

ACC

10000/142/418
(VOL. I)

1472

10000/142/418
(VOL. I)

ITALIAN PRISONS
AUG. 1943 - JAN. 1946

1473

286

AC/4049/LEGAL

Volume I.

OPENED : 20 August 1943

CLOSED : 10 January 1946

SUBJECT : ITALIAN PRISONS (ACCOMODATION ETC. SEE ALSO FILE 4090/LEGAL
CONGESTION OF PRISONS IN SARDINIA.)

Handwritten scribbles and illegible marks

10000 / 142 / 418

SUBJECT : ITALIAN PRISONS (ACCOMODATION ETC. SEE ALSO FILE 4090/LEGAL
CONGESTION OF PRISONS IN SARDINIA.)

Handwritten scribbles and illegible text

100001 / 142 / 418

THIS FOLDER
CONTAINS PAPERS
FROM AUG 43
TO JAN 46
CATALOGUE.

MINISTERO DELLE CORPORAZIONI

1476

The image shows a large, empty table with a double-line border. The table is divided into five columns by four vertical dotted lines. The columns are of varying widths, with the second and third columns being the widest. The table is currently empty of any data or text.

Form - 6/19/54

1477



PARTITO FASCISTA REPUBBLICANO
FEDERAZIONE DELL'URBE

IL COMMISSARIO FEDERALE

FILE CLOSED 10 JANUARY 1946

16

1478

Handwritten: [unclear]

FILE CLOSED 21 September 1945

Handwritten: ✓

INCOMING MESSAGE
HEADQUARTERS ALLIED COMMISSION

Legal 95A

Originator's Reference: C 12418

Message Centre No: 6/7082

Date/Time of Origin: JAN. 08. 1448A

Date Time Rec'd: JAN. 100500

FROM: AFHQ FROM 6-5.

Precedence: PRIORITY

TO : ALCCM BOMB INFO: XIII CORPS

15

UNCLASSIFIED.

Action on 13 Corps signal 0436 of 7 January subject UDINE goal should be taken by you. Inform AFHQ of developments.

AC DIST

ACTION : LEGAL
INFO : CHIEF COMMISSIONER
P. SAFETY
FILE 2
FLOAT

ACTION

RECEIVED
10 JAN 1951

copy
✓
file

(94A)

ACPSF

10 JANUARY 46

AMG UDINE

- (1) AFHQ FOR G-FIVE
- (2) MAIN THIRTEEN CORPS
- (3) CLO VENEZIA
- (4) TWO ZERO ONE SUB AREA

131

UNCLASSIFIED

SUBJECT IS UDINE GOAL PD

PARA ONE PD REFERENCE SIGNAL ZERO FOUR THREE SIX SEVEN JANUARY FROM MAIN THIRTEEN CORPS ADDRESSED TO AFHQ PD

PARA TWO PD PLEASE REPLY WHAT ACTION IS BEING TAKEN UNDER ONE AND THREE OF SIGNAL PD AMPLE ACCOMODATION EXISTS AT THE POLITICAL PRISONERS CAMP CMA FOSSOLI CMA MODENA PROVINCE

PARA THREE PD LEGAL SUB COMMISSION WILL REQUEST ITALIAN GOVERNMENT TO ACCELERATE TRIAL OF TWO ZERO ONE POLITICAL PRISONERS PD

PARA FOUR PD WHAT IS THE POSITION REGARDING PRISON GOVERNOR PLEASE PD

→

INTERNAL DIST : CHIEF COMMISSIONER
CA SECTION
LEGAL

LEG	JBC
CLO	
DCIO	
Chief Co	
CJO	
Italian	
Q RK	
11 JAN 1946	

JWS

ROUTINE

PUBLIC SAFETY S/C

365

F.J.WELSON, Lt. Colonel

G.J.LEONE
CWO USA
Asst. Adjutant

LEGAL s/c (93A)

copy

0436
JAN. 07 15 25

C/6895
JAN. 08 09 00

IMPORTANT

MAIN IS CORPS-

AFHQ (FOR G-5) INFO : ALCOM AMG REGION 12 AMG UDINE 201 SUB AREA

13

UNCLASSIFIED.

Subject is unsatisfactory conditions arising from overcrowding UDINE GOOL. Total of prisoners held is 486 at present of which 359 are awaiting trial. Capacity of gool is 350. Urge following action.

- PS 1°. Removal of sentenced prisoners to gools where ACCN available.
- PS 2°. Italian Govt to accelerate trial of political prisoners totaling 201.
- PS 3°. Temporary transfer to other gools of political prisoners who cannot be tried without delay.
- PS 4°. Appointment by Italian Govt of a suitable governor for Udine gool.

CHIEF COMMISSION

CLO

DCLO

Chief Counsel

CJ

AC DIST

INFO / ACTION : ~~PUB. SAFETY~~ SC LEGAL s/c

INFO : CHIEF COMMISSIONER

C.A. SEC. PUB. SAFETY s/c.

FILE 2

FLOAT

1061 DVP 8

① Jan 1946

*1st Col Nelson P4 s/c to handle
a report to Udine stating that 1.3 44
copy to be in language that Italian part in
have asked to expedite trials. A copy to
KAT 44 10/1/46*

92A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4049/L.

21 September 1945. /rlp.

SUBJECT : Carceri Militari di Torino.

TO : Public Safety S/C.

The attached letter from the Procuratore Generale Militare No. 3156 of 16 September 1945 is forwarded to you for necessary action.

1.2

Incl.

G. G. HANFORD,
Lt. Col.,
Officer i/c Italian branch,
for Chief Legal Advisor.

1483

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

918

AG/4049/L.

ES/1c.
21 August 1945.

SUBJECT : Prison Services.

TO : Public Safety Sub-Commission.

The enclosed two letters PR/LE/321 of 11 and 13 August 1945 with enclosures received from Regional Legal Officer Piemonte Region are passed to you for any action you might deem necessary.

11

G. G. HANNAFORD,
Lt. Col.,
Officer i/c Italian Branch,
for Chief Legal Advisor.

Incls.

Copy to: Regional Commissioner (Attn.RLO) PIEMONTE Region.

1484

4049 ✓

90A

**HEADQUARTERS
PIEMONTE REGION
ALLIED MILITARY GOVERNMENT
APO 394**

Office of the Regional Legal Officer

13 August 1945

PR/LE/321

SUBJECT: Prison Services.

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

86A

800

1. Your 4049/L of 11 August is acknowledged.
2. There appears to be a misunderstanding: the enclosures with ours of 4 August were additional to the enclosures which left this office with ours of 17 July. We shall endeavour to obtain duplicates of the earlier enclosures as apparently they have not reached you.
3. We appreciate the reasoning behind your second paragraph but being conscious of virtue in this matter do not feel rebuked.
4. It is noted that all prison matters are responsibility of Public Safety S./C.

For the Regional Commissioner.

LEGAL SUB-COMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	
Italion Section	
Sub-Com.	
11 5 AUG 1945	

D.D. Mc Colm Major
 D.D. Mc Colm, Major R.A.
 Deputy for
 Edwin J. Mercer, Lt.Col.Ord.
 Regional Legal Officer.

DDM/AR

Copy to Public Safety Sub-Com.

4049

89A

HEADQUARTERS
PIEMONTE REGION
ALLIED MILITARY GOVERNMENT
APO 394

Office of the Regional Legal Officer

11 August 1945.

HR/LE/321

SUBJECT: Promotions in prison service.

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

1. In view of recent applications by the Procuratore⁶⁹ Generale of the Corte d'Appello of Torino (a) for approval of applications for increases in emoluments, and which applications would normally be considered by a Commission of the Ministry of Justice, and (b) for delegated authority to deal with applications under (a) this Division informed the Procuratore Generale that the most satisfactory method of procedure would be for him to forward correspondence to this Region in the form in which it could normally be submitted to the Ministry, and that thereafter the recommendation of the latter would be sought and considered.

2. The enclosures have been sent here as a result. May they be sent to the Ministry of Justice, please, to be dealt with in terms of our message to the Procuratore Generale.

For the Regional Commissioner.

LEGAL SUB-COMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	
16 AUG 1945	

DDM Colm Major
D.D. Mc Colm, Major R.A.
Deputy for
Edwin J. Mercer, Lt. Col., Ord.
Regional Legal Officer.

DDM/AR. →

Incl.: documents.

1486

Handwritten scribble

SSA

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AG/4069/L.

/rlp.
14 August 1945.

SUBJECT : Military Prison at Torino.

TO : Procuratore Generale Militare, Via Acquasparta, n. 1, Rome.

Reference your 2470 SG of 6 August 1945 concerning the above, enclosed is copy of a letter received from Regional Public Safety Officer, Piemonte Region, for your information.

G. G. HANNAFORD,
Lt. Col., *28*
Officer i/c Italian Branch,
for Chief Legal Advisor.

Incl: Copy of letter fr RFSO, Piemonte Region, dtd ^{31 July} 8 Aug 45. and enclosure.

40119 ✓

SFA

HEADQUARTERS
PIEMONTE REGION
ALLIED MILITARY GOVERNMENT
APO 394

File No: PR/PS/41/97
Subject: Military Prison at Turin
To: HQ A.C. APO 394 (Att_n. Legal Sub-Commission).

8 August 1945

Reference your signal 3275. *SFA*

1. The Procuratore Generale Militare is mistaken in thinking that there is no military prison in Torino. It is in the via Ormea, was repaired by the communal authorities recently for use as an extension to the main civil prison, and has now been vacated and indeed handed over to the Tribunale Militare of Torino and the Gruppo Cremona. There is accomodation for nearly 100.
2. Complete understanding existed with the Tribunale Militare of Torino regarding the removal of prisoners deposited in Le Nuove Prison without the approval of either AMG or the Italian civil authorities, and extra time was given owing to difficulty.
3. I am at a loss to understand why the Procuratore Generale is interfering in a matter already amicably arranged without difficulty.
4. No alternative accomodation exists for Italian Military prisoners without overcrowding civilians.
5. Copy of letter of 31/7/45 To Tribunale Militare of Torino attached.

For the Regional Commissioner.

H. Mighall

H. MIGHALL
Major
Regional Public Safety
Officer.

LEGAL SUB COMMISSION	
CLO	Copy to: Legal Division Piemonte Rg.
DCLO	HQ A.C. APO 394 Sub-Comm.
Chief Counsel	
CJO	
Italian Section	

PS

CL RKS
6813 - BATES (2000)
13 AUG 1945

COPY

HEADQUARTERS
PIEMONTE REGION
ALLIED MILITARY GOVERNMENT
APO 394

REF : PR/PS/41/68

31 July 1945

SUBJECT: Prisons

TO : Tribunale Militare Italiano = Torino =

1. At present there are fifteen prisoners at your disposition in Le Nuove prison, Torino. All these are Italian Military personnel and should be lodged in a military prison and not a civil prison. It is regretted that at present no places can be reserved for your military prisoners in civilian prisons in Piemonte. Should you wish to take over the Italian Military Prison in the Via Ormea, Torino, there will be no objection on the part of this HQ.

2. You are requested to remove the above fifteen prisoners on or before 4 August 45. Instructions have been given to the Director of the Prison at Le Nuove to refuse to accept ordinary military offenders pending further instructions from this office.

For the Regional Commissioner.

H. MICHALL
Major
Regional Public Safety Office

Copy to: Director Le Nuove Prison
Procuratore Generale Torino.

87A

HEADQUARTERS ARMED COMMISSION
APO 394
REG. J. SUB-COMMISSION

/rlp.
14 August 1945.

AG/1043/1.

SUBJECT : Military prison in Torino.
TO : Regional Commissioner (Attor Regional Public Safety Officer),
PIEMONTE Region.

1. The Procuratore Generale Militare has been informed of the contents of your L/P/13/97 of 8 August 1945.
2. Copy of his letter which sets out that he was intervening at the request of the Procuratore Militare of Torino is enclosed.
3. No doubt the matter has by now been settled.

By command of Rear Admiral STUBBS:

35

C. G. HANLON,
Lt. Col.,
Officer i/c Italian Branch,
for Chief Legal Advisor.

Incl: Copy letter of P.G.M.
Copy to: Public Safety C/O.

HEADQUARTERS ALLIED COMMISSION
APO 374
LEGAL SUB-COMMISSION

GCH/mb.
11 August 1945.

AG/4049/1.

SUBJECT : Prison Services.

TO : Regional Commissioner (Acting Regional Legal Officer),
PIEMONTE Region.

1. Reference your HA/13/321 of 4 August 45. receipt is acknowledged of the enclosures which were not attached to your J21 of 17 July.

2. May we draw your attention to the fact that the Ministry was in no position to answer the questions which were contained in a document which you had not forwarded.

3. Would you please note that all prison matters are the responsibility of public safety S/C to which your letter of 17 ult and the enclosures received to-day have duly been passed.

(See our AG/4049/1. of 20 July to public safety S/C copy of which was sent to you)

G. G. HARRINGTON,
Lt. Col.,
Officer i/o Italian Branch,
for Chief Legal Advisor.

Copy to public safety Sub-Commission
(with copy of Piemonte Region's letter
mentioned in para 1 and enclosures.
Letter quoted in para 3 refers)

1491

4049 ✓

857

**HEADQUARTERS
PIEMONTE REGION
ALLIED MILITARY GOVERNMENT
APO 394**

4 August 1945.

Office of the Regional Legal Officer

PR/LE/321

SUBJECT: Prison Services.

TO : Legal Sub-Commission H.Q. A.C. ✓

1. Forwarded with request that an early answer be required from the Ministry. This office's 321 of 17 July 45 is still unanswered.

7811

For the Regional Commissioner.

HEADQUARTERS
10 AUG 1945
ALLIED MILITARY GOVERNMENT

DDM Colm Major
D.D. Mc. Colm, Major R.A.
Deputy for
Edwin J. Mercer, Lt. Col., Ord.
Regional Legal Officer.

DDM/LR.

100
100-100000-100
100-100000-100
100-100000-100

84A

File 4049

REGIONAL COMMISSIONER, PIEDMONT REGION

3275

7 AUGUST 1945

ROUTINE

RESTRICTED PD

PARA ONE PD PROCURATORE GENERALE MILITARE HAS REQUESTED AGENC TO PROCURE THE TEMPORARY SUSPENSION OF YOUR ORDER TRANSFERRING MILITARY PERSONNEL IN TURIN CIVIL GAOL TO A MILITARY GAOL PD PARA TO REGIONAL COMMISSIONER GMA PIEDMONT REGION FROM HQ ALCANTARA AGENC PARER

PARA TWO PD PROCURATORE GENERALE MILITARE STATES THAT THERE IS NO MILITARY GAOL IN TURIN AND REQUESTS TIME TO FIND ALTERNATIVE ACCOMMODATION ELSEWHERE PD

PARA THREE PD PLEASE ADVISE AGENC OF THE TERMS OF YOUR ORDER AND THE ALTERNATIVE ACCOMMODATION PROPOSED BY YOU FOR THE MILITARY PRISONERS

Legal Sub- omission



REGNO
PROCURA GENERAL⁴⁰⁴⁹ MILITARE DEL RE IMPERATORE
PRESSO IL
TRIBUNALE SUPREMO MILITARE

834

N. 2470 P.G.
Risposte e note del

Roma, li 6 agosto 1945
N. Alleg.

STAMPERIA REALE DI ROMA

Oggetto: Militari detenuti nel carcere giudiziario di Torino.

ALLA COMMISSIONE ALLEATA
Sottocommissione Legale
Via Veneto

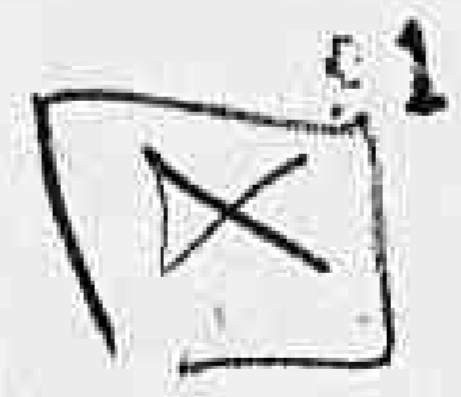
= ROMA =

Il Procuratore Militare presso il Tribunale militare di Torino informa telegraficamente questo Ufficio che la Commissione Alleata ha ordinato il ritiro dal carcere giudiziario di quella città dei detenuti militari ed il loro trasferimento ad un carcere militare.

Poichè a Torino il carcere militare non esiste, si prega vivamente codesta Sottocommissione di volersi interessare affinchè venga sopprasseduto dall'esecuzione dell'ordine di cui sopra almeno fino a quando non si sarà trovato il modo di sistemare altrove i detenuti militari.

IL PROCURATORE GENERALE MILITARE
(U. Borsari)

M. Borsari



7 AUG 1945

CICL 504

nl

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

82A

AC/4049/L.

ES/lc.
28 July 1945.

SUBJECT : Prison Services. Contracts. Piemonte.

TO : Public Safety Sub-Commission.

Reference today's conversation (Capt. Freeman - S/Sgt Stein) the enclosed documents concerning the above subject are passed to you for any action you may deem fit.

G. G. HANNAFORD,
Lt. Col.,
Officer i/c Italian Branch,
for Chief Legal Advisor.

Incl.

90

Copy to : Regional Commissioner
(Attn: RLO) PIEMONTE Region.
(your PR/LE/321 of 17 July 45 refers.)

**HEADQUARTERS
PIEMONTE REGION
ALLIED MILITARY GOVERNMENT
APO 894**

81A

Office of the Regional Legal Officer

file

23 July 1945.

TO: HQ. A.C., Legal Sub-Commission.
(Attn. Lt. Col. Hannaford).

