.

3. SCARDACCIONE Giuseppe

- Pres. of Section; on vacation from 1 Sept to 30 Sept 44.

4. FRAGOLI Giuseppe

- Pres. of Section; on vacation from 1 Aug to 31 Aug on vacation.

5. PARRIGLIANI Stefano

- Judge; since 15 Sept 44 on vacation.

6. DE CARLO Ariberto

- " " " " " " " "

7. LOVERRE Vittorio

- " " " " " " " "

8. BUONO Lelio

- " " " " " " " "

9. BARTOLI Saverio

- " " " " " " " "

10. PANZINI Giuseppe

- " " " " " " " "

11. FRATE Pasquale

- " " " " " " " "

12. MAGARELLI Ugo

- " " " " " " " "

13. PAGLIARULO Vito

- " " " " " " " "

14. ANATI Domenico

- " " " " " " " "

15. CERVELLI Antonio

- " " " " " " " "

16. MORGESE Vitantonio

- " " " " " " " "

17. MEDICI Tommaso

- " " " " " " " "

18. MEZZALANA Nicolò

- " " " " " " " "

19. MACARONE-PALEISRI Enrico

- " " " " " " " "

20. COLAPINTO Vito

- " " " " " " " "

21. GIANCASPRO Carlo

- Instruction-Judge; from 6 Aug to 5 Sept 44 on vacation.

22. Jancolo Antonio

- Instruction-Judge; from 15 Aug to 14 Sept on vacation.

Tribunale - Bari

1. DE STEFANO Vincenzo

- President; pensioned as from the 1st Sept 44.

2. ANTONACCI Ialmo

- Presid. of Section; on vacation from 1 Aug to 30 Aug. 44.

3. GRILLI Giovanni

- Judge; Attached to the Military Tribunale, Bari.

4. SCAMINIBELLA Cataldo

- Judge; on vacation from 1 to 30 Aug.

5. TRAVERSA Pietro

- " " attached to the Mil. Tribunale, Bari.

6. INSABATO Saverio

- " " on vacation from 1 to 30 Aug 44.

7. BARTOLI Antonio

- " " in charge before and during

period vacation.

8. BAPPI Federico

- Judge; on vacation from 1 to 30 Aug.

9. PER GIO-CAPANO P. - Male - Judge; in charge fore and during period of vacatio.
10. STANILLO Ignazio - Judge; in charge before and during vacation period.
11. SCILSI Leonardo - Acting judge; in charge before and during period vacation.
12. MORRI Giuseppe - Acting judge; in charge before and during vacation period.
13. SERRANO Ruggiero - Acting judge; in charge before and during vacation period.
14. SASSI Vito Paolo - Acting judge; on vacation from 1 Aug to 30 Aug 44.
15. DE CESARE Domenico - Judge; on leave for sickness.
- Pretura Unificata - Bari -
1. AFICELLA Mario - First Pretore; still in charge.
Of 11 officials only 7 are actually in charge. 2 are attached to Procura, Bari
1 is enlisted.

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

AGC/4043/11/L.

21 September 1944.

SUBJECT : Legal and Judicial Position - TARANTO.

TO : Regional Legal Officer (from
Regional Commissioner) Southern Region.

1. Reference your letters L-2212 dated 12 and 15 September 1944 and enclosures.

2. Confirming our conversation of today and with reference to the recommendations contained on pages 3 and 4 of the Report of Major Boyd-Carpenter dated 9 September 1944, I have the following observations :-

- (a) I agree that a legal officer should remain at TARANTO so long as you deem this necessary. While it is preferable that such legal officer should speak Italian fluently it does not seem possible to send one there who has that qualification. The legal officer who you assign to that position will have to do the best he can under the circumstances.
- (b) I have requested that the Minister of Justice send to TARANTO an inspector to investigate the position of the cases before the Italian Courts there and to take such steps as will ensure progress in the disposition of pending cases and others that may come before the Court. As to an interpreter I would think it extremely unlikely that any EM/OPS can be obtained for interpreting purposes. I think it is extremely unlikely that the Italian Court would be in a position to employ an Italian citizen to act as interpreter. It does seem to me that it would be well, in accordance with directives heretofore issued on the subject to employ a qualified Italian who could interpret and assist in other matter such as keeping records and so forth. Obviously any such Italian would have to be screened. Terms of employment are, as you know, set forth in directives on this subject.
- (c) I appreciate the fact as expressed in your letter of 15 September that the Italian Judges are required to consume a great deal of their time in writing out sentence. However it seems to be part of the Italian procedure and unless the Minister of Justice is willing to direct some change, if he has power to do so, it does not seem that much assistance can be given in this respect. Nevertheless I am placing this before the Minister of Justice for his consideration.

3. When I receive any information from the Minister of Justice on any of the matters mentioned above I will let you know.

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

RHW/wcw.

File *4643/14* (3A)

HEADQUARTERS
SOUTHERN REGION ALLIED CONTROL COMMISSION
APO 594, U.S. Army.

L-2212.

15 September 1944.

Subject: Further Interim Report, Legal and Judicial Position
Taranto, dated 12 Sept. 1944.

To : Chief Legal Officer, A.C.C., H.Q., C.M.F.

1. Reference my evenly numbered letter dated 12 September 1944 I forward a copy of a further Interim Report submitted by Major Boyd-Carpenter dated 12 Sept. 44.

2. I have, as I have already informed you, been visiting various Tribunali depending upon the Naples Court of Appeal whenever I have had an opportunity of doing so without dislocating the work of my office.

3. My experience thus far has been substantially the same as that of Major Boyd-Carpenter. There seems always to be the same difficulty about securing an increase in the number of Court days and Court hours worked and the explanation generally is that much time has to be spent by the Judges in writing out long and detailed Sentenze (judgments). In the meantime a steadily mounting congestion seems to leave them quite unperturbed.

