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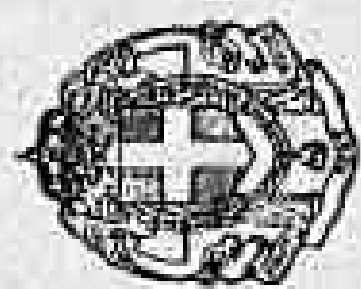
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(VOL. 2)

NAPLES COMMUNE, LEGAL MONTHLY REPORT
JAN. - AUG. 1946



MINISTERO DELLE CORPORAZIONI

Direzione Generale del Lavoro e del Segretariato delle Corporazioni

Provincia di ()

SERVIZI DEL LAVORO

(Sottofascicolo)

Sezione ()

TITOLO

Provincia di

()

SERVIZI DEL LAVORO

(Sottofascicolo)

Sezione

()

T I T O L O

Posizione del { **Fascicolo**
Sottofascicolo

AC/4043/17/L.

OPENED : 1 February 1946.

CLOSED : 31 January 47

Volume 21

SUBJECT : NAPLES COLMUNE - LEGAL MONTHLY REPORT.

SUBJECT : NAPLES COLLUNE - LEGAL MONTHLY REPORT.

10000 / 142 / 402

THIS FOLDER
CONTAINS PAPERS
FROM 1944 46
TO AUG 1 46
DIALOGUE.

HEADQUARTERS
NAPLES LIAISON GROUP
ALLIED COMMISSION
LEGAL DIVISION
APO 394

L-2000

4 March 1946

SUBJECT: Monthly report (February) on work of Legal Division,
Allied Commission, Naples Liaison Group.

TO : Chief Legal Adviser, Headquarters,
Allied Commission, Legal Sub-Commission,
APO 394, U.S. Army.

1. STAFF. On 1 February 1946 the staff of the Legal Division, Naples Liaison Group, consisted of Captain Rosario A. Gaziano.

2. ALLIED MILITARY COURTS.

a. GENERAL MILITARY COURT. On 12 February 1946 the general military court, consisting of Colonel John K. WEBER, Chief Legal Adviser, President, (A), Lt. Colonel A.J.C. FLOCK (B), and Major F.D. STOTT (B), members, reconvened for the trial of the COGEMA case, in which there were three accused, Dr. Eugenio Sarnella, Director General of COGEMA, Attilio Sarnella, and sea captain Santo Lo Porto. The case went to trial; it had become very conspicuous for the various number of occasions it had been postponed. It became further conspicuous by the length of time consumed in trying this very complicated case. The court, the prosecution, the defense attorneys, the witnesses at the call of the court, the accused, the carabinieri, and the competent court interpreter and stenographer, labored many long hours, or rather many days. The Court was in session on this case from 12 February 1946 to 2 March 1946, inclusive. Most inspiring was the commemorative remarks made by the President of the Court on Abraham Lincoln upon request of prosecuting attorney Mr. Nicholas Lopes; equally memorable was the reply of Attorney Vittorio Granucci of the Neapolitan bar. To a lawyer from the state of Illinois it is a rare experience to hear the achievements of Abraham Lincoln eulogized in a court in Naples, unique and unforgettable.

On 22 February 1946 The President of the Court similarly commemorated the outstanding services of George Washington, and Avv. Giovanni Porzio voiced the respect Italians and the world have for George Washington. The prosecution led by Mr. Nicholas Lopes, ably assisted by an officer highly experienced in military government courts, Major Frank D. Vecchiolla, and ably advised by another officer technically expert in transportation matters, Colonel James J. Carnes, as well as Mr. Bayard Mc Donell (B), performed a remarkable task in presenting a highly complicated case with diverse charges against three accused to the court. Not to be forgotten is the excellent and superb manner in which counsel for the accused conducted their defense; time and time again the court expressed its satisfaction with the forensic leaders of the Neapolitan bar; these are the lawyers who served with great distinction in the Cogna case.

- (1) Avv. Mario Beneventani
Avv. Francesco Zaccaria
for accused Santo Lo Porto.
- (2) Avv. Alfonso De Laurentiis
Avv. Vittorio Granucci
for accused Attilio Sarnella
- (3) Avv. Giovanni Porzio, President of the Neapolitan
Bar Association
Avv. Sir John Serrao, distinguished member of
Roman Bar Association
for accused Dr. Eugenio Sarnella.

The accused entered pleas of Not Guilty to all charges, arising either from violation of Italian law or proclamation law. On 2 March 1946 the court in its decision found Dr. Eugenio Sarnella, Not Guilty of all charges against him, thereby acquitting the well known Director General of Cogna. The court found all 3 accused Not Guilty of the charge of association for purposes of delinquency (criminal conspiracy). The court, however, found Sea Captain Santo Lo Porto and Attilio Sarnella guilty on charges of Italian law and Sec. 45, Art. II, Proclamation 2. Mr. Lopes recommended a suspended sentence to the Court. The court sentenced Attilio Sarnella to 1 year's imprisonment and 10,000 lire fine, and Santo Lo Porto to 2 years' imprisonment and 10,000 lire fine. The court suspended the imprisonment sentence for both accused; in default of payment of fines by 1 July 1946 each accused would be required to serve 3 months imprisonment to run concurrently.

2. There is pending a general military Court case against the 3 Vitale brothers, Salvatore, Carmine, and Antonio, imprisoned without trial since July 1945 for the killing of a U.S. soldier on 17 April 1945. The Chief Legal Adviser has decided that this case will be heard by an Allied General Military Court. The Vitale brothers are defended by Avv. Crispo and Avv. Pasquale Petrolillo, Naples.

b. SUPERIOR COURT. No cases were tried by a Superior Court. There are no cases pending for trial.

c. SUMMARY COURT. No cases were tried by a Summary Court. It is to be noted that with the restitution of Naples Commune to the Italian government, 31 December 1945, no superior or summary court cases have been tried in the Naples area.

3. ITALIAN COURTS. The difficulties and problems confronting the Neapolitan judiciary are many - lack of adequate court accommodation, lack of transport, lack of communications, lack of sufficiently trained personnel, and the personal problem of high cost of living. However, from my observations and conversations with Italian officials I am inclined to believe that the public has a little more confidence in their legal machinery, and that the tone of conversation is not as pessimistic as it was two months ago. I feel that this restored public confidence is doing much towards lifting the character of "the man on the street" and the men of the law. The material wants of the magistrates are being attended to; for example, lack of transportation is less serious now. The Italian courts are functioning satisfactorily.

Once again I must express words of sincere appreciation for the magnificent manner in which the First President and the Procuratore Generale of the Court of Appeal of Naples have cooperated with this officer in furnishing the court accommodation required not only for the war crime trial of January, but also for the Cogena case.

4. The Gaetano Polito case is being heard on 8 March 1946 by the Military Instructory Judge, Lt. Col. Michele Greco, Naples. Gaetano Polito is charged with violation of Art. 152, Military Criminal Code for War (Failure to fulfill a military contract) and with violation of Penal Code, Arts. 646, 61 n. 7 and 61, (continuing offense of misappropriation), as reported by the Military Procurator on 19 February 1946.

5. WAR CRIMES TRIALS. The British military authorities, Hq., Naples Area, have secured the aid of Naples legal liaison officer for the procurement of civilian defense counsel for alleged war criminals.

a. In the case of Captain Antonio Commavilla the Court acquitted the accused, ably defended by Avv. Francesco Perzio.

b. There are three cases pending trial at Afragola (Naples area) in March. Civilian counsel have been obtained in the cases of Clemente Fantacci and Marinello Sodini.

6. The records of Naples Commune, A.M.G., are being kept in Naples pending instructions from Legal Subcommittee.

For the Chief Liaison Officer.

Rosario A. Gaziano
ROSARIO A. GAZIANO
Captain, Infantry
Senior Legal Officer

2 Incls.

- Incl.1. Appendix C (List of Jan. Allied Interest cases)
- Incl.2. Appendix C (List of Feb. Allied Interest case).

RAG/ms

Copy to Chief Liaison Officer, Naples.