79A

- 1. Enclosed herewith documents which are referred to in your letter AC/4049/L of 19 July 1945.
- 2. Sorry, just a slip up in the Message Center section of our dept.

C.C. Scorpiniti

C.C. Scorpiniti
Chief Clerk, Legal.
Piemonte Region.

89

Incl.: a/m documents.

LEGAL SUB-COM	
CLO	
DCLO	
Chief Counsel	
CJO	
Italian Section	*
CLERKS	



12 7 JUL 1945

4349

SOA

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

24 July 45

AG/11.210/PS

SUBJECT : Regina Coeli Prison, Rome
TO : AFHQ, ~~5~~ Section

- 1 The attached is a report on the most recent troubles in Regina Coeli Prison and is a more detailed statement following our signals 2387 of 23 Jul and 2407 of 24 July.
- 2 It is intended to approach the Italian Government yet again in an effort to speed up the trial of accused and to take energetic steps to raise the standard and training of guard personnel.
- 3 Once more this Commission must draw your attention to the problem of prison accommodation and urge the immediate derequisitioning of every prison that can possibly be released. While the short comings of the Italian administration are admitted, this Commission is of the firm opinion that further troubles can be expected if more accommodation is not made available.
- 4 The failure, after so much time, of the Allied authorities to derequisition prisons is being used by the Italians as an excuse and it must be allowed that the statement is not without foundation.

FOR THE CHIEF COMMISSIONER : LEGAL SUB-COMMISSION

- CIO
- DCLO
- Chief Comm
- CIO
- Italian

H. S. Benham Lt Col
C. S. DEPT. Brigadier,
VP CA Section.

Copy to : ~~Legal Commission~~
Legal S/C

26 JUL 1945

NA

*Will you please talk to Minister of
Grace and Justice about speeding up trials
the night of results with a new Minister*

Interview with Minister 26 July 1945. end

HEADQUARTERS ALIENS COMMISSION
Public Safety Sub-Commission
APO 398

Tel: 478709

24 July 1945

AO/14230/45

SUBJECT: Memorandum Report, - Regina Gault

TO : Vice President, Civil Affairs Section.

1. At approximately 1300 hrs 21 July, 1945 the group of prisoners in the 6th wing, described as being mainly partisans, overpowered the guards of their wing, opened the main doors of the 6th wing, then those of the 7th and 8th wings. The combined groups then forced the doors into the 1st rotunda and liberated the inmates of the four wings which surround from that center. This brought the entire prison population of 2960 inmates together.

2. The combined groups then prepared to assault the main doors of the front entrance but were stopped by the regular G.I. guards stationed there, augmented by another detachment called to the scene. They retreated to the 8th wing where ringleaders, described as partisans and wearing red shirts, scarves or caps, made inflammatory speeches. The word "Fugate" and the theme of the shouted remarks of the rioters, with other allusions to long detention without trial, lack of interrogation by investigating agencies, etc.

3. The crowd then broke out of the side door of the 8th wing, where they were prevented from breaching the outer gate by G.I. stationed there. Any threats were voiced to the G.I., the rioters claiming that they had 3000 helpers in Rome prepared to aid them in their bid for justice and liberty.

4. This situation continued all thru Sunday 22 July, 1945 with the entire population roaring at will thruout the interior of the prison. That night they set fire to the ceiling of the 1st rotunda with the result that the entire upper structure collapsed. The prisoners also threw tiles, and other missiles at the G.I., the latter retaliating with rifle and pistol fire. Result, 2 prisoners wounded and 1 killed.

5. In the morning, 23 July, Fogliabbi, Minister of Grace Justice and other members of the Ministry, visited Regina Gault and met with representatives of the several prisoner groups. As a result the prisoners promised to "behave", but later notified the Director that they would set fire to wings 3 and 4 that night.

- 2 -

6. Present perimeter security of the prison is maintained by G.I.'s, with at least 5 armored cars and M4's mounted and foot detachments in the streets adjacent to the jail. Traffic is being stopped, screened, and re-routed if indicated, as a precaution against outside "partisan" interference which has been threatened since the recent raid on Partigiani Headquarters and the arrest of some 70 old persons.

7. Situation at 0900 hrs 24 July

A. Regina Coeli was relatively calm through the night. The prisoners' threat to fire additional wings did not materialize. Approximately 100 prisoners were transferred last night (23 July) and between 200 and 300 are being prepared for transfer today (24 July). The Ministry plans to evacuate the entire jail population by transfers to Ancona, Asinara, S. Catalano, Arcola, Portofino, Capri, and Volterra prisons.

B. The six women security prisoners, in custody of Allied personnel at the Roman prison (Castellate) were moved to the Security Prison (A. Gabelli) at 1500 hrs 23 July.

8. Remarks

A. The published report that aid had been requested by Allied Authorities is categorically denied by the Director of Regina Coeli.

B. There is a partisan group, described as mainly self-designated, in Regina Coeli which contributed the leaders of the disturbances.

C. It is quite apparent that Italian authorities can handle such incidents if the alternative of Allied help is not available to them.

D. The continued use of prison establishments through Italy by Allied authorities, and the complete inadequacy of a de-regimentation program, is a matter of the greatest concern. It is necessary that the Allied policy of reasonable assistance to the Italian government must be objectively applied to the prison situation if further disturbances are to be avoided.

R. H. STURMANT, Capt. G.I.
Prison Officer
Public Safety Sub-Commission

HEADQUARTERS ALLIED COMMISSION
AFO 394
LEGAL SUB-COMMISSION

79A

AC/4049/T.

19 July 1945.

SUBJECT : Prison Services.

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

1. Reference your PR/12324 of 17 July 1945.
2. The letter of Procuratore Generale dated 13 July 1945 and relative documents referred to in paragraph 3 of above-mentioned letter were not enclosed therewith. Please forward.

By command of Rear Admiral STONE :

G. G. HANNAFORD,
Lt. Col.,
Officer i/o Italian Branch,
for Chief Legal Advisor.

85

78A

Letter from Parents Re: [unclear]

PR/RE/321 of 17 July

Referred to PS s/c - see file

82A84

PARTITO FASCISTA REPUBBLICANO

Federazione Fascista dell'Urbe

Il Sig. _____
desidera conferire con _____

Motivo : _____

i ma, _____ 191 XXII

FIRMA

4049 ✓

771A

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION
APO 394
Legal Division

REF.: LEG/5080

5 June 1945

SUBJECT : Liguria Region - Political Prisoners.

TO : H.Q. Allied Commission - Legal Sub-Commission.

1. Apologies are tendered for the disorderly manner in which L/5080 of 31 May was written, but the fact that the undersigned receives an average of twentyfive visitors a day and writes or dictates as many letters will constitute, it is felt, a valid excuse.
2. Without entering into a controversy on the respective merits of swift or slow death, it is obvious that the prison problem will become very shortly an acute one not only in Liguria but also in Lombardia.
3. There is no doubt that "denunzie" although forthcoming now regularly will not cover all the pending cases. For instance in Milan, according to latest reports, there are 3672 prisoners in Carcere San Vittore (capacity 1500) and 675 in the Carcere Militare, Via Crivelli (capacity 300).
The number of registered prisoners in the provinces varies between approx. 300 in Mantova, to approx. 2500 in provinces such as Varese, Pavia and Bergamo.
4. It is apparent that in many places detention is safer than freedom. At least two released prisoners have been found lying in the gutter in the early hours of the morning with a number of bullets in them.
5. When the matter was discussed with Liguria Region and later with the judicial authorities of Lombardia, concentration camps were suggested. Major Little and the undersigned had this possible solution in mind at the time of writing.

- 6. It would be useful to know whether the authorities concerned are contemplating the establishment of such camps for political prisoners. It is probable that many members of the Republican Army now in military camps will be handed over to Italian judicial authorities for trial, thus causing further congestion in the already overflowing prisons.
- 7. Your opinion on the above and the prospects of an early solution to the problem would be very much appreciated. The whole policy of the administration of political justice may very well depend on the detention question.

For the Regional Commissioner

G. G. Hannaford

H.M. DICKIE
W/Cdr. R.A.F.
Regional Legal Officer

P.S. For your information Public Safety attempted to build such a camp in this area, only to see all the materials they had collected blocked by order of M.M.A.

REGIONAL COMMISSION	
W/O	
→ D.L.O.	M NA
Chief Clerk	
→ [unclear]	
[unclear]	
[unclear]	

~~File~~

HQ JAPANESE ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

76A

AG/4049/L.

GGH/mt.
27 April 1945.

SUBJECT : Spoleto Gaol.

TO : H. B. The Minister of Pardon and Justice.

1. This matter has already been taken up with Your Excellency by Public Safety Sub-Commission.

2. This Sub-Commission is fully aware of the difficulties of the present gaol situation in Rome, but it cannot but feel that by transferring 180 inmates from Rome to Spoleto, which is in SIG territory, the judicial authorities have accepted deliberately to postpone "sine die" the trials of these prisoners.

3. Would Your Excellency be good enough to give the necessary instructions to the effect that the "istruttoria" of those prisoners who have already been in preventive detention for over 10 months be given as much priority as is materially possible on the roster of the "giudice istruttore" of Rome.

82

G. G. HANNAFORD,
Lt. Col.,
Officer i/c Italian Branch,
for Chief Legal Advisor.

Copy to: Public Safety S/C.

✓ 4014
 HEADQUARTERS
 ALLIED MILITARY GOVERNMENT
 MARCHÉ
 UMBRIAN REGION
 PERUGIA PROVINCE

FILE No. P.S.G.-93

SUBJECT Sholeto Gaol

TO P.O. Perugia

RECEIVED
 APR 20 1945

PERUGIA 20 APRIL 1945

As a result of a reported riot among prisoners who are inmates of the above on the 14 th April 1945, at 10,30 am this date I visited the Gaol.

It was ascertained that at the moment there are a total of 332 inmates of whom only 68 are convicted persons. Of the remainder 180 have been transferred from Rome recently. They are all persons awaiting trial for serious (not political) crimes by the Italian Courts.

In addition there are 84 awaiting trial by the Italian Courts in this Province.

It seems to me that after 10 months of occupation of Rome a lamentable state of affairs, that these conditions obtain, and with great respect there is small wonder that there is revolt in the Gaol.

I interviewed 10 inmates 5 of whom had been involved in the disturbance on the 14th of April and 5 of 100 brought from Rome this week.

They have no complaint to make respecting their treatment in prison conditions generally. Their only complaint is that they are being kept so long without trial, and in Rome cases of probably being able to establish their innocence.

I respectfully suggest that the strongest possible representation be made in particular to the Legal Public Safety Sub-Commissioner in regard to the 180 Rome prisoners.

The matter with regard to local prisoners will be taken up with the R.L.C. Sufficient copies for distribution to:
 Legal Sub-Commissioner
 Public Safety Sub-Commissioner
 Region Commissioner.

are attached if you agree to this course.

1st Ind.

TO: Legal Sub-Commissioner, Provincial Public Safety Officer
 Public Safety Sub-Commissioner, HQ A.C.
 Regional Commissioner, HQ A.C.
 Regional Commissioner, HQ AMG Umbria Marche Region.



Major
 Major

PERUGIA 20 APRIL 1945

25 APR 1945

SUBJECT Spolato gaol

TO P.O. Perugia

Colaninno with M. M. in P.O. Perugia 1/1

As a result of a reported riot among prisoners who are inmates of the above on the 14th April 1945, at 10.30 am this date I visited the Gaol.

It was ascertained that at the moment there are a total of 332 inmates of whom only 68 are convicted persons. Of the remainder 180 have been transferred from Rome recently. They are all persons awaiting trial for serious (not political) crimes by the Italian Courts in this Province.

In addition there are 84 awaiting trial by the Italian Courts a lamentable state of affairs, that these conditions obtain, and I pay with great respect there is small wonder that there is revolt in the Gaol. I interviewed 10 inmates 5 of whom had been involved in the disturbances on the 14th of April and 5 of 100 brought from Rome this week.

They have no complaint to make respecting their treatment in prison conditions generally. Their only complaint is that they are being kept so long without trial, and in Rome cases of probably being able to establish their innocence.

I respectfully suggest that the strongest possible representation be made in particular to the Legal Public Safety Sub-Commission in regard to the 180 Rome prisoners.

The matter with regard to local prisoners will be taken up with the R.I.O. Sufficient copies for distribution to: Legal Sub-Commission, Public Safety Sub-Commission, Region Commissioner, are attached if you agree to this course.

1st Ind.

TO: Major *John Lund*
Legal Sub-Commission, Provincial Public Safety Officer
Public Safety Sub-Commission, HQ A.C.
Regional Commissioner, HQ A.C.
Regional Commissioner, HQ AMG Umbria Marche Region.

Forwarded for your information and such action as considered necessary.

LEGAL SUB-COMMISSION
CIO
<i>John Lund</i>
Chief Clerk
CIO
1545

Can we do anything?

anything?

John Lund
Major AUS
Provincial Commissioner
PERUGIA Province.

20 APR 1945

File 4049

74A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AG/1086/1

IS/ps.
17 Apr 45.

SUBJECT : Prison space for Italian deserters. Italian
Military Tribunal.

TO : Public Safety Sub-Commission (Prison).

1. This Sub-Commission has relayed to the Procuratore Generale Militare an enquiry of the Land Forces Sub-Commission as to the outcome of the proceeding against UTER Renato, POLLANO Stefano, SPINATO Adolfo, Italian soldiers charged with desertion before the Italian Military Tribunal of Rome.

2. In his reply the P.G.M. states that the proceeding cannot be completed because the lack of prison space rendered is impossible to arrest the accused.

3. This information is passed to you for any action you might deem necessary.

G. G. HARTMAN, JR.,
Lt. Colonel,
Officer i/c Italian Branch,
for Chief Legal Advisor.

80

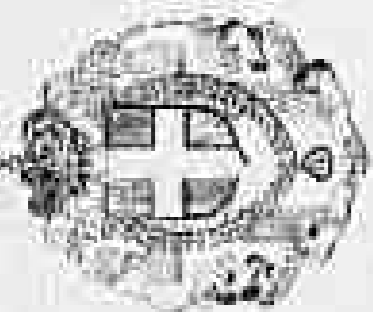
Copy to : *AG/1086/1*

1508

Mod. 462 MGG

Roma, 3 febbraio 1945

73A



M. Guardasigilli

MINISTRO DI GRAZIA E GIUSTIZIA

A 8119 - Sub.

ALLA SOTTOCOMMISSIONE LEGALE
della Commissione Alleata

R O M A

OGGETTO: Congestione nel carcere di Regina Coeli -
Riferimento lettera A.C./4049/E del 15.1.1945.

67A

In merito alla necessità di fornire alcune automobili agli Uffici della Procura del Regno presso il Tribunale di Roma ed all'Ufficio di Istruzione dello stesso Tribunale, allo scopo di ovviare il ritardo nella trattazione dei molti processi pendenti, informo codesta Sottocommissione di aver fatto, con lettera in pari data, grande premura all'Ufficio Requisizione Autoveicoli presso la Presidenza del Consiglio perchè provveda a requisire ed assegnare ai detti Uffici almeno un'automobile per ciascuno.

Mi riservo di far conoscere in seguito l'esito che avrà avuto la pratica.

IL MINISTRO

Compagni

LEGALE SOTTOCOMMISSIONE
CIO
DCIO
Chief Counsel
CIO

Italian Service

A 8119 - Sub.

ALLA SOTTOCOMMISSIONE LEGALE
della Commissione Alleata

R. O. M. A.

OGGETTO: Congestione nel carcere di Regina Coeli -
Riferimento lettera A.C./4049/T del 15.1.1945.

67A

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Mi riservo di far conoscere in seguito l'esito che avrà avuto la pratica.

IL MINISTRO

Carpi

LEGAL SUB-COMMISSION	
CIO	
DCIO	
Chief Counsel	
CIO	
Hollon	
CL RKS	
5 FEB 1945	



4049 ✓

72A

HEADQUARTERS
- ALLIED MILITARY GOVERNMENT
LAZIO-UMBRIA REGION, LEGAL DIVISION
APO 394

1 February 1945

L/1016

SUBJECT : Transport for Process Servers
TO : Chief Legal Adviser, Hq. Allied Commission,
Legal Sub-Commission, APO 394

67A
70A

1. Receipt is acknowledged of your letter AC/4049/L,
Subject Congestion of Regina Coeli Gaol - Transport for Process
Servers.

2. As far as we know, the Italian authorities have
not yet requisitioned the two cars for Process Servers in Rome.
Neither the Procuratore Generale of the Court of Appeal nor
the Procuratore del Regno have received any information through
Italian channels concerning the two cars for Process Servers.

3. It is not known whether the Italian authorities
have taken any action towards requisitioning said two cars.

For the Regional Commissioner

SBG/GG.

LEGAL SUB COMMISSION	
CLO	
→ CCO	✓
Chief Counsel	
CL	
CL RKS	✓
3 FEB 1945	

Sam B. Gilreath
SAM B. GILREATH
Major, A.U.S.
Regional Legal Officer

*Sam to VI CAS
for info.*

1511
IL GUARDASIGILLI
MINISTRO DI GRAZIA E GIUSTIZIA

Roma 31/1/1945

71A

Prot. N. 168/1.20.I

ALLA COMMISSIONE ALEATA
Sottocommissione Legale

R O M A 66A

Risposta al n. A.C.4049/S dell'11.1.1945

OGGETTO: Congestione delle carceri giudiziarie di Roma.

Ho adeguatamente valutato il contenuto della nota sopra richiamata, circa la congestione delle carceri giudiziarie di Regina Coeli in Roma, e mi è gradito comunicare i provvedimenti adottati e che concernono la sicurezza dello stabilimento, la disciplina interna e la sollecita definizione delle procedure penali con imputati detenuti.