4. I myself know that these Sentenze often run into many folios even in comparatively straight-forward cases and I would accordingly respectfully suggest that something might be done to curtail the large volume of writing which it seems necessary for Italian Judges to do under existing procedure.

5. I find for example that the Tribunale in Avellino where the President complained of inadequacy of staff is doing four penal sessions a week and I can see no good reason why the official at Taranto should

not be instructed to have at least the same number.

6. Everywhere I have thus far gone I have made it quite bluntly known that demands for increases in staff so familiar to those of us who have had much contact with Italian officialdom will not have my support until I am satisfied that existing staff is working to capacity.

7. You will observe that every possible endeavour is being made by officers to get the Italian Courts to put forth a maximum of effort and there will be no relaxing of these endeavours however discouraging the results may sometimes appear to be.

8. I once more support what is said by Major Boyd- Carpenter in para. 8 of his report.

9. I trust that I am correct in my assumption that you are especially interested in the development of the new Southern Region and that you desire to be kept well in the picture. The experience which is being gained here in the attempt to run a very large territory with a well-nigh irreducible minimum of officers will probably be of use in other parts of this country.

LFD/eb

L.F. Dawson
L.F. DAWSON,
Lt.Col., G.L., 23
Regional Legal Officer
Southern Region.

Enclosure:

Complete copy of letter.

File 4043/14
HEADQUARTERS
SOUTHERN REGION ALLIED CONTROL COMMISSION
APO 394, U.S. Army.

(2A)

L-2212

12 September 1944.

SUBJECT: Interim Report, Legal and Judicial Position
Taranto - Lecce.

TO : Chief Legal Officer, Legal Sub-Commission A.C.C.

1. I attach hereto a copy of the above mentioned report submitted to me by Maj. Boyd-Carpenter. I also attach a copy of my demi-official reply to him.

2. From these two communications you will observe the efforts which are being made to speed up the transfer of the legal and judicial work in Southern Italy from the basis of fairly close control and supervision which it was once possible to exercise to the new basis of securing a high degree of efficiency combined with a small legal staff.

3. I am organizing the work in such a way as will enable such law officers as remain here to keep the closest possible contact with the Italian Courts.

4. In my next monthly report I hope to set forth the scheme in terms of which I shall endeavour to discharge the responsibilities attaching to my position here.

5. I am at present engaged upon the compilation of a new Military Court panel for the whole of the Southern Region. In the meantime I am constituting these Courts as best I can.

6. I started a tour of Naples zone yesterday and was able to effect certain necessary improvements in the judicial set-up in Salerno. In this place I found that the Italian Courts in common with those everywhere else

were in vacation and the President of the Tribunale seemed to consider that he was conferring a favour upon me in giving up half a day of a vacation which started on 15 August 1944 and will continue until 1 October next, in order to afford me the opportunity of interviewing him. / *undecided him as this point with due courtesy.*

7. I hope shortly to be in a position to ascertain the state of affairs there through the medium of certain weekly returns which I have called for.

Unfortunately I was unable to continue my tour to-day owing to great pressure of work in this office.

8. I propose however to take every available opportunity of getting out into the field.

9. I shall be glad if the recommendation in para 9 (b) of Major Boyd-Carpenter's report may be given early effect to. I particularly support the alternative recommendation in para 9 (c). I take it the appointment is not one that I can make as the lawyer would be a member of the Italian Civil Service.

LFD/eb

L. J. Dawson.

L. J. DAWSON
Lt. Col., G.L.,
Regional Legal Officer
Southern Region.

Enclosures:

1. Report from Maj. Boyd-Carpenter
2. Copy of D.O. letter.

LEGAL SUB-COMMISSION	
→ GLO	
→ DCLC	
Chf. Counsel	
CLP	
Italian Section	
CL RKS	

(2B)

HEADQUARTERS
SOUTHERN REGION ARMED CONTROL COMMISSION
APO 394. U.S. Army

L-2212

12 September 1944.

My Dear Boyd - Carpenter

1. Thanks for your D.O. Letter (not dated) received here to-day.

2. Many thanks in particular for the extremely useful and informative report attached to this letter. I am sending a copy of this report to C.L.O.

3. As I told you in my letter dated 29 August 1944 Little has merely been sent to Bari temporarily. When he has finished the "clean up" there he will be available for reposting. You will then establish your H.Q. in Bari and will work that portion of the Southern Region which together with other details I have already described to you officially.

4. You will have German to assist you and as I wish to leave you as much latitude in action as I can you may use him in any manner you think fit for the efficient running of your parish. If you wish to station him in Taranto I shall have no objection. It must however be understood that you will be the officer responsible under me for keeping things straight in the area I have allotted to you.

5. Rolfe proceeded to Lucera some time ago.

6. The general impression I get from your very able report is that things in the Taranto-Lecce section of the country have greatly improved and will continue to do so under the application of constant pressure from the law officer on the spot.

7. With regard to paras 4 and 5 of your report I am taking steps to put the rendering of statistical data by

the Italian Courts upon a uniform basis throughout the Region. I propose that the new system shall come into effect as from 1 September 1944. I have already put it into operation in a number of Tribunali depending upon the Appeal Court in Naples and I am writing to you and Rolfe officially to-day asking you to take steps to do the same thing in your respective parishes. I agree with you that it will soon become a mere waste of time to continue pursuing "lost cases" based upon early and largely inaccurate statistics. When accordingly you have done all the checking back of individual cases that it is possible to do you should cease to expend any further effort in this direction, should notify the Italian Courts accordingly and should ask them to clean up the resultant position through their prisons administration.

