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

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10000/142/558
(VOL. 3)

1284

Declassified E.O. 12356 Section 3.3/NND

No.

785016

142/558
3)

SANCTIONS AGAINST FASCISM
(JUN. 1934 - JUN. 1937);
AUG. 1945 - JAN. 1947

Minute No. 1

To: Chief Legal Adviser.
Attention: Judge Thomas.

15th November, 1946

Reference our conversation. There is no need for any further action with the Vatican in this case as Lt. Behn has seen Monsignor Carroll and explained the position.

M. Carr

M. CARR, Brigadier.
Executive Commissioner.

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

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CHIEF COMMISSIONER

1. Letter from the Secretariat of the Holy See is shown at "Flag A".
2. This letter was sent to the Chief Legal Officer, Trieste, for inquiries to be made.
3. His reply is shown at "Flag B".
4. Translations of the proceedings of the Epuration Commission enclosed in the C.I.O.'s letter are shown at "Flag C".
5. This Division sees no reason why the recommendation of the Chief Legal Officer should not be given effect to.
6. The present Minute is made at the request of Col. Weber.

Wingrave Thomas

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

1 Nov. '46.

5. This Division sees no reason why the recommendation of the Chief Legal Officer should not be given effect to.

6. The present Minute is made at the request of Col. Weber.

Thompson

MISSRAVL THOMAS,
Italian Branch,
for Chief Legal Advisor.

1 Nov. '46.

57

cc has been
on 5-11-46
(5-11-46)

4032/6

FILE
136H

Ref: 2621/230/30

10

January, 1947

SUBJECT: Ex Officers of Former Fascist Militia

TO : ALLIED FORCE HEADQUARTERS
Attention: G-5 Section

Reference is made to your signal No. FX 71644 of 9th September, 1946 and to the Chief Commissioner's letter No. 2621/211/EC addressed to Dr. De Gasperi, on this subject.

Enclosed for your information are copies of two replies from the Italian Government.

FOR THE CHIEF COMMISSIONER:

Alan Kinsley
Brigadier,
Executive Commissioner.

Copies to: Field A
" B
Navy S/C
Land Forces S/C
Air Force S/C
Legal Div.

56

LEGAL SUB - COMMISSION

SJO-GIA

DGLO

CHIEF COUNSEL

ITALIAN SECTION

Recd

10 JAN 1947



TRANSLATION

THE UNDERSECRETARY OF STATE TO THE
PRESIDENCY OF THE COUNCIL OF MINISTERS

89387/13659.14/19.17

5 January 1947.

Dear Admiral,

Following the note of the President of the Council of Ministers, No. 11469, dated 16 October 1946, I wish to inform you that the insertion of the new Art. 46 (A) in the scheme of the Peace Treaty requires no organic changes or new measures regarding military personnel, since the necessary measures were taken some time ago by the Military Administrations in order to remove the officers and non-commissioned officers of the fascist militia or of the fascist republican army.

I can even specify more precisely that the measures taken by the Italian Authorities go beyond those provided in Art 46 (A), as, not only members of the fascist military organizations are excluded from the Italian Army, but, owing to the provisions taken for the reduction of the military cadres, even those officers and non-commissioned officers who, having been absolved after having been submitted to disciplinary action, are now being removed or are about to be removed.

Yours truly,

(s) Cappa.

(Avv. Paolo Cappa).

Admiral Ellery W. Stone
Chief Commissioner
Allied Commission
Rome.

TRANSLATION

THE PRESIDENT OF THE COUNCIL OF MINISTERS

11469

Rome, 16 October 1946.

Dear Admiral,

I have taken note of your letter 2621/211/EO dated 26 Sept. 1946, bringing to my attention art. 46/A of the peace treaty, according to which for no reason whatsoever may the officers or non-commissioned officers of the ex-Fascist militia or ex-Fascist army be admitted in the Army, Navy, Air Force or Carabinieri with the rank of officer or non-commissioned officer, with the exception of those who have been discriminated by the competent authorities according to the Italian law.

Sincerely yours

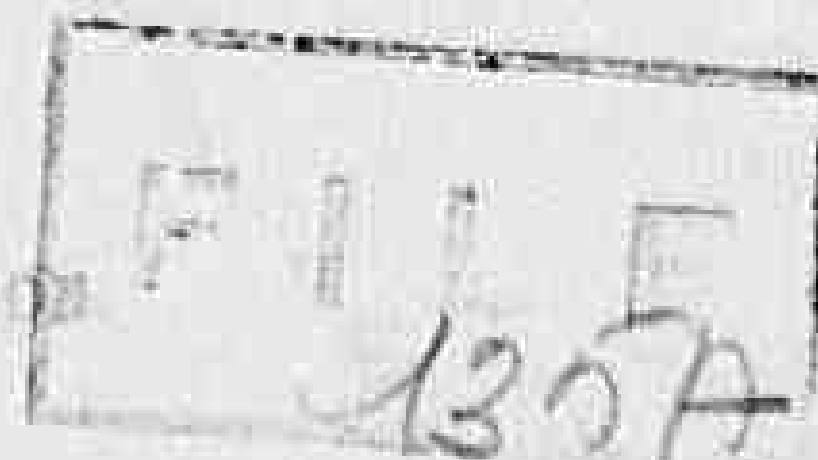
/s/ De Gasperi

Admiral Ellery W. Stone
Chief Commissioner
Allied Commission
Rome.

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Copy to: G-5, AFHQ
Polad A
Polad B
Land Forces S/C
Navy S/C
Air Forces S/C
Legal S/C

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL DIVISION



AO/4082/6/L

MT/MS
19 November 1946

SUBJECT : Expiration - Contemplated suspension
of Rev. George DEANE of TRIESTE.

TO : S.C.A.O. (Attn: Chief Legal Officer)
A.M.O., VENEZIA GIULIA.

1. Reference your letter VQ/AMG/ID/47/3068.
2. The copies of the records of the
Expiration Commission enclosed in your letter are returned
herewith.

By command of Rear Admiral STONE:

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

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Incls.



Aug. 27, 1946.

Dear Lieutenant Behn, The case which is outlined briefly in the enclosed memorandum has recently been brought to our attention. If you think that the Admiral might be able to do something in this case, would you kindly present the enclosed documents for his consideration.

With the assurance of my appreciation and with kindest personal regards, I remain

Very sincerely yours, S.2
Walter S. Carroll.

Col. Welby - ~~also~~ See where
you can do
3/4x1 GudDe

It is reported that the Commission for the Epuration of 1347
professional men in the Province of Venezia Giulia intends to
suspend for six months the Rev. George Beari, of the diocese of
Trieste and of the staff of the local Catholic weekly paper
"Vita Nuova."

The reason alleged is that he had a responsible part in the
action taken in 1934 by the Italian authorities against certain
priests superiors and professors of the Seminary at Gorizia.

This charge against the Reverend Beari is without foundation
as is shown from the two attached documents wherein attested state-
ments of the Sacred Congregation of Seminaries and of the General
Direction of the Italian "Abbiebie Sicurezze".

It is requested that the Allied Authorities give this matter
their considerate attention with a view to preventing the above-
mentioned suspension of the Reverend Beari.

This charge against the Reverend Beari is without foundation as is shown from the two attached documents wherein attested statements of the Sacred Congregation of Bishops and of the General Direction of the Italian "Abbatini Siccardi".

It is requested that the Allied authorities give this matter their considerate attention with a view to preventing the above-mentioned suspension of the Reverend Beari.

August 22, 1946

HEADQUARTERS
ALLIED MILITARY GOVERNMENT

~~XXXXXXXXXX~~

VENEZIA GIULIA

LEGAL DIVISION

CONFIDENTIAL

DB/za

8 Oct. 46

FILE REF. : VG/AMG/LD/47/3068

SUBJECT : Epuration-Contemplated suspension of Rev. George BEARI of TRIESTE.

TO : HEADQUARTERS ALLIED COMMISSION
(Att.: Legal Sub-Commission)
A.P.O. 794.

1. Reference your AC/4082/6/L of 5 Sept. 46.
2. The matter has been taken up with the Epuration Commission concerned. The facts alleged are that Rev. Don Giorgio BEARI made complaints to the Fascist authorities against Mons. Dott. FOGAR Bishop of Trieste and Capodistria and against two senior prelates and also published some articles in a newspaper in favour of fascism. As a result of these and other complaints these two prelates were confined for five years.
3. The Commission has proposed suspension of Rev. Beari for 6 months from his journalistic activities. The case has not yet been heard and Beari will have every opportunity to defend himself against these allegations.
4. It is presumed that Beari has received the originals or copies of the documents attached to your letter for use in his defence.
5. It is pointed out that this case is based on informations received by the Commission and on statements made by some priests and on documents in possession of the Commission. It is also based on the Scheda Personale lodged by Rev. Beari.