Per quanto attiene alla sicurezza dello stabilimento sono in via di ultimazione tutti i lavori di restauro al fabbricato, ai cancelli, alle serrature, ai tetti ecc., previsti in diverse perizie del Genio Civile per un ammontare di oltre 8 milioni di lire. Saranno così eliminate le principali cause di disordini di detenuti.

Sempre al fine, poi, di decongestionare il detto carcere, sono state rivolte vivissime premure al Ministero dei LL.FP. per

la sollecita esecuzione dei lavori di completamento di tre edifici in località Casal dei Pazzi, costruiti per i nuovi istituti penitenziari della Capitale, nei quali potranno trovar posto un numero rilevante di detenuti da sfollarsi da Regina Coeli.

A tal riguardo si aggiunge che il detto Ministero ha già dato opportune disposizioni al dipendente Ufficio del Genio Civile.

In ordine, poi, alla disciplina interna, fo noto che ho disposto il trasferimento dal carcere di Regina Coeli di un primo gruppo di una cinquantina di agenti di custodia, che non davano sicuro affidamento circa il completo adempimento dei loro doveri.

Detto provvedimento, per quanto ostacolato dalle difficoltà dei mezzi di trasporto, è, ora, in via di attuazione. In prosieguo, con il miglioramento delle comunicazioni, darò corso ad altri trasferimenti di agenti, a seguito dei quali il personale di custodia dell'istituto risulterà quasi completamente rinnovato con elementi del tutto idonei.

Per quanto, infine, concerne la sollecita definizione dei procedimenti penali a carico di imputati detenuti fo presente che non è necessario apportare alcuna modifica al vigente codice di procedura penale, perchè esso contiene già disposizioni, in virtù delle quali tali procedimenti devono essere definiti in breve termine e con precedenza su quelli a carico di imputati a piede libero.

Tuttavia, per un più spedito esito dei detti procedimenti con imputati detenuti, potrà congruamente aumentarsi il numero

IL GUARDASIGILLI
MINISTRO DI GRAZIA E GIUSTIZIA

dei giudici istruttori, ed a tal fine posso assicurare che con decreti in corso sono stati assegnati altri quattro magistrati al tribunale di Roma.

IL MINISTRO

Caputo

28

LEGAL SUBCOMMISSION	
...	/
...	...
...	/
...	...
...	/
1 FEB 1945	/
...	/

file

70A

HEAD QUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4049/L.

WEP/PA.
29 Jun 45.

SUBJECT : Congestion of Regina Coeli Gaol - Transport for
Process Servers.

TO : Regional Commissioner (Attn: Regional Legal Officer) ,
LATIO-ROBIA Region .

67A

1. Reference AC/ 4049/L of 15 Jan 45.
2. Please advise this Sub-Commission whether the Italian authorities have yet requisitioned the two cars for process servers in Rome in accordance with the strong recommendation of this Sub-Commission.
3. If not, are they taking any action whatever in the matter?

By command of Rear Admiral STONE :

W. E. BIRCH, ⁷⁵
Colonel,
Deputy Chief Legal Advisor.

69A

HEADQUARTERS ALLIED COMMISSION
APO 394
DEPT. SUB-COMMISSION

AC/1019/L.

WBR/14.
25 Jan 45.

SUBJECT : Congestion of Prisons in Rome.

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

This Sub-Commission would be glad to have from Your Excellency a reply to our letter AC/1019/L of 11 January 1945.

BF 14/2

W. R. BEARDS,
Colonel,
Deputy Chief Legal Advisor.

74

HEADQUARTERS ALLIED COMMISSION
ECONOMIC SECTION
A.P.O. 394

19 JAN 1945

IRD/ai
68A

13 January 1945

Ref: 43-15/20/FOOD

SUBJECT: Rations - Detainees in Police Cells

TO :	Regional Commissioner	Sicily	Region	Liguria	Region
	(Attn: Supply Officers)	Sardinia	Region	Piedmont	Region
		Lazio-Umbria	Region	Lombardy	Region
		Abruzzi-Marche	Region	Venezia	Region
		Toscana	Region		
		Southern	Region		
		3rd Army	AG		

33rd 8th Army AG

1. Persons, whether civilian, Italian Forces personnel, including deserters or absentees, who have been arrested and are detained in Police Cells pending removal to a civil prison, or discharge, should receive food rations at the normal consumer scale, plus supplements to which the individual may be entitled.
2. Police or Carabinieri in charge should obtain food for them according to the current ration cards and documents produced by the detainees.
3. Where ration cards cannot be produced the detainees should be provided with rations at the normal consumer scale.
4. The detainees may supplement the ration by purchase of uncontrolled food, or by arrangements with his relatives or friends according to the system allowed by the police authorities.
5. Arrangements for the implementation of the above should be made between the local Police and the local Alimentation authorities.

By command of Rear Admiral STONE:

23

L. D. Densmore
 L. D. DENSMORE,
 Colonel, P.A.,
 Acting Deputy Chief of Staff
 Economic Section

Copies to:

- Chief of Staff
- Civil Affairs Section
- Local Government Sub-Commission
- Public Safety Sub-Commission
- Public Health Sub-Commission
- AMQ, G-5 Section
- Hq. 15th Army Group, Lt. Col. Stewart
- Ministry of Agriculture & Forests
- Ministry of Grace and Justice

LEGAL SUB-COMMISSION	
CLO	
DGLO	
Chief Counsel	
GJO	
Italian Section	<input checked="" type="checkbox"/>
CL RKS	
20 JAN 1945	

294

67A

File

HEARINGS AND INQUIRY COMMISSION
AND
LEGAL SUB-COMMISSION

ES/rs.

AG/4049/1.

15 Jan. 1945.

SUBJECT : Congestion of Regina Coeli Gaol.
Transport for process servers.

TO : H.M., the Minister of Pardon and Justice.

1. It was pointed out by various authorities concerned that one of the main reasons for the delay in the hearing of cases is the great difficulty experienced by the process servers in serving summons to defendants and witnesses because of lack of transport.

2. It has been suggested in the meeting of Vice Presidents of this Hq. that the Italian Government should requisition, as they have power to do, two or three small cars for this purpose.

3. This Sub-Commission would be glad to receive an early confirmation that the above suggestion is being considered.

72

G.C. HARRISON,
Lt. Colonel,
Officer i/c Italian Branch,
for Chief Legal Advisor.

Copy to : Public Safety S/C
" " : H.C. (att.l.l.),
Lazio-Umbria Region.

~~31 6 Feb~~

file

66A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4049/L.

WFB/sp.
11 January 1945.

SUBJECT : Congestion of Prisons in Rome.
TO : H. E. The Minister of Pardon and Justice.

1. The attention of the Allied Commission has again been drawn to the increasing number of prisoners in Regina Coeli gaol and to the dangerous conditions existing there- 1360 men and women inmates on 9 Jan 45 for a total capacity of 1200.

2. It is fully realized that this problem is entirely within the competence of the Italian Government, but this Sub-Commission has been instructed to bring the position directly to the attention of Your Excellency in case you should wish to take immediate steps to avert trouble in the near future.

3. It is appreciated that Your Excellency has already given careful thought to this problem and has shown every co-operation with the suggestions put forward by this Sub-Commission. Nevertheless, in view of the urgency of the situation it might still be possible to arrange for a speedier disposition of prisoners held for trial.

4. This Sub-Commission would be glad to hear whether Your Excellency has any suggestions to make for this purpose. In addition to the immediate appointment of additional "giudici istruttori" would it not be possible to modify the existing code of procedure in some way and also to ensure that the full attention of the courts is directed towards the urgent cases of prisoners actually held in the gaols.

21

26. 1.45.

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

1519

HEADQUARTERS ALLIED COMMISSION
APO 194
LEGAL SUB-COMMISSION


654

AC/4049/D.

/ap.
7 December 1944.

SUBJECT : Regina Coeli Prison.
TO : Public Safety Sub-Commission.

1. Reference your AC/14232/PS dated 27 Nov 44 to VP Civil Affairs Section.
2. Herewith copy of letter L/1016 dated 5 Dec 44 received from Acting Regional Commissioner, Lazio-Umbria Region together with copy of the report, for such action as you may deem necessary *under paras. 4 & 5.*

W. K. BEHRNS, Colonel 
Deputy Chief Legal Advisor.

R-E-S-T-R-I-C-T-E-D

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LAZIO-UMBRIA REGION, LEGAL DIVISION
APO 394

4049

624
0.1377

L/1016

5 December 1944

SUBJECT : Regina Coeli Prison.

TO : Chief Legal Adviser, Legal Sub-Commission,
HEADQUARTERS ALLIED COMMISSION.

63A

1. In reply to your letter on Regina Coeli prison, AC/4049/W/L, 30 November 1944, attached is a report showing the disposition of the cases listed by that letter.

2. The Procuratore del Regno has had these cases brought to his attention for disposition under Italian law.

3. It is to be noted that BORELLI FRANCESCO is not in Regina Coeli and that there is a warrant of arrest dated 22 July 1944 outstanding against him; he has not been apprehended.

X 4. Oscar Schmidt is a security case, retained by C-2, RAAC, 12 September 1944.

5. CAPOFALCINO Francesco, on 10 October 1944, and SCUCCHI Armando, on 18 November 1944 were turned over to Public Safety Division for disposition.

6. Instructions have been issued that it is the function of the Italian authorities to maintain up to date prison records.

LEGAL SUB	
CLO	
DCLO	
Chief Counsel	
CP	

John D. Ames
JOHN D. AMES
Lt. Colonel,
Acting Regional Commissioner.

Incl. 1 : List of 23 names.

PS

R-E-S-T-R-I-C-T-E-D
7 DEC 1944

~~SECRET~~

638

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

WES/ps.
30 Nov 44.

AG/AC/AD/1/1.

SUBJECT : Regina Coeli Prison.
TO : Regional Coordinator, LASCIO-EMERITA Region.

1. Herewith is forwarded for action an extract from a report by Public Safety Sub-Commission -
 Attached is a list by name of prisoners shown on the records of Regina Coeli as at the disposition of the Allied Military Authorities, but I have personal knowledge that some of these have been turned over to the Italian Government but they have failed to notify the Record Office of Regina Coeli. Permission is asked to turn this list over to the Legal Section of Lascio Region with instructions that if all these cases have passed to Italian Government control that the prison be notified to change their records and that a statement be made as to the reason why any of the others have not been turned over.
 2. Please render report as soon as possible.
- By command of Commander (AC/AD):

W. M. BARRIS,
Colonel,
Deputy Chief Legal Counsel.

APPENDIX "AM"

638/1pa.

Date of arrest	Name	arrested by	crime	Disposition
June 10 1944	Schmitt Oscar	CG. IR.	?	A.M.G.
" 13 "	Santolini Luigi	CG. IR.	Rapine	A.M.G.
" 21 "	Martinelli Arturo	CG. IR.	Forgery	A.M.G.
" 26 "	Stefani Guido	P.S. Agent	Menace with arms	A.M.G.
July 2 1944	Di Mattia Marcello	P.S.	Bribery	A.M.G.
" 8 "	Borrelli Francesco	P.S.	Robbery and detention of arms	A.M.G.
" 13 "	Caragnato Desiderio	P.S.	Collaboration looting	Capt. Gilreath A.M.G.
" 13 "	Mauto Ettore	P.S.	Collaboration	"
" 13 "	Caporale Francesco	P.S.	Truffa	"
" 15 "	Gattucci Ernesto	P.S.	Pick pocket	Capt. Hopkins A.M.G.
" 17 "	Di Pasquale Giocchino	P.S.	Furto	Capt. Gilreath A.M.G.
" 19 "	Mora-Aventi Giocchino	P.S.	Espionage	Col. Pollock A.M.G.
" 24 "	Sordi Aneto	P.S.	Agent S.S.	A.M.G.
" 25 "	Politi Ernesto	P.S.	Furto	A.M.G.
" 27 "	Azzura Pietro	Allied Pol.	Poss. Grain	A.M.G.
" 31 "	Macciocchi Ettore	CG. IR.	Rapine	A.M.G.
" 31 "	Moschella Vincenzo	CG. IR.	Rapine	A.M.G.
August 6 1944	Biasciucci Armando	CG. IR.	Collaboration	A.M.G.
" 8 "	Bonaso Guido	P.S.	Agent S.S.	A.M.G.
" 10 "	Devolato Giovanni	P.S.	Forgery	Capt. Gilreath A.M.G.
" 10 "	Mancini Enrico	P.S.	Forgery	" " "
" 14 "	Felici Pericle	CG. IR.	Furto	A.M.G.
" 14 "	Stofanini Valentino	CG. IR.	Rapine	A.M.G.

Escaped from detention.

049/6

630

CIVIL AFFAIRS SECTION

MEMORANDUM SHEET

FILE : ACC/14754/7/FS.
SUBJECT : Regina Coeli Prison.

No Date To Legal Sub-Commission. ✓

1. 28.11.44.

Reference the attached copy of a letter dated 27th November, addressed to the Vice President, Civil Affairs Section, will you please take steps with the Legal Section, Lazio Region, to carry out the action required under para 3.

R.R. Gripps
R.R. GRIPPS, Col.
COS CA Section.

LEGAL SUB-COMMISSION	
CLO	
DCLO	<input checked="" type="checkbox"/>
Chief Counsel	
CJO	
Italian Section	
CL RKS	
28 NOV 1944	

56

505h

HEADQUARTERS ALLIED COMMISSION
Public Safety Sub-Commission
APO 394

27 November, 1944.

AG/14232/PS

SUBJECT : Regina Coeli.

TO : VP, CA Section.

1. The following is a statement of the prisoners in Regina Coeli as of the 25 day of November 1944 that were taken into custody from day of occupation of Rome, June 5 1944 until the return to Italian Government Control on August 16 - 1944; all persons arrested after that date became the responsibility of the Italian Government.

JUNE - 5 to 30 - 1944

Total Persons arrested and confined Regina Coeli		695
* Tried by Italian Courts	8	
* Awaiting trial by Italian Courts	51	
" disposition of C.I.C.	2	
" Italian Military Courts	3	
Released for lack of evidence or completed sentence of AMG Courts	627	
At the disposition of Allied Military Authorities	4	
<u>Total</u>	<u>695</u>	

JULY - 1 to 31 - 1944

Total Persons arrested and confined Regina Coeli		1639
* Tried by Italian Courts	22	
* Awaiting trial by Italian Courts	54	
" Released for lack of evidence or completed sentence of AMG Courts	1550	
At the disposition of Allied Military Authorities...	13	
<u>Total</u>	<u>1639</u>	


5052

AUGUST - 1 to 16 - 1944

Total Persons arrested and confined Regina Coeli		1245
" Tried by Italian Courts	15	
" Awaiting trial by Italian Courts	25	
" Tried by High Commissioner for Fascist Crimes	1	
" Awaiting trial by High Commissioner for Fascist Crimes ...	1	
Released for lack of evidence or completed sentence of AMG Court 1196		
At the disposition of Allied Military Authorities	7	
	<u>7</u>	
Total		<u>1245</u>

2. There are no security prisoners belonging to N.A.A.C., G-2 Section with the exception of seven (7) confined in the hospital section in Regina Coeli at this time.

3. Attached is a list by name of the prisoners shown on the records of Regina Coeli as at the disposition of the Allied Military Authorities, but I have personal knowledge that some of these have been turned over to the Italian Government but they have failed to notify the Record Office of Regina Coeli. Permission is asked to turn this list over to the Legal Section of Lazio Region with instructions that if all these cases have passed to Italian Government control that the prison be notified to change their records and that a statement be made as to the reason why any of the others have not been turned over.


 JOHN W. CHAPMAN
 Colonel, J.A.C.D.
 Director Public Safety
 Sub-Commission.

SWH/C.

APPENDIX "A"

Date of Arrest	Name	Arrested by	Crime	Disposition
June - 10 - 1944	Sc. Oscar	CC.RR.	?	A.M.G.
" 13 "	Santolini Luigi	CC.RR.	Rapine	A.M.G.
" 21 "	Martinelli Arturo	CC.RR.	Forgery	A.M.G.
" 26 "	Stefani Guido	P.S. Agent	Menace with arms	A.M.G.
July - 2 - 1944	Di Mattia Marcello	P.S.	Bribery	A.M.G.
" 8 "	Borelli Francesco	P.S.	Robbery and detention of arms	A.M.G.*
" 13 "	Caregnato Desidero	P.S.	Collaboration - looting	Capt. Girdleath A.M.G.
" 13 "	Mauto Ettore	P.S.	Collaboration	" "
" 13 "	Caporale Francesco	P.S.	Truffa	" "
" 15 "	Gattucci Ernesto	P.S.	Pick pocket	Capt. Hopkins A.M.G.
" 17 "	Di Panquale Giocchino "	"	Furto	Capt. Girdleath A.M.G.
" 19 "	Fiore Avanti Giocchino "	"	Espionage	Col. Pollock A.M.G.
" 21 "	Sordi Anleto	P.S.	Agent S.S.	A.M.G.
" 25 "	Foliti Ernesto	P.S.	Furto	A.M.G.
" 27 "	Asunes Pietro	Allied Pol. Poss.	Grain	A.M.G.
" 31 "	Maciocchi Ettore	CC.RR.	Rapine	A.M.G.*
" 31 "	Moschella Vincenzo	CC.RR.	Rapina	A.M.G.
August - 6 - 1944	Biasciucci Armando	CC.RR.	Collaboration	A.M.G.
" 8 "	Bonomo Guido	P.S.	Agent S.S.	A.M.G.
" 10 "	Bovolato Giovanni	P.S.	Forgery	Capt. Girdleath A.M.G.
" 10 "	Mancini Enrico	P.S.	Forgery	" "
" 14 "	Felici Pericle	CC.RR.	Furto	A.M.G.
" 14 "	Stefanini Valentino	CC.RR.	Rapina	A.M.G.