LEGAL SUB-COMMISSION
CLO
DCLO
Chief Counsel

7 March 46

APPENDIX "C"

28 February 1946

A. TRIALS FOR CRIMES AGAINST THE ALLIED FORCES.

	No. of cases	No. of def.	No. of persons convicted	No. of persons acquitted
1. By Pretura Courts	260	260	172	88
2. By Tribunale	231	369	274	95
3. By Juvenile Court	18	22	18	4
4. By Court of Appeals	93	139	123	16
5. By Military Tribunal	16	23	18	5
T o t a l s	610	813	606	207

B. ANALYSIS OF CHARGES, JUDGMENT AND SENTENCE IN PARA "A" ABOVE:

1) PRETURA

	No. of cases	Violation	Judgment	Sentence
a)	140	Prostitution	Guilty	From 30 days' imprisonment and 1000 lire fine to 16 months and 16,000 lire
	26	"	Not Guilty	Acquitted.
b)	8	Unauthorized sale to Allied soldiers.	Guilty	From 1 month and 500 lire fine to 4000 lire fine.
	1	"	Not Guilty	Acquitted.
c)	24	Miscellaneous	Guilty	From 8 days imprisonment and 1000 lire fine to 3 months, 10 days and 7000 lire fine.
	1	"	Not Guilty	Acquitted.

2) TRIBUNAL			
No. of cases	Violation	Judgment	Sentence
a) 73	Theft	Guilty	From J.P. and 1000 lire fine to 2 years imprisonment and 30,000 lire fine.
17	"	Not Guilty	Acquitted.
b) 122	Receiving Al- lied goods.	Guilty	From J.P. and 500 lire fine to 1 year, 2 months imprisonment and 10,000 lire fine.
18	"	Not Guilty	Acquitted.
c) 1	Miscellaneous	Guilty	2 months imprisonment and 1000 lire fine.
=	"	Not Guilty	=
3) JUVENILE COURT.			
a) 7	Theft	Guilty	From J.P. to 6 months imprisonment and 500 lire fine.
2	"	Not Guilty	Acquitted.
b) 8	Receiving Al- lied goods	Guilty	J.P.
1	"	Not Guilty	Acquitted.
c) =	Miscellaneous	Guilty	=
=	"	Not Guilty	=
4) COURT OF APPEALS.			
26	Theft	Guilty	From J.P. and 1000 lire fine to 1 year, 6 months imprisonment and 5000 lire fine.
3	"	Not Guilty	Acquitted.
b) 48	Receiving Al- lied goods.	Guilty	From 10 days imprisonment and 300 lire fine to 1 year 6 months imprisonment and 10,000 lire fine.
6	"	Not Guilty	Acquitted.
c) =	Miscellaneous	Guilty	=
=	"	Not Guilty	=

5) MILITARY TRIBUNAL.

a) No. of Cases	Violation	Judgment	Sentence
5	Theft	Guilty	From 4 months imprisonment to 4 years imprisonment.
2	"	Not Guilty	Acquitted.
3	Receiving il- legal goods.	Guilty	From 1 month to 6 months imprisonment.
=	"	Not Guilty	=
2	Miscellaneous	Guilty	From 1 month, 5 days to 3 months imp.
1	"	Not Guilty	=

C. TRIALS FOR OFFENCES NOT AGAINST THE ARMED FORCES.

Disposed by Decree	Disposed by Judgment
3853	1257
	878
	262
	33
3853	2430

1. By Pretura Courts
 2. By Tribunale
 3. By Court of Appeals
 4. By Juvenile Court
- T o t a l s

Rosario A. Galiano
 ROSARIO A. GALIANO
 Captain, Infantry
 Senior Legal Officer

APPENDIX "C"

31 January 1946

A. TRIALS FOR CRIMES AGAINST THE ALLIED FORCES.

	No. of cases	No. of Def.	No. of persons convicted	No. of persons acquitted
1. By Pretura Courts	254	254	193	61
2. By Tribunale	226	334	257	77
3. By Juvenile Court	56	70	67	3
4. By Court of Appeals	52	105	102	3
5. By Military Tribunal	25	30	26	4
T o t a l s	613	793	645	148

B. ANALYSIS OF CHARGES, JUDGMENT AND SENTENCE re PARA "A" ABOVE:

1) PRETURA

	No. of cases	Violation	Judgment	Sentence
a)	145	Prostitution	Guilty	From 10 days' imprisonment and 1000 lire fine to 1 year 6 months and 11,000 lire fine.
	61	"	Not Guilty	Acquitted.
b)	28	Unauthorized sale to Allied soldiers	Guilty	From 8 days' imprisonment and 1000 lire fine to 20 days' imprisonment and 4000 lire fine.
	-	"	Not Guilty	-
c)	20	Miscellaneous	Guilty	From 7 days' imprisonment and 2000 lire fine to 40 days' imprisonment and 4000 lire fine.
	-	"	Not Guilty	-

2) TRIBUNALE .

	No. of cases	Violation	Judgment	Sentence
a)	66	Theft	Guilty	From J.P. and 500 lire fine to 7 years' imprisonment and 10,000 lire fine.
	22	"	Not Guilty	Acquitted.
b)	113	Receiving Al- lied goods	Guilty	From J.P. and 1000 lire fine to 10 months imprisonment and 10,000 lire fine.
	21	"	Not Guilty	Acquitted.
c)	3	Miscellaneous	Guilty	From 2 months and 1000 lire fine to 2 years 3 months imprisonment and 4000 lire fine.
	1	Acquitted	Not Guilty	Acquitted.

3) JUVENILE COURT.

a)	24	Theft	Guilty	From J.P. and 300 lire fine to 1 year's imprisonment and 3000 lire fine.
	1	"	Not Guilty	Acquitted.
b)	31	Receiving Al- lied goods	Guilty	From J.P. and 60 lire fine to 8 months' imprisonment and 800 lire fine.
	-	"	Not Guilty	-
c)	-	Miscellaneous	Guilty	-
	-	"	Not Guilty	-

4) COURT OF APPEALS.

a)	14	Theft	Guilty	From 15 days' imprisonment and 250 lire fine to 6 years and 10,000 lire fine.
	2	"	Not Guilty	Acquitted.
b)	35	Receiving Al- lied goods	Guilty	From 15 days imprisonment and 500 lire fine to 8 months and 10,000 lire fine.
	-	"	Not Guilty	-
c)	1	Miscellaneous	Guilty	12 months' imprisonment and 9,500 lire fine.
	-	"	Not Guilty	-

APPENDIX "C"

January 1946

A. TRIALS FOR CRIMES AGAINST THE ALLIED FORCES.

	No. of Cases	No. of Def.	No. of Persons convicted	No. of Persons acquitted
1. By Pretura Courts	190	190	148	42
2. By Tribunale	183	269	205	54
3. By Juvenile Court	37	48	45	2
4. By Court of Appeals	34	83	80	3
5. By Military Tribunal	25	30	25	4
T o t a l s	469	520	405	115

B. ANALYSIS OF CHARGES, JUDGMENT AND SENTENCE re PARA "A" ABOVE:

1) PRETURA

	No. of cases	Violation	Judgment	Sentence
a)	115	Prostitution	Guilty	From 10 days imprisonment and 1000 lire fine to 1 year 6 months and 11,000 lire
	42	"	Not Guilty	Acquitted.
b)	22	Unauthorized sale to Allied soldiers	Guilty	From 8 days imprisonment and 1000 lire fine to 20 days and 4000 lire fine.
	"	"	Not Guilty	"
c)	11	Miscellaneous	Guilty	From 7 days imprisonment and 2000 lire fine to 20 days and 2000 lire fine.
	"	"	Not Guilty	"

2) TRIBUNALE

	No. of cases	Violation	Judgment	Sentence
a)	56	Theft	Guilty	From 3.P. and 500 lire fine to 7 years and 10,000 lire fine.
	20	"	Not Guilty	Acquitted.
b)	88	Receiving Al- lied goods	Guilty	From J.P. and 1000 lire fine to 6 months imprisonment and 10,000 lire fine.
	17	"	Not Guilty	Acquitted.
c)	2	Miscellaneous	Guilty	From 2 months and 1000 lire fine to 6 months and 4000 lire fine.
	=	"	Not Guilty	=

3) JUVENILE COURT

a)	15	Theft	Guilty	From J.P. and 1200 lire fine to 1 year imprisonment and 1800 lire fine.
	1	"	Not Guilty	Acquitted.
b)	21	Receiving Al- lied goods	Guilty	From J.P. to 8 months imprisonment and 800 lire fine.
	=	"	Not Guilty	=
c)	=	Miscellaneous	Guilty	=
	=	"	Not Guilty	=

4) COURT OF APPEALS

a)	9	Theft	Guilty	From 15 days imprisonment and 250 lire fine to 1 year imprisonment and 10,000 lire fine.
	2	"	Not Guilty	Acquitted.
b)	23	Receiving Al- lied goods.	Guilty	From 15 days imprisonment and 1000 lire fine to 8 months imprisonment and 10,000 lire fine.
	=	"	Not Guilty	=
c)	=	Miscellaneous	Guilty	=
	=	"	Not Guilty	=

MILITARY TRIALS.