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UNCLASSIFIED

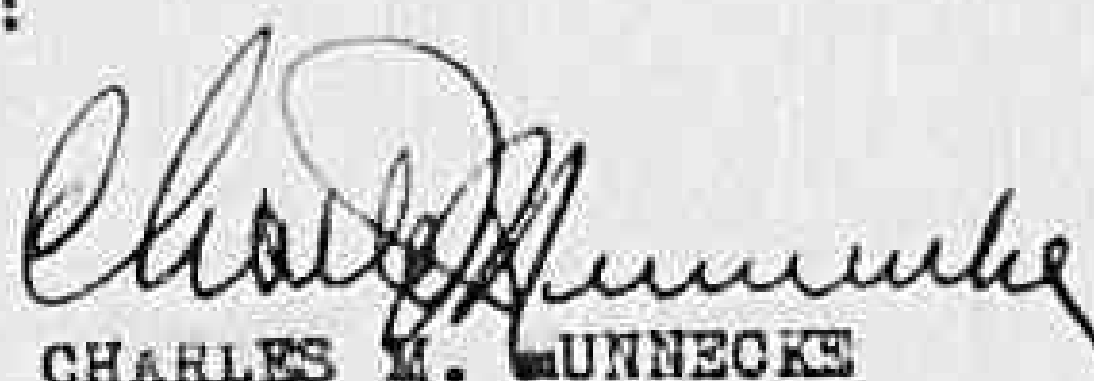
Col. Int
Chief Judicial Officer
for Chief Civil Affairs Officer

- 2 -

/zs

6. It is recommended that the proceedings should be permitted to take their normal course. All documents are returned to you. Copy of the records of the Commission in this case are forwarded for your perusal. May these please be returned.

for the Senior Civil Affairs Officer:


CHARLES M. MUNNECKE
Lt. Colonel, Infantry
CHIEF LEGAL OFFICER

encl.

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ADJUTANT COMMISSION FOR PROFESSIONAL MEN

T H I S I S

Reference No 1057

Report on the hearing of witnesses.

The Commission is composed of:

Avvocato BRANCO Ernesto, President,
 Avvocato LABIAN Edmundo,
 Dr. FURIAN Egoire,
 Dr. PINCHONIA Bruno.

in continuing the investigation against DON NAHRI, residing in Trieste, takes note of the following:

Pursuant to summons, Mons. Carlo MBIKLA, son of the late Bartolomeo, of Trieste-Capodistria parish, has appeared before this Commission at hours 17.30, 6th June, and has declared that summons was not served upon him, and that he presently appears, in view of a second summons.

After having been duly warned of the penalties to be imposed upon persons who wrongfully testify, he has been questioned in regard to an incident occurred in 1931 to his Exa. Mons. VONKHA. Mons. MBIKLA has declared that he does not intend to make a statement, on the grounds that he is a catholic priest.

Having informed him on his duty to give evidence before this Commission, in accordance with Art. 17 and 18 of Gen. Ord., Mons. MBIKLA has made the following statement:

In 1934 an unpleasant situation arose in the University of Gorizia where I was at that time Professor of Education and Theology. The situation was caused by the hostile attitude of a small

instrument to summons. Mons. Carlo Mucicich, son of the late Mariolengo, of Trieste-Capodistria parish, was appeared before this Commission at hours 17.30, 6th June, and has declared that summons was not served upon him, and that he presently resides in view of a second summons.

After having been duly warned of the penalties to be imposed upon persons who wrongfully testify, he has been questioned in regard to an incident occurred in 1934 to his ecc. home. **48** Mons. Mucicich has declared that he does not intend to make a statement, on the grounds that he is a catholic priest.

Having informed him of his duty to give evidence before this Commission, in accordance with Art. 17 and 11 of Gen. Ord., Mons. Mucicich has made the following statement:

In 1934 an unpleasant situation arose at the Seminary of Gorizia where I was at that time Professor of Education and Theology. Such disturbance was caused by the hostile attitude of a small part of the Italian seminarists held against their Slovenian and Croat colleagues, as well as against their superiors.

The latter were accused of being pro-Slavic and anti-Italian and prosecutors of the Italian seminarists.

During the progress of a meeting on 3rd January 1934 a very confidential speech was delivered by his ecc. Mons. Fogar only to the Italian seigniorate of Trieste and Capodistria parishes, a speech, the contents of which, as I understand, are known to this Commission. The text of said speech, completely altered, was denounced by the fascist press, while in reality it had only the purpose of pacifying the people.

At the same time also the directors of the Seminary were accused by the fascist press, and, in consequence of this campaign the Dean, Mons. Giacomo Dr. Armat and the Confessor Dr. Giovanni Armat were reprimanded and warned, that they would be served by the police for a period of two years. The witness himself and

Dr. Rutar Antonio, Vice-Dean of the Seminary

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- 2 -

were interned by the police for a period of five years.

Seven of the seminarists, who were present at the time the speech was delivered by Mons. Bishop, have declared that the interpretation given by the fascist press was false. While four other seminarists, and among them the seminarist Giorgio MARI, refused to sign this declaration and the two letters of the 4th May 1934, addressed to the bishop and the director of the newspaper "Piccolo".

I recognize as correct the two letters, which were sent to me by this commission, and copy of which is now being shown to me.

Questioned whether he thinks that said seminarists had themselves denounced to the fascist press the text of the altered speech, thus collaborating with the fascists in the slandering campaign against Bishop MORAR, the witness replies that such was the general opinion of all the other seminarists, notwithstanding the fact that there was no legal evidence to prove it. This opinion was also shared by the Superior Ecclesiastic authority, and it can be proved by the fact that the bishop had expelled four seminarists from the Seminary, and among them the seminarist MARI. This provision was approved by the Holy See.

Questioned whether the readmission of said seminarists in November 1936 to the Patriarchal Seminary of Venice has to be considered as a recognition of their innocence, Mons. MARI replies that he absolutely excluded it, but cannot explain the fact in any way.

He also states that Don MORAR was interned for two years, and he himself was interned for three years at Valsabbica, in Perugia Province.

Being questioned as to his nationality, the witness declares that he was born at Trieste and is an Italian citizen.

this opinion and it can be proved by the fact that among them authority, and it can be proved by the fact that among them had expelled four seminarians from the Seminary, and among them seminarianist. This provision was approved by the Holy See.

Questioned whether the readmission of said seminarians in November 1935 to the Patriarchal Seminary of Venice has to be considered as a recognition of their innocence, Mons. ¹⁷ replied that he absolutely excluded it, but cannot exclude the fact in any way.

He also states that Don HUNTER was interned for two years, and he himself was interned for three years at Vallabriga, in Perugia Province.

Being questioned as to his nationality, the witness declares that he was born at Trieste and is an Italian citizen.

Read and confirmed.

Signed: Carlo MUSILIA

Closed and signed
Trieste the 24th June 1946

Chancellor

Sgt.: GILVINI

President

Sgt.: Avvocato BRAUN

SPURATION COMMISSION FOR PROFESSIONAL LAW

TRIESTE

Reference No 1057

REPORT ON THE HEARING OF WITNESSES

The Commission composed of

Avv. BRANZI Ernesto, President

Avv. LUGLI Adolfo,

Dr. FURLAN Agostino,

Dr. FISCARELL Bruno,

in continuing the investigation against Don ANTONIO Giorgio, residing in Trieste, takes note of the following:

Pursuant to summons, Don Antonio RUTAI, son of the late Giovanni, parish-priest at Teusa, Gorizia, after having duly been warned of the penalties to be imposed upon persons, who wrongfully testify, has stated as follows:

I fully confirm in all their particulars the facts, illustrated by Mons. Carlo MUSIZZA and contained in the report of the 24th June 1946, which has been now read to me.

Read and confirmed.

Signed : Don Rutar

Closed and signed

Trieste the 25th June 1946

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President

Secretary

Signed: Avv. LUGLI

Signed: Avv. BRANZI

Yorja, 9 May 1934/XII

Reverend Excellency,

Having learned with regret that the speech delivered by you on the 3rd January last was badly misread, we consider it our duty to express to you our continued devotion and affection.

We deplore that, due to an imprudence committed by a few seminarians, an alteration in its substantial sense has wrongly resulted.

It is absolutely false that we, the Italian seminarists, are in a situation of moral inferiority as compared to our Slovenian brothers, because we are treated by everyone with equal impartiality. Our alleged ideal "Religion and Fatherland" is unshared. It shines brightly and does not need to be enhanced by an appeal to our solidarity and unity.

Relations with Slovenian brothers are, as recommended by you, as well as by our saviour Jesus Christ, who preached love among brothers. Very friendly, and we are thoroughly satisfied. It does not seem to us that we are in a foreign country. We feel completely at home, and we are respected and beloved by our Slovenian brothers, who also respect and love Italy which is our and their country.

We are very sorry that Your Excellency's speech had been altered in such a way. Only an evil person could have altered so badly the meaning of your excellency's words. We, who have heard your speech, do testify that there was nothing in it against the Government and the Regime. On the contrary, your Excellency praised both and requested us to thank God for the men whom He predestined to lead our country.

We remember that Your Exc. has always been an affectionate and benevolent father to all the people of your parish, without any distinction of language. You have always been a Catholic priest and bishop, and we are really sorry that the slanderer

1304

relations with Slovenian brothers are, as recommended by you, as well as by our savior Jesus Christ, who preached love among brothers. Very kindly, and we are thoroughly satisfied. It does not seem to us that we are in a foreign country. We feel completely at home, and we are respected and beloved by our Slovenian brothers, who also respect and love Italy which is our and their country.