8. From para 6 of your report the position in Lecce seems on the whole to be satisfactory.

I have not been able to discover quite how the Italian Courts were allowed to take a holiday at this rather critical time of drastic reduction in officer personnel co-inciding with a large increase in territory and population to be supervised without any visible reduction in the number of military personnel to be dealt with. But I find that the same thing has happened here and that the Judiciary will be holidaying until 1 October 1944. However we must do the best we can and carry on with our re-organization. I started touring the Naples zone yesterday and am ensuring that special sections of the Tribunali do at any rate sit to grapple with Allied interest cases, holidays notwithstanding.

9. I note para 7 of your report and think that for the present you should do nothing to disturb the priority which is being given to Allied interest cases, nor should you do anything which might undermine the doctrine of the vital ~~and~~ importance of such cases which we have so laboriously and painstakingly inculcated into the Italian Judiciary. It is for them by their own hard work to prevent their Courts from becoming congested.

10. I agree with the recommendations made by you in para 9 of your report. You may station Captain German

in Taranto. I am communicating recommendations (b) and (c) to the Chief Legal Officer but I am afraid that you will have to obtain your Italian lawyer from your own parish. If this does not work I shall endeavour ~~and~~ supply you with one from here. Please put your suggestion in para 7 (d) of your report to the Prefect through the Bari Zonal Commissioner.

11. Let me assure you that I appreciate your desire to get north but I am afraid that I shall have to ask you to remain at your present post at any rate until we have got this new vast Region of Southern Italy on an even keel. The more rapidly we achieve success in this the greater will be the possibility of a prospect of a change. I dislike my dear Boyd-Carnegie, to quote my own case but since war began I have found myself ^{for the first time} more dreary ^{place} than anything you will find in Italy. Be sure that when military exigency makes it possible to give you a change I shall not stand in your way.

12. I am sorry to be asking you in addition to all your other work to preside over two General Military Courts but there were cases which had been sent to A.C.C. H.C. before the present lumping together of Regions came about. It happens that these Courts fall to be constituted at a time when we are in the throes of reorganization. I have had to leave the choice of the third officer to you as no panel available to me here is of any use. As you know I am endeavouring to create a new one as fast as I can.

Yours *Truly*
F. P. Dawson.

LFD/eb.

CONFIDENTIAL & PERSONAL

Dear General,

- 1) As you will see from attached formal report, my arrangement with Little I have been covering the southern end of Apulia, while he has been in Bari. I have a report, and action therein mentioned, are what you want, through to tell the truth I have never been quite clear as to what was expected of us on our sudden dash to the South.
- 2) I should be very grateful if you would sometime let me know what your intentions are with respect to me. While Little and German are both at Bari it seems a sheer waste of time for me to be there too, the more so as Little and I do NOT see eye to eye on methods of work or of handling people. I am sure he would agree that the combination of the two of us for that reason doesn't make for efficiency, and anyhow it is too many people in one pot.
- 3) Perhaps you will let me know what you have in mind. As you will see from my report, I have recommended that an Officer be stationed at TARANTO. That man should clearly NOT be me. Talking an Italian speaking chap, someone who knows the area, such as German, would do far more good than I in the limited time which, even if you accept my recommendation, there will be a show going here. So I hope you won't consider me for that.
- 4) This is the first time in 5 years that I have ~~not~~ ventured to express a view as to my posting, but, as you know, my ambitions lie northward, where I honestly believe I am better fitted for the job than down here.
- 5) Forgive this addition to your other troubles.

Yours truly,
L. F. Dawson

Lieut.-Col. L.F. DAWSON,
R.E.C.; Southern Region, A.C.C., NAPLES.

466, 135 11

To: R. L. G. Region 2, ACC. (Two Copies)
 From: A/L. Office, TARANTO, ACC.

September 9, 44. A/L/I

Sir,

I have the honour to submit report as follows:

In accordance with instructions contained in your D.O. letter of 29th August I proceeded to Bari on 1st of September 1944. As Major Rolfe had NOT then arrived at Lecce, no hand-over was possible. I have already submitted recommendation that owing to volume and importance of work at Lecce Major Rolfe's arrival be expedited.

On September 2nd, after discussions with Lieut. Col. Orpwood, Zone Commissioner Bari, and with Major Little, I proceeded to Taranto, to ascertain position there and at Lecce. By arrangement with Major Little, Brindisi was excluded from the district with which I was concerned, and is, I understand, being dealt with from Bari.

Day-Out.

At Lecce there is a detached Section of the Court of Appeal of Bari, to which go appeals from Taranto, Lecce and Brindisi. At both Taranto and Lecce there is a Tribunale and a Military Tribunale. In addition at Lecce there is the Tribunale dei Minorenni; and in both districts the usual set-up of Pretore Courts.

Information as to pending cases.

I was informed by Major Little that according to figures submitted there were 613 cases affecting Allied interests pending in Taranto, and 33 at Lecce. I assume that this means pending in both Procura Office and ready for trial at Tribunale. In my view these figures are wholly inaccurate.

Registers at Legal Office, Taranto.

Above figures were compiled from Register's kept in Legal Office, Taranto. These registers are most conscientiously kept by a very competent Italian lawyer, but the system on which they are based is, in my opinion, quite useless. Reports are received from police agencies with respect to charges, which are entered in the register. The name of judicial authority who it is thought will deal with case is also noted, and eventually a report is received from the Court of result of proceedings, and this is entered on the register. The patent defect of this system is that there is no check on which authority is really dealing with case, and if case is sent to some other Court, or archived or lost it just remains a pending case in the register. For instance of the 613 cases attributed to Taranto it is NOT known who is dealing with 173. Further 69 cases are recorded as outstanding since previous to opening of Legal Office at Taranto on 27.3.44. Inquiries of Italian Courts also reveal that they have no trace of some cases attributed to them by the register and that equally they have cases of which there is no record. Each police agency submits such reports as it thinks fit.

As I am only temporarily on duty here I have NOT changed the

possible. I have already
volume and importance of work at Lucera Major Rome
expedited.