No. of cases	Violation	Judgment	Sentence
8	Theft	Guilty	From 2 months imprisonment to 1 year imprisonment.
2	"	Not Guilty	Acquitted.
11	Receiving Al- lied goods.	Guilty	From 40 days imprisonment to 1 year imprisonment.
4	"	Not Guilty	Acquitted.
=	Miscellaneous	Guilty	=
=	"	Not Guilty	=

C. TRIALS FOR OFFENCES NOT AGAINST THE ALLIED FORCES.

	Disposed by Decree	Disposed by Judgment
1. By Pretura Courts	4617	1208
2. By Tribunale		611
3. By Court of Appeals		170
4. By Juvenile Court		23
Totals	4617	2012

ROSARIO A. GAZIANO
Captain, Infantry
Senior Legal Officer

4043M
HEADQUARTERS
NAPLES LIAISON GROUP
ALLIED COMMISSION
LEGAL DIVISION
APO 794

LEGAL SUB-COMMISSION

Chief Counsel

Liaison Section

JUL 6 1946

JUL 6 1946

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4 July 1946

SUBJECT: Monthly Report (June) on work of Legal Division,
Allied Commission, Naples Liaison Group.

TO : Chief Legal Adviser, Headquarters,
Allied Commission, Legal Sub-Commission,
APO 794, U.S. Army.

1. On 1 June 1946 the staff of the Legal Division, Naples Liaison Group, consisted of Captain Rosario A. Gaziano, Infantry, O-343094. In addition to his duties as a legal officer, Captain Gaziano performs the duties of Adjutant and Liaison Officer (U.S.), Naples Liaison Group.

2. ALLIED MILITARY COURTS.

a. GENERAL MILITARY COURTS. No cases were tried by a General Military Court in June; there are no cases pending.

b. SUPERIOR MILITARY COURT. No cases were tried by Superior Military Court in June. There are no cases pending for trial by Superior Court inasmuch as 3 cases involving surrendered enemy personnel (German) on charges of theft under Italian law were not desired to be brought to trial by Hq. 56 Area.

c. SUMMARY COURT. No cases were tried by a Summary Court.

3. ITALIAN COURTS. From my observation and dealings with the Italian magistracy, I find that the work of the Court of Appeal of Naples is satisfactorily performed. The Court of Appeal of Naples continues to be concerned

with its ever present material and personnel problems. There is still the lack of adequate communication, transport for judicial personnel, lack of sufficiently trained personnel and replacements, and the inadequacy of salary compared to the high cost of living.

In the month of June the work of the Court of Appeal of Naples on its supervision of the election for the Constituent Assembly and Referendum on the institution of government was brought to a close. Throughout the local elections and the national election of 2 June 1946 the Italian magistrates worked long hours and at great sacrifice to their duties in carrying out the very orderly elections. It is unfortunate that incidents of disorder did occur in Naples after the result of the referendum became known as voters were strongly monarchic in sentiment. However, with the departure of the King the disorders came to an end; the election of the Neapolitan lawyer, Enrico De Nicola, as Provisional President of the newborn Italian republic was well received in Neapolitan circles. The Neapolitan bar is proud to furnish the new Italy its First President. Both lawyers and magistrates speak most highly of the new President. It is felt that the few disorders which occurred in Naples after the election of 2 June 1946 should not detract from the very splendid and painstaking performance of duties of all personnel of the Italian magistracy connected with the elections, both local and national.

4. The Gaetano POLITO case, Allied interest, is in the hands of the Procuratore Generale, Naples Court of Appeal; this case was transferred to him by the Italian Military Tribunale which lacked jurisdiction.

5. Three additional boxes, No. 15, 16 and 17 have been prepared for shipment to Archives Division, Allied Commission; a copy of contents of these boxes will be sent to Chief Legal Adviser.

6. Capt. Rosario A. Gaziano has been advised by regimental adjutant that he is being redeployed to the United States very shortly. Therefore, Captain Gaziano will bring to a close his tour of duty as Senior Legal Officer in Naples;

Captain Gaziano was assigned to this position on 1 December 1945.

7. U.S. personnel stationed in Naples, Allied Commission, are being withdrawn. Captain G.W. Brown, General List, Allied Commission, is performing the functions of Public Safety Officer; it is understood that he will continue the routine functions of the Legal Division, most of which concerns the stream of petitions for clemency in Allied conviction cases and also a cooperation with Italian authorities in the prosecution of Allied interest cases.

8. The Legal Division has been very fortunate in having the trained abilities of Miss Emma Bellini and Miss Mafalda Salverini to perform its duties. A word of comment is also due to the very outstanding work of Brigadiere Giorgio Sestri, Carabinieri, for his invaluable assistance in Allied interest cases. Agent Dealessi Angelo has also been of immense service to the Legal Division, Allied Military Government. No closing report would be complete without an expression of thanks in paper to the person who has been responsible for fetching safely the Senior Legal Officers of Naples, Mario Senesi, over a period of two years.

9. On this anniversary of a great day in the history of the rights of man and in the expression of faith in the future of mankind, it is proper to voice confidence in the new world.

Rosario A. Gaziano
ROSARIO A. GAZIANO
Captain, Infantry
Senior Legal Officer

1 Incl. Appendix "C".

RAG/eb

APPENDIX "C".

30 June 1946

A. TRIALS FOR CRIMES AGAINST THE ALLIED FORCES.

	No. of cases	No. of Def.	No. of persons convicted	No. of persons acquitted
1. By Pretura Courts	62	62	44	18
2. By Tribunale	90	183	141	42
3. By Juvenile Court	16	22	19	3
4. By Court of Appeal	36	43	24	9
5. By Military Tribunal	7	9	3	6
T o t a l s	211	319	241	78

B. ANALYSIS OF CHARGES, JUDGMENT AND SENTENCE RE PARA "A" ABOVE:

1) PRETURA.

No. of cases	Violation	Judgment	Sentence
a) 34	Prostitution	Guilty	From 3 months' imprisonment and 2000 lire fine to 12 months' imprisonment and 4000 lire fine.
18	"	Not Guilty	Acquitted.
b) 5	Unauthorized sale to Allied soldiers	Guilty	2000 lire fine.
-	"	Not Guilty	-
c) 5	Miscellaneous	Guilty	From 1 day's imprisonment and 2000 lire fine to 30 days' imprisonment and 4000 lire fine.
-	"	Not Guilty	-

2) TRIBUNALE.

	No. of cases	Violation	Judgment	Sentence
a)	33	Theft	Guilty	From Judiciary Pardon and 1000 lire fine to 4 years 6 months imprisonment and 20,000 lire fine.
	8	"	Not Guilty	Acquitted.
b)	36	Receiving Al- lied goods	Guilty	From Judiciary Pardon and 1000 lire fine to 10 months imprisonment and 15,000 lire fine.
	10	"	Not Guilty	Acquitted.
c)	2	Miscellaneous	Guilty	Judiciary Pardon and 2 years 6 months imprisonment.
	1	"	Not Guilty	Acquitted.

3) JUVENILE COURT.

a)	9	Theft	Guilty	From Judiciary Pardon and 600 lire fine to 1 year, 4 months' imprisonment and 1200 lire fine.
	1	"	Not Guilty	Acquitted.
b)	5	Receiving Al- lied goods	Guilty	From Judiciary Pardon and 600 lire fine to 6 months' imprisonment.
	1	"	Not Guilty	Acquitted.
c)	-	Miscellaneous	Guilty	-
	-	"	Not Guilty	-

4) COURT OF APPEAL.

a)	11	Theft	Guilty	From 20 days' imprisonment and 500 lire fine to 3 years' imprisonment and 4000 lire fine.
	4	"	Not Guilty	Acquitted.
b)	19	Receiving Al- lied goods	Guilty	From 20 days' imprisonment and 300 lire fine to 1 year's imprisonment and 10,000 lire fine.
	3	"	Not Guilty	Acquitted.
c)	-	Miscellaneous	Guilty	-
	-	"	Not Guilty	-

5) MILITARY TRIBUNAL.