We are very sorry that Your Excellency's speech had been altered in such a way. Only an evil person could have altered so badly the meaning of your excellency's words. We, who have heard your speech, can testify that there was nothing in it against the Government and the Regime. On the contrary, your excellency praised both and requested us to thank God for the men whom he predestinated to lead our country.

We remember that Your Exc. has always been an affectionate and benevolent father to all the people of your parish, without any distinction of language. You have always been a Catholic priest and bishop, and we are really sorry that the slanderer has not reported those words, which sprung out of your noble heart. Such words were not repeated, because they could not be altered and could not be falsely and unjustly interpreted. We remember them with enthusiasm: as a matter of fact, they prove the kind noble and purely Catholic spirit of our beloved bishop.

The words relating to our eviction from the seminary uttered by your excellency were interpreted by us in their meaning, that is as a hyperbole recommending us not to mention your speech to anyone.

The request not to discuss the matter, not even among ourselves, was also understood. We understand it even better now, in view of the misinterpretation given to your speech.

You have recommended us to keep silence "in conscience". We do not know, if the conscience of those persons, who have in any way cooperated in rendering your speech public, can be quiet, as far as we are concerned, we consider it our duty to be always side by side with you and express you our filial affection and kiss your holy ring with reverence. (turn over please)

- 2 -

Yours faithfully in Jesus Christ

Brothers : Angelo BOMACH
 Luigi CAMINO
 Stefano SISSOT
 Leopoldo LATIN

Bruno BORDAERI
 Giovanni B. B. B.
 Camillo GAMBON

Oval stamp
 of the

Bishop Seminary
 of Gorizia

This is a true copy

brother

Antonio RUTCH
 Vice-Dean.

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Gorizia, the 4th June 1934

To His Excellency

Monsignor Giuseppe ROSSINO

Archbishop of Tessalonica

Ordinary Supervisor of the Seminaries in Italy.

In occasion of the visit paid by your Exc. to this Seminary, we, the undersigned seminarists (Italian) of the Central Theological Seminary of Gorizia, consider it our duty to declare the following:

In view of the fact that two of our Most Rev. Superiors, namely the Most Rev. Don Antonio RUTAR, Vice-Director and Manager of the Seminary, and the Most Rev. Archpriest Dr. Carlo MUSIZZA, prefect of studies, have been imprisoned some time ago and sentenced to confinement, under charge of having made propaganda in the Seminary on anti-national politics and prosecuted the Italian seminarists, we, the undersigned, declare that such charges are false and completely unfounded.

We also declare that no one of us had ever been prosecuted neither by the aforesaid Superiors, nor by any other Superior. The two condemned Professors had always carried out the most rigorous and impartial justice towards everyone, in compliance with the spirit of the Catholic Church.

We state that they have always been more than our Superiors, they were beloved fathers to us. They took care of educating our spirit in the best manner.

We deplore that our Superiors have been unjustly sentenced and take the liberty of requesting your Exc. to

1307

In view of the fact that two of our Most Rev. Superiors, namely the Most Rev. Don Antonio RUTAR, Vice-Director and Manager of the Seminary, and the Most Rev. Archbishop Dr. Carlo MUSIZZA, prefect of studies, have been imprisoned some time ago and sentenced to confinement, under charge of having made propaganda in the Seminary on anti-national politics and prosecuted the Italian seminarists, we, the undersigned, declare that such charges are false and completely unfounded.

We also declare that no one of us had ever been prosecuted neither by the aforesaid Superiors, nor by any other Superior. The two condemned Professors had always carried out the most rigorous and impartial justice towards everyone, in compliance with the spirit of the Catholic Church.

We state that they have always been more than our Superiors, they were beloved fathers to us. They took care of educating our spirit in the best manner.

We deplore that our Superiors have been unjustly sentenced and take the liberty of requesting your Exc. to report the matter to the Pope, as we really feel it.

List of names
containing 25 signatures.

To the Holy Congregation of Sacraments

and for information:

To the Holy Congregation of Seminaries and Universities

R O M E

The undersigned Superior Professors of the Theological Central Seminary of Gorizia, according to para 3 of the Canonical provision 1363, which orders that a Bishop before readmitting young men expelled from a Seminary, has to ask the opinion of their Superiors, and considering Decree of the Holy Congregation of Sacraments dated 27 September 1930 relating to matters of Holy Orders,

hereby protest against the readmission, already unconditionally approved, of KNAPLLO-MINATORI Enrico, BEARI Giorgio, FRAGIACOMO Casimiro and UBALDINI Alberto into the Theological Seminary of Venice, in evident contrast with Decree No 733/1934 of the Holy Congregation of Seminaries dated 5 July 1935, which, after a diligent investigation, had definitely expelled KNAPLLO Enrico from the priesthood carrier and had agreed to grant clemency to the others, under condition that each of them would express in writing his humble submission to their Bishop, asking him to be pardoned for the displeasures caused to him and for the bad example given to the seminarists, and would also request to be pardoned by the Superiors and the Professors of the Central Seminary, whom they have also displeased.

We hereby protest against the attempt made to promote the above mentioned young men to Arch-Deaconship.

Taking into consideration : the public scandal already caused at the Trieste and Capodistria Dioceses, and, to a certain extent, at Gorizia, in regard to the readmission

herely protest against the readmission, already unconditionally approved, of KNAPOLC-MINATORI Enrico, BEARI Giorgio, FRAGIACOMO Casimiro and UBALDINI Alberto into the Theological Seminary of Venice, in evident contrast with Decree No 733/1934 of the Holy Congregation of Seminaries dated 5 July 1935, which, after a diligent investigation, had definitely expelled KNAPOLC Enrico from the priesthood, carrier and had agreed to grant clemency to the others, under condition that each of them would express in writing his humble submission to their Bishop, asking him to be pardoned for the displeasures caused to him and for the bad example given to the seminarists, and would also request to be pardoned by the Superiors and the Professors of the Central Seminary, whom they have also displeased.

We hereby protest against the attempt made to promote the above mentioned young men to Arch-Deaconship.

Taking into consideration : the public scandal already caused at the Trieste and Capodistria Dioceses, and, to a certain extent, at Gorizia, in regard to the readmission of the above mentioned; the disdain and indignation provoked by their promotion to priesthood, as well as by the attempt made to a complete rehabilitation of the guilty persons in question, while justice has not yet been rendered to their innocent Superiors, who are still suffering from the acts of persecution caused by the aforesaid,

We insist that your Holy Congregation, (in case you deem it advisable to grant pardon and consider them fit for Priesthood in accordance with para 3 of Art. 973 of the Canon law), request that they submit a petition in writing asking clemency, to their Superiors, who were unjustly persecuted.

Yours faithfully "in Domino"

Sgd.:

Dr. Andrea FAULICA

Dr. Carlo MUSIELLA

Dr. Giovanni TUL

Gorizia the 31st May 1937.

TO THE HOLY CONGREGATION OF SEMINARIES AND UNIVERSITIES

R. O. M. S.

The undersigned persons take the liberty to draw the attention of your Holy Institution on the following matter:

In the year 1934 His Excellency the Bishop of Trieste upon approval of your Holy Congregation, has excelled from the Central Theological Seminary of Gorizia and from all other religious Seminaries the following persons:

FRAGIACOMO, UBALDINI, MEARI and TOMMASINI,

who belonged to the united dioceses of Trieste and Capodistria.

Your Institution was later willing to adopt a measure of clemency towards them, under condition however, that each one of them lodged a petition asking to be pardoned by their Superiors and Professors of the Central Theological Seminary of Gorizia, to whom they have caused the most serious sorrow. TOMMASINI has laid his cowl aside, and renounced to the pardon.

We have presently noticed that the above mentioned young persons were rehabilitated in November 1936 and admitted to the Patriarchal Seminary of Venice, without having performed their obligation towards their Professors and Superiors, to whom they should have asked to be pardoned. These Superiors were not in any way rehabilitated; on the contrary, they still live to support, although innocent, the consequences of the catastrophe, and the Most Rev. Professor Dr. Carlo MUSIZZA is still interred at Valfabbrica of Perugia. The most elementary justice requests that the readmitted seminarists issue a clear, precise and unconditional declaration in the sense, that they have never been prosecuted by the Seminary Direction and by the Professors, neither because of their Italianity, nor for other reasons. Such declaration based on true facts could help in liberating the unfortunate Mons. MUSIZZA, who should be

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their institution was later willing to accept clemency towards them, under condition however, that each one of them lodged a petition asking to be pardoned by their Superiors and Professors of the Central Theological Seminary of Gorizia, to whom they have caused the most serious sorrow. Tomassini had laid his cowl aside, and renounced to the pardon.