On September 2nd, after discussions with Lieut. Col. Greenwood, Zone
Commissioner Bari, and with Major Little, I proceeded to Taranto,
to ascertain position there and at Lecce. By arrangement with Ma-
jor Little, Brindisi was excluded from the district with which I
was concerned, and is, I understand, being dealt with from Bari.

Lay-Out.

At Lecce there is a detached Section of the Court of Appeal of Ba-
ri, to which go appeals from Taranto, Lecce and Brindisi. At both
Taranto and Lecce there is a Tribunale and a Military Tribunale.
In addition at Lecce there is the Tribunale del Minorenni; and in
both districts the usual set-up of Pretore Courts.

Information as to pending cases.
I was informed by Major Little that according to figures submitted
there were 613 cases affecting Allied interests pending in Taranto,
and 52 at Lecce. I assume that this means pending in both Procura-
Office and ready for trial at Tribunale. In my view these figures
are wholly inaccurate.

Registers at Legal Office, Taranto.
Above figures were compiled from Registrar's kept in Legal Office,
Taranto. These registers are most conscientiously kept by a very
competent Italian lawyer, but the system on which they are based
is, in my opinion, quite useless. Reports are received from police
agencies with respect to charges, which are entered in the register.
The name of judicial authority who it is thought will deal with case
is also noted, and eventually a report is received from the Court
of result of proceedings, and this is entered on the register. The
patent defect of this system is that there is no check on which au-
thority is really dealing with case, and if case is sent to some
other Court, or archived or lost it just remains a pending case
in the register. For instance of the 613 cases attributed to Taran-
to it is NOT known who is dealing with 172. Further 69 cases are re-
corded as outstanding since previous to opening of Legal Office at
Taranto on 27.3.44. Inquiries of Italian Courts also reveal that they
have no trace of some cases attributed to them by the register
and that equally they have cases of which there is no record. Each
police agency submits such reports as it thinks fit.

As I am only temporarily on duty here I have NOT changed the
system, though I have had letters written to Courts and Police in-
structing to trace the lost cases. The system however calls for com-
plete overhaul, and the figures it produces are quite unreliable.
I have attached as appendix to this report figures which the Ita-
lian authorities have produced, and which are in my view much near-
er the truth than those given in para 4. I am, of course, check-
ing up on individual cases; some of these I have no doubt have
been tried by other Courts. It is in my view a waste of time to try

Lawyer
check

101 trace the "lost" cases.

1000.

a) Court of Appeal.

200 cases affecting Allied interests are awaiting hearing by Court of Appeal. Of these 102 come from Taranto, 87 from Brindisi and 14 from Lecce. 100 of these cases have had date of hearing fixed. Total is larger than it should be as entire Court took a vacation from end of July to 1st of September. As Court consists of 8 members I do not think this should have been permitted, as holidays could have been taken in succession. The President and Avvocato Generale are still on holiday, but the Court has resumed sitting 3 days a week, trying 6 or 9 cases a day. According to the calendar the majority of these are allied cases, and outstanding total should be soon reduced. This Court, however, requires waiting.

b) Tribunale of Lecce.

Only 18 Allied interest cases are in the Procura del Regno Office, and 8 awaiting trial by the Tribunale. The Court is well abreast of its work, and the position is satisfactory.

c) Tribunale Militare of Lecce.

53 Allied interest cases are pending before Tribunale Militare, and dates for hearing of all of these have been fixed. 63 are in the office of the Procura Militare, making a pending total of 116. This Court sits 6 days a week, but has to deal with a very large number of Italian military cases, mainly of desertion. The Procura office is admirably organized, and one branch deals solely with Allied cases. Although the total of cases pending is substantial, I am satisfied that this Court is doing its best, and the Procuratore Militare Lieut. Col. Marzano struck me as willing and co-operative. All that is needed here is to ensure that our cases get a fair share of time of the Court for actual hearing.

d) Tribunale del Minorenni.

34 Allied cases are pending here. As these include cases from Brindisi and Taranto as well as Lecce, the number is reasonable. The cases mainly are trivial. The President, who is also President of the Tribunale, was of opinion, which I share, that much time and travel would be saved if Court sat occasionally in Taranto and Brindisi. In my view Prefect should be asked by AGO to requisition a car for this purpose. This action was taken in Province of Campobasso and all three Tribunali of that province thereby made mobile, with beneficial results.

e) Court of Assise.

This is due to sit in November.

TARANTO.

a) Tribunale.

At this Court priority in the lists and in the Procura Office has been arranged as follows:

- (1) Allied interest cases.
- (2) Annonarian cases.
- (3) Others.

The number of cases in each of these classes pending in the Court

to Generale are still on holiday, but the Court has resumed sitting 3 days a week, trying 8 or 9 cases a day. According to the calendar the majority of these are allied cases, and outstanding total should be soon reduced. This Court, however, requires waiting.

b) Tribunale di Lecce.

Only 18 Allied interest cases are in the Procura del Regno Office, and 6 awaiting trial by the Tribunale. The Court is well abreast of its work, and the position is satisfactory.

c) Tribunale Militare di Lecce.

53 Allied interest cases are pending before Tribunale Militare, and dates for hearing of all of these have been fixed. 63 are in the office of the Procura Militare, making a pending total of 116. This Court sits 6 days a week, but has to deal with a very large number of Italian military cases, mainly of desertion. The Procura office is admirably organized, and one branch deals solely with Allied cases. Although the total of cases pending is substantial, I am satisfied that this Court is doing its best, and the Procuratore Militare Liut. Col. Marceno struck me as willing and co-operative. All that is needed here is to ensure that our cases get a fair share of time of the Court for actual hearing.

d) Tribunale del Minorenni.