	No. of cases	Violation	Judgment	Sentence
a)	1	Theft	Guilty	From 1 year, 10 months' to 3 years, 10 months' imprisonment.
	2	"	Not Guilty	Acquitted.
b)	-	Receiving Al- lied goods	Guilty	-
	3	"	Not Guilty	Acquitted.
c)	1	Miscellaneous	Guilty	10 days' imprisonment and 2000 lire fine.
	-	"	Not Guilty	-

C. TRIALS FOR OFFENCES NOT AGAINST THE ALLIED FORCES.

	Disposed by Decree	Disposed by Judgment
1. By Pretura Courts	3626	902
2. By Tribunale		426
3. By Court of Appeal		129
4. By Juvenile Court		74
T o t a l s	3626	1531

RAG/eb

HEADQUARTERS
NAPLES LIAISON GROUP
ALLIED COMMISSION
LEGAL DIVISION
APO 794

SUB-COMMISSION

O

CLO

Chief Counsel

→ 10

1 June 1946

Legal Section

SUBJECT: Monthly Report (May) on work of Legal Division,
Allied Commission, Naples Liaison Group.

TO : Chief Legal Adviser, Headquarters,
Allied Commission, Legal Sub-Commission,
APO 794, U.S. Army.

4 June 46

1. On 1 May 1946 the staff of the Legal Division,
Naples Liaison Group, consisted of Captain ROSARIO A.
GAZIANO, Infantry, 0343094.

2. ALLIED MILITARY COURTS.

a. GENERAL MILITARY COURTS. No cases were tried
by a general military court; there are no cases pending.

b. SUPERIOR MILITARY COURT. No cases were tried
by superior military court in May. There are no cases
pending for trial by superior court. There were 3 cases
for superior court involving surrendered enemy personnel
(Germany) on charges of theft under Italian law; Hq 56
Area is attempting to secure a change in regulation relative
to trial of surrendered enemy personnel; therefore, these
cases are not being brought to trial.

c. SUMMARY COURT. No cases were tried by a
Summary court.

3. ITALIAN COURTS. From my observation of the work
of the Court of Appeals of Naples, it is satisfactory.
The Court of Appeals continues to be concerned with its
many material and personnel problems - the lack of adequate
communication, lack of transport, lack of sufficiently
trained personnel, and inadequacy of salary compared to
the high cost of living. The personnel of the magistracy
have been very much occupied also by their election duties.
Once again I wish to express my appreciation for the

1 4 5 8

excellent manner in which the First President, the Procuratore Generale, the Procuratore del Regno, the First Pretor of Naples, and their staffs have cooperated with the Allied authorities.

4. To the Archives Division of Allied Commission eight boxes of files of AMG, Legal Division (No. 7 to 14 incl.), were sent on 14 May 1946.

5. On the Gaetano POLITO case, Allied interest, the Military Tribunal issued sentence transferring the case to the normal Italian Courts due to its lack of jurisdiction. Gaetano Polito remains in the custody of the Procuratore Generale, Naples Court of Appeal.

6. The COCHERA case record was completed in May and on 18 May 1946 I handed it to the Chief Legal Adviser.

7. On 9 May 1946 the case of Giovanni BALAMO and seven other Italian civilians for killing of British Corporal H.W. Balam was returned to the Procuratore del Regno, Tribunale of Naples, for trial under Italian law. GHQ, British Forces, decided that it was impracticable to convene an Allied Military Court for trial of this case.

8. The legal officer, Naples, performs also the duties of Liaison Officer, Naples, Naples Liaison Group.

For the Chief Liaison Officer.

Rosario A. Gagliano
ROSARIO A. GAGLIANO
Captain, Infantry
Senior Legal Officer.

1 Incl: Appendix "C".
RAG/ms

APPENDIX "C".

1 June 1946

A. TRIALS FOR CRIMES AGAINST THE ALLIED FORCES.

	No. of cases	No. of Def.	No. of persons convicted	No. of persons acquitted
1. By Pretura Courts	134	134	97	37
2. By Tribunale	173	335	277	58
3. By Juvenile Court	28	35	31	4
4. By Court of Appeal	123	174	163	11
5. By Military Tribunal	21	57	50	7
T o t a l s	479	735	618	117

B. ANALYSIS OF CHARGES, JUDGMENT AND SENTENCE RE PARA "A" ABOVE:

1) PRETURA.

	No. of cases	Violation	Judgment	Sentence
a)	58	Prostitution	Guilty	From 20 days' imprisonment and 1000 lire fine to 9 months' imprisonment and 10,000 lire fine.
	35	"	Not Guilty	Acquitted.
b)	3	Unauthorized sale to Allied soldiers	Guilty	From 2000 lire fine to 4000 lire fine.
	2	"	Not Guilty	Acquitted.
c)	36	Miscellaneous	Guilty	From 5 days' imprisonment and 1000 lire fine to 3 months, 15 days' imprisonment and 4000 lire fine.
	-	"	Not Guilty	-

2) TRIBUNALE.

-2-

No. of cases		Violation	Judgment	Sentence
a)	51	Theft	Guilty	From Judiciary Pardon and 500 lire fine to 7 years' imprisonment and 20,000 lire fine.
	15	"	Not Guilty	Acquitted.
b)	87	Receiving Al- lied goods	Guilty	From Judiciary Pardon and 500 lire fine to 1 year, 6 months' imprisonment and 40,000 lire fine.
	17	"	Not Guilty	Acquitted.
c)	2	Miscellaneous	Guilty	From 3 months' imprisonment and 500 lire fine to 1 year's imprisonment and 6000 lire fine.
	1	"	Not Guilty	Acquitted.
3) JUVENILE COURT.				
a)	16	Theft	Guilty	From Judiciary Pardon and 1000 lire fine to 2 years, 4 months and 4000 lire fine.
	1	"	Not Guilty	Acquitted.
b)	10	Receiving Al- lied goods	Guilty	From Judiciary Pardon and 600 lire fine to 2 years, 4 months' imprisonment and 4000 lire fine.
	1	"	Not Guilty	Acquitted.
c)	-	Miscellaneous	Guilty	-
	-	"	Not Guilty	-
4) COURT OF APPEAL				
a)	40	Theft	Guilty	From Judiciary Pardon and 500 lire fine to 2 years' imprisonment and 10,000 lire fine.
	2	"	Not Guilty	Acquitted.
b)	73	Receiving Al- lied goods	Guilty	From 15 days' imprisonment and 1000 lire fine to 1 year, 2 months' imprisonment and 15,000 lire fine.
	8	"	Not Guilty	Acquitted.
c)	-	Miscellaneous	Guilty	-
	-	"	Not Guilty	-

5) MILITARY TRIBUNAL.

No. of cases	Violation	Judgment	Sentence
a) 10	Theft	Guilty	From Judiciary Pardon and 2000 lire fine to 2 years, 7 months' imprisonment and 5000 lire fine.
4	"	Not Guilty	Acquitted.
b) 4	Receiving Al- lied goods	Guilty	From 1 month, 5 days' imprisonment to 1 year's imprisonment.
-	"	Not Guilty	-
c) 3	Miscellaneous	Guilty	From 1 month's imprisonment and 300 lire fine to 8 years' imprisonment and 900 lire fine.
-	"	Not Guilty	-

C. TRIALS FOR OFFENCES NOT AGAINST THE ALLIED FORCES.

	Disposed by Decree	Disposed by Judgment
1. By Pretura Courts	4369	999
2. By Tribunale		640
3. By Court of Appeal		326
4. By Juvenile Court		115
T o t a l s	4369	2080

RAG/eb

R. Gaziano
ROSARIO A. GAZIANO
Captain, Infantry
Senior Legal Officer

HEADQUARTERS
NAPLES LIAISON GROUP
ALLIED COMMISSION
LEGAL DIVISION
APO 394

L-2000

30 April 1946

SUBJECT: Monthly Report (April) on work of Legal Division,
Allied Commission, Naples Liaison Group.

TO : Chief Legal Advisor, Headquarters,
Allied Commission, Legal Sub-Commission,
APO 394, U.S. Army.

1. STAFF. On 1 April 1946 the staff of the Legal Division, Naples Liaison Group, consisted of Captain ROSARIO A. CAZIANO, Infantry, O-343094.