We have presently noticed that the above mentioned young persons were rehabilitated in November 1936 and admitted to the Patriarchal Seminary of Venice, without having performed their obligation towards their professors and Superiors, to whom they should have asked to be pardoned. These Superiors were not in any way rehabilitated; on the contrary, they still live to support, although innocent, the consequences of the catastrophe, and the Most Rev. Professor Dr. Carlo MUSIZZA is still interned at Valfabbrica of Perugia. The most elementary justice requests that the readmitted seminarists issue a clear, precise and unconditional declaration in the sense, that they have never been prosecuted by the Seminary Direction and by the professors, neither because of their Italianity, nor for other reasons. Such declaration based on true facts could help in liberating the unfortunate Mons. MUSIZZA, who should be released by the R. Government.

The rehabilitation of the three guilty seminarists has produced a bad impression among the seminarists, as well as among the population of Venezia Giulia, because it is a well known fact that Mons. Dr. MUSIZZA is always held in custody, and that the other damaged professors have not received any satisfaction.

Even for the prestige of the Holy See, a just reparation is deemed necessary.

For all these reasons, we warmly request your Holy

Congregation that the condition as imposed upon the above mentioned seminarians be really carried out.

Awaiting a benevolent reply to the present petition, we remain

Yours very faithfully

Dr. Andrea PAULICA
Dr. Antonio RUTAR
Dr. J. TUP
Mond. TOROS Dr. M.

Gorizia, the 10th February 1937.

Rome, the 27th July 1946

MINISTRY OF THE INTERIOR
General Direction of Public Safety
Div. S.I.S. Section I

Prot. 222-908

To the Criminal and Investigation Division

TRISTE

SUBJECT : MONS. CARLO MUSIZZA and MONS. RUTAR,
political internees.

Rev. BIANCHI Giorgio, Director of a catholic newspaper of Trieste, has lodged a petition with this Ministry, requesting that your office be informed of the contents of certain documents relating to his presumed participation, together with other priests, in the acts leading to the issuing in 1934 of provisions by the police, (five years internment), against the two Superiors of the Central Theological Seminary of Gorizia, named MONS. CARLO MUSIZZA and MONS. ANTONIO RUTAR.

After having duly examined the files at this General Direction, it does not appear that BIANCHI Giorgio, as well as KRATTACOMO Cassimiro, TOMMASINI Ugo, UBALDINI Alberto and MINATONI Enrico, have any direct or indirect responsibility on the matter.

Information is given for any eventual communication to the interested persons.

The Chief of the Police

Sgt.: PERRARI

Reference No 733/34

COIN

THE HOLY CONGREGATION OF "SEMINARIIS ET STUDIORUM
UNIVERSITATIBUS"

It is hereby certified that nothing evolves from the Apostolic Report of 1934 on the Seminaries of Gorizia, nor from any other documents in our Archives, to show that Rev. Giorgio BEARI of Diocese of Trieste, has ever had connections with the Police Authorities in regard to the provisions taken in 1934 against certain Superior Priests and Professors of said Seminaries.

Rome, Palace St. Callisto, the 31st July 1946.

Signed: GIUSEPPE ROSSINO
Secretary.

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HEADQUARTERS ALLIED COMMISSION
AFO 794
LEGAL SUB-COMMISSION

132A

AC/4082/6/L.

MT/rt.
11 October 1946.

SUBJECT : Transfer for trial in Trieste for fascist crimes;
CRITANI Giacomo, MARCHI Carlo, and RODEO Roberto.

TO : SCAO (Attn. Chief Legal Officer)
AMD, VENEZIA GIULIA.

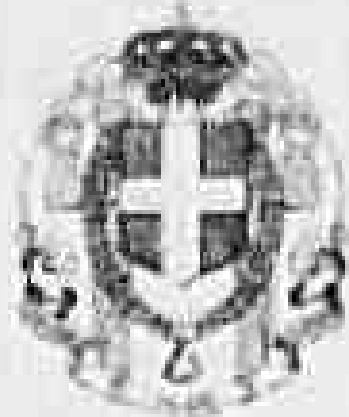
1. Reference your 13C/AMD/LD/51/2541 of 29 August 1946.
2. I enclose a copy of a letter received today from the Ministry of Justice stating that, while MARCHI was ready for transfer to Trieste from 28 August last, he is held at the disposition of the Questura in Rome on a suspected charge of collaboration. That CRITANI has been ready for transfer to Udine since 23 August. As regards RODEO proceedings are taking place against him before the Special Court of Assize of Bologna.

By command of Rear Admiral STONE

37

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.





4082/5
MINISTERO DI GRAZIA E GIUSTIZIA

131A
Direzione Generale degli Affari Penali
delle Grazie della Statistica e del Casellario

129A
Ufficio II° A.P. Roma 30 Settembre 1946

Aut. N° 131.1163.2524

Risposta al f. 1° 4082/5/L.

del 10 Settembre 1946

COMMISSIONE ALLEATA
Sottocommissione Legale

Oggetto: Trasferimento a Udine di

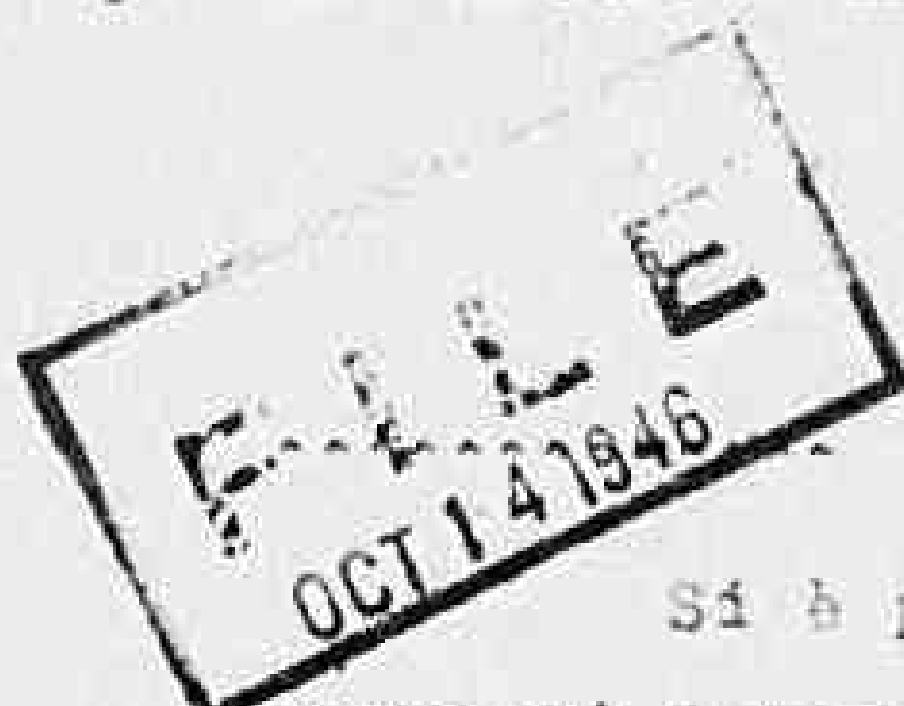
R O M A

persone accusate di delitti fascisti.-

e per conoscenza:

ALL'UFFICIO COLLEGAMENTO

S E E E



Si è provveduto a comunicare ai competenti Procuratori Generali, le disposizioni di codesta Sottocommissione relativamente al trasferimento a Udine del MARCHI, del CRITANI e del ROLIO.-

Quanto al MARCHI, il Procuratore Generale locale ha comunicato, che fin dal 26 agosto scorso fu posto in traduzione alla volta di Trieste. Contro di lui non esistono pendenze giudiziarie presso gli uffici del Distretto di Roma, nè si ha notizia di altre pendenze a suo carico.

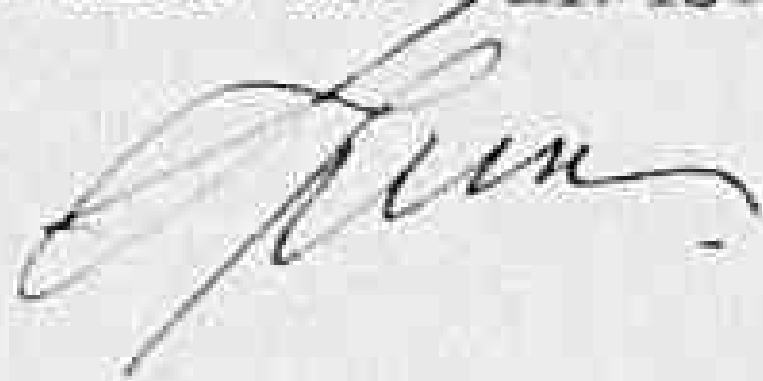
Egli figura a disposizione dell'ufficio politico della Questura di Roma quale indiziato di collaborazioni armate.-

Quanto al CRITANI il Procuratore Generale di Napoli assicura che è stato posto in traduzione per Udine il 23 agosto scorso, non ostandovi alcuna procedura a

././

suo carico. Quanto, infine, al ROPIO, la traduzione a Trieste dicesi iniziata l'11 settembre corrente.-
A suo carico risulta un procedimento in corso presso la Sezione Speciale di Corte di Assise di Bologna pel delitto previsto dall'art. 5 D.L.L. 27 Luglio 1944. Si è scritto al Procuratore Generale di Trieste per accertare se non si tratti di unico fatto, ed in proposito si riservano ulteriori comunicazioni.-

d'ordine del MINISTRO



4082/6
ALLIED

FILE

P31A

JGR/AMDB/16

FILE REF. : 158/ANG/LD/47/150/4720

TO : LEGAL COUNCIL-COMMISSION -
Headquarters Allied Commission
APO 704

(Att.: Colonel John A. Leach,
Chief Legal Advisor)

127A

1. Your 43/4002/S/1 of 2 September 1946, is acknowledged with enclosures.
2. The matter is being taken up with the Commission concerned and you will be informed of the position.