34 Allied cases are pending here. As these include cases from Brindisi and Taranto as well as Lecce, the number is reasonable. The cases mainly are trivial. The President, who is also President of the Tribunale, was of opinion, which I share, that much time and travel would be saved if Court sat occasionally in Taranto and Brindisi. In my view Prefect should be asked by AGC to requisition a car for this purpose. This action was taken in Province of Campobasso and all three Tribunali of that province thereby made mobile, with beneficial results.

e) Court of Assise.

This is due to sit in November.

7. TARANTO.

a) Tribunale.

At this Court priority in the lists and in the Procura Office has been arranged as follows:

- (1) Allied interest cases.
- (2) Annonarian cases.
- (3) Others.

The number of cases in each of these classes pending in the Court and ready for trial is:

- (1) 111
- (2) 25
- (3) 410.

Dates of trial for (1) and (2) have been fixed.

In the Procura, position is:

- (1) Allied interest cases
- (2) Annonarian cases
- (3) Others

Approximately 1250

91
209

the position particularly as regards the 2nd category, is most unsatisfactory. The Court sits in 2 sections, one of which sits 2 and the other 3 times a week, which is clearly insufficient. No date of trial for the 410 ordinary cases pending in the Tribunal

has been fixed, because of the priority given to Allied and American cases, and the number of such cases in the Procura indicates that the system is breaking down. My recommendations appear below. *The law of Italy is regular and it*

b) Tribunale Militare di Taranto

45 Allied cases are awaiting trial by this Court, and the cases of 180 persons are in the hands of the Procura Militare. As many of these persons are involved in same cases, total of cases in Procura office is less than half of this. This Court sits 5 and sometimes 7 days a week, and both the President, Admiral Quentini and the Procuratore Militare, Colonel D'Ambrosio, such as a helpful and competent. A special officer has been detailed to look after Allied cases, and here again the main problem is to ensure that Allied cases obtain their fair share of the time of the Court.

5.

General Comments.

- a) No attention appear to have been given by AGC to trial of pending Italian cases. At Taranto the position of these cases is most serious.
- b) Owing to diversity both of military units and of Italian Courts in the district, routine work of Legal Office at Taranto is substantial. Obtaining attendance of Allied witnesses before Italian Courts involves by itself a considerable amount of work.
- c) Standing difficulty of Italian Courts in dealing with Allied cases is interpretation and translation of evidence of Allied witnesses. Much time and efficiency is lost through lack of interpreters, and I make specific recommendation in next paragraph.
- d) I was assured by ~~the~~ H. 51 Area that no substantial complaints exist against legal side of AGC or Italian Courts. Very close contact is maintained with 52 Area.
- e) Little attention seems to have been given by AGC to Preture Courts and Procuratore del Regno, Taranto, seems averse from sending even small Allied cases to Preture Courts. No figures are available in this office as to position of Preture Courts, and I have NOT had the necessary time to collect them. I feel, and have expressed to the Procuratore del Regno, Taranto, that greater delegation of work both Allied and Italian would assist the situation. This, however, is a long term solution, and can only be effected by steady pressure, and it is of course essential NOT to give Procuratore undue pressure that any Allied cases can be treated lightly. As, however, a Pretore can give up to 3 years imprisonment I see no difficulty in a considerable delegation of such work, which is in fact the practice in provinces of Foggia and Campobasso.
- f) Generally I have applied pressure on all Italian judicial officials to accelerate trial of AGC cases.
- g) With the exception of Tribunale of Taranto I do NOT think situation is out of hand, but both Military Tribunale require constant pressure.

of 100 persons are in the hands of the Procura Militare, and the cases of these persons are involved in same case, total of cases in Procura office is less than half of this. This Court sits 6 and sometimes 7 days a week, and both the President, Admiral Quartin and the Procuratore Militare, Colonel D'Ambrosio, struck me as helpful and competent. A special officer has been detailed to look after Allied cases, and have again the main problem is to ensure that Allied cases obtain their fair share of the time of the Court.

General Comments.

- a) No attention appear to have been given by ACC to trial of pending Italian cases. At Taranto the position of these cases is most serious.
- b) Owing to diversity both of military units and of Italian Courts in the district, routine work of Legal Office at Taranto is substantial. Obtaining attendance of Allied witnesses before Italian Courts involves by itself a considerable amount of work.
- c) Standing difficulty of Italian Courts in dealing with Allied cases is interpretation and translation of evidence of Allied witnesses. Much time and efficiency is lost through lack of interpreters, and I make specific recommendation in next paragraph.
- d) I was assured by ~~the~~ H. 51 Area that no substantial complaints exist against legal side of ACC or Italian Courts. Very close contact is maintained with 52 Area.
- e) Little attention seems to have been given by ACC to Preture Courts and Procuratore del Regno, Taranto, seems averse from sending even small Allied cases to Preture Courts. No figures are available in this office as to position of Preture Courts, and I have not had the necessary time to collect them. I feel, and have expressed to the Procuratore del Regno, Taranto, that greater delegation of work both Allied and Italian would assist the situation. This, however, is a long term solution, and can only be effected by steady pressure, and it is of course essential NOT to give Procuratore a Pretore can give up to 3 years imprisonment I see no difficulty in a considerable delegation of such work, which is in fact the practice in provinces of Foggia and Campobasso.
- f) Generally I have applied pressure on all Italian judicial officials to accelerate trial of ACC cases.
- g) With the exception of Tribunale of Taranto I do not think situation is out of hand, but both Military Tribunale require constant pressure.

Recommendations.

- a) I recommend that so long as ACC remains in this part of the country a Legal Officer be located at Taranto to look after Courts at Taranto, Lecce and Brindisi. This is in my view justified by the importance of the Port of Taranto, the volume and variety of legal work involved, and by facts set out above. It is essential that this officer should be able to speak Italian. Owing to absence of AMG Court work, this legal experience is less important.
- b) I recommend that Ministry of Pardon and Justice be requested to

send it down. Inspector Fortinath to investigate position of Tribunale and Procura del Regno of Taranto, *partly into A.C.C.*

c) Ref. the recommendation contained in my A3/I of 7 September, I recommend ~~as these cases as~~ *that a qualified CR/DM* interpreter be attached to HQ, ACC. Taranto for duty with Italian Courts. Great delay and irritation would thereby be eliminated. *Alter duty* ~~Alter duty~~ an Italian lawyer who speaks good English and has been employed by AMG/ACC outside Puglia be so attached.