2. ALLIED MILITARY COURTS.

a. GENERAL MILITARY COURTS. No cases were tried by a general military court. There are no cases pending; however, there may be a general military court case involving a Yugoslav soldier and eight Italian civilians in the brutal killing of British Corporal H.W. Balaam in Naples. In view of the necessity for a single trial in this case, the Procuratore del Regno, returned the case to the military authorities with his recommendation. This case, I have been informed, has been forwarded to RAF authorities at AFHQ, with recommendation for a trial by general military court.

b. SUPERIOR MILITARY COURT. No cases were tried by Superior Military Court in April. There are pending for trial in Naples Area 3 cases for Superior Court of surrendered German enemy personnel, in which 3 defendants are under charges of theft of Allied property. Charge sheet forms, Italian Penal Code, Consolidated Instructions, Italian penal code provisions deemed applicable, and verbal clarifications were given to the prosecuting officer assigned by Hq 56 Area and also to the Administrative Officers in charge of preparation of charges. Hq 56 Area is attempting to secure a change in regulation relative to trial of surrendered enemy personnel under Italian law violation.

1 4 6 3

Hq. 56 Area, A Branch, will notify me as soon as a decision is reached. On 29 March 1946 I was designated as a Superior Military Court for the trial of case against Stabsgegr WISS, P., Oberführer LEHMANN, H.G. and Obergefreiter PAPE, K.W., in Naples.

c. SUMMARY COURT. No cases were tried by a Summary Court.

3. ITALIAN COURTS. The Court of Appeal of Naples continues to be concerned with its material difficulties - lack of adequate communication facilities, lack of transport, lack of adequate Courtroom accommodation, lack of sufficiently trained personnel, lack of adequate salaries compared to the high cost of living, and lack of the means for the prompt and efficacious administration of justice. From my observation of the personnel of the Italian judiciary I am very much impressed by the high character of the Italian magistrates and their continued devotion to duty in these difficult days. The addition of the duty of presiding at election seats upon the Italian magistrates increases the difficulties of the magistrate's lot. From my observation the First President has been very conscientious about the performance of his duties under the law relative to the elections. The First President, the Procuratore Generale, the First Pretore and the Procuratore del Regno and their staffs have given a full cooperation to the Allied Military government and the Allied Commission and other military authorities. I want to repeat that the allied military authorities owes a great deal of credit to these persons of the law for the excellent manner in which they have and are cooperating with us.

On 13, 15, 16, and 17 April 1946 at Castelcapuano Building, Naples, public examinations for the posts of "uditore giudiziario" were held; interests in this examination was very high among Italian judges and lawyers anxious to begin a judicial life.

4. WAR CRIMES TRIALS. The British military authorities are proceeding with War Crimes trials at Afragola. The Naples Legal Liaison Group cooperates fully with their requests for assistance.

5. In the past two months frequent changes have taken place in personnel of the Naples Liaison Group with reference to U.S. personnel. The Deputy Chief Liaison Officer and the two Liaison Officers have been redeployed to the United States. No replacements have been sent. This results that Captain Rosario A. Gaziano is the Senior American Officer, Adjutant, Liaison Officer, Civilian Personnel Officer, Transportation Officer and Purchasing and Contracting Officer.

As a result of multiplicity of duties, the Legal Officer is now no longer just a legal officer, but also a liaison officer, "a jack of all trades".

For the Chief Liaison Officer.

Rosario A. Galiano
 ROSARIO A. GALIANO
 Captain, Infantry
 Senior Legal Officer.

Incl.1: Appendix "C" (April 1946)

RAG/ms

LEGAL SUB-COMMISSION	
→ CLO	
DCLO	
→ Chief Counsel	<i>Ha</i>
CJO	
Italian Section	
CL RKS	
<i>Red</i>	<i>J May 46</i>

APPENDIX "C".

21 April 1946

A. TRIALS FOR CRIMES AGAINST THE ALLIED FORCES.

	No. of cases	No. of Def.	No. of persons convicted	No. of pers. acquitted.
1. By Pretura Courts	143	143	113	30
2. By Tribunale	185	314	263	51
3. By Juvenile Court	55	80	71	9
4. By Court of Appeal	87	124	110	14
5. By Military Tribunal	21	83	56	27
T o t a l s	491	744	613	131

B. ANALYSIS OF CHARGES, JUDGMENT AND SENTENCE RE PARA "A" ABOVE:

1) PRETURA.

	No. of cases	Violation	Judgment	Sentence
a)	90	Prostitution	Guilty	From 10 days imprisonment and 1000 lire fine to 1 year's imprisonment and 10,000 lire fine
	29	"	Not Guilty	Acquitted.
b)	7	Unauthorized sale to Allied soldiers	Guilty	From 20 days imprisonment and 1000 lire fine to 1 month's imprisonment and 8000 lire fine.
	1	"	Not Guilty	Acquitted.
c)	16	Miscellaneous	Guilty	From 5 days imprisonment and 2000 lire fine to 30 days imprisonment and 6000 lire fine.
	-	"	Not Guilty	-

2) TRIBUNALE.

No. of cases	Violation	Judgment	Sentence
a) 58	Theft	Guilty	From Judiciary Pardon and 1000 lire fine to 3 years imprisonment and 10,000 lire fine
9	"	Not Guilty	Acquitted.
b) 103	Receiving Al- lied goods	Guilty	From 15 days imprisonment and 500 lire fine to 8 months imprisonment and 10,000 lire fine
9	"	Not Guilty	Acquitted.
c) 4	Miscellaneous	Guilty	From 1 Month's imprisonment to 5 months imprisonment and 1000 lire fine.
2	"	Not Guilty	Acquitted.

3) JUVENILE COURT.

a) 24	Theft	Guilty	From Judiciary Pardon and 500 lire fine to 18 months imprisonment and 1500 lire fine.
3	"	Not Guilty	Acquitted.
b) 26	Receiving Al- lied goods	Guilty	From Judiciary Pardon and 500 lire fine to 10 months imprisonment and 1000 lire fine.
1	"	Not Guilty	Acquitted.
c) 1	Miscellaneous	Guilty	Judiciary Pardon.
-	"	Not Guilty	-

4) COURT OF APPEAL.

a) 15	Theft	Guilty	From 20 days imprisonment and 500 lire fine to 4 years imprisonment and 10,000 lire fine
6	"	Not Guilty	Acquitted.
b) 61	Receiving Al- lied goods	Guilty	From 15 days imprisonment and 500 lire fine to 1 year, 6 months and 15,000 lire fine.
4	"	Not Guilty	Acquitted.
c) 1	Miscellaneous	Guilty	2 months, 20 days imprisonment and 6,000 lire fine.
-	"	Not Guilty	-

5) MILITARY TRIBUNAL.

No. of cases	Violation	Judgment	Sentence
a) 10	Theft	Guilty	From Judiciary Pardon to 4 years, 8 months imprisonment and 2000 lire fine.
2	"	Not Guilty	Acquitted.
b) 3	Receiving Allied goods	Guilty	From 1 month, 20 days imprisonment to 4 months imprisonment.
4	"	Not Guilty	Acquitted.
2	Miscellaneous	Guilty	1 year, 6 months imprisonment and 1000 lire fine
-	"	Not Guilty	-

C. TRIALS FOR OFFENCES NOT AGAINST THE ALLIED FORCES.

1. By Pretura Courts	Disposed by Decree	Disposed by Judgment
2. By Tribunale	3501	1197
3. By Court of Appeal		827
4. By Juvenile Court		227
Totals	3501	54
		2305

RAF/eb

HEADQUARTERS
NAPLES LIAISON GROUP
ALLIED COMMISSION
LEGAL DIVISION
APO 394

I - 2000

2 April 1946

SUBJECT: Monthly Report (March) on work of Legal
Division, Allied Commission, Naples Liaison
Group.

TO : Chief Legal Adviser,
Headquarters, Allied Commission,
Legal Sub-Commission,
APO 394, U.S. Army.

1. STAFF. On 1 March 1946 the staff of the Legal
Division, Naples Liaison Group, consisted of Captain
Rosario A. Gaziano.

2. Allied Military Courts.

a. General Military Courts.

1. On 2 March 1946 the General Military Court,
consisting of Colonel J.K. Weber, President, Lt.Col.A.J.C.
Block (B) and Major F.D. Stott (B), members, rendered its
decision in the COCENA case. The Director General of Co-
gena was found NOT GUILTY on all charges. The Court found
the three defendants NOT GUILTY of criminal association.
The Court found Captain Santo Lo Porto and Attilio Sarnel-
la GUILTY on charges of Italian law and Sec. 45, Art. II,
Proclamation 2. Mr. Lopes recommended a suspended sentence
to the Court. The Court sentenced Attilio Sarnella to
imprisonment for one year and 10,000 lire fine, and Santo
Lo Porto to imprisonment for two years and 10,000 lire
fine. The Court suspended the imprisonment sentence for
both accused; in default of payment of fines by 1 July
1946 each accused would be required to serve 3 months'
imprisonment to run concurrently. Both Captain Lo Porto
and Mr. Attilio Sarnella have paid the fines imposed.
To Mr. Eugenio Sarnella has been returned his bail.