* Escaped from detention.

ENH/G.

505k

R-E-S-T-R-I-C-T-E-D.

0-2492 (62A)

4049

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
REGION IV - LEGAL DIVISION
A.P.O. 394

L/1016

25 September 1944.

Noted with PM 26 in PM

SUBJECT : Points upon which prompt action is required by the Ministry of Grace and Justice with respect to Prisons.

TO : Chief Legal Officer, Allied Control Commission.

1. Pursuant to our discussion this morning, the Regional Commissioner, Colonel POLETTI anticipates immediate action on the following matters:

- a. Release of some 400 untried prisoners on provisional liberty.
- b. Transfer of 200 prisoners to Viterbo pursuant to agreement made by the Director General of Prisons.
- c. Authority from the Ministry of War to permit the transfer of 300 prisoners charged with offenses by Military Authorities to a Military Prison.
- d. Longer hours and increased efforts on the part of the judicial officials responsible for the administration of justice.

2. It is assumed that these matters will be submitted to the Minister of Justice for the necessary action at your conference this afternoon.

→	CLO	✓
→	CCLO	✓
	Chief Counsel	
	CIO	
→	RCH/AC.	✓
	Section Section	
	CL RKS	

Robert C. Hendrickson
 ROBERT C. HENDRICKSON
 MAJOR, A.U.S.
 REGIONAL LEGAL OFFICER.

R-E-S-T-R-I-C-T-E-D

HEADQUARTERS
 ALLIED MILITARY GOVERNMENT
 REGION IV, LEGAL DIVISION
 A.P.O. 394

15 September 1944

L/1016

SUBJECT : Over-all review of prison records.
 THRU : Regional Commissioner.
 TO : Legal Sub Commission
 Allied Control Commission,
 Rome

1. Prompted by our concern over the sudden rise in the prison case load, which developed immediately following the transfer of our Proclamation Jurisdiction (General Court matters excepted) to the Italian Judiciary, steps were immediately taken to ascertain the reasons for the increase, to the end that appropriate remedies might be provided promptly.

2. As result of our initiative in the matter, what might have otherwise developed into a very bad situation is now "well in hand". However the activities undertaken to correct, or minimize, the faults have disclosed certain conditions which seem to require "over-all" treatment on a national level.

3. Specifically we found in a number of cases sentenced to long terms of imprisonment for comparatively minor offences. There were also cases determined by Italian Military Tribunals wherein the sentences seemed to be influenced entirely by political consideration. In addition to these cases we found a substantial number of prisoners, whose individual records seemed to justify some special treatment; among these were a number of individuals who were being held by our own Arresting Agencies for security reasons.

4. Since it has been the aim of the Allied Military Government throughout the present occupation to measure out a quality of justice, which will be to the everlasting credit of the Allied Nations, I feel quite strongly that the situation referred to above, existing as it does, in one of the most important military occupations in history, demands some special treatment at our hands, the sort of treatment which calls for a "bit" of "extra effort" on our part.

5. To be explicit in the matter I wish to suggest that a special Commission be established on a national level for the purpose of

4049
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Continued use of
 ARS count form...

61A
 O-4596

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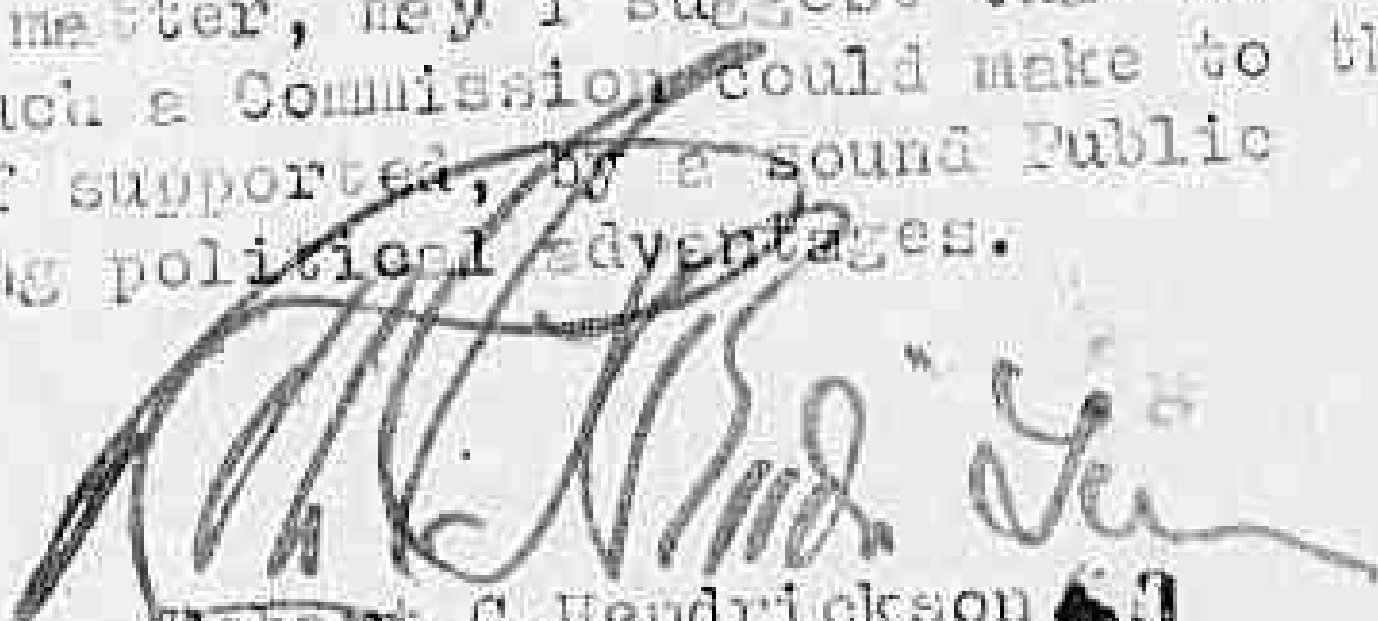
81

reviewing not only the prison record themselves, but also many of the individual cases to the end that all existing injustices, which have arisen out of the "checkered" past, or even out of our "own" "hurried" occupational activities may be minimized.

6. Though I have no fixed notions with respect to the manner in which such a Commission should be constituted, I do feel that it should be made up in the main of Italian Civilians qualified by training and experience to pass judgment in matters of this character. I think also that the Italian Military Authorities should have representation and that the Allied Military Government should be represented on commission by one or two officers, who would act in supervisory and advisory capacity.

7. In the event there is any support for this proposal, either by your Sub Commission or on an even higher level, we will be very glad to furnish all the facts having any bearing on the subject which are presently at our disposal.

8. As a concluding thought in the matter, may I suggest that in addition to the contribution which such a Commission could make to the "cause of justice" it could also, if supported, by a sound Public Relations Program, afford far reaching political advantages.


Robert C. Hendrickson
Major, A.U.S.
Regional Legal Officer.

RCH/EA.

R-E-S-T-R-I-C-T-E-D

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

60A

ACC/4049/L.

ES/up.
5 September 1944.

SUBJECT : Sentences of Allied Military Courts, Sicily.
TO : H. E. The Minister of Pardon and Justice.

1. Attached for Your Excellency's information a report of prisoners sentenced in Sicily to imprisonment for one year or more and released upon a further review of their case.

G. G. HANNAFORD,
Lt. Colonel,
Officer i/c Italian Branch,
for Chief Legal Officer

P. S. Kindly return list in due course.

~~File~~

ALLIED CONTROL COMMISSION
SICILY REGION HEADQUARTERS
APO 394

4049 ^(59A)

File: RLE 013.04/FLV

1 September 1944

SUBJECT: Review of Cases.

TO : Chief Legal Officer - Legal Sub-Commission, APO 394.

Reference ACC/4049/L dated 4 August 44.

1. Attached herewith is a full report of prisoners which have been released upon a further review of their case.

For the Regional Commissioner:

Frank L. Vecchiolla
FRANK L. VECCHIOLLA,
Major JAGD,
Regional Legal Officer.

sf
Encl: Report.

Should the
Minister be
be advised?
Yes.

yes, I think so
1944

LEGAL SUB COMMISSION	
→ CLO	
DCLO	
Chief Counsel	
CIO	
Italian Section	
CLERKS	

W

Col
Campbell

58

4 5 3 2

*File
Wol*

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

58A

ACC/4049/L.

FGIW/pe.
4 Aug 44.

SUBJECT : Prisons.
TO : RLO (thru RC) Region 1.

1. Relative to our conversation with Col. Upjohn concerning the relief of the prison situation in Sicily in view of the large number of amassed prisoners coming in, I am now instructed to say to you that it is agreed here that a further review may be made of cases in AMG Courts in Sicily.
2. Such review is to be left to the discretion of the RC Region 1 and should aim at the immediate release only of offenders of good character who because of military conditions prevailing at the time received sentences out of proportion to the nature of their crimes, but who at the date of their release will have served a reasonable and proper sentence.
3. The Legal Sp-Commission should be advised of action in each case taken pursuant to the foregoing, so that the proper notes may be made on the records here.

RICHARD H. WILMER. *52*
Colonel, CAC.
Acting Chief Legal Officer.

Memo: Prisons.

TO : A/GLO

4049 file

57A

I am directed by the A/CC to say that with a view to providing more prison space in Sicily for offenders against the ammassi laws you may proceed to a further review of cases in AMG Courts in that island. Such review may be left to the discretion of the RC Region I and should aim at the immediate release only of offenders of previously good character who, because of the military conditions prevailing at the time, received sentences out of proportion to the nature of their crimes, but who have at the date of their release served a reasonable and proper sentence.

ADMIN Sec
3 Aug 44.

G. R. Upjohn
G. R. UPJOHN, Col
A/Head, Adm Section.

Copy to: Executive Commissioner.
Public Safety Sub-Commission.

56

4049

ALLIED CONTROL COMMISSION
SICILY REGION HEADQUARTERS
APO 394

LEGAL SUB-COMMISSION
O
CCIO
Chief Counsel
CIO
14th July 1944
CL RKS
<i>Legal</i>

File RME CL3.06/FLV

SUBJECT : Prisons in Sicily

TO : Executive Commissioner - A.C.C. Headquarters.

1. This office has from time to time been informed that the prisons in Sicily are extremely overcrowded and the handling of future prisoners will become most difficult if not almost impossible. The Regional Legal Officer has stressed this situation in his monthly reports of May and June to this Regional Headquarters and to the Legal Sub-Commission, Headquarters A.C.C. To date no remedial measures have been taken either by the responsible Italian Authorities nor by A.C.C. Headquarters. The continuance of such prison conditions not only interferes with the functions of the necessary prison activities, but is also fast becoming a dangerous health menace.

2. It is anticipated that a large number of persons will be apprehended and convicted for violation of the grain collection decree, and this will necessitate prison space in which to house those convicted. The number of arrests up to July 1st was 759 and it can be safely assumed that that figure has now surpassed the thousand mark. The prisons will not be able to accommodate these additional prisoners and it is therefore suggested that a concentration camp be set up, preferably somewhere in North Africa or elsewhere outside of Italy. This plan would serve two purposes, first it would be a temporary solution of the prison situation and secondly it would serve as a deterrent to future offenders because the fear of being sent to a concentration camp in North Africa would go far to destroy any desire to blackmarket their grain. The Regional Legal Officer has discussed this plan with the Procuratore Generale del Regno of Palermo, who has expressed his approval, but the plan must first be approved by the Minister of Justice.

3. It is recommended that in view of the present overcrowded prison conditions that representations be made to the

EXTRACT

file 4049

55

HEADQUARTERS
ALLIED CONTROL COMMISSION
REGION II

Ref. :- 2201/73

20 May 1944

Subject:- The Legal Situation in Apulia.

To :- Public Relations Branch H.Q. ACC- NAPLES-

COPY to C.L.O. Legal Subcommittee ACC - SALERNO-
COPY to R.C.

.....

And now will have to be tackled, the long unsolved problem of the civil prisons. At present every jail in Region 2 is crowded beyond all limits. Bari jail, for instance, has a capacity of 750 and inmates amounting to 1666, several of whom are in the tertiary stage of syphilis.

- 11. Otherwise, the present impasse cannot fail to become universally known, and the consequences of that are obvious.

Please God, the Allied Armies will sweep on, and to some extent the difficulty of the situation may pass with them.

Higher authority alone can assess the importance to be attached to any immunity from crime at the four Apulian ports.

56

Original report in avor/2/c

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M.G. Section
APO 394

Ref/317/81/CA.

SUBJECT: Overcrowding of Civilian Prisons. 20 May 1944.

TO : Regional Commissioners, Regions I, II, III, IV, V, VI, & VII
SCAO's 5th and 8th Armies.

1. Overcrowding in civilian prisons throughout Liberated Italy has become acute.
2. The main causes of overcrowding are:
 - (a) Requisitioning of prisons by Allied Forces.
 - (b) Use of prisons for detaining Italian Military prisoners.
 - (c) Delay in dealing with prisoners awaiting trial.
 - (d) War damage to prisons.
3. Representations have been made by the Commission to the Allied and Italian Military authorities to release prison accommodation.
4. The Minister of Justice is being pressed to arrange for the release on bail of prisoners awaiting trial on minor charges.
5. The Minister of Justice has also been impressed with the necessity of having an adequate staff to deal with prison matters. He has also been advised to institute a system of inspectors to visit prisons.
6. Regional Commissioners are requested to inform this HQ as a matter of urgency what steps they have been able to take to rebuild or repair damaged prisons. Where it has not been possible to make arrangements locally, recommendations for rebuilding specific prisons should be forwarded to this HQ stating briefly the extent of the repairs and the relative priority. Arrangements will then be made by this HQ to secure priority of labour and materials.
7. The overcrowding of prisons must be regarded as an urgent problem. All possible steps to reduce overcrowding must be taken locally. Suggestions or recommendations are invited.

LEGAL SUB-COMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	
Italian Section	
EL RKS	

Copy to: Regions VIII & IX
Economic Section
Adm. Sec.

M. S. LUSH, Colonel
Brigadier,
Executive Commissioner.

LEG 54

SUBJECT: Overcrowding of Civilian Prisons.

TO : Regional Commissioners, Regions I, II, III, IV, V, VI, & VII
SCAO's 5th and 8th Armies.

- 1. Overcrowding in civilian prisons throughout Liberated Italy has become acute.
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LEGAL SUB-COMMISSION	
CLO	<input checked="" type="checkbox"/>
DCLO	<input checked="" type="checkbox"/>
Chief Counsel	
CJO	
Italian Section	
CL RKS	
Economic Section	
Admin Section (4)	
Public Safety Sub-Comm.	
Army Sub-Commission.	

M. S. LUSH, Brigadier, Executive Commissioner.

Copy to: Regions VIII & IX
Economic Section
Admin Section (4)
Public Safety Sub-Comm.
Army Sub-Commission.

HEAD HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommission
APO 394

AST/ast

I

19 May 1944

ACC/4049/L

SUBJECT: Transmittal of Documents.

TO : RC & MI Section, HQ ACC.

May the attached correspondence for information of DPM No. 2 District be transmitted please.

Cancelled.

A. R. Thackrah
A. R. THACKRAH, Major
for Chief Legal Officer.

II

20/ May 1944

Telephoned RC & MI Section to hand this
correspondence - see minute II from P.S. Sub/comm

See

HEAD HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

AMP/ent

51

ACC/4049/L

SUBJECT: Prison Situation at Brindisi.

TO : HQ No. 2 District (Attent to DIM).

19 May 1944

The attached copy of a report dated 15 May 44 from Regional Legal Officer Region 2 (A.C.C.) is forwarded for your information.

A. R. Thackrah
A. R. THACKRAH, Major
for Chief Legal Officer.

Enclosed: 1 copy report.

51

COPYHEADQUARTERS
ALLIED CONTROL COMMISSION
REGION II

50

Ref : 2201/62/A

May 15, 1944

Subject : Prison Situation at Brindisi.

To : CIO Legal Subcommittee MCC - SALERNO.

1. Consequent upon the order from MC & MI branch for the immediate evacuation of Brindisi jail, thirty five civilians awaiting trial have been released on bail.

2. It will not be possible to make any arrests at Brindisi, since there is no where whatever to confine civilians until the improvised jail is completed.

The Subarea Commander has from the first made this his personal concern in conjunction with the Prefect, but as RE Services on these premises did not start until 13.5.44, it is unlikely they will be completed before June 15th.

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

60

4049

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HEADQUARTERS
ALLIED CONTROL COMMISSION
REGION II

May 15, 1944

Ref. :- 2201/62/A
Subject:- Prison Situation at Brindisi
To :- C.I.O. Legal Subcommittee ACC. - SALERNO -

1. Consequent upon the order from RC & MG branch for the immediate evacuation of Brindisi jail, thirty five civilians awaiting trial have been released on bail.

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LEGAL SUB-COMMISSION	
PRO.	
SEC.	
Chief Counsel	
CIO	
Italian - Section	
CLERKS	

D.E.S. Cousins
D. E. S. COUSINS, Lt. Col.
R. I. C.
Region II

Major Thackray
Communicate this
to P.S. Subarea
also to D.P.M. 2 Dist.

- ✓
4049
Catanzaro file
Major [unclear] I
Tribunal
Tribunal
Palermo
Prisoners
48
awt
1. CLO
 2. MMIA

SUBJECT: Italian Military Prisoners.