J. A. Ryd-111 *Major on*
A/I. O. TARANTO.

Copy to:

Zone Commissioner, BARI.
Zone Commissioner, TARANTO.
Major Little, ~~ACC~~, ACC, BARI.
c/c

APPENDIX A to report dated 9 September 1944.

LECCO

<u>Court of Appeal</u>	
<u>Allied cases pending</u>	203
<u>Tribunale</u>	
<u>Allied cases pending</u>	26
<u>Tribunale Militare</u>	
<u>Allied cases pending</u>	116
<u>Tribunale dei Macchinisti</u>	
<u>Allied cases pending</u>	34

Total LECCO

(but of these 189 are appeals to Court of Appeal NOT originating in LECCO).

379

TARANTO

<u>Tribunale</u>	
<u>Allied cases pending</u>	202
<u>Tribunale Militare</u>	
<u>Allied cases pending</u>	130
<u>Total TARANTO</u>	552

APPENDIX B to report dated 9 September 1944.

Following cross-section of work of Military Tribunale of LECCO is illuminating.

For week Sept 4 - 10th the cases of 27 accused ~~were~~ ^{were} involved in Allied intercepts cases are set for trial. In case of 5 of accused offence took place in 1943. All these men have provisional liberty, but 6 men are in arrest for offences committed in March 1944. Above figures are NOT inconsistent with the view expressed in para 6 (c) above as to present situation, but indicate considerable laxity in the past.

HEADQUARTERS
ALLIED CONTROL COMMISSION
REFERENCE
LEGAL OFFICE-TARANTO.

Re: Ap/1

Dated Sept. 12, 44.

Subject: Report on Tribunale of TARANTO.
R.L.C. Southern Region, ACC, NAPLES.

No.

(1) Further to my report dated 9th September 1944, para 7(a) and 8(a), report is submitted with respect to above Court, to which, for reasons which appear in my report above mentioned, I have been giving particular attention.

(2) As appears from figures quoted in my above report NOT only is number of Allied cases awaiting trial substantial, but number of purely Italian cases is large, increasing and about to be swamped by huge total in Prosecution Office. During week ending September 10th 8 Allied cases were dealt with (see my Ap/1 of 10.9.44 to addressees only), and progress with Italian, other than Annunzian cases, was negligible.

(3) In my view one of the main difficulties is the President, Cavaliere Pontana, Sergio. He is of charming personality and great experience, but inactive and resigned to the situation. I had a long and unsatisfactory conversation with him yesterday morning. He agreed that position of his Court was deplorable, and that he had taken no action about it. When pressed the only suggestion he could offer for improving it was that he should go and discuss the position with First President of Court of Appeal at BARI. I told him that I should be compelled to report position to higher authority and to state that I did NOT think enough work was being done by the Judges. To this last remark he made the not unjustified but revealing comment that nothing better could be expected at the rate of pay they got.

(4) The Tribunale sits, as stated in my report of September 9th, in 2 sessions, one of which sits for criminal work twice and the other three times a week. There is in addition on occasion, but NOT as far as I can discover regularly, a civil sitting by each section once a week. As the result of long discussion the President has promised me to increase the total of criminal sittings to 3 by each section per week. The first extra sitting is fixed for next week. He states however that it is NOT possible further to increase the number, of these sittings, owing to other work of the Judges. This includes, he said instruction work, voluntary jurisdiction and in his own case, taxation work. There are, however, if Judges on the Court, and I am of the opinion that there is no valid reason why each section should NOT sit 5 times a week at least. This would still leave 5 Judges available, during the hours of sitting, for other work. Number of sittings will NOT, however, be further increased without a direct order from the Ministry and/or the removal of the President. He is of the opinion that as sittings are more frequent than before the Arrestation, all that is possible without appointment of extra Judges has been done. I do NOT share this view.

(5) The hours of sittings is supposed to be 1000 hrs. In fact when I attended a sitting on Sept. 9th, Court did NOT sit till 1045 hrs. It does NOT

which appear in my report above mentioned, I have been giving particular attention.

(2) As appears from figures quoted in my above report NOT only is number of Allied cases awaiting trial substantial, but number of purely Italian cases is large, increasing and about to be swamped by huge total in Prosecution Office. During week ending September 10th 8 Allied cases were dealt with (see my Ap/I of 10.9.44 to addressees only), and progress with Italian, other than Annunzio cases, was negligible.

(3) In my view one of the main difficulties is the President, Cavaliere Fontana, Sergio. He is of charming personality and great experience, but inactive and resigned to the situation. I had a long and unsatisfactory conversation with him yesterday morning. He agreed that position of his Court was deplorable, and that he had taken no action about it. When presented the only suggestion he could offer for improving it was that he should go and discuss the position with First President of Court of Appeal at BARI. I told him that I should be compelled to report position to higher authority and to state that I did NOT think enough work was being done by the Judges. To this last remark he made the not unjustified but revealing comment that nothing better could be expected at the rate of pay they got.

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(5) The hours of sittings is supposed to be 1000 hrs. In fact when I attended a sitting on Sept. 9th, Court did NOT sit till 1045 hrs. It does NOT sit in the afternoon. President has promised me that as tomorrow sittings shall commence at 0900 hrs. He takes the view that afternoon sittings are impossible as so much work has to be done by Judges at home at that time. The nature of that work was NOT precisely stated.