For the Senior Civil Affairs Officer:

33
May

CHARLES M. MUNNICK
Lt. Colonel, Infantry
CHIEF LEGAL OFFICER

SEP 17 1946

121 2

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB-COMMISSION

MT/rm.

9 September 1946.

10/4082/6/L.

SUBJECT : Transfer for trial in Trieste for Fascist
crimes: CRITANI Giacomo, MARCHI Carlo, ROERO
Roberto.

TO : S.G.A.O. (Attn. Chief Legal Officer)
A.M.G., XIII Corps.

1. Reference your 130/AMB/LD/51/2541 of 29 August 1946.

2. I enclose a copy of a letter sent by this Sub-Commission to the Ministry of Justice regarding your application for the transfer of the above-named prisoners for trial in Venezia Giulia. I would point out, however, that the question of jurisdiction in these cases is often a delicate one. In the recent case against Dr. KOCH several Courts claimed jurisdiction to try him, but it was finally decided by the Italian Government that the Courts in Milan had the prior claim on the ground that most of the acts charged against him were committed within the jurisdiction of those Courts. Similarly in the present case the Government may be of opinion that the Italian Courts have a preferential claim to try these accused.

For the Chief Commissioner :

MURGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

FILE

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB-COMMISSION

MT/rm.

10 September 1946.

AC/4082/6/1.

SUBJECT : Transfer of persons charged with Fascist
crimes for trial in Venezia Giulia;
CRITANI Giacomo, MARCHI Carlo, RODIO Roberto.

TO : The Ministry of War and Justice.

1. The Chief Legal Officer A.M.G. 13 Corps, has written to us as follows regarding the three above-named prisoners:

- *(a) The above three named persons are wanted for trial in Trieste by the Extraordinary Court of Assize for Fascist crimes. They are held at the following prisons.

CRITANI. He has been held in the prison at Termoli since 23/4/46. It was agreed to send him to Venezia Giulia under escort but permission could not be obtained for the escort to enter this territory. It is now desired that he be transferred to Udine Prison where Venezia Giulia Police will take him over.

MARCHI. This man is detained in Rome prison where he has been since 7/3/46.

RODIO. This man is detained in Bologna prison.

- (b) In each of the above cases the local Authorities have been asked to send these men to Trieste for trial. Owing to difficulties it is now desired that all these men be transferred to Udine prison for interim custody and for ultimate transfer to the custody of the Police of Venezia Giulia as soon as this can be arranged.
- (c) Conditions on delivery such as return of these men to Italian custody should they be found NOT guilty or should their sentence be less than that which they are serving may be necessary.

33.

- 2 -

2. The Chief Legal Officer, Trieste, wishes to know whether the Ministry has any objection to the trial of these prisoners in Venezia Giulia, and if not, requests that instructions may be given for the transfer of the prisoners to Udine with authority to hand them over to the Police of Venezia Giulia.

MUGHAVE THOMAS,
Italian Consul,
for Chief Legal Advisor.

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
13 CORPS

LEGAL DIVISION

FILE REF.: 13CIAMG/ID: 51/2741

SUBJECT: Fascism

TO: LEGAL SUB COMMISSION,
HQ. Allied Commission

R O T E

CRITANI GIACOMO
MARCHI CARLO
RODIO ROBERTO

15/6 The above three named persons are wanted for trial in Trieste by the Extraordinary Court of Assize for Fascist crimes. They are held at the following prisons.

CRITANI. He has been held in the prison at Ter-
moli since 23/4/46. It was agreed to send him to Ve-
nezia Giulia under escort but permission could not
be obtained for the escort to enter this Territory.
It is now desired that he be transferred to Udine Pri-
son where Venezia Giulia Police will take him over.

MARCHI. This man is detained in Rome prison
where he has been since 7/3/46.

RODIO. This man is detained in Bologna prison.

2. (6) In each of the above cases the local authori-
ties have been asked to send these men to Trieste for
trial. Owing to difficulties it is now desired that
all these men be transferred to UDINE prison for in-
term custody and for ultimate transfer to the custo-
dy of the Police of Venezia Giulia as soon as this
can be arranged.

3. (C) There may be reasons unknown to this HQ. why

Date 29 August 1946

RE/26

1287

1287

prisoners.

CHITANI. He has been held in the prison at Ter-
noli since 25/4/46. It was agreed to send him to Ve-
nezia Giulia under escort but permission could not
be obtained for the escort to enter this territory.
It is now desired that he be transferred to same pri-
son where Venezia Giulia Police will take him over.

MARCHEL. This man is detained in Rome prison
where he has been since 7/3/46.

MODIO. This man is detained in Bologna prison.

31

2. (6) In each of the above cases the local authori-
ties have been asked to send these men to Trieste for
trial. Owing to difficulties it is now desired that
all these men be transferred to UDINT prison for in-
term custody and for ultimate transfer to the custo-
dy of the Police of Venezia Giulia as soon as this
can be arranged.

3. (C) There may be reasons, unknown to this HQ. why
the Italian Government will not wish to transfer
these men to Trieste for trial but it is believed
that there are no objections. Conditions on delivery
such as return of these men to Italian custody should
they be found NOT guilty or should their sentence be
less than that which they are serving may be necessary.

4. Will you please, however, take the matter up
with the Ministry of Grace and Justice and ascertain

-LB

HEADQUARTERS ALLIED COMMISSION
APC 754
LEGAL SUB-COMMISSION

FII

MT/rm.

5 September 1946.

AC/4082/6/L.

SUBJECT : Epuration;
Contemplated suspension of Rev. George
BEARI of Trieste.

TO : S.C.A.C. (Attn. Chief Legal Officer),
A.M.C., XIII Corp.

1. I send herewith copy of letter (with two certificates attached) sent to the Chief Commissioner by the Secretariat to the Holy See regarding the contemplated suspension of the Rev. G. BEARI, Trieste.

2. It is alleged that the Epuration Commission in Venezia Giulia intends to suspend the Rev. G. BEARI for six months on the ground of his being responsible for action taken by the authorities in 1934 against certain Priests of the Seminary at Gorizia. In the two certificates enclosed, one of which is signed by the Director-General of the Public Safety Department of the Ministry of Internal Affairs, it is stated that the Rev. G. BEARI had no responsibility for the action taken by the Authorities.

3. Presumably the matter is one of Italian concern. However, in view of the request, will you advise us concerning the facts? What if anything, can be done by the Chief Commissioner? It must be understood that this letter is a request for information and not a direction to take action herein.

4. Please return all enclosures.

By command of Rear Admiral STONE:

JOHN K. NEER,
Colonel, Infantry,
Chief Legal Advisor.

1 3 2 6

file

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB-COMMISSION

196A

AP/mda.

AC/4082/5/1.

18 June 1946.

SUBJECT : War Crimes -
Shooting of British Soldier at FIANO.

TO : Alto Commissariato per le Sanzioni
Contro il Fascismo. Presidenza del
Consiglio dei Ministri.

Further to this Sub-Commission's letter AC/4082/5/1 of 10 May 1946, it would be appreciated if, in the event of Pasquale RIGORELLI being brought to trial before an Italian Court this Hq. could be informed of any facts and circumstances revealed at the trial relating to the shooting of Pte Thomas JONES, which took place at FIANO on 12 August 1944.

LESTER C. BRENN, 7 28
Captain, Infantry,
for Chief Legal Advisor.

1 3 2 7

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

785016

CONFIDENTIAL

SUBJECT :- War Crimes - Shooting of Pte JONES at FIANO.

HQ Allied Commission.

GHQ CMF.

16171/78/A-3.

10 Jun 46.

Reference this HQ letter of even number dated 2 May 46.

It would be appreciated if, in the event of Pasquale RICOBELLO being brought to trial before an Italian Court this HQ could be informed of any facts and circumstances revealed at the trial relating to the shooting of Pte Thomas JONES, which took place at FIANO on 12 Aug 44.

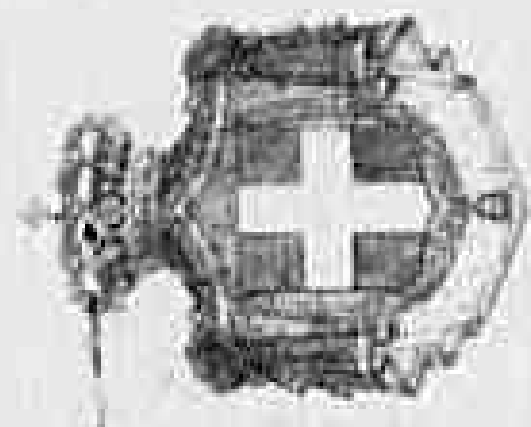
/hs

Copy To :- DJAG GHQ CMF.