The following interim figures were given me today by Lt.Gen. Traina, Procuratore Generale Militare.

<u>Place</u>	<u>Date</u>	<u>Number of Prisoners</u>
Bari	3.3.44	758 (of which 107 civilians)
Taranto	7.4.44	502 (of which at Taranto 136 at Lecce 366)
Martina Franca	14.3.44	26
Tribunal of 51 Corps		
Catanzaro	April	102 (awaiting trial at Catan- zaro 50 at Nicastro 52)

More recent figures for the above places are now awaited. No figures are yet available for Sicily and Sardinia. The recent amnesty may make considerable difference although there are large numbers of military personnel at liberty only because they can't be housed.

Before the war all military prisoners who had been sentenced went to Gaeta which had room for between 7 and 8000 prisoners.

Prisons existed before the war for prisoners awaiting trial at Palermo, Taranto and Naples. The one at Palermo is believed to be requisitioned, the one at Taranto has room for only 50 prisoners, I have no information on the one at Naples.

The Tribunals at Bari, Lecce and Catanzaro are newly set up and send their prisoners to a section specially set aside at the civilian jails.

-2+

47

Teranto has 50 additional places in the local civilian jail. The castle at Otranto is being prepared to receive military prisoners; work is almost completed.

AW.L. Franklin Major

AW.L. FRANKLIN
Major A.C.C.
L.L.O.

17

4049
✓

HEADQUARTERS
ALLIED CONTROL COMMISSION
C. & M.G. Section
APO 394

Prisoners
46

Ref/317/61/GA.

6 May 1944.

SUBJECT: Prison Accommodation - Islands of LIPARI and USTICA.

TO : R.C. Region I.

1. Owing to present prison congestion on the mainland it is now necessary to consider whether those camps which were used to house political prisoners in the past, could be converted to house ordinary civilian prisoners.

2. There was one camp at LIPARI Island and probably another at USTICA Island but little is known about the latter.

3. Before any decision is made more information is required about these two Islands. The information should cover the following points :

- (a) Accommodation. Present state of preservation of buildings and whether they are timber, stone or brick built.
- (b) Capacity. Approximate capacity.
- (c) Water Supply. State of water supply, drainage and sanitation.
- (d) Cooking and Lighting. What cooking facilities are available and if there is any lighting.
- (e) Guards. What buildings are available to house guards and approximate capacity.
- (f) Ferry. Whether there is any ferry service and if none, whether any boat available for the purpose.
- (g) Navy. Any views which may be expressed by the Royal Navy, before the matter is considered further.

4. As the matter is of extreme urgency it will be obliging if you can let this Headquarters have a report on the lines indicated at your earliest convenience.

LEGAL SUB-COMMISSION	
CLO	<input checked="" type="checkbox"/>
DCLO	<input checked="" type="checkbox"/>
Chief Counsel	<input type="checkbox"/>
CJO	<input type="checkbox"/>
Italian Section	
CL-RKS	<input checked="" type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>

Stewart Dealey May

NORMAN E. FISKE,
Colonel,
Deputy Executive
Commissioner.

✓ Copy to: Admin Sec. (2) - For Legal and P.S. Sub-Coms.

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & H.C. Section
APO 394

45

10 May 1944

9 May 1944.

Ref/317/72/CA.

SUBJECT: Prison Accommodation.

TO : Economic Section - For Public Works & Finance Sub-Commissions.

1. A meeting was held on Friday, 5th May 1944, at Salerno to discuss prison accommodation. At present, owing to a number of reasons, prisons are accommodating a larger number than they were originally built for and this question will become more serious as time goes on.
2. At the meeting it was decided to issue orders to Regional Commissioners that repairs of prisons be given high priority. By this means it would be possible to increase accommodation for prisoners and to some extent alleviate the situation.
3. Before sending out such instructions to Regions the comments of various Sub-Commissions interested are requested, please.

LEGAL SUB COMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	
Italian Section	
CL RKS	

Info (ART) Stewart Keane

Noted copy 11/5/44

NORMAN R. FISKE,
Colonel,
Deputy Executive
Commissioner.

Copy to: Admin Section (2)

44

Legal
13 May 1944

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M.G. SECTION
APO 394

Ref/317/62/CA

8 May 1944

SUBJECT: Requisitioning of Prisons.

TO : R.C.'s. Regions I, II, III, IV, V, VI and VII.
S.C.A.O.'s. 5th & 8th Armies.

1. The situation regarding prisons for both military and civilian offenders has become critical, and higher military authority has indicated willingness, in general, to refrain from requisitioning any further buildings which have served as penal institutions.
2. On first indication of intention on the part of any military formation to requisition a prison building, Regional Commissioners should register their objections in an appropriate manner to the military formation involved, and make prompt report to this Headquarters of the circumstances.

LEGAL SUB-COMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	
Italian Section	
CL RKS	
R.C.'s Regions VIII and IX.	

Copy to:

R.C.'s Regions VIII and IX.

NORMAN E. FISKE
Colonel
Deputy Executive
Commissioner

to RKS

Minutes of Meeting with the Ministry of Penitentiaries
3 May 1944.

Present: Col. Upjohn
Lt. Col. Wilmer
Major Hannaford
Major Palmieri
Dr. Ciulli
Sgt. Stein
H.H. The Minister
Dott. Deuli-Capo Gabinetto
Avv. Della Pietra - Private Secretary
Giudice Montefusco (Pers. Div.)
Giudice Bonelli

Meeting opened at 1520.

1. Personnel - Serinini.

Major Palmieri reports his experience gathered in Serinini. Until recently the administration of justice was completely at a standstill. Criminality of civilians and military personnel is steadily increasing and courts are desperately hampered by a lack of personnel. About 35 magistrates and 77 functionaries are urgently needed. The overcrowding of prisons constitutes an equally grave problem. There are about 5000 cases pending before the military courts and about 2000 before civil courts. After an exhaustive discussion it is agreed that the following steps shall be taken:

- (a) The Ministry will submit to the Legal Subcommittee a list of judicial personnel held as PWs with as many particulars as to their present location etc. as possible. The list will also include advocates and procuratori who served with military courts at the time of their capture. Their repatriation will facilitate the release of civil judges at present serving on military courts from military service. The Minister will apply any possible pressure upon the Ministry of War to give priority to this personnel on their lists of PWs proposed for release.
 - (b) 11 or 12 uditori of Cagliari will be granted judicial powers by decrees which will be signed next Monday. A list of these officials will be communicated to this Subcommittee which will advise the Serinini authorities by wire.
 - (c) The Ministry shall by tomorrow communicate to the Legal Subcommittee four names of judges serving at Naples who will be promoted and sent by air to Serinini.
 - (d) The Ministry shall propose four names of uditori who will be given judicial status and take place of the four judges mentioned above under (c).
 - (e) The Ministry will issue a Circular to Primo Presidente of Cagliari authorizing him to appoint avvocati and procuratori legali to judicial offices as a temporary emergency measure.

2. Appointment of judicial officials in restored territory.

Col. Upjohn calls the attention of H.H. the Minister to the letter of this Subcommittee dated 24 March containing the agreement reached with the Ministry according to which the Ministry will consult this Subcommittee before appointments to certain enumerated categories of offices are made. The Chief of Cabinet points out that he is as I agree of the content of this letter.

3. Reggio Calabria Court.

Col. Upjohn recommends that H.H. the Minister select an Italian official who would accompany Major Shackreh to Reggio and settle the dispute concerning

Sgt. Stein

H.A. The Minister
Dott. Zenli-Capo Gabinetto
Avv. Della Pietra - Private Secretary
Giudice Caltabiano (Curs. Div.)
Giudice Bonelli

Meeting opened at 1530.

1. Personnel - Sardinia.

Major Nubieri reports his experience gathered in Sardinia. Until recently the administration of justice was completely at a standstill. Criminality of civilians and military personnel is steadily increasing and courts are desperately hampered by a lack of personnel. About 35 magistrates and 77 functionaries are urgently needed. The overcrowding of prisons constitutes an equally grave problem. There are about 5000 cases pending before the military courts and about 2000 before civil courts. After an extensive discussion it is agreed that the following steps should be taken:

(a) The Ministry will submit to the Legal Subcommission a list of judicial personnel held en bloc with as many particulars as to their present location etc. as possible. The list will also include advocates and procuratori who served with Military Courts at the time of their capture. Their repatriation will facilitate the release of civil judges at present serving on Military Courts from military service. The Minister will apply any possible pressure upon the Ministry of War to give priority to this personnel on their lists of PWs proposed for release.
(b) 11 or 12 uditori of Cagliari will be granted judicial powers by decrees which will be signed next Monday. A list of these officials will be communicated to this Subcommission which will advise the Sardinian authorities by wire.

(c) The Ministry shall by tomorrow communicate to the Legal Subcommission four names of judges serving at Naples who will be promoted and sent by air to Sardinia.

(d) The Ministry shall propose four names of uditori who will be given judicial status and take place of the four judges mentioned above under (c).

(e) The Ministry will issue a Circular to Prino Presidents of Cagliari authorizing him to appoint avvocati and procuratori legali to judicial offices as a temporary emergency measure.

2. Appointment of judicial officials in restored territory.

Col. Ujdan calls the attention of H.A. The Minister to the letter of this Subcommission dated 24 March containing the agreement reached with the Ministry according to which the Ministry will consult this Subcommission before appointments to certain enumerated categories of offices are made. The Chief of Cabinet points out that he is well aware of the content of this letter.

3. Reggio Calabria Court.

Col. Ujdan recommends that H.A. the Minister select an Italian official who would accompany Major Chackrah to Reggio and settle the dispute concerning the continuance of the Court of Appeal Section at Reggio. The Minister agrees to communicate the name of such official at an early date.

(42)

4. Ministry's Communications to Sicily and Sardinia.
Col. Upjohn offers to transmit urgent communication of the Ministry to Sicily and Sardinia in view of the shortcomings of civilian Italian communications.

5. Spunzioni.

Answering Col. Upjohn's query as to the present state of this matter the Minister states that tomorrow he will present a report to the Council of Ministers and will be ready to discuss the subject with this Subcommittee early next week.

6. Reorganization of Bersaglieri.

In reply to Col. Upjohn's question the Chief of Cabinet stated that a draft of a decree is being prepared prepared dealing with this subject.

7. Complaints of the Ministry.

(a) It was proposed to transfer a squadrista from Avellino to Naples. The Ministry wrote a letter on this subject.

(b) Would the Legal Subcommittee please take up the matter of the archives at Salerno with proper authorities.

8. Re appointments of removed officials.

Mr. Montefusco wishes to know whether there is any objection on the part of the Subcommittee against appointing officials interned for political reasons and subsequently released. The appointments would be valid pending the defascistization proceeding and would be made to localities other than those of the original residence of the released official. Col. Upjohn answers that each case must be treated separately on its merits.

9. Both the CIO and the Minister express sincere hope for a spirited cooperation in the interest of the common cause.

Meeting adjourned at 1645.

4049
✓

Legal & C. (Rear HQ)
J 6755

ALLIED CONTROL COMMISSION
SICILY REGION HEADQUARTERS
APO 394

(41)

File : RLE 013.28/FLV

3rd May 1944.

SUBJECT : Prisons.

TO : D.C.L.O. - Legal Sub-Commission A.C.C. Headquarters.

The attached papers are forwarded for your information and any action deemed desirable.

For Colonel A.N. HANCOCK :

Frank L. Vecchiolla
FRANK L. VECCHIOLLA,
Captain, JAGD.
Regional Legal Officer.

js.

Encl. 2 - G/215/L dated 21/4/44.
N.866 dated 21/4/44.

LEGAL SUB-COMMISSION	
CLO	1944
DCLO	
Chief Counsel	
CL	
Human Section	
CL RKS	

*Major Theobald -
Reply with a brief description
of steps that are being
taken to remedy the
position. I think you
should pass the file out
P.S. about you?*

ALIED CONTROL COMMISSION

C A T A N I A

TO : R.L.O. Region I
 Through: Reg. Commissioner (2 copies)
 From: L.L.O. Catania and Messina
 Courts of appeal.

Subject: Prisons.

There is now very serious shortage of prison accomodation in the Provinces of Messina, Catania and Syracuse. The position in Catania can be appreciated from the enclosed copy letter of the Procuratore Generale and is similar in Messina and Syracuse.

I have advised both Courts of Appeal that they should up the matter with the Minister of Justice through their normal channels. A.C.C. is however more directly interested because the shortage is largely caused by the fact that Allied Forces are occupying the prisons of ^{Acireale} Catania and Augusta. The P.P.S.O. has already requested NoI District to return Catania prison but I understand that they are not prepared to do so at least for some time. The Provincial Commissioner Syracuse is taking similar action at my request with reference to Augusta Prison.

In the meantime the position is a very difficult one as NoI District is pressing for the imprisonment of offenders in cases involving Allied interests while the Italian Courts, who are anxious to comply, have no pl~~ase~~ to put the prisoners.

Do you think that representations could be made to the Allied Operational Forces at higher levels?

Catania
 21.4.1944

E.K. Matthews C.M.
 E.K. MATTHEWS CAPT.

L.L.O.
 CATANIA

39

PROCURA GENERALE DELLA LEGGE PRESSO LA CORTE DI APPELLO DI CATANIA

N. 966

Risposta al foglio del

N.

OGGETTO: Carcere Militare Nazionale -

Allegati N.

Catania, 23 Aprile 1944

A S. M.

IL MINISTRO DI GRAZIA E GIUSTIZIA

Direzione Generale Istituti Penitenziari e Prigioni

S A L U T O

39

Per i provvedimenti che ordinerà nel caso espone nel foglio allegato a V. M. questo segue:

Dato la situazione attuale e le particolari circostanze delle
dell'intera tutte le carceri giudiziarie e penitenziarie di un-
suo Distretto non soltanto affidate di intanto in appalto
di gran lunga le norme capienza. Si tenga presente infatti
che il carcere di Catania capite attualmente circa n. 914 auto-
numi carcere con capienza normale di n. 420. - Con conseguente
numerosi detenuti sono costretti a dormire su panche in
terre e nei corridoi. -

Questa situazione eccezionale è dovuta, come si fa facile in-
ferire, in particolare dal fatto che vista l'attuale, che da
quello della sicurezza della custodia, in il retante provvedimento-

N. 866

Risposta al foglio del

N.

OGGETTO: Carceri di massima e carceri di massima

Allegati N.

Catania, 21 aprile 1944

A S. P.

IL MINISTRO DI GRAZIA E GIUSTIZIA

Direzione Generale Istituti Penitenziari e Pene

S A I S M O

39

Per i provvedimenti che esisterà del caso tenuto conto delle
riferite a V.P. Giusto segue:

Dato la situazione attuale e la pericolosa attività delle
Gangsterie tutte le carceri di massima e di massima di que-
sto Distretto sono talmente affollate di detenuti da superare
le norme della normale detenzione. Si tenga presente infatti
che il carcere di Catania ospita attualmente circa 1.914 dete-
nuti contro una capacità normale di 1.420. - Conseguentemente
numerosi detenuti sono costretti a dormire su pavimenti e
torre e nei corridoi. -

Questa situazione eccezionale è avvida, come di tutto in-
tezione, di pericoli sia dal punto di vista di ordine, sia da
quello della sicurezza della custodia, ed il recente provvisori-
to di amnistia e d'indulto può porre sulla scena il problema, al-
meno per un po' di tempo, per cui, dato lo stato attuale

nell'art. 7 solo un cenno generico di sottoposti senza libertà, ma
 che, d'altro canto, il polizia giudiziaria è sottoposta ad obsequio
 come la legge attribuisce i medesimi poteri ad esso in materia
 ed a garanzia di sicurezza indiana.

Questa questione è oggetto del r. 117, che, tra dal momento del
 l'occupazione Militare Alleata, la stabilisce espressamente di An-
 tenna e di Anversa sono stati ed è dal predetto Comando per un
 lavoro al servizio della Forza Armata.

Questo Ufficio non lo mancato di segnalare questo stato di cose
 al livello superiore della Commissione Alleata di Controllo, ma
 tenuto conto della situazione in cui la guerra del momento era pro-
 dotta due linee di parte che questi ad essere un appunto ricevuto
 per lo stabilimento delle condizioni così osservate (stabilimento di

questo capitolo 2.300 e quello di Anversa con 1.128) -

Adesso presento al lavoro di ricerca 7.7. presento al
 cui interessare la Commissione Alleata di Controllo affinché
 toglieri a disposizione di guerra questo rilascio e anche per accettare
 il provvedimento che avranno reputati necessari.

Con i miei ossequi -

IL PROCURATORE GENERALE DONI DE

(Messa De Doni)



ed a domanda di permesso di ingresso.

Questo al fine di essere ammessi dal fatto che non dal momento di
Il regime di immigrazione militare alla richiesta di permesso di A. A. -
regia e la legge sono stati ed è dal presente momento per un
proprietari al servizio della Forza armata. -

Questo Ufficio non ha mancato di espletare questo stato di cosa
a) locale spedito dalla Commissione Alleata di Controllo, ma
ritiene essere utile risultato circa la presenza dei rilasciati per
della sua legge di pace che resta per sempre un impegno morale
per lo stabilimento delle relazioni con i nemici (stabilimento di

questo numero N. 700 e quello di A. A. con N. 120 -

Adesso pertanto al lavoro di ricerca U. T. perché si compia
che informazioni la Commissione Alleata di Controllo militari ab-
bondi di o di spionaggio hanno rilasciato e anche per aspettare
di provvedimenti che saranno reputati necessari.