(6) The President stated that in most of the pending Italian cases accused have been given provisional liberty. Only urgent cases of this category were being tried, and he had no idea when the majority would be dealt with.

(7) I have also discussed with Procuratore del Regio the situation in his office.

~~HEADQUARTERS~~

ALLIED CONTROL COMMISSION

~~PROSECUTION~~

Ref

Subject

To

Date

He takes the view quite frankly that he can't reduce number of Italian cases with the aid only of his 2 substitutes. Allied cases take precedence, and the number of Italian cases, now I 50 steadily increases. Quite reasonably he takes the view that it is useless to accelerate the output of his office while the Tribunale is unable to deal with his present output. While he is NOT overburdened with emergency cases, he does not seem to take the same line of acquiescence in the situation which the President takes, and he tells me that he has *cautiously* raised question of the inadequacy of his staff with the Procuratore Generale at Bari. This has been without result. I think the case for at least one extra substitute is made out.

(8) I repeat the recommendation made at para 9 (b) of my report of September 9th that an inspector of the Ministry of Justice be sent down to overhaul Tribunale and jointly with AGC make any necessary changes in personnel. I do NOT think that under AGC as opposed to AGC conditions AGC can do more than secure that promised improvements referred to above are in fact carried out. But they will NOT, by themselves, cure a serious situation.

J. A. P. (J. A. P.)

I. O. TARANTO.

Copies to: ZONE COMMISSIONER, AGC, TARANTO.
ZONE COMMISSIONER, AGC, BARI.
Major LITTLE, C/O, AGC, BARI.

4043114
Crew Pl.

HEADQUARTERS
SOUTHERN REGION, ALLIED CONTROL COMMISSION
LEGAL DIVISION
APO 354, U.S. Army

(1A)

1 September 1944

L-2000

SUBJECT: Report on the work of the Legal Division, Region 3,
for the month of August 1944.

TO : CLO, Legal Sub-Commission, ACC, HQ.

1. In continuation of the practice of my predecessor Major G.A. BALLEW, Acting Regional Legal Officer, who was transferred to a forward Region on 25 August 1944, I submit a report of the work of the Legal Division for Region 3, for the month of August 1944.

2. The source of some of the information that is herewith submitted is of course Major Ballew and the officers now under my command. It will be appreciated that this synopsis of the legal division's activities is prepared without my having any direct knowledge of some of the matters therein set forth.

3. STAFF. There is attached as Appendix "A" a list of officers serving in Region 3, under the Acting Regional Legal Officer as at 25 August 1944. Appendix "A(1)" is the roster of legal officers for the Southern Region up to and including 31 August 1944.

4. TRIBUNALS. On 1 August several changes were made at the Tribunale NAPLES. Arraignment court was abolished. Summary Military Courts except for the Fort Military Court were eliminated, and Superior Courts were reduced to one. It was decided to retain the Central Prosecutions Office at the Tribunale. Certain matters concerning it, particularly as regards the civilian staff had given rise to some anxiety. As a result of an investigation it was discovered that many prisoners had been released from prison by forged release warrants. Statements have been obtained

from the liberated prisoners incriminating a number of individuals. Some of the civilians involved have been arrested. It is expected that others will be taken into custody in the near future. During the month of August more than 50 civilian employees were dismissed because of the reduction in work.

5. During the period of this report approximately 250 cases were referred to the Italian Courts daily. Only those cases involving a notable amount of theft of Allied property, or cases deemed of substantial importance to the war effort, were retained for trial before AMG Superior Courts. All pending cases, some of which had been awaiting trial for months were assigned for trial, and adjudicated.

6. There ^{are} attached as appendices "B" and "C" tables showing the number of cases tried in AMG Courts in Naples Commune during the period under review.

7. ITALIAN COURTS. A special section of the Tribunale at Naples has been created to deal exclusively with cases involving property and interests of the Allies. Two sections of the Pretura of Naples have been established to deal with the same type of cases where allied interests and property are concerned.

8. Continual liaison has been maintained with the Presidents of all Courts and the representatives of the Judiciary. I have myself met all the principal judges and other officials in Naples and have emphatically directed their attention to the very great importance which the Allies attach to the punishment of offenders against their interests. It has been stressed that Exemplary and deterrent sentences must be imposed as they discourage further crimes of a similar nature. I have explained to all of them that where the success of the Allied war effort is involved the claims of the individual to lenient and reformatory treatment must yield before the urgent and absolute necessity which exists of ensuring that the efforts of the armed forces are not impeded in any way. A system of weekly returns has been inaugurated which will enable me to keep my fingers on the pulse of the Italian Judiciary and to see exactly how they are acting both in the volume of work they dispose of and in the sentences they impose.

Major D. J. Little left on Wednesday 30 August 1944 for Bari. He will be accompanied thither by Major Boyd-Carpenter and together with Capt. German will thoroughly examine the position there and conduct a "clean-up" which it is hoped will put an end to the causes of complaints which have recently been

made by responsible officers. He spent two days in my office before his departure. I made him thoroughly au fait with the prevailing unsatisfactory conditions and gave him a series of instructions in regard to their elimination. I myself propose to begin a tour of the Southern Region at the earliest possible date. It is unfortunate that the Italian Courts are in vacation and will apparently remain so for the whole of this month but I do not for this reason intend to postpone my inspections.

9. A survey of a number of eviction cases has been made. This survey has led to the preparation of a Prefect's Decree as yet unsigned to deal with war time evictions. I indicated to the Prefect the lines along which I thought his Decree should proceed. The Decree will be published in the course of the next day or two.

10. The many court room, office space and supply rooms used in the Tribunale of Castellaspiano by the Allies for court work were restored to the Italian Courts, for their exclusive use, with the exception of four small rooms still used for the AMG Central Prosecutor's Office.

11. There is attached as Appendix "D" a table showing the number of cases tried by the Italian Courts and the various types of offenders tried, during the period under review.