Brigadier, 7
DAG.

Mod. 1347 MC



4882/b. file 124A
Ministero di Giustizia

DIREZIONE GENERALE ARCHIVI P.N.A.I.

UFF. III° A.P. - Prot.n. 243.4.3.4.0.0.0.0.

CINQUELLE N. 3493.

Roma, 11 15 maggio 1946

AL PRIMO PRESIDENTE della Corte Suprema di Cassazione
AL PRESIDENTE del R.A.M. presso la Corte Sup. con di
Cassazione del Regno

AI SIG. GIUSTIZIERI delle Corti d'Appello

AI PROCUR. GEN. GIUSTIZIA presso le Corti d'Appello del
REGNO.

ROMA

OGGETTO: D.L. 12.12.44, n. 201 - Norme relative agli organi e
alla procedura per l'abolizione delle funzioni conve il fascismo.

Il testo legislativo, entrato in vigore, abroga (art. 31) il di-
creto legislativo del 5.12.34, n. 525, con il quale veniva unifor-
mazione alla legge per la nomina dei giudici di colla-
borazione con tedeschi in tutto il territorio dello Stato italiano e
abolite le Corti Superiori e le di Assise, i compiti relativi furono
affidati alle Corti d'Appello funzionanti da Sezione 3 e dalla delle
Corti d'Assise Ordinarie.

Ma, nell'anno, la funzione di decreto, manteneva, presente alla
organismi giudiziari ordinari, la competenza delle pretorie e dei
civili, di cui prevede la legge del 12.12.44, n. 201, Sezione 3.

Il nuovo decreto legislativo con Corti Interventi di 12.12.46
to sostanziale in confronto delle precedenti disposizioni legislative
degli organi ordinari di Corte d'Assise, di cui si limitò a disolli-
re il funzionamento alla Corte di Assise, di cui si limitò a disolli-
il territorio dello Stato, di cui si limitò a disolli-
ancidetti ordinari.

CONFERMAZIONE DEL GIUSTIZIERE DELLA CORTE D'APPELLO.

Le sezioni ordinarie della Corte d'Assise hanno sede nel capoluogo

785016

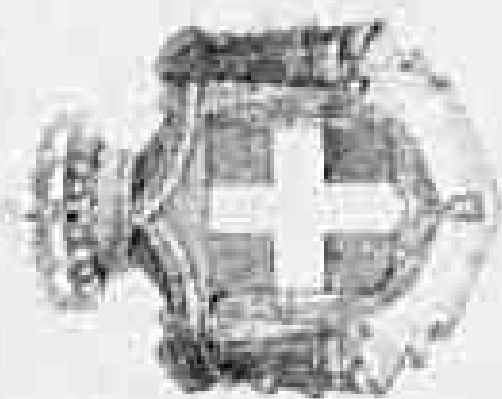
RECEIVED 2.11.12. 11.05.2012 - JAMES
11.05.2012. 11.05.2012 - JAMES

Original (ink stamps only) 1 28

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Mod. 1337 MC



Ministero di Giustizia - Giustizia

+ 2 +

I giudici popolari sono nominati a sorte da appositi elenchi di cittadini residenti nella circoscrizione della prima circoscrizione dei venticinque anni, che non abbiano mai appartenuto al partito fascista o svolto attività fascista. Tali elenchi (diversi da quelli per la nomina dei giudici popolari) sono nominati (art. 47) che, in base alla competenza al giudice di Giustizia (di Libertazione Nazionale) sono compilati da una Commissione composta dal Presidente del Tribunale che lo presiede, da un rappresentante del Comitato di Liberazione Nazionale e dal Sindaco del municipio (art. 5).

Il numero dei cittadini da comprendere in ciascuna sezione è di 150. Qualora in una stessa località vi siano più sezioni, l'elenco dei giudici popolari resta unico, - ma il primo Presidente della Corte d'Appello può disporre che esso sia composto di un numero di cittadini maggiore di 150 ma non eccedente i 250, in guisa da poter provvedere, in modo adeguato, al regolare funzionamento di tutte le sezioni della stessa località.

Per le Sezioni Speciali, aventi sede fuori del comune, le sezioni spettanti al Primo Presidente della Corte d'Appello per la nomina della Corte d'Appello, per la formazione dei ruoli delle sezioni, per l'estrazione dei giudici popolari, che devono far parte del collegio giudicante, e per le prescritte notificazioni ai giudici, essi, devono essere disimpegnati dal Presidente della Sezione Speciale con l'intervento o sentito il Pubblico Ministero costituito presso la Sezione stessa (art. 12).

Per quanto concerne le modalità dell'estrazione a sorte, la nomina ai giudici popolari dall'elenco a comparir davanti alla Sezione della Corte per i giudici popolari, le dispense, le incompatibilità e le penalità per la mancata presentazione e per altre irregolarità, si osservano, in quanto applicabili, le norme del R.D. 4.10.1935 n. 180 sull'Ordinamento delle Corti d'Assise.

Per ciò che riguarda il funzionamento si osservi, invece, l'art. 2 del D.L. 5.10.1944 n. 208.

l'elenco dell'Appello può essere
della Corte d'Appello di 150 ma non eccedente
di cittadini maggiore di 150 ma non eccedente
di cittadini maggiore di 150 ma non eccedente

ter provvedere, in modo adeguato, al regolare funzionamento di tutte
Sezioni della stessa localita.
per le Sezioni Speciali aventi sede fuori del circondario, la
zioni spettanti al Primo Presidente, che devono far parte del
vocezione della Corte d'Assise, per la formazione di giudici
se, per l'esecuzione dei giudici popolari, che devono far parte del
legio giudicante, e per la prescrizione notificazioni al giudice
ti, devono essere disimpegnate dal Presidente della Sezione Speciali,
con l'intervento o sentito il Pubblico Ministero costituito presso

Sezione stessa (art. 12).
Per quanto concerne le modalita dell'entrata a corte, la
tifica ai giudici popolari dell'invio a comparire davanti alla
na della Corte per la mancanza di comparizione, le incompiute
e le penalita per la mancanza di comparizione, le incompiute
si osservano, in quanto al servizio, le dispense, le incompiute
sull'Ordinamento della Corte d'Assise.

Per cio che riflette il giuramento di osservanza, l'om
2 del D.L.L. 5.10.1944 n. 229.

2 del D.L.L. 5.10.1944 n. 229.
Corte d'Assise sono competenti a
Corte d'Assise sono competenti a

La Sezione Speciali di Corte d'Assise sono competenti a
dicare di tutti i delitti previsti dal titolo 16 del D.L.L. 27 luglio
1944, n. 159, in rapporto all'art. 1 del D.L.L. 22 aprile 1945, n. 142, e
D.L.L. 29 aprile 1945, n. 195, che non siano devolute, secondo le ordi

norme di competenza, alla commissione del Tribunale o del Pretore (1
e 2).

Salvo questa riserva, continuano dunque ad essere sottoposti
la giurisdizione della Sezione Speciali di Corte d'Assise sono competenti a
e i gerarchi del fascismo colpevoli di aver annulato la funzione
stituzionali, distrutti le liberta popolari, creato il regime fascista
compromesso e tradito le sorti del paese, condotto all'attuale
atroci, coloro che hanno organizzato squadre fasciste, le quali
no compiute atti di violenza o di devastazione e coloro che hanno

le competenze delle Sezioni Speciali di Corte d'Assise comprese
de anche i delitti che, a sensi dell'ordinamento vigente, avrebbero de
competenza dei Tribunali Militari.

Per questi ultimi, però, a norma dell'art. 2 c.v. qualora si presen
tino questioni che implicano un giudizio di carattere militare o
siano influenti sulla decisione, la cognizione del giudizio è devoluta
in ogni stadio del procedimento al Tribunale Militare competente.

UFFICIO DEL PUBBLICO MINISTERO.

Per quanto riguarda gli uffici del Pubblico Ministero presso
le predette Sezioni Speciali, l'art. 7 stabilisce che essi sono investiti
di con provvedimento del Procuratore Generale di Corte d'Appello, ag
giungendo che l'ufficio è unico anche se nella sede stessa sono istituite
tutte più Sezioni Speciali (art. 7 comma 1°).

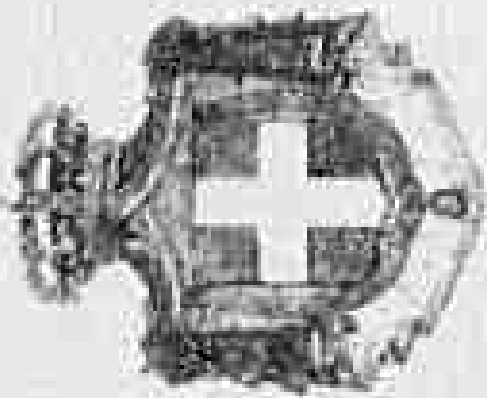
Possano essere chiamati a far parte del P.M. avvocati scelti
fra quelli che vengono designati dal Consiglio dell'Ordine degli Av
vocati e Procuratori e non più dal Comitato di Liberazione Nazionale
com'era disposto dal precedente decreto.