Con produzione esente -

IL PROCURATORE GENERALE DEL RE

(Messaggio in D.M.S.)

Handwritten signature

Stamped text at the bottom of the page, partially illegible.

38

4049

HEAD HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
ADMINISTRATIVE SECTION

ACC/14215/PS.

1 May 44.

SUBJECT : Prison Accommodation.

TO : RC & AG Sec, PS, Legal, Interior & Army Sub Comen.

1 A meeting to consider this matter further will be held in Room 75 at 14.30 hrs on Friday, 5 May 44.

2 Attendance (a) The following will attend -

VP Adm Sec (Chairman)

Representatives of:- RC & AG Sec and the following Sub Comens.

- Legal
- Public Safety
- Interior
- Army Sub Comen

(b) A representative of "A" Branch IAI is being invited to attend.

3 AGENDA

(a) Explanation of present situation by Deputy Chief Public Safety.

(b) Proposals for immediate improvement.

(i) Removal of Allied Troops from Italian Civil Prisons.

(ii) " " Italian Military " " " "

(iii) Clearance of prisons used for other purposes. AUGUSTO in particular, (used as a warehouse by Naval Authorities).

(iv) Repair of damaged prisons.

(v) Hastening of trials.

(vi) Forming of Labour Battalions.

(vii) Possibility of using MONTESAPONIO Prison.

(c) Proposals for future.

(i) No further requisitioning of prison buildings.

(ii) To consider the possibility of reducing the number of suspects and persons committed without specific charges by FIC, CIC and Port Police.

(d) Selection of representatives to meet representatives of the Italian Govt.

1557

TO : RC & MF Sec, PS, Legal, Interior & Army Sub Coman.

- 1 A meeting to consider this matter further will be held in Room 75 at 14.30 hrs on Friday, 5 May 44.
- 2 Attendance (a) The following will attend -

VP Adm Sec (Chairman)

Representatives of:- RC & MF Sec and the following Sub Comans.

- Legal
- Public Safety
- Interior
- Army Sub Coman

(b) A representative of 2nd Branch MAI is being invited to attend.

3 AGENDA

(a) Explanation of present situation by Deputy Chief Public Safety. **284**

(b) Proposals for immediate improvement.

(i) Removal of Allied Troops from Italian Civil Prisons.

(ii) " " Italian Military " " " "

(iii) Clearance of prisons used for other purposes. AUGUSTO in particular, (used as a warehouse by Naval Authorities).

(iv) Repair of damaged prisons.

(v) Hastening of trials.

(vi) Forming of Labour Battalions.

(vii) Possibility of using MONTESAPONE Prison.

(c) Proposals for future.

(i) No further requisitioning of prison buildings.

(ii) To consider the possibility of reducing the number of suspects and persons committed without specific charges by PMS, CIO and Port Police.

(d) Selection of representatives to meet representatives of the Italian Govt.

Copy to : Executive Commissioner.
: Naval Sub Coman (for comment on 3(b) (iii).

*Major Franchini
to represent legal.*

LEG. COMMISSION	
STAFF OFFICER	
VP Adm Sec.	
DCLO	
Chief Counsel	
CJO	
Italian Section	

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394.

24 April, 1944.

REFERENCE : ACC/4049/1.
SUBJECT : Prisons in Apulia.
TO : Public Safety Sub-Commission.

1. While I was in Apulia last week I was informed by General Traina, Procuratore Militare, that an Italian Detention Camp was believed to be available at Montesarchio between Avellino and Caserta and would hold 1,000 detainees.

2. I should be obliged if you would investigate this matter and inform General Traina if this is so and if Italian military prisoners can be accommodated there.

GERALD R. UPJOHN.
Colonel,
Chief Legal Officer.

CRU /wew.

23

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394.

24 April, 1944.

REFERENCE : ACC/4049/D.
SUBJECT : Prisons in Apulia.
TO : V. P. Adm. Sec.

1. I have just returned from an extensive tour in Apulia and find that the prison situation is quite as serious as has been represented.
2. I was able to assure those in the field that the matter had been considered by a committee of the Administrative Section some days ago and that a mixed committee of A.C.C., Army Authorities and the Italian Government was being set up at once to study the problem at the highest level.
3. I was naturally, therefore, extremely disappointed to find on my return that no arrangements for sittings of this committee had been made.
4. May I stress the extreme urgency of this problem and request you to convene at the earliest possible moment the committee, the composition of which was decided upon as long ago as 7 April 1944.

GERALD R. UPJOHN.
Colonel,
Chief Legal Officer.

GRII/wow.

Copy to : Public Safety Sub-Commission.

✓ 4049 & file

3071

6/5/24

HEADQUARTERS
ALLIED CONTROL COMMISSION
REGION II

15 APR REC'D

11 April 44

Ref: 2201/58/1
To : Chief Legal Officer

Ref your ACC/4049/L dated 8 Apl., the green coloured file to which you refer was not taken away by Lt.Col.Cousins.

D.E.S. Cousins

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

105

1561

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

34

8 April 1944

ACC/4049/L .

SUBJECT : Prisons in Apulia .

TO : R.L.O. (thru RC) Region Ii .

33

Arising out of the C.L.O.'s meeting on Monday 3rd April 1944, enclosed is a copy of a letter which was yesterday sent by Lord Stansgate to Brigadier Lush.

When Lt. Col. Cousins was in the C.L.O.'s office on Tuesday morning, 4th April discussing this matter did he inadvertently take with him our file on the subject a green covered file, ACC/4049/L ? If so may the file please be returned.

*Returned
by Reg 4.*

RICHARD R. WILMER
Lt. Col. C.A.C.,
Deputy Chief Legal Officer.

36

44-59

File

Legal

33

MEMORANDUM FOR THE EXECUTIVE COMMISSIONER
SUBJECT: Prison Accommodation in Puglia

MEMO DATED 7 APR 44

7 Apr 44

SUBJECT: Prison accommodation in Puglia.

TO : Executive Commissioner.

1 I convened a small committee this afternoon to consider the extremely urgent and very serious problem of the shortage of prison accommodation which has arisen in Puglia. Representatives from the following sub-commissions were present:

- Public Safety
- Army
- Legal
- Interior and
- Public Safety, Region II.

2 The urgency of the position was such addressed and it was suggested that a committee be formed of the above sub-commissions and a representative from each to meet their opposite numbers in the Italian Government, the Ministry of Justice, Ministry of Interior and the Comando Supremo with a view to deciding on the best arrangements to be made to alleviate the shortage. Probably after their first meeting the committee would be reduced to one or at most two members on either side.

3 If you see no objection I propose to give effect to this forthwith; would you like to be represented on this committee?

4 The meeting this afternoon also considered that:

- (a) Repatriation by rail would help but not solve the problem.
- (b) Transfer of the existing Displaced Persons Camp at Futurano would go a long way towards solving the problem. You have been good enough to promise to ring up Col. Kirkwood to see if it can be made available.
- (c) The Italian Army could do much to help by moving their detainees out of existing civil prisons into Futurano if available and into stockade camps. It was reported that the Comando Supremo had already given some orders to implement this policy.

W. J. ...
VI ...

✓
4049

REAR HEADQUARTERS
ID CONTROL COMMISSION
APO 394
ADMINISTRATIVE SECTION

(32)

4/6.1/AS

6 Apr 44

SUBJECT : Meeting.

TO : Directors of
Legal Sub Comm.
Interior Sub Comm.
Public Safety Sub Comm.
Army Sub Comm.

JR
- P.S }
- Law }
- Army }
4/4/44

The VP Adm Sec desires to discuss the overcrowding of prisons and will be glad if you or a representative will meet him in his room for that purpose at 1430 hrs 7 Apr.

(Legal SC 4049/L of 5 Apr refers).

S.H. White

S.H. WHITE, Major,
for CSO Adm Sec.

FILE

HEAD HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

GRU/gmf

(31)

ACC/4049/1

5 April 1944

SUBJECT: Prison Accommodation.
TO : VP Administrative Section.

I should be grateful if Lord Stansgate would convene a meeting of representatives of Public Safety, Army ^{Interior} and Legal Subcommittees in the next day or two to consider policy in regard to prisons (particularly in Apulia) with a view to making a recommendation to the Chief Commissioner in view of the gross overcrowding there.

Copy to: P.S. Subcommittee
Army " "
Interior "

G. R. UFFCHM, Colonel
Chief Legal Officer.

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~~4041~~
✓
~~4030~~

file

4049

4 APR REC'D
2934

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. and M.G. Section
APO 394

(30)

Ref/317/CA.

3 April 1944.

SUBJECT:- Prisons in Region II.

To:- V.P. Admin Section (for Legal Sub-Commission).

← 4049 file

Reference your letter ACC/4041/L of 30 March. (28)

The matter referred to in your letter has been called to the attention of R.C. of Region II, a copy of our letter being enclosed.

Norman E. Fiske
Colonel

for NORMAN E. FISKE,
Colonel,
Deputy Executive Commissioner.

50.

4 APR 1946
2731

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M.G. Section
APO 394

(29)

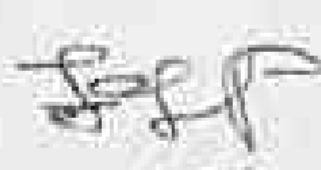
3 April 1946

Ref/317/DA

SUBJECT: Communications between A.C.C. personnel and Italian Officials.

TO : R.C. Section II

1. Your letter of 27 February addressed and sent direct to the Italian Minister of Justice has been brought to our attention. The letter was written in the Italian language.
2. Your attention is invited to the fact, that all communications from A.C.C. Officials should be written in English. In this particular instance, as the matter concerned the Public Safety Sub-Commission, the letter should have gone through that Sub-Commission.
3. In the future will you please see that all such communications are handled in the proper manner.


 NORMAN E. FISKE
 Colonel,
 Deputy Executive
 Commissioner.

Copies to: V.P. Admin. Section for
 Public Safety Sub-Commission
 Legal Sub-Commission.

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REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

GRU/gmf

ACC#4941/L

30 March 1944.

SUBJECT: Prisons in Region 2.

TO : Executive Commissioner.

27

26

1. At our last meeting with the Minister of Justice I was shown a letter in Italian signed by EC Region 2 and addressed to the Minister of Justice direct. I enclose copy of this letter and the reply of the Minister.

2. It appears improper for Region 2 to address the Minister of Justice direct on any matter and all the more so in the present case where broad questions of overall policy are concerned.

It is also contrary to practice for ACC to use Italian in their communications to the Italian Government.

3. As the policy question is one for the Public Safety Subcommittee they will no doubt consider whether any and what further approach to the Italian Government relating to this matter is desirable.

G. R. Upjohn
G. R. UPJOHN, Colonel
Chief Legal Officer

Copy to: Public Safety Subcommittee
V.P. Admin. Section.

28

27

MINISTERO DEL RE
DIREZIONE DEL V. UFFICIO
2 GENNAIO 1964

RE: 1/74/30

27 febbraio 1964

Oggetto: Impiego di lavoratori civili

AL MINISTRO DI STATO E GIUSTIZIA

ROMA

Il sottoscritto si interessa col fatto che esserci civili non sono impieghi in lavori.

Il sistema delle prigioni americane ed inglesi e' di impiego in i carcerati civili in lavori che non sono connessi con il carcere privato.

E' opinione delle commissioni americane, inglesi ed inglesi che tali lavori sono necessari per i carcerati, sia nell'ambito che nazionale.

Tra i lavori che possono essere effettuati vi sono: manutenzione e lubrificazione di scarpe ed uniformi per impieghi dello stato; fab bricazione di cordoni; lavori di guardanti missioni. Molte altre forme di lavoro potrebbero essere eseguite.

Lavori di questo genere non possono essere assegnati al momento per via della mancanza di materiali, ma si suggeriscono che la marina e l'esercito italiani abbiano telieri rivestiti e che abbiano il disastro di poter lavorare nella loro area delle carceri.

Le muraioni di locali adatti, ma' nessuno provata con un coniglio e gli altri spazi liberi, e' con loro tempo, Italia questa.

E' in uso, col sistema italiano, nelle poche prigioni in cui si lavorano. Non e' ritenuto con detto privato. Questo sistema potrebbe essere contenuto, e potrebbe essere utile al carcere.

Gradirei il vostro punto di vista in proposito.

Giulio Carlo G. M. G. H. L. L.
Primo I. Commissionari
1 GENNAIO 1964

26

MINISTERO DI GRACIA E GIUSTIZIA

DIREZIONE GENERALE PER GLI ISTITUTI DI PENITENZA E PENALE
UFFICIO VIII

Salerno il 25 marzo 1944.

Oggetto: Lavino condannato civile.

AL SIGNOR G.H. McCaffrey, Inc. Col., Inf.
Regional Commission, Mexico 2.

presso la Commissione Ricetta di Controllo

RECEIVED

Il ministero siniscalco il Ten. Col. McCaffrey per l'interesse del quale segue lo svolgimento della vita del detenuto nelle carceri italiane e per i suggerimenti offerti tendenti ad intensificare il lavoro del lavoro carcerario, valutato sia moralmente che fisiologicamente.

Nella legislazione italiana è stato pienamente accettato il principio che il lavoro è il cardine su cui basa l'esecuzione della pena, sia per i benefici subiettivi che il condannato ne ritrae, sia per la ricerca di benefici benefiche che si riverberano sull'ordine e sulla disciplina interna degli stabilimenti carcerari. Pertanto tale materia è stata regolata in tutta la sua ampiezza nel regolamento per gli Istituti di Penitenza di cui è approvato il 15 giugno 1931, con gli art. 114 e segg.

La direzione generale degli Istituti di Penitenza e di Pena, in applicazione dei principi sanciti nel regolamento, ha organizzato il lavoro carcerario razionalmente, abbracciando in tutte le sue parti lavorazioni a carattere industriale, di diverso tipo compatibilmente alle disponibilità locali, e tutte quelle lavorazioni che si riferiscono all'opera per il miglioramento e la bonifica dei terreni incolti e per la creazione e lo sviluppo di colonie agricole. Nelle carceri giudiziarie, ove la deficienza dei locali adatti ha imposto la sistemazione di officine e dove non si è potuto ricorrere al lavoro d'opera idonea, per il continuo flusso e ri-flusso di detenuti sottoposti a provvedimenti di carattere giudiziario, ha organizzato un tipo di lavoro che non ricade nel uso di macchine e al meno d'opera specializzata, come quello per la confezione di calze, di scartoli, di sacchetti di carta, ecc. (in attesa di stabilire che nelle

Salerno il 25 marzo 1944.

OGGETTO: Impiego condizionale art. 11.

Al Signor E.M. McGehee, Inc., Inf.
Regional Commissioner - Region 2.

presso la Commissione di Controllo

S. L. P. R. M. O.

Il ministero riceve il Verbale di N. 307 del 1944 per l'interesse del quale sarebbe preferibile nella vita dei detenuti nelle carceri italiane, per i suggerimenti offerti tendenti ad intensificare il lavoro nel lavoro carcerario, valutare sia moralmente che fisicamente.

Nella legislazione italiana è stata pienamente accettato il principio che il lavoro è il condimento ed è la base l'esecuzione della pena, sia per i benefici subietivi che il condannato ne ritrae, sia per la ricomposizione delle benefiche che si riversano sull'ordine e sulla disciplina interna degli stabilimenti carcerari. Pertanto la materia è stata regolata in tutte le leggi emanate nel regolamento per gli istituti di prevenzione di pena, approvato il 15 giugno 1931, con gli art. 114 e 115.

La Direzione Generale degli Istituti di Prevenzione e di Pena, in applicazione dei principi sanciti nel regolamento, ha organizzato il lavoro carcerario partendo dal carattere industriale, il diverso tipo di lavorazioni e caratteristiche industriali, ed alle tecniche del lavoro, e dello scolario per gli istituti di prevenzione per il disimpegno e lo sviluppo del lavoro in generale. Nelle carceri giudiziarie, ove la deficienza dei locali adatti ha impedito la sistemazione di officine e dove non si è potuto disporre di mano d'opera idonea, per il continuo flusso e riflusso di detenuti soggetti a provvedimenti di carattere giudiziario, ha organizzato un tipo di lavoro che non richiedesse l'uso di macchine e di mano d'opera specializzata, come quello per la confezione di calze, di sottoli, di sottopanti di carta, ecc. Ha altresì stabilito che nelle industrie carcerarie venissero eseguiti lavori tanto per conto delle Amministrazioni statali, e particolarmente

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di quelle carceraria e delle S.P.A., che per conto di privati comitatenti; ed ha consentito infine ad alcune ditte private di utilizzare in modo d'opera detenuta, al fine di mantenere il massimo numero possibile di condannati al lavoro.

L'opportuno settore in evidenza che per effetto di tale organizzazione il lavoro carcerario aveva assunto uno sviluppo ed un ritmo che lo rendevano uno vero d'opera detenuta e tenuta su un piano di parità con la popolazione richiama nel 1950 carceri e nelle case private.

Ma con l'inizio della guerra molte lavorazioni carcerarie hanno riprese un numero più consistente delle difficoltà degli approvvigionamenti delle materie prime da lavoro, ed hanno dovuto essere limitate le loro attività, che è venuta poi quasi del tutto nel periodo turbinoso della guerra senza essere ripresa.