2. On 12 March 1946 a General Military Court, consisting of Major Frank L. Vecchiolla, President, Colonel J.J. Carnes (A) and Major Reakes (B), members, met at Naples to try Antonio Vitale, Salvatore Vitale and Carmine Vitale, on killing of an Allied soldier on 16 April 1945. On 18 March 1946 the Court found the 3 defendants NOT GUILTY.

b. Superior Military Court. No cases were tried by a Superior Court in March. There are pending for trial in the Naples Area 3 cases for Superior Court, in which 3 defendants, all surrendered German enemy personnel, are under charges of theft of Allied property. Hq 56 Area has furnished Captain E. Morton as Prosecuting Officer and Captain J.P. Houlihan, as defending officer for accused F. Weiss, H.G. Lehmann, and K.W. Pape.

c. Summary Court. No cases were tried by a Summary Court.

d. On 21 March 1946 all trial records of Naples Commune, Allied Military Government, in possession of this office, contained in six boxes, were forwarded to Archives Division on instructions from Legal Sub-Commission.

3. Italian Courts. The difficulties and problems confronting the Neapolitan judiciary are many - lack of adequate Court accommodations, lack of transport, lack of adequate communication facilities, lack of sufficiently trained personnel, and the high cost of living compared to their low salaries. From my observation of the Italian judiciary I am very much impressed by the high character of the Italian magistrates and their continued devotion to duty in these trying times. It is my opinion that the Italian Courts are functioning satisfactorily. I must again express sincere appreciation for the wholehearted cooperation of the First President, the Procuratore Generale, and the Procuratore del Regno, Court of Appeal of Naples.

4. The Gaetano Polito case is still before the Instructory Judge, Lt. Col. Michele Greco, Naples. Gaetano Polito is charged with violation of Art. 162, Military Criminal Code for War (Failure to fulfill a military contract) and with violation of Penal Code, Arts. 646,

61 n.7, and 81 (Continuing offense of misappropriation). Sgt. Camboni, a necessary witness, according to Lt. Col. Greco, has been redeployed. The unfortunate demise of Capt. H.G. Lapthorne (B), a principal witness in the Polito case, may bring further complications to this case.

5. War Crimes Trials. The British Military Authorities are proceeding with War Crimes trials at Afragola. The Naples Legal Liaison Group cooperates fully with their requests for civilian Defense Counsel and any other help it may give.

Rosario A. Gazzano
ROSARIO A. GAZZANO
Captain, Infantry
Senior Legal Officer

Incl. 1. Appendix C (25 March 1946).

RAG/eb

	LEGAL SUB-COMMISSION
→	CLO
	DCLO
→	Chief Counsel
	CJO
	Italian Section
	CL RKS
	<i>+ Capitolo</i>

APPENDIX "C"

25 March 1946.

A. TRIALS FOR CRIMES AGAINST THE ALLIED FORCES.

	No. of cases	No. of Def.	No. of persons convicted	No. of persons acquitted.
1. By Pretura Courts	83	83	64	19
2. By Tribunale	166	289	232	57
3. By Juvenile Court	42	59	53	6
4. By Court of Appeals	106	169	149	20
5. By Military Tribunal	24	51	32	19
T c t a l s	421	651	530	121

B. ANALYSIS OF CHARGES, JUDGMENT AND SENTENCE RE PARA "A" ABOVE:

1) PRETURA

	No. of cases	Violation	Judgment	Sentence
a)	54	Prostitution	Guilty	From 1 month's imprisonment and 1000 lire fine to 9 months and 6,000 lire fine.
	18	"	Not Guilty	Acquitted.
b)	4	Unauthorized sale to Allied soldiers	Guilty	From 20 days imprisonment and 2000 lire fine to 3 months imprisonment and 6000 lire fine.
	1	"	Not Guilty	Acquitted.
c)	6	Miscellaneous	Guilty	From 10 days imprisonment and 2000 lire fine to 1 month's imprisonment.

2) TRIBUNALE.			
No. of cases	Violation	Judgment	Sentence
a) 59	Theft	Guilty	From J.P. and 1000 lire fine to 3 years imprisonment and 10,000 lire fine.
9	"	Not Guilty	Acquitted.
b) 81	Receiving Al- lied goods	Guilty	From 20 days imprisonment and 500 lire fine to 8 months and 30,000 lire fine.
13	"	Not Guilty	Acquitted;
c) 2	Miscellaneous	Guilty	8 Months imprisonment and 2000 lire fine.
2	"	Not Guilty	Acquitted.
3) JUVENILE COURT			
a) 25	Theft	Guilty	From J.P. to 3 years imprisonment and 3000 lire fine.
1	"	Not Guilty	Acquitted;
b) 14	Receiving Al- lied goods	Guilty	From J.P. to 8 months imprisonment and 5000 lire fine.
1	"	Not Guilty	Acquitted.
c) 1	Miscellaneous	Guilty	6 months imprisonment and 600 lire fine.
-	"	Not Guilty	-
4) COURT OF APPEALS.			
a) 33	Theft	Guilty	From 20 days imprisonment and 700 lire fine to 3 years and 5000 lire fine.
3	"	Not Guilty	Acquitted.
b) 65	Receiving Al- lied goods	Guilty	From 15 days imprisonment and 1000 lire fine to 2 years and 20000 lire fine.
2	"	Not Guilty	Acquitted.
c) 2	Miscellaneous	Guilty	From 1 year's imprisonment and 2000 lire fine to 2 years imprisonment and 6000 lire fine.
1	"	Not Guilty	Acquitted.

5) MILITARY TRIBUNAL.

	No. of cases	Violation	Judgment	Sentence
a)	8	Theft	Guilty	From 4 months' imprisonment to 2 years, 2 months and 1600 lire fine.
	1	"	Not Guilty	Acquitted.
b)	5	Receiving Allied goods	Guilty	From J.P. and 500 lire fine to 1 year's imprisonment.
	7	"	Not Guilty	Acquitted.
c)	2	Miscellaneous	Guilty	4 months' imprisonment.
	1	"	Not Guilty	Acquitted.

C. TRIALS FOR OFFENCES NOT AGAINST THE ALLIED FORCES.

	Disposed by Decree	Disposed by Judgment
1. By Pretura Courts	2931	848
2. By Tribunale		624
3. By Court of Appeals		234
4. By Juvenile Court		32
T o t a l s	2931	1738

RAC/eb

Rosario A. Galiano
 ROSARIO A. GAZIANO
 Captain, Infantry
 Senior Legal Officer

APPENDIX "C".

A. TRIALS FOR CRIMES AGAINST THE ALLIED FORCES.

December 1945.

	No. of Cases	No. of Def.	No. of persons convicted	No. of persons acquitted
1. By Pretura Courts	247	247	185	62
2. By Tribunale	183	342	279	63
3. By Juvenile Court	28	37	33	4
4. By Court of Appeal	75	110	103	7
5. By Military Tribunal	18	23	19	4
T o t a l s	551	759	619	140

B. ANALYSIS OF CHARGES, JUDGMENT AND SENTENCE re PARA "A" ABOVE:

1) PRETURA.

	No. of cases	Violation	Judgment	Sentence
a)	175	Prostitution	Guilty	From 10 days imprisonment and 1000 lire fine to 15 months and 11.000 lire fine.
	62	"	Not Guilty	Acquitted.
b)	7	Unauthorized sale to Allied soldiers	Guilty	From 10 days imprisonment and 1000 lire fine to 10 days and 4000 lire fine.
	-	"	Not Guilty	-
c)	3	Miscellaneous	Guilty	From 8 days imprisonment and 1000 lire fine to 40 days and 2000 lire fine.
	-	"	Not Guilty	Acquitted.

2) TRIBUNALE.

No. of cases	Violation	Judgment	Sentence
a) 64	Theft	Guilty	From J.P. and 1000 lire fine to 2 years and 8 months imprisonment and 15,000 lire fine.
10	"	Not Guilty	Acquitted.
b) 92	Receiving Al- lied goods	Guilty	From 15 days imprisonment and 500 lire fine to 1 year, 6 months and 20,000 lire fine.
10	"	Not Guilty	Acquitted.
c) 6	Miscellaneous	Guilty	From 2 months imprisonment and 500 lire fine to 12 months imprisonment and 3000 lire fine.
1	"	Not Guilty	Acquitted.