All'ufficio del P.M. presso le Sezioni Speciali di Corte d'Assise
spetta, oltre che di provvedere alla istruttoria per i delitti di
competenza della Sezione stessa (art. 9), la direzione, il coordinamen
to e la vigilanza dell'attività riflettente l'applicazione delle seg
zioni e carico dei fascetti politicamente pericolosi di cui al D.L.R.
25.4.45, n. 142 (art. 13).

L'art. 6 ripete la disposizione dell'art. 11 del D.L.R. 22.4.44
n. 142, mantenuta anche nel successivo decreto dell'ottobre 1945, per cui
non possono far parte della medesima Corte, oppure assolvere davanti
alla medesima Corte le funzioni di giudice e di P.M., i parenti e al
affini entro il terzo grado.

Per i delitti previsti dal presente decreto, l'ufficio penale
non può essere formato che dal Pubblico Ministero (art. 9) e deve per
ciò avere altre attribuzioni che le attribuzioni in materia affidate dal
l'art. 40 del D.L.R. 5.10.45 all'Alto Commissario per le Sezioni con
tro il fascismo, non siano presentate alla Presidenza del Consiglio dei
Ministri che esercita ora le funzioni dell'Alto Commissariato, soppr
esso con D.L.R. 2.9.46, n. 22.

./.



Mod 1347 MG

Ministero di Grazia e Giustizia

Venerando le tante compiacenze di trasmettere alla fine di c-
cui sono in possesso dei procedimenti stessi indicati, e
di quella definita, secondo le norme già comunicate con la circolare
n. 5109 del 25 ottobre u.e.

Confido vivamente che le SS. LL. vorranno prendere in con-
siderazione del nuovo corso d'azione la faccenda, sanzionata
incombe verso del quale si è data la loro espressa opinione e la
perchando le con serie attenzione, e l'ufficio di competenza
Resta in attesa di un cortese cenno al riscontro.

IL MINISTRO
Togliatti

UFFICIO CORTEA CONFERENZA

Roma, 14 11 1945

IL DIRETTORE CAPO DELL'UFFICIO I AFFARI PENALI

C-O-N-F-I-D-E-N-T -A-I.

185A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/mda.

AG/4082/6/1.

10 May 1946.

SUBJECT : War Crimes:
Shooting of British Soldier at Viano.

TO : Alto Commissariato per le Sanzioni contro
il Fascismo - Presidenza del Consiglio dei Ministri.

I forward herewith for your information a report
and connected documents relating to a case of collaboration by
RICCOBELLO Pasquale.

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

~~CIV AFF.~~

CONFIDENTIAL.

402/6

SUBJECT :- War Crimes - Shooting of British Soldier - Pte JONES 1.
at FIANG (TURIN).

file

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6 MAG 1946

CHG. QP.

16171/78/A-3.

2 May 1946.

Hq Allied Commission.

RICCHELLO Pasquale.

1. The men responsible for the shooting of the above named British soldier are now dead and no further action is being taken by this GHQ.
2. The enclosed documents relating to collaboration by RICCHELLO may however be of interest to the Secretary General of the Commission for Sanctions against Fascism at the Ministry of Grace and Justice.

LEAD SUBCOM

/hs

DGO

→ Italian Dec. 7 May 46



Jim [unclear]
Brigadier [unclear]
DAC.

1341
ALTA CORTE DI GIUSTIZIA
PER LE
SANZIONI CONTRO IL FASCISMO

1946

N. *1341* Roma 15 aprile
Risposta a nota del AC/4082/G/L. AL/NS del 1° aprile 1946. Alleg.

Procedimento penale contro Caruso Pistro e Occhetto Roberto

Oggetto:
bertò.

HEADQUARTERS ALLIED COMMISSION

AFO 394

LEGAL SUB COMMISSION

ROMA

In riferimento alla nota indicata in oggetto, assicuro di aver ricevuto i fascicoli contenenti copia di atti, relativi al procedimento penale a carico di Caruso Pistro e Occhetto Roberto.

Il Presidente dell'Alta Corte di Giustizia

HEADQUARTERS ALLIED COMMISSION

AFO 394

LEGAL SUB COMMISSION

ROMA

In riferimento alla nota indicata in oggetto, assicuro di aver ricevuto i fascicoli contenenti copia di atti, relativi al procedimento penale a carico di Caruso Pietro e Cecchetto Roberto.

Il Presidente dell'Alta Corte di Giustizia



HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB COMMISSION

AC/4082/6/L

AP/ns
10 April 1946.

SUBJECT : Penal Proceedings against S.Ten. Brandl
Alois, Maj. Haas, Captain Koeppen et al.

TO : AFHQ, C.M.P., G-5.

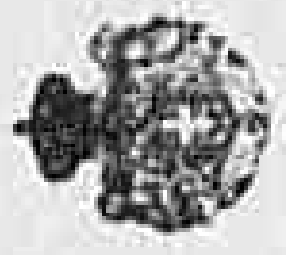
1. Herewith enclosed reply to your
letter 16200/A3 of 14 November 1945 received here
from the Procura Generale Militare.

2. An English translation is also
enclosed

For the Chief Commissioner:

G.G. HARRAFORD,
Lt.Colonel,
Deputy Chief Legal Advisor.

Incl.



PROCURA GENERALE MILITARE

DEL R. E. G. N. O.

PRESSO IL

TRIBUNALE SUPREMO MILITARE

Roma, addì 20 novembre 1944

ALLA COMMISSIONE ALLEATA

Via Veneto

R O M A

N. 870 R. G. rot.

ALLEGATO N. 1

OGGETTO : Procedimento penale a carico del S. ten. BRANDL ALOIS, Maggiore HAAS, Capitano KOEPPEN, Sergente, DIETRICH, Serg. OTTO e Granadier MAIK.

Il G. H. Q. = C. M. P. con foglio 16200/A3 del 14 Novembre 1945, che si trasmette in copia, ha inviato all'Alto Commissariato per le Sanzioni contro il fascismo, gli atti dell'istruttoria compiuta dalla Corte di Inchiesta circa l'eccidio di nove civili italiani, avvenuto in VECCHIAZZANO il 7 Novembre 1944.

Gli atti sono stati per competenza inviati dall'Alto Commissariato per le Sanzioni contro il fascismo a questa Procura Generale.

Responsabili del crimine risultano i militari tedeschi:

- | | |
|-----------------|--------------|
| 1) BRANDL ALOIS | Sottotenente |
| 2) HAAS | Maggiore |
| 3) KOEPPEN | Capitano |
| 4) OTT | Sergente |
| 5) DIETRICH | Sergente |
| 6) MAIK | Granadier |

Degli imputati solo il S. tenente BRANDL ALOIS si trova in arresto presso le Autorità Inglese.

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Il G.H.Q. = C.M.F. con foglio 16200/A3 del 14 Novembre 1945, che si trasmette in copia, ha inviato all'Alto Commissariato per le Sanzioni contro il fascismo, gli atti dell'istruttoria compiuta dalla Corte di Inchiesta circa l'eccidio di nove civili italiani, avvenuto in VECCHIAZANO il 7 Novembre 1944.

Gli atti sono stati per competenza inviati dall'Alto Commissariato per le Sanzioni contro il fascismo a questa Procura Generale.

Responsabili del crimine risultano i militari tedeschi:

1) BRANDL ALOIS	Sottotenente
2) HAAS	Maggiore
3) KOEPPEN	Capitano
4) OTT	Sergente
5) DIETRICH	Sergente
6) MAIK	Granadier

Degli imputati solo il S. tenente BRANDL ALOIS si trova in arresto presso le Autorità Inglesi.

Si prega voler interessare il predetto Comando perchè il S. Ten. BRANDL sia messo a disposizione del Tribunale Militare Territoriale di Guerra di Bologna, competente per il procedimento in oggetto.

Per gli altri imputati questa Procura Generale si riserva di chiederne la consegna alle competenti Autorità Alleate, quando sarà dato conoscere dove i medesimi attualmente si trovano.

IL PROCURATORE GENERALE MILITARE
(U. Borsari)

W. Borsari

Trad. OR

23-11-1945

SEGRETO

OGGETTO: Eicidio di civili italiani a Vecchiazano (Porli).

GHQ CMF

SIG. RE SPARTACO CANNARSA

Segretario Generale

Alto Commissariato per le
Sanzioni contro il fascismo.

PALAZZO VIMINALE

R O M A

ALLEGATI:

- 1 fascicolo processi verb.
- 1 relazione del SIB

Con riferimento alla lettera di questo Quartier Generale n. 16200/43
del 27 ottobre 1945.