Allo stato il lavoro nelle carceri si svolge a ritmo molto ridotto, perché è ristretto a quelle le grandi riorganizzazioni delle opere di manutenzione generale delle materie prime e di quelle necessarie, ed, alcuni dubbi, menti penali che per un'attività tecnica-industriale e per necessità di sicurezza potrebbero ripresentarsi in parte le loro attività, hanno dovuto limitare e del tutto fermare ogni manifestazione produttiva. Infatti le industrie della di legno, di ferro, di acciaio e di altri materiali di lavoro non attivabili in modo che è limitati alle dipendenze delle industrie pubbliche, mentre quelle di energia e di prodotti, anche industrialmente, sono attreziate, sono abbandonate alla latitanza. Sono però in efficienza quasi normale le case di lavoro della cartagine che contribuiscono a risolvere ed a coltivare i loro terreni agricoli, impiegando largo numero di condannati.

La è intendimento di questo ministero di rimettere in efficienza le industrie negli stabilimenti carcerari, per distendere all'ozio i condannati e per procurare quei manufatti che allo stato mancano e di cui si sente un bisogno urgente: ed non si riesce a risolvere il grave problema dell'apporto immediato delle materie prime e di quelle le necessarie indispensabili, le quali mancano del tutto sui versanti. Né d'altra parte i ministri delle S.P.A. italiane hanno disponibilità di materie prime e di lavorare poiché anche essi si trovano di fronte alle stesse difficoltà come è previsto al fatto che le industrie di lavoro affidate per il passato alle industrie carcerarie, veramente rilevanti, sono ora diventate solo esigue e discontinue ben presto di più. Né infatti è pensabile di riprendere il loro carcerario possa essere risolto in pieno senza concessione di mano d'opera detenuta a ditte private.

Questo ministero infatti non ha mancato finora d'incoraggiare la concessione delle mano d'opera detenuta a ditte od industrie private, ed a tal fine ha formato anche dei contratti tipo onde rendere più rapido il procedimento di concessione. (Presso alcuni stabilimenti carcerari della Sardegna sono presenti)

tenuti raggugliata al 70 della popolazione...

La con l'arrivo della guerra nelle lavorazioni del...
severità hanno rifiutato sempre più...
sicoltà degli approvvigionamenti...
vorare; ed hanno dovuto...
tività, che consisteva nei lavori...
bisogna alla mano della...

Illo stato il lavoro nelle carceri si decide a rit-
mo ciclo ridotto, e per...
perquisizioni delle celle di...
materie prima e di quelle...
menti penali che con...
par parte della...
le loro attività, hanno...
mare ogni manifestazione...
nelli di legge di...
la cura che...
attività...
ste e di...
traggiate, sono...
fioletta...
che continuano a...
ti agli... impiegnando largo numero di...

La è intendimento di questo ministero di...
in efficienza le industrie...
per distribuire all'olio i...
servizi che allo stato mancano e di cui...
riano assegnati; ma non si riesce a...
blema nell'approviti...
le categorie...
sui mercati. Né...
liare hanno disponibilità di...
poiché anche così...
come è previsto...
te per...
vanti, sono...
pre di...
voro...
zione di mano d'opera...

Questo ministero infatti...
coraggiare la concessione...
te ed industriale...
contratti tipo...
cedolare...
di...
la mano d'opera...
di detenuti, sia perchè in Italia la mano

-3-

d'opera in genere è stata ed è sempre abbondante ed a buon mercato, sia che esista fra gli industriali u uno stato di prevenzione per il quale preferiscono non avere rapporti con chi è stato allontanato dalla società per aver commesso del delitti.

Il ministero pensa che le lavorazioni carcerarie, particolarmente quelle a carattere industriale, potrebbero ricevere un risolutivo impulso dal concorso della Commissione allenta di controllo, sia con l'approvigionamento delle materie prime da trasformare. Basterebbe infatti offrire a disposizione una quantità di lana, di filati, di cuoio ecc. - Materie che attualmente mancano del tutto nei carceri - per migliorare in parte i servizi carcerari e per dare possibilità ai detenuti di dedicarsi ad un lavoro materialmente produttivo e facendo i indispensabili prodotti morali, giacché tutta l'organizzazione carceraria italiana è oggi straordinariamente legata alle attività di deperimento delle materie prime ed alla mancanza di generi di approvvigionamento, ed ogni miglioramento di sorta è legato in rapporto alla possibilità di ricorrere ai beni.

IL DIRIGENTE

(Casati)

23

4049

HEADQUARTERS
ALLIED CONTROL COMMISSION
REGION II

28 March 44

Ref: 2201/58/1

Subject:- Prison Accommodation

TO :- Chief Legal Officer Sub-Commission, ACC, Salerno

Sc. files 18.17.16, 15

1. All efforts by A.C.C. officers to cope with past and future crimes affecting Allied interests in Apulia will from the start be stultified unless an immediate solution is found of the problem as to where to accommodate individuals detained pending trial and after sentence. Moreover, should political disorders occur, this problem will assume a further serious aspect.

2. Attached is a list showing:-

- (i) The prisons in Apulia.
- (ii) Their capacity.
- (iii) The use to which they are at present put.
- (iv) The actual numbers of prisoners housed, and the classes of prisoners.

3. It will be observed that in general the prisons are now housing far more prisoners than their maximum capacity - surely an invitation to a serious epidemic which may not confine itself to the prisons' precincts.

4. It will be observed that the position is further aggravated by the large numbers of Italian military prisoners both sentenced and awaiting trial, who are sent to the civil gaols. There is no surplus prison accommodation in any other part of Region 2, and the refugee problem precludes the possibility of adapting buildings as prisons.

5. The problem has been largely caused by the wholesale requisitioning by the Military of civilian gaols, not only for the purpose of accommodating military prisoners sentenced to detention, but even for housing troops; and this has been done regardless of the fact that to adapt a building for use as a prison not only costs a large amount of money and uses up quantities of valuable material, but also takes a long time. Having embarked upon this policy, the Military are constantly reminding A.C.C. of the numbers of crimes left unpunished, and of the fact that it is up to A.C.C. to provide a solution of the problem of prison accommodation, and this despite the fact that the Military are in possession of the prisons and of the controlled stores necessary for the construction of prison camps, and A.C.C. have neither the transport nor personnel to supervise the labour of constructing camps.

6. The following is suggested, and it is felt that it is the only practicable solution:-

All prisons should be de-requisitioned at once, and the camp

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6. The following is suggested, and it is felt that it is the only practicable solution:-

All prisons should be de-requisitioned at once, and the camp at Tutturanno, now used as a transit camp for Yugo-Slav refugees (which is said to be able to accommodate 1800 prisoners) should be used as a detention camp for British and Allied military prisoners. Further all Italian military and naval prisoners should be removed forthwith from civilian gaols and housed either at the H.A. prison at Augusta (estimated capacity 1000, and now believed to be used only for the purpose of

(22)

storage), or in one or more camps or cages to be constructed by the Italian Army at once. In the latter case, Italian bivouac tents will suffice as cover during the spring and summer, and this H.Q. is informed by the Area Commander at Taranto that there are miles of old barbed wire which could be dismantled and used for the purpose.

7. The use to which the camp at Tutturanno is at present put is a complete waste of valuable accommodation. Refugees are cleaned up and screened at Bari preparatory to being sent to the camp at Lecce, and Tutturanno is used as a half way transit camp for from 24 to 48 hours only, the refugees having to be provided by the Brindisi Sub-Area with motor transport to take them to and from Tutturanno. During the first 12 days of this month this camp was occupied for 48 hours only by 800 persons.

8. It is strongly urged that this matter be tackled at once. It is useless for the Military to take a large percentage of prison accommodation, to hold on to all controlled stores, and then to say that the problem is one solely for A.C.C. to solve. It is submitted that on the release of the prisoners, if for any reason the prison at Augusta should not be available, the Military must co-operate both in the matter of the provision of transport for the removal of prisoners (unless the Italian Army can provide sufficient) and in supplying adequate personnel to supervise the work of the Italian Army in the construction of camps for their military and naval prisoners.

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

Copy to:

Regional Commissioner, Region 2.
 Military, Sub-Commission.
 C.P.O. Police Sub-Commission
 R.F.O. Region 2
 Prisons' Officer, Region 2.
 L.O. Apulia, Taranto (3 copies) ✓
 Liaison Officer, District 2.

(21)

DETAILS OF PRISONERS IN 1944

Prisoner Capacity

Remarks

Prisoner	1944	70	93	570	53	30
Prisoner (Indig. 1)	651	71	4	352	100	11
Prisoner (at 1)	197	"	"	373	1	"
Prisoner	9	"	"	72	"	"
Prisoner	17	15	3	70	"	"
Prisoner	122	"	"	373	"	"
	146					
	291					
Prisoner	160	32	7	377	33	11
Prisoner (one)		136	"		133	"

Prisoner includes - it is military and civil as held by British Civil Prisoners

Prisoner includes - it is military and (instructions given to move 100 Civil prisoners and 50 Civil to 78 11)

x see above

Prisoner for habitual criminals and prisoners

Prisoner for 100 and 100 requisitioned by see actively. 11 100 and kitchen and 100 requisitioned.

Prisoner requisitioned by Brit. 11. Prisoner of war still in hands of civil in revised accommodation for 5 weeks There 100 have been sent to agricultural working trial

20

Prisoner () above 100 also to be sent from 100 100 and 100

Notes: Prisoner Prisoner Prisoner

W. H. H. H.
Det.
Prison Sec.
A.C.S. Region 11

DETAILS OF PRISONERS IN LAOS

to which capacity

See also

70	95	570	85	120	total includes-11 military and 1 civil civils held by Untried civil prisoners	610 105 577 1450
71	14	150	190	11	total includes-11 military and 1 civil (instructions given to move 1 civil prisoners to PHU and 10 civil to PHU.)	364
"	"	"	"	"	see above	
"	"	25	"	"	Prison for habitual criminals and fugitives.	
72	3	78	"	"	Capacity for 100 and 100 recommended by Brit. and British run actively. 11 British and 100 British and officers civil fly maintained.	
73	"	75	"	"	Maintained by Brit. 11. Capacity of 100 still in hands of civil authorities 10 men in revised accommodation for 5 women These 10 have been sent to agricultural companies are awaiting trial	
74	7	11	3	11	see () above also to be sent from PHU to PHU and 11 men	

W. H. Mason
 Capt.
 Prisons Sec.
 A.S.S. Region II

Disc. INFO

HO49
HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M.G. Section
APO 394

(20)

Ref/317/11/CA.

27 March 1944.

SUBJECT: Civil Prison at Brindisi.

TO : R.C. Region II.

(19)

1. Reference our letter 317/10/CA of 22 Mar 44.
2. You are requested to advise if para.2 of above reference has been complied with.

MORGAN B. FISKE
Colonel,
Deputy Executive
Commissioner.

Copy to: Public Safety Sub-Commission
Legal Sub-Commission
Navy Sub-Commission

5049
✓

19

URGENT.

HEADQUARTERS,
ALLIED CONTROL COMMISSION,
APO 39.

Regional Control and Military Government Section.

Ref: 317/1Q/GA.

22nd March 1946.

SUBJECT: Civil Prison at Brindisi.

TO : Regional Commissioner, Region 1.

1. Some weeks ago I informed Flauto that the prison at Brindisi was available for military use as a detention barracks. Instructions were given that it should be vacated by Italian civilians and Naval personnel.
2. I am informed that there are still 358 civilians and 49 Marines in the prison. Please arrange with the Italian authorities to have them evacuated forthwith and report when this has been done.

W. Lusk
Brigadier,
Executive, Commissioner.

WHL/JG.

Copy to: Public Safety Sub-Commission.
Legal Sub-Commission.
Navy Sub-Commission.

HEADQUARTERS ALLIED CONTROL COMMISSION
Office of the Deputy President
APO 394

ACC/4049/L
OO 386.8

13 March 1944

Subject: Requisitioning of Civil Prisons

To: Hq Allied Armies in Italy - Administrative Echelon

1. The attached letter of Legal Sub-Commission (ACC/4049/L dated 9 March 1944) speaks for itself.

2. The requisitioning of prisons creates in any event a very difficult situation for civil authorities, but when to that is added the request that prisoners handed over by the Allies for trial should not be granted provisional liberty, the position is still further aggravated.

3. I would ask that an order be issued to the effect that

a. Civil prisons will not normally be requisitioned, but that when the exigencies of the services make the requisitioning of any civil prison essential, the fact of the requisition and the reasons therefore will be reported in writing.

b. Civil prisons already requisitioned will be released at the earliest possible moment that the exigencies of the services permit, and that where it is considered that occupation of any particular prison should be retained for a period exceeding three months, that opinion and the reasons therefor will be reported in writing with, if possible, an estimate of the date by which the prison can be released.

4. If any such order is issued, may I please be informed of all cases of either new requisitioning or retention with which you concur so that arrangements for alternative accommodation, transportation and the like may be made.

NOEL MARSH MACFARLANE
Lieutenant-General
Chief Commissioner

cc: HQ & MG Section
Legal Subcommission
Public Safety Subcommission

17

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
MORAN SUB-COMMISSION
APO 394

AGC/4049/L.

WPH/rly.
9 March 1944.

SUBJECT : Prisons.

TO : VI, Administrative Division.

1. This sub-commission has been approached repeatedly by representatives of the Minister of Justice, who is responsible for the management of prisons, in relation to the problem of requisition of civil prisons in unoccupied Italy and more specifically in Apulia.
2. They point out that the Military authorities have already requisitioned or are about to requisition prison premises in Brindisi, the result of such action being that many prisoners would be turned loose unless
 - a. local alternative accommodation was supplied
 - b. transport was provided to transfer the inmates to premises situated at some distance and to convey them backwards and forwards to the competent court as occasion arises.
3. This sub-commission, though not directly responsible for the supervision of prisons, is affected by this situation insofar as judicial proceedings are concerned.

On many occasions at the request of the Military authorities, the Minister of Justice has been pressed to issue directives in order that prisoners handed over by Allied Military Police to the Italian authorities (for offences committed against Allied Forces should not be released on provisional freedom (except under very special circumstances) and should be tried with due expedition. Finally, a meeting was held on March 7 with General Mercelli, President of the Italian Supreme Military Tribunal and the Minister of Justice, when even greater pressure was brought to bear on them to expedite trials and not to grant provisional liberty.

4. It appears to this sub-commission that the Military authorities cannot have their cake and eat it. Either they must help the Italian authorities by providing transport or alternative accommodations for the prison inmates or resign themselves to inevitable delays and even miscarriages of justice taking place.
5. Could urgent consideration be given to this problem and could the Chief Commissioner be approached with a view to making the necessary representations to the Military authorities ~~to the effect that the Military authorities should cooperate to expedite trials~~.

(16)

6. The Public Safety Sub-Commission agree with the terms of this letter, which has been submitted to them in draft form.

Richard H. Wilmer
W Col Cas

for GERALD R. UPJOHN,
Colonel,
Chief Legal Officer.

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
AFC 394

(15)

GRT/gmf

ACC/4049/L

6 March 1944.

SUBJECT: Prisons.

TO : Public Safety Subcommittee.

The prison position in Apulia seems to be very serious owing to the requisitioning of the prisons in that compartmento.

The administration of justice may be seriously affected if steps are not taken, *to minimize this.*

If you have all the facts at your disposal would you make strong representations to the Executive Commissioner. We will join in a Memo if you think fit.

G. R. UPJOHN, Colonel
Chief Legal Officer.

4049. Capt. Full 14
91.

FONGRAMMA PERVENUTO DA BRINDISI ALLE ORE 12 DEL 25=2=44

PROCURATORE DEL RE BRINDISI GRECO TELEFONA
che Autorità Alleate intendono requisire tutto Carcere Giudiziario
d'accordo codeste Ministero . Alt . Detto Procuratore significa
sarebbe opportuno cedere solamente una parte locali. Alt. Tenuto
presente poi che Marina ha una sezione detti locali se la Marina
tale sezione si potrebbe cedere anche Padiglione centrale di 3
piani con relativi accessori che sarebbero indipendenti . Alt.
Si avverte infine che in detto carcere vi sono 404 detenuti. Alt.

Capt. Young
Public Safety
Inspected

12

HEADQUARTERS
AMG 5th ARMY
A.P.O. 464 U.S. ARMY
Legal Division.

208/CA/14.
16 February 1944.

Subject : Applications for Pardons and Review.

To : Director of Public Safety, AMG, Rome City (for
Director of Prisons)
Director of Public Safety, AMG, 5 Army.

1. The procedure and channels to be followed as to applications for pardon of persons convicted by Italian Courts (before or after occupation) are the same as those under the pre-existing Italian practice, except that the power of pardon formerly vested in the King, who acted on the advice of the Minister of Justice, is suspended in occupied territory in Italy, and the Military Governor, on the recommendation of the Chief Legal Officer, A.C.C., considers all applications for pardon. Accordingly all Directors of Prisons within the 5th Army Area should be instructed to forward all applications for pardon received by them to the S.C.A.C., AMG, 5 Army.

2. Every person in occupied territory has the right to petition the Military Governor to review any judgment or sentence of the Italian Courts on the ground that such judgment or sentence has been affected by hostility to A.M.C. or to the Government of any of the United Nations. It is suggested that Directors of Prisons should be advised of this right and directed to post notices in the prisons to this effect. Form 11 which is the form of application for review of proceedings in Allied Military Courts is adaptable for use for this purpose, and a supply of these forms should be supplied to each prison.

3. It is desirable that Directors of Prisons should also be advised of the right of persons convicted by Allied Military Courts to file a petition to the Military Governor to review their convictions and sentences and they should be directed to post notices in all prisons to this effect. A proposed form of notice for posting in prisons is attached.

4. If you are in agreement, may all Directors of Prisons in Fifth Army territory be advised of the foregoing and directed to post such notices.

J. V. M. Shields

J. V. M. Shields,
Lt. Col.,
Senior Legal Officer,
A.M.G. 5th Army.

To : Director of Public Safety, AMG, Rome City (for
Director of Prisons)
Director of Public Safety, AMG, 5 Army.