12. Luigi Piscitelli et alias. This division is in receipt of a letter dated 29 August 1944 from Legal Sub-Commission requesting the division to return for further consideration the proceedings against Piscitelli, Tagliavini and Mosca. The records in this division do not disclose that a new petition has been submitted here. Under secret classification the entire record in this case has been sent to the Chief Legal Officer according to instructions.

13. LEGISLATION. Paragraph 1 of a Regional Order No. 16 dated 26 February 1944 (which relates to the salaries of teachers "di ruolo" employed by the Allied Forces) has been repealed by Regional Order No. 64 issued on 9 August 1944.

For the Regional Commissioner:

L. F. Dawson.
L.F. DAWSON,
Lt. Colonel, G.I.,
Regional Legal Officer.

IJP/mo

APPENDIX "A"

RETURN OF OFFICERS AS OF 25 AUGUST 1944
REGION 3

Major G.A. BARNETT	(B)	Actg Reg Legal Officer
Major R.J. ROLFE	(B)	Judicial Officer
Capt. E.T. KERR	(A)	Prosecuting Officer
Capt. A.E. GOLD	(A)	Judicial Officer
Lt. B.D. CANN	(A)	" "
Lt. C.O. BARNES	(A)	Officer i/c Italian Courts.

APPENDIX A(1)

RETURN OF OFFICERS AS AT 31 AUGUST 1944
SOUTHERN REGION

Lt. Colonel L.F. DAWSON	(B)	Regional Legal Officer
Capt. E.P. KERR	(A)	Legal Officer, and Assistant to R.L.O.
Capt. A.R. GOLD	(A)	Legal Officer
Major R.J. HOLME	(B)	" "
Major D.C. LITTLE	(A)	" "
Lt. R.D. GANN	(A)	Prosecuting Officer and Officer i/c Central Prosecutions Office.
Lt. C.C. DANNO	(A)	Officer i/c Italian Courts, Naples Zone.
Major J.A. Boyd CARPENTER	(B)	Legal Officer FOGGIA ZONE
Capt. A.C.J. GERMAN	(B)	" " BARI "

It is intended to post Major Rolfe to the Foggia Zone and to station Major Boyd Carpenter and Captain German in Bari. The ~~final~~ set-up will be set forth in the report for September 1944.

APPENDIX "B"

REPORT ON ALLIED MILITARY COURTS FOR THE MONTH OF AUGUST 1944.
A. CASES TRIED AND FINDINGS.

Province	Summary Court		Superior Court		General Court		TOTALS		Total Cases.
	Not Guilty	Guilty	Not Guilty	Guilty	Not Guilty	Guilty	Not Guilty	Guilty	
Naöles	9	1135	-	45	2	7	11	1187	
Avellino	3	15	-	7	-	-	3	22	
TOTALS	12	1150	-	52	2	7	14	1209	

APPENDIX "C"

REPORT ON ALLIED MILITARY COURT FOR THE MONTH OF AUGUST 1944.
B. CONVICTIONS.

Province of	Curfew and violation	Theft & Black Marketing	Pos. of Arms & Al. Prop.	Loot	Poss. of Arms & Viol. pass	Viol. I. Penal Code	Others	TOTAL
Naples	-	985	-	-	132	-	70	1187
Avellino	-	14	-	-	3	-	5	22
TOTALS	-	999	-	-	135	-	75	1209

R. J. Shannon
Signature (Rank) (Official Designation)

Appendix "D"RETURN of Penal Cases in the month of August 1944.

Total number of persons arrested by Italian Police N°1752
(1423 have been arrested for offences committed against the
Allied Forces.

TRIAL	CONVICTIONS	ACQUITTALS	TOTAL
By Tribunale Court	683	49	732
" Pretura "	1307	339	1646
" Court of Appeal	126	42	168
" Juvenile Court	12	--	12
" Court of Assize	--	--	--
 TOTALS	 2128	 430	 2558

Summary of offences dealt with by above Courts:

TRIBUNALE

- 208 Black Market, sentences ranged from 100 lire fine to 1 year and four months imprisonment.
- 167 Aggravated theft, sentences ranged from 1 month imprisonment to 5 years imprisonment and 5000 lire fine.
- 175 Buying stolen goods, sentences ranged from 300 lire fine to 4 months imprisonment
- 62 Possession of property of the Allied Forces, sentences ranged from 300 lire fine to 1 year imprisonment and 3000 lire fine.
- 21 Theft against the Allied Forces, sentences ranged from 20 days imprisonment to 1 year imprisonment and 300 lire fine.

PRETURA

- 423 Black Market, sentences ranged from 100 lire fine to 4 months imprisonment and 2500 lire fine
- 79 Begging, sentences ranged from 5 days to 1 month imprisonment.
- 36 Contravention, sentences ranged from 40 to 500 lire fine
- 22 Selling without license, sentence ranged from 200 lire fine to 20 days in prison and 1000 lire fine.

106 traffic violation, sentences ranged from 100 to 3000 lire fine

508 Curfew, sentences ranged from 50 to 3000 lire fine.

COURT OF APPEAL

48 Theft, sentence ranged from 3 months imprisonment and 300 lire fine to 2 years imprisonment and 6000 lire fine

44 Black market, sentences ranged from 200 lire fine to 8 months imprisonment and 3000 lire fine.

22 Buying stolen goods, sentences ranged from 15 days imprisonment to 2 years imprisonment and 10,000 lire fine.

JUVENILE COURTS

5 Stealing Allied Forces property, sentences ranged from 10 days imprisonment and 100 lire fine to 30 days imprisonment and 300 lire fine.

3 Aggravated theft, sentences ranged from 1 year in a Reformatory to 8 months imprisonment and 800 lire fine.

2 Thefts, sentences: Judicial pardon.

1 Procl. 2 Art. 2 M. 25 sentence: judicial pardon.

1109