3) JUVENILE COURT.

a) 13	Theft	Guilty	From J.P. and 200 lire fine to 2 years, 6 months and 3000 lire fine.
4	"	Not Guilty	Acquitted.
b) 11	Receiving Al- lied goods	Guilty	From J.P. to 1 month's imprisonment. No fines.
-	"	Not Guilty	-
c) -	Miscellaneous	Guilty	-
-	"	Not Guilty	-

4) COURT OF APPEAL.

a) 24	Theft	Guilty	From 1 month's imprisonment and 500 lire fine to 2 years, 1 month and 6,000 lire fine.
3	"	Not Guilty	Acquitted.
b) 40	Receiving Al- lied goods	Guilty	From 15 days imprisonment and 300 lire fine to 5 years imprisonment and 10,000 lire fine.
1	"	Not Guilty	Acquitted.
c) 5	Miscellaneous	Guilty	From 5 days imprisonment and 150 lire fine to 10 months and 1000 lire fine.
2	"	Not Guilty	Acquitted.

5) MILITARY TRIBUNAL.

	No. of cases	Violation	Judgment	Sentence
a)	4	Theft	Guilty	From 4 months imprisonment to 4 years imprisonment.
	2	"	Not Guilty	Acquitted.
b)	6	Receiving Ali- lied goods	Guilty	From 1 month's imprisonment to 2 months imprisonment.
	2	"	Not Guilty	Acquitted.
c)	4	Miscellaneous	Guilty	From 1 month to 5 months imprisonment.
	-	"	Not Guilty	-

C. TRIALS FOR OFFENCES NOT AGAINST THE ALLIED FORCES.

	Disposed by Decree	Disposed by Judgment
1. By Pretura Courts	4715	1599
2. By Tribunale		958
3. By Court of Appeal		230
4. By Juvenile Court		46
T o t a l s	4715	2833

ROSARIO A. GAZIANO
Captain, Infantry
Senior Legal Officer

5) MILITARY TRIBUNAL.

	No. of cases	Violation	Judgment	Sentence
a)	8	Theft	Guilty	From 2 months' imprisonment to 1 year's imprisonment.
	2	"	Not Guilty	Acquitted.
b)	11	Receiving Al- lied goods	Guilty	From 40 days' imprisonment to 1 year's imprisonment.
	4	"	Not Guilty	Acquitted.
c)	-	Miscellaneous	Guilty	-
	-	"	Not Guilty	-

C. TRIALS FOR OFFENSES NOT AGAINST THE ALLIED FORCES.

	Disposed by Decree	Disposed by Judgment
1. By Pretura Courts	5563	1487
2. By Tribunale		789
3. By Court of Appeals		220
4. By Juvenile Court		26
T o t a l s	5563	2522

Rosario A. Gagliano
 ROSARIO A. GAGLIANO
 Captain, Infantry
 Senior Legal Officer

HEADQUARTERS
ALLIED COMMISSION
LIAISON OFFICE
LEGAL DIVISION
NAPLES

L-2000

1 February 1946

SUBJECT: Report on work of the Legal Division,
Allied Commission Liaison Office, Naples.

TO : Chief Legal Advisor, Headquarters,
Allied Commission, Legal Subcommittee,
APO 394, U.S. Army.

1. STAFF. On 1 January 1946 the staff of the Legal Division, Liaison Office, Allied Commission, Naples, consisted of Captain Rosario A. Gaziano, Senior Legal Officer.

2. ALLIED MILITARY COURTS.

a. GENERAL COURT. On 28 January 1946 the General Court presided by Colonel John K. Weber, Chief Legal Advisor, reconvened for the trial of three defendants in the COGENA case. The Court received a motion for adjournment from the defence Counsel; and after due deliberation granted an adjournment of the COGENA case until 0930 hours, 12 February 1946.

b. SUPERIOR COURTS. No cases were tried by a Superior Court.

c. SUMMARY Court. No cases were tried by the Summary Court. The Summary Court held in the Port Area ceased to function, effective 31 December 1945, upon the turnover.

It is desired at this time to express words of appreciation for the excellent work of 1st Lt. William E. Joyce, who functioned as Summary Military Court in December 1945. He tried 158 cases arising in the Port Area.

3. ITALIAN COURTS. From my observations in Naples, considering the serious obstacles of lack of transport, lack of adequate personnel, lack of communications, the personnel of the Italian magistracy of the Court of Appeal of Naples, are functioning in a satisfactory manner. The work of the First President, Court of Appeal, has been increased by his supervision of the preparation of electoral lists.

On 7 January 1946 the First President opened the Calendar Judiciary year with an unostentatious ceremony in the historic Castelcapuano building.

In order to cooperate with the military authorities the First President, Court of Appeal, Naples, permitted the use of the Court of Appeal Courtroom itself, as this court room met with the requirements laid down by Colonel Wolfe, JAGD and Colonel CORBETT, P.B.S. JAGD, South. The use of the Italian Court of Appeal proved very satisfactory to the U.S. military commission, which tried the case of 4 war criminals. This case was initially scheduled for 8 January 1946. The case began on 9 January 1946 and ended on 15 January 1946.

Both the First President and the Procuratore Generale were most helpful in furnishing the space needed by the U.S. military authorities. 3

4. As previously mentioned, there was one war crimes case involving 4 accused tried by U.S. military commission in the Italian Court house. The Allied Commission, Legal Officer, did the job of securing the court space.

5. Effective 2400 hours 31 December 1945 Naples Commune was restored to the Italian government. The Chief Liaison Office, Colonel Pennycuik, advised the people of southern Italy of this change and its effects in a radio address, 31 December 1945.

6. On 21 January 1946 the Ispettorato Meridionale for Carceri came to an end on orders from the Minister of Justice. The Ispettorato Meridionale was a directorate which had a prime importance in Naples and southern Italy during the war of liberation. It is desired, on behalf of the Legal Officers who have been on duty in Naples and Southern Region, to express words of commendation for the efficient and prompt performance of a difficult task to Colonel Ermete BONOMI, the prison liaison officer, now director of Poggioreale gaol, Naples.

7. After the restitution the P.B.S. military police began a traffic violation drive. Arrests of Italian civilians were made; trial of Italian civilians occurred at a Pretor's court, established in April, 1944 for traffic and blackout violations. Italian civilians came to Legal Division, Allied Commission, Naples, complaining about these arrests made by military police. The Chief Liaison Officer and Legal Officer had conferences with Commanding Officer, P.B.S. (South) and Provost Marshal, P.B.S. (South) with reference to these arrests. As a result of these conferences it was agreed that the Provost Marshal would not use the Allied Military Government forms and would keep his interference with Italian vehicular traffic to a minimum. The First Pretor of Naples in view of his urgent need of the services of the Pretor ALAIA who sat as judge in the traffic court at Via Medina No.72, Naples, made plans to withdraw the Pretor. The work of Judge ALAIA from April, 1944 to 31 December 1945 deserves great praise from the Allied authorities. He has worked a long time on a very difficult and trying assignment. His work reflects great credit upon the integrity and sagacity of the Italian magistracy.

8. The records of Naples Commune, A.M.G., are being kept in Naples pending instructions from Legal Subcommittee as to their disposition.

9. In view of the large number of queries which come to the Legal Division in Naples, it is recommended that provision be made for a Liaison Officer (Legal Division) for the Naples Chief Liaison Officer.

For the Chief Liaison Officer.

Rosario A. Gaziano
ROSARIO A. GAZIANO
Captain, Infantry
Senior Legal Officer.

LEGAL SUBCOMMISSION	
→ CLO	RAG/ms Incls.
→ CLO	Incl.1. "Appendix C" - Trials for Crimes against the Allied Forces (December)
CLO	Incl.2. "Appendix C" - Trials for Crimes against the Allied Forces (to 27 Jan. 1946).
CL RKS	Italian Commune
Red. 7.8.46.	

HEADQUARTERS
NAPLES LIAISON GROUP
ALLIED COMMISSION
NO. 794

2 August 1946.

SUBJECT : Monthly Report for July 1946 by Colonel
J.A.C. Tennyquick, Chief Liaison Officer
Naples and South West Italy.

TO : Headquarters Allied Commission.

(a) POLITICAL.

There were fewer political meetings during the month and Naples has been quiet. The excitement resulting from the Referendum over the Monarchy and Constituent elections has died down, though there is an undercurrent of disappointment over the Referendum and the pronouncements from Paris on peace terms for Italy.

Local Administrative elections in Naples itself are due in September October.