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J. V. M. Shields
J.V.M. Shields,
Lt. Col.,
Senior Legal Officer,
A.M.G. 5th Army.

Copy to C.L.O. Legal Sub-Commission, A.C.C. —
L.O. Frosinone Province.
L.O. Littoria Province.
Copy to 208/CA/15.

(12)

NOTICE TO ALL PRISONERS

1. Applications for Pardon. Applications for pardon which formerly could have been made to the King, may now be addressed to the Military Governor of Occupied Territory and delivered to the undersigned, who will cause them to be forwarded through the proper channels.

2. Applications for Review of Sentences of Italian Courts. Any person convicted by an Italian Court has the right to petition the Military Governor to review any conviction and sentence on the ground that such conviction or sentence has been affected by hostility to Allied Military Government or to the Government of any of the United Nations. The undersigned, on request, will furnish a form to be used in making any such application and will cause it to be forwarded through the proper channels.

3. Application for Review of Sentence of Allied Military Court. Any person convicted by an Allied Military Court may within thirty days after imposition of sentence forward a petition to the Military Governor to review the conviction and sentence submitting reasons why the conviction should be set aside or the sentence modified. The undersigned, on request will furnish a form to be used in making such application and will cause it to be forwarded through the proper channels.

Director of Prison.

To: Legal Sec
From: Displaced Persons Sec

(11)

(A)
Capt. H. Young has
been instructed to
report to your Sec as
soon as he can be got
in from his present
station - in the course of
a day or two.

Understand he is wanted
as a Prison Officer

Shaw

Capt. SA
I. H. B. Sub. Commission
D.C.

23. 1. 44

25 JAN 1944

2986

26/11

(10)

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
APO 394.

AMG/000.6/AD.

22 January 1944

SUBJECT: Prisons.

File

TO: Advanced Command Post,
Allied Control Commission,
BRINDISI.

(8A)

I. Reference ACC/L/34I dated 2 January 1944, copy to Public Safety Sub-commission this H.Q., the question of which Sub-commission should be responsible for supervision of prisons has been given consideration by the Vice President, Economic and Admin. Section.

2. After hearing the opinions of Chief of the Public Safety and Lt.Col.R. WILMER of Legal Sub-commission, he is of the opinion that the responsibility should remain with Public Safety Sub-commission.

3. For your information, the case against this as summarized by Chief of Public Safety Sub-commission, is attached in the form of a memorandum. (Appx. "A").

4. The Vice President of Economic and ADMIN. Section considers that as the Italian Minister of Justice will have a subordinate who will be charged entirely with prison administration, control, and all problems pertaining thereto, the question of keeping entirely parallel to the Italian Government is NOT essential.

5. Furthermore, he considers that it is advantageous for the responsibility to be in Public Safety hands for the following reasons.

- (a) The matter has hitherto been handled by Public Safety Sub-commission.
- (b) It will continue to so be handled on the Regional level.
- (c) That recruitment, organization and handling of prisons officials is closely allied to police matters.

Philip S. Shank

TO: Advanced Command Post,
Allied Control Commission,
BRINDISI. SA

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Charles M. Spofford
 CHARLES M. SPOFFORD,
 Colonel, G.S.C.,
 D.C.C.A.C.

678

HEADQUARTERS
UNITED MILITARY GOVERNMENT

28 JAN 1944

A 2647

(9)

PCT/nd

13 January 1944

AFHQ O/S

MEMO: To Admin. Directorate.

1. From the immediate practical standpoint, the views advanced by Col Upjohn have substantial merit. Nevertheless, I am of the opinion, that the sooner MG organization is established to correspond to, or to parallel the Italian form of government, the less likelihood there will be of duplication of effort or working at cross purposes when MG conditions become operative.
2. It is true that Public Safety personnel has been in close touch with prison administration for several months, but this has largely been accomplished through the efforts of the Regional and Provincial C.D.O.'s who were assigned the task in addition to their other duties. Insofar as they may remain in the field, there is no reason why they, or C.O.'s for that matter, cannot carry out instructions issued by the Superintendent of Prisons of MG operating under the general supervision of the Chief, Legal Sub-Commission, who presumably will correspond to the Italian Minister of Justice. It is reasonable to expect that under MG conditions, the number of officers in the field will be reduced, and that those who remain will perform multiple supervisory duties anyway.
3. While there may be a closer relation between prison and police services than between the prison service and law, the fact remains that the Italian national scheme of government provides otherwise administratively. In this connection it may be mentioned that the administration of Federal Prisons in the United States comes under the general supervision of the Attorney General.
4. I accordingly recommend that the Prison Division of the Public Safety Sub-Commission be transferred to the Legal Sub-Commission, and that Capt John G. Burke and Capt Henry Young Jr. be transferred as Superintendent and Assistant Superintendent of Prisons, respectively, in the Legal Sub-Commission.
5. I concur most heartily in Col. Upjohn's suggestion that an officer should contact the Italian Director of Prisons as soon as possible and recommend that Capt Burke be so dispatched.
6. It is likewise recommended that as soon as facilities permit, arrangements be made for the establishment of direct liaison by other divisions with their corresponding functionaries in the Italian Government.


PAUL C. KIRK
Colonel, Infantry
Chief Public Safety

Copy to: Col Upjohn

Public Safety Division.

RJ77

8
[Signature]

25 January 1944.

Subject: Place of confinement of Italian military prisoners.

To: Mr. [Name], [Address]

1. A report from the U.S. ... of [Location] disclosed that there are a number of soldiers of the Italian Army who are confined in Civil prisons following conviction for offenses against Italian military law.

2. The immediate effect of the continuation of the reception of such prisoners will be over-crowding of the institutions.

3. When decisions also arise -
- [illegible] responsibility

4. [illegible]

It is assumed that the Italian Army normally would follow the practice observed in other armies, namely that military prisoners be segregated and placed in the custody of the military authorities and be rationed by them.

It is requested that the matter be discussed with the Italian military authorities with the object of having them establish a military prison camp, preferably in King's Italy, to which all military prisoners now or hereafter to be confined could be transferred, placed under military guard, and fed from Italian military food stores.

CHARLES E. JOHNSON,
Colonel, U.S.C.
U.S.C.A.C.

COPY TO:

Public Safety Sub-Commission

Interior Sub-Commission

Legal Sub-Commission

HEAD QUARTERS
ARMED CONTROL COMMISSION
Legal Subcommission

CHV/GR

2 January 1944.

In reply
refer to: 66/1/541.

SUBJECT: Prisons.

TO : Deputy President, A.C.C.

The responsibility for prison administration under the Italian Government in that of the Minister of Justice while under A.M.S. and A.S.C. that responsibility is at present undertaken by the Public Safety Subcommission.

It would appear logical, therefore, that responsibility for prisons should be transferred from Public Safety to Legal Subcommission, but against this there are several practical reasons.

(1) The Public Safety personnel have been in touch with the prison administration for some months and it would be a great mistake not to continue to make use of their expert services; further, it would at this late stage be a mistake to shift the Prison Division of the Public Safety Subcommission over to the Legal Subcommission.

(2) In practice the Prison and Police Services are more closely related than Prison and Law and it would be more convenient as a matter of internal administration to maintain the present arrangement in A.C.C.

Accordingly it is strongly recommended that prison administration should remain the responsibility of Public Safety Subcommission.

On this footing, however, I suggest that Public Safety should be advised to send over an officer to contact the Italian Director of Prisons as soon as possible to make every necessary arrangement before the restoration of territory.

SR

C. R. DEWITT, Colonel
Chief Legal Officer, A.C.C.

Copy to Public Safety Subcommission.

ALLIED MILITARY GOVERNMENT
Region 1, Sicily.

(7)

RT17

AMG. 1049/PS.
29/11/43.

Subject: Prison Senior Staff.

To : Legal Division AMG. H.Q.
TRHU: R.C.A.O. Region 1, Sicily.

Reference to conversation with Major Hamnford.

I submit the name of Dr. Ferdinand COLUMBO as the representative of the Prison Service in Sicily.

This gentleman, Director of Palermo Prison, was selected by the AMGOT PRISON SERVICE as the man best suited to carry out the programme of improvements within the prisons of Sicily. This appointment was approved by C.C.A.O. and the Italian Authorities were notified.

He has shown by his work, his willingness to co-operate, the wisdom of his selection and I have no hesitation in saying that no other Director in Sicily is more fitted to carry out the reforms so necessary and place before the Authorities the conditions that we desire.

H.J. Brown

H.J. Brown Capt.
Supt. Prisons
Region 1, Sicily.

1st Ind.

File E.P.S. 014.5/200 1 December 1943
ALLIED MILITARY GOVERNMENT REGION ONE HEADQUARTERS WFO 394

To; Legal Division, A.M.G. Headquarters

(1) forwarded.

BY ORDER of Lt. Colonel CHARLES ROBERTSON RCAF.

RICHARD A. BRUCE
Lt. Colonel
Chief Public Safety Division

SEARS FOR AMGOT - 527
CONFIDENTIAL.
APHQ FOR MGS FOR FAIRMAN

30th October 1943. (6)
PRIORITY.

WE WILL TAKE TESTIMONY OF PROPOSED WITNESSES FOR PROSECUTION IN USTICA CASE x LAREN FROM SEARS FOR AMG FROM CHANDLER TO APHQ FOR MGS FOR FAIRMAN CITE HQ AC FIVE TWO SEVEN LAREN x WE WILL ALSO INFORM ACCUSED THAT THEY ARE NOT REQUIRED TO GIVE EVIDENCE BUT IF THEY WISH TO DO SO OR TO CALL WITNESSES THEIR TESTIMONY WILL ALSO BE RECORDED x PLEASE SEND BEHRENS TO ACT AS COMMISSIONER AND TWO COMPETENT COURT STENOGRAPHERS AS NONE ARE AVAILABLE HERE AND HEARING MAY LAST UP TO THREE WEEKS

COY TO REGION I.

This is reply to Secret Cable from APHQ NR 3983 dated 30th October retained by Message Centre their No: 209.

5

Reply to No 209 returned by [unclear]

SEARCHED [unclear] INDEXED [unclear]

CONFIDENTIAL

Confidential

Priority

APR 1953

THE WILL THAT SUBJECT OF SUSPECTED INTEREST FOR INFORMATION IN OTHER CASES & PARTIAL NAME LISTED AND FOR. PLEASE TO ADVISE THE FOR THE VARIOUS CASES IN AS FAR AS TWO SEVEN THREE & THE WILL ALSO INTEREST ADVISED THAT THE CASE NOT RECORDED TO GIVE EVIDENCE BUT IF THE WISH TO GO ON TO CALL WITHIN THREE MONTHS WILL ALSO BE CONSIDERED & PLEASE SEND INTEREST TO THE AS COMMISSIONER AND THE CURRENTLY CORRECT INFORMATION IS NOW. ALL AVAILABLE DATA AND RECORDS MAY BE MADE TO THE WISH.

Copy to [unclear]

2517



Court of Enquire - FAVIGNANA Prison.

3307/1027/18

C. P. S.

13 October 3

Ref 50 and your note at foot thereof:

1. In view of Captain Brown's report, I see no reason to modify the opinion expressed at folio 30.
2. Whether or not the A.S. is prepared to meet the obligations incurred before the occupation in a matter for finance as also is the question what further examination of the accounts is necessary before a final settlement can be effected.

W. C. CHAMBER,
Lt. Col., A.S.,
Chief Legal Officer.

Subject: - Court of Inquiry re Treatment of Prisoners at 1 Faviniana Prison

To: - Chief Legal Officer.

12 Sept. 1945

Reference Court of Inquiry to Enquire into the Conditions and Treatment of Prisoners Detained at 1 Faviniana Prison.

1. Scope of Legal Division's Enquiry. : "To advise me (C.S.A.C.) whether charges shall be preferred against the Italian Staff for negligence, dishonesty etc."
2. Jurisdiction.
As offences committed (if any) were before occupation, they would not be Proclamation offences; therefore the charges would presumably have to be framed according to Italian law and the case transferred to an Allied Court.
3. General Observations.
Virtually the only evidence taken at the Court of Inquiry was that of Italian doctors and members of the staff. No direct evidence of negligence etc. could therefore be expected.
4. Nature of Evidence Given.

(a) Food.

There is no doubt that the prisoners were suffering from an acute lack of food: the doctor who examined them testifies to this and it is admitted by all. It may be that the shortage of food was aggravated by wrongful disposal of it, but actually no such evidence was forthcoming. Witness No. 4 (Corporal in Prison Service) states that there were no complaints that the prisoners did not receive the food issued for them. Many witnesses say that the food ration was very monotonous and was greatly reduced recently. The Director (Witness 6) says that he has been Director since Dec. 44; that soon after his arrival reductions were made and increased until shortly before the occupation when they became serious. The cause of the shortage of food is alleged to be the war: short supply of food everywhere and shipping difficulties. He this true or not, it is very plausible.

The Director states that in June he sent a representative to Rome to represent the state of affairs and he produced certain letters (exhibits A, B, C, D, E, G, H.) being either requests for more food or answers to such requests. These letters though not good letters, do show that he took some steps to bring the situation to the notice of superior authorities and to those responsible for providing the food.

(c) Conditions of Buildings.

The Director also states that owing to bombing, conditions in the prison were impossible, especially on the advent of winter: this he represented to Rome. See Exhibit P.

(c) General Health.

Witness 5 (Commandant central prison, Palermo) states that though lacking in food, on the whole they were not dirty though there were a few cases of scabies. No marks of ill treatment.

Witness 7 (Doctor) states that, though they were suffering from debility etc., there were no signs of ill-treatment.

(d) Health Conditions etc. in FAVINIANA.

Witness 3 (Corporal: 4 years supply officer in prison):

Clothing was satisfactory;

Beds were lousy;

General sanitation unsatisfactory (no disinfectant latterly)

As offences committed (if any) were before occupation, they would not be Proclamation offences; therefore the charges would presumably have to be fixed according to Italian law and the case transferred to an Allied Court.

3. General Observations.

Virtually the only evidence taken at the Court of Inquiry was that of Italians - doctors and members of the staff. No direct evidence of negligence etc. could therefore be expected.

4. Nature of Evidence Given.

(a) Food.

There is no doubt that the prisoners were suffering from acute lack of food: the doctor who examined them testified to this and it is admitted by all. It may be that the shortage of food was aggravated by wrongful disposal of it, but actually no such evidence was forthcoming. Witness No. 4 (Corporal in Prison Service) states that there were no complaints that the prisoners did not receive the food issued for them. Many witnesses say that the food ration was very meagre and was greatly reduced recently. The director (Witness 6) says that he has been director since Dec. 44; that soon after his arrival reductions were made and increased until shortly before the occupation when they became serious.

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(b) Conditions of Buildings.

The Director also states that owing to bombing, conditions in the prison were impossible, especially on the advent of winter. This he represented to Rome. See Exhibit D.

(c) General Health.

Witness 5 (Commandant central prison, Palermo) states that though lacking in food, on the whole they were not dirty though there were a few cases of scabies. No marks of ill-treatment.

Witness 7 (Doctor) states that, though they were suffering from debility etc., there were no signs of ill-treatment.

(d) Health Conditions etc. in PALERMO.

Witness 3 (Corporal: 4 years supply officer in prison):

Clothing was satisfactory;

Beds were lousy;

General sanitation unsatisfactory (no disinfectant latterly)

Witness 4 (Corporal: 2 years at Palermo):

Prisoners bathed approx. every 15 days;

No soap for 10 months

(e) Irregularities in Prison.

Apparently fraternising with guards and between themselves in food for cigarettes went on (See witnesses 6 and 10). The director (witness 6) says he only came to know of this recently. It is fair to say, I think, to say that this is no excuse.

(2)

5. Conclusion.

- (a) The problem of jurisdiction (see para 2) may be serious.
- (b) The evidence so far available is only one sided.
- (c) That evidence does not disclose any serious state of affairs except for (i) Food and (ii) Conditions due to bombing. It is alleged that both these are due to war conditions and it is indisputable that the director did take some steps (perhaps not sufficiently energetic) to try and remedy these troubles.

On the evidence now before me I therefore advise that no proceedings be taken and that any measures taken should be in the nature of dispensing with the services of officials. This opinion might well require revision if the evidence from the accountant and examination of the books (see concluding lines of Opinion of the Court of Inquiry) show wrongful appropriation of food by the staff.

Jan Caplan

JAN CAMPBELL, Major,
Legal Division.

ANGOT H.C.

①

File
PrisonHEADQUARTERS, A. M. G. O. T.
CIVIL PRISON SECTION.

4029

Subject: Prison Establishment - Closing.AUGOT/1032/ES
20 Aug 1943

To: G. P. S. D.

The attached Report explains the situation in the BACHINLA Prison which was visited by Captain Brown on 19 Aug. 1943. An account of the following: The Prison has been closed.

- (a) There is no proper staff.
- (b) Lack of food supplies, because CC. R.R. stated it is the job of the Military, the woman looking after the place for her husband stated "GOD will Provide".
- (c) General Sanitation and Accommodation.
- (d) Few prisoners, and there is room in the Central Prison Palermo.
- (e) I am satisfied that the report made by Captain Brown justifies closing the establishment.

Transport has been arranged and it is hoped to have all prisoners removed to-day 20 Aug 1943.

The state of the place was discussed with Superintendent of Prisons last night and he agreed to this action.

M. J. Brown
Major.
Acting for Superintendent Prisons.
(on tour)

Copy to: S.C.A.O. - Palermo.
- " - Legal Division. (for information)

D. J. ...

Lieut. Colonel.
C.P.S.D.

20 Aug. 1943.

1603