A development that may have some political connection has been the almost simultaneous manifestation of discontent over lack of work by ex-FOUR "Reduci" as they are termed. In Torre Annunziata, Pozzuoli, Caserta, Benevento, Calabria, this is referred to under Public Works and Utilities.

(b) CLOSING DOWN OF ALLIED COMMISSION.

The Naples Liaison Office of the Allied Commission was closed as from the 31st of July and all personnel is being withdrawn. This marks the end of a period of Allied Military Government and Allied Commission cooperation with the Italian authorities that has lasted nearly three years. Close and friendly cooperation by the Naples authorities and the Prefects of the other Provinces in this Liaison Group has been a happy feature of the connection between AMG/Allied Commission and the Italian people. The ready good will shown has produced a great deal of unseen help that has smoothed out relations between

2 August 1946.

SUBJECT : Monthly Report for July 1946 by Colonel
J.A.C. Cunningham, Chief Liaison Officer
Naples and South West Italy.

TO : Headquarters Allied Commission.

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The Allied Commission has also been fortunate in having had a loyal and hardworking staff to whom my very grateful thanks are tendered for exceptionally good work.

26/10

(c) GENERAL ITEMS.

Some progress has been made with derequisitioning and the Alfredo Worts at Pozzuoli have been assisted in re-opening. There is still considerable litigation over requisitioned property. It is directed principally against those cases where the properties, though requisitioned, do not appear to be fully used. This question has the possibilities of dangerous developments.

The new dislaced German centre at Pozzuoli is now well established under the direction of Major Hansone, and works direct under orders of the Allied Commission from Rome.

On the 20th July at Salerno, Salerno province, 2 men trying to steal powder from an ammunition dump caused a fire and serious explosion.

On the 23rd a fire occurred at the AR Depot at Torre Annunziata and many Million Lira worth of tyres were alleged to have been burnt. The dealings of AR with Public Utilities Companies such as Electricity Companies have given rise to some comment. Goods bought cheaply from the Allies are reported to be passed to these concerns at a high profit.

(d) PUBLIC SAFETY.

Capt. Brown left on the 24th of July and the Public Safety Section closed down. This Section has been invaluable as a means of keeping in touch with the Italian situation through the Civil Police agencies. We have had ready access to accurate Civil police reports and have been able to suggest and initiate measures to ward off trouble that might otherwise have occurred. The cooperation of the Carabinieri and the Questura has been very satisfactory and whole hearted.

During the month crime has been normal with theft predominating. There have been 7 cases reported of hold ups of cars and trucks by deserters or persons dressed in Allied uniforms and this continues to be a menace on the roads.

Cases involving Poles were 4, one of which resulted in the death of a civilian and the serious injury of 4 more at Salerno. This started with a drunken brawl in the evening of the 23rd July; later shots were fired by the Poles at a hostile crowd. One of the seriously injured was a small girl 9 years old.

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The new disused arsenals centre at Salerno is now well established under the direction of Major Farnham, and works direct under orders of the Allied Commission from Rome.

On the 20th July at Salerno, Salerno Province, 2 men trying to steal powder from an ammunition dump caused a fire and serious explosion.

On the 23rd a fire occurred at the ARMR Depot at Torre Annunziata and nearly a million lire worth of tyres were alleged to have been burnt. The dealings of ARMR with Public Utilities Companies such as Electricity Companies have given rise to some comment. Goods bought cheaply from the Allies are reported to be passed to these concerns at a high profit.

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2 Cases involving Yugo Slavs (Chetniks) were also reported. In one of these (which occurred on the 29/30 of June at Eboli) it appears that an attempt was made to poison the water at the camp by certain of the Yugo Slavs.

Disturbances caused by ex-PCW who demanded work, occurred nearly simultaneously at Pozzuoli, Caserta (Maddaloni), Benevento, Torre Annunziata and in Calabria during this month.

There was also a demonstration by farmers in Avellino Province against the Italian Government Agrarian Inspectors (UPSEA offices), who were collecting details of the harvest.

Traffic accidents in Naples have been somewhat high- during the month 130 accidents involving civil vehicles were reported -- with 6 persons killed and 142 injured. Allied Military vehicles are reported to have been involved in 116 accidents, 5 persons being killed and 126 injured. Traffic control is in the hands of the civil police.

(c) ECONOMICS FOOD AND SUPPLY.

All reports of the harvest continue to be good. Returns to the Ammassi are, however small so far.

Under the present legalized system only one third of the officially estimated crop, at best, is expected to come in to the Ammassi and be available for general distribution. The remaining two thirds of the official crop stays in the hands of the comparatively small class of farmers together with additional grain from crops sown in vineyards and odd corners and its disposal is an uncontrollable factor in what is generally termed the "black market".

The basic bread ration has been increased to 250 grams (over $\frac{1}{2}$ a lb.) per day per head, apart from the extras enjoyed by all traders. White flour and white bread is on sale in many districts.

Fruit, vegetables and milk are plentiful; the cows being walked through the streets in the morning so that people queue up for milk; unrationed.

At the end of June the considerable relief service of free meals in Naples run by the Roman Catholic Church closed down, as usual, until next winter. The relief centres run by the Ente Assistenza Comunale (10,000 free meals daily) also closed down temporarily for reorganization but were reopened after a few days. The Assistenza Nazionale Partigiani has altered its system and provides meals at 14 lire a head instead of free meals. The E.C.A. food centre

Calabria during this month

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(f) LABOUR.

A further strike of petrol distributing agencies (CIP) occurred in July and employees refused to distribute the imported petrol even to Relief agencies. The strike ended on the 20th.

A strike of short duration also occurred at the Alfa Romeo works on the 10th.

Employment by the Allies continued to fall slowly but is still on a substantial scale (30,000). Unrest at lack of employment has manifested itself at a number of places as mentioned under Public Works and Utilities and is exacerbated by the slowness of the Public Works services.

The general rise in wages has tended to unbalance labour economy; for example a Provincial Vice Prefect with wide responsibilities towards the community gets less pay a month, than a skilled artisan or a good UNRRA clerk.

(g) PUBLIC WORKS & UTILITIES.

Schemes for giving employment on a large scale continue to be held up and the delays referred to in my last report over the Public Works have not yet been removed, though there are stirring towards a renewal of activity. The planned rebuilding of Naples still has not started.

As pointed out last month the number employed on relief works in Naples has actually fallen on account of these delays. Protests against lack of employment have been on an organized, and in some cases menacing, scale in many places in July. At Torre Annunziata, Pozzuoli, Caserta, Benevento and Calabria these demonstrations have caused some anxiety; they are made in the name of returned prisoners of war as Reduci.

(h) PUBLIC HEALTH.

As anticipated with hot weather and large scale bathing in the sewage tainted waters of Naples bay, typhoid has increased. 85 cases as against 35 now reported. The figure for women infected with venereal disease treated in Hospital remains fairly constant, 1156 in July.

(i) FINANCE.

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The fines and bails fund has been disposed of as follows:

(1) CASH BALANCE IN HAND AND BANK	4,8410 Lire
This sum received for fines now handed over to Banca d'Italia after a	

deduction of 200,000 lire transferred to AFA account for current office wages and expenses.

(2) BAILS OUTSTANDING 3,198,700 Lire
These have been transferred to the Procuratore della Repubblica 29th July.

(3) FINES IMPOSED UP TO 31st December 1945 648,250 Lire
by AMG Courts.
This represents a sum which may be claimed in part by prisoners who serve out sentences. Authority passed to Procuratore della Repubblica.

(4) FUNDS HELD FOR ITALIAN COURTS AND BEING
HANDED OVER TO THE BANCA D'ITALIA IN ROME
IN THE NAME OF THE A.F.A.

Cash Lire cheques in Bank	1,740,779
American dollars	664
Algerian Francs	370
Maroccan Francs	5
English Sterling	7,5s.
Gold Bars	25

Mac Pennyquick
J. A. C. PENNYQUICK
Colonel
Chief Liaison Officer
Naples Liaison Group
Allied Commission.

DISTRIBUTION:-

Hq. Allied Commission	16
C.L.O.	1
No.3 District	1
Hq. Naples Area	1
Hq. Rlnd P.B.S. South	1
N.O.I.C. Naples	1
Hq. No. 1 Base R.A.F.	1
UNRRA Naples	1
British Consul General	1
American Consul General	1
B.I.U. MMIA Torre Annunziata	1
Asst. Comm. Sub-Comm. Naples	1

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Air Force Sub-Comm. Naples	1
British Information Office	1
U.S.I.S.	1
File	2

1491