1. Vi trasmettiamo qui acclusi, in originale, i processi verbali istrui-
ti dalla nostra Corte d'Inchiesta, unitamente alla copia di un rappor-
to del SIB (Special Investigation Branch) circa l'eicidio di 9 civi-
li italiani (uomini) a Vecchiazano per quei procedimenti che voi ri-
terrete di iniziare contro gli accusati.
2. L'Ufficiale tedesco, Sottotenente BRANDL Alois, si trova in arresto
presso le autorità inglesi e se voi desiderate che questi sia posto
a vostra disposizione per essere sottoposto a procedimento penale,
dovrete farne richiesta a questo Quartier Generale per il 5^o mite del-
la dipendente Commissione Alleata.
3. Non è stato possibile rintracciare il Maggiore HAAS nè il Capitano
KOEPPEN per cui il vostro procedimento si dovrà limitare all'interro-
gatorio del detto S. ten. BRANDL per quanto riguarda la sua respon-
sabilità nel crimine in argomento.

con riferimento alla lettera di questo Quartier Generale n. 10200/43
del 27 ottobre 1945.

1. Vi trasmettiamo qui acclusi, in originale, i processi verbali istruiti dalla nostra Corte d'Inchiesta, unitamente alla copia di un rapporto del SIB (Special Investigation Branch) circa l'eccidio di 9 civili italiani (nomini) a Vecchiazano per quei procedimenti che voi riterrate di iniziare contro gli accusati.

2. L'Ufficiale tedesco, Sottotenente BRANDL Alois, si trova in arresto presso le autorità inglesi e se voi desiderate che questi sia posto a vostra disposizione per essere sottoposto a procedimento penale, dovreste farne richiesta a questo Quartier Generale per il ~~15~~omite della dipendente Commissione Alleata.

3. Non è stato possibile rintracciare il Maggiore HAAS né il Capitano KOEPPEN per cui il vostro procedimento si dovrà limitare all'interrogatorio del detto S.ten. BRANDL per quanto riguarda la sua responsabilità nel crimine in argomento.

4. Vi preghiamo accusarci ricevuta dei documenti descritti al punto 1) di cui sopra.

per il Maggior Generale Comandante
firmato il Brigadier Gener.
(firma illeggibile)

Copia della presente lettera inviata
senza allegati a:

- Alla Commissione Alleata del Quartier Generale
DWAG.

4-2



HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB COMMISSION

11A

AC/4082/6/L

AP/NE
1 April 1946.

SUBJECT : Sanctions against Fascism.
Files in the cases of CARUSO Pietro
and OCCHETTI Roberto.
TO : High Court of Justice for Sanctions
against Fascism
Palace of Justice, Rome.

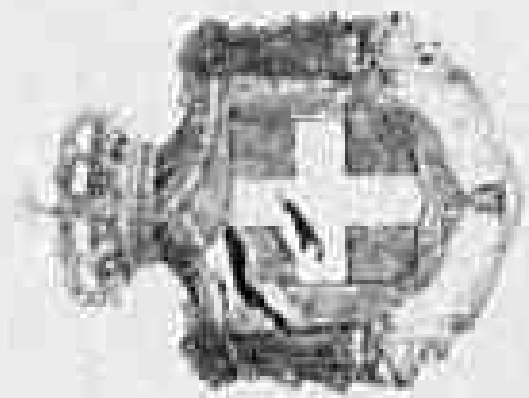
1. Herewith returned the files in
the cases of CARUSO Pietro and OCCHETTI Roberto.

G.G. HANRAHARD,
Lt. Colonel,
Deputy Chief Legal Advisor.

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Mod. 1557 M62

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408276
Ministero delle Finanze - Sanzioni

DIREZIONE GENERALE SANZIONI PENALI
UFF. IO A.P. - Prot. n. 131.122.251 - CI COLARE N. 3159 - Roma, 4 marzo 1946

AI PRIMI PRESIDENTI delle Corti di Appello
e AI P. COORDINATORI GEN. III presso le Corti d'Appello del
R. L. G. M. O.

OGGETTO: Confisco dei beni. Procedimenti penali attinenti alla disciplina delle sanzioni contro il fascismo.

Il Ministero delle Finanze ha segnalato a questo Dicastero che in alcune sentenze di condanna emesse dalle Corti di Assise per i reati di cui agli art. 2 e 3 Io e II comma e 5 del D.L.L. 27.7.944, n. 359, non è stata ordinata la confisca dei beni dei condannati, disposta dall'art. 1 del D.L.L. 31 maggio 1945, n. 364.

Ha inoltre rilevato che solo pochi uffici giudiziari hanno avuto cura di trasmettere al Ministero delle Finanze l'elenco delle persone contro le quali siano state pronunciate sentenze di condanna passate in giudicato in ordine ai reati predetti.

In considerazione dell'interesse di dare impulso alla confisca dei beni dei condannati, secondo l'evidente finalità della legge, si prega che le IL SS. di voler dare disposizioni alle Sezioni Speciali di Corte di Assise e agli altri uffici giudiziari dipendenti dai rispettivi Distretti di Corte d'Appello, affinché si attengano rigorosamente all'osservanza dell'obbligo di disporre la confisca dei beni a danno degli ex gerarchi del fascismo a norma dell'art. 1 del D.L.L. 31.5.945, n. 364, e di trasmettere al Ministero delle Finanze, a cui sono stati trasferiti, in base all'art. 1 del D.L.L. 22.9.945 n. 623, i poteri dell'Alto Commissario per le Sanzioni contro il fascismo in materia di avocazione dei profitti del regime, e di confisca, gli elenchi delle persone condannate per i reati suddetti, non appena le relative sentenze siano passate in giudicato.

Il predetto Ministero ha fatto, anche, presente la necessità che le sentenze suddette siano eseguite con la maggiore sollecitudine possibile, previa accertamento da compiersi dagli uffici del P.M. a mezzo degli organi finanziari, della possibilità, sia mobiliare che immobiliare, dei condannati. Si pregano, pertanto, le SS. LL. di voler cura anche su tale punto la

Il Ministero delle Finanze ha segnalato per i reati di alcune sentenze di condanna emesse dalle Corti di Cassazione, n. 159, non è stata agli art. 2 e 3 lo è il comma 5 del D.L. 1.27.7.944, n. 159, non è stata ordinata la confisca dei beni dei condannati, disposta dall'art. 1 del D.L. 1.31 maggio 945, n. 364.

Ha inoltre rilevato che solo pochi uffici giudiziari hanno avuto cura di trasmettere al Ministero delle Finanze l'elenco delle persone contro le quali siano state pronunciate sentenze di condanna passate in giudicato in ordine ai reati previsti.

In considerazione dell'interesse al dare impulso alla confisca dei beni dei condannati, occorrendo l'evidente finalità della legge, si preme che le II. SS. GI. volevano dare disposizioni alle Sezioni Speciali di Corte di Cassazione e agli altri uffici giudiziari dipendenti dei rispettivi Distretti di Corte d'Appello, affinché si attenga rigorosamente all'osservanza dell'obbligo di trasmettere la confisca dei beni a danno degli ex gerarchi del fascismo e norma dell'art. 1 del D.L. 1.31.5.945, n. 364, e di trasmettere al Ministero delle Finanze, a cui sono stati trasferiti, in base all'art. 1 del D.L. 1.22.5.945 n. 623, i nomi dell'Alto Commissario per le Sanzioni contro il fascismo in materia di avocazione dei profitti dei reati, di confisca, gli elenchi delle persone condannate per i reati suddetti, con appena le relative sentenze siano passate in giudicato.

Il predetto Ministero ha fatto, anche, presente la necessità che le sentenze suddette siano eseguite con la massima sollecitudine degli organi preposti e, pertanto, da compiersi negli uffici del P.M. a mezzo degli organi finanziari, delle possidenze, che mobiliare che immobiliare, dei condannati.

Si preme, per tanto, che gli uffici di voler dare anche su tale punto le opportune disposizioni in proposito di voler curare, inoltre, che le dipendenti Autorità Giudiziarie, che abbiano ricevuto o che ricevano comunicazioni della Corte di Cassazione, collegate dei reati di cui all'art. 1 del D.L. 1.31.5.945 n. 364, provvedano ad emettere le relative sentenze di non doversi procedere, con provvedimento motivato, e, licendo, la disposizione di cui all'art. 152 del C.P.P. esecutivamente le indicazioni in detto art. previste, trasmettono al Ministero delle Finanze, in base al citato art. 1 del D.L. 1.22.5.945 n. 364, copia integrale di tutte le sentenze.

Si gradirà un cortese cenno di assicurazione.

IL MINISTRO
Togliatti

PER COPIA COMPENSA

Roma, 11 5 marzo 1945

IL DIRETTORE CAPO DELL'UFFICIO 1° A.D.

Foro

MEMORANDUM

Sen. Mario, Dr. Aldo and Vittorio Crespi Bros
"Publishing Company Crespi Bros" (Corriere della Sera).

Upon request of the High Commissariat for Sanctions against Fascism, a penal proceeding has been brought before the High Court of Justice against Senator Mario Crespi under Art. 8 of Law No. 159 of 27 July 1944 regarding his cessation from office.

The judgment covers all his political and moral activity from the pre-war period to the partisan resistance with particular reference to the transfer of shares of the "Corriere della Sera" from Luigi and Alberto Albertini brothers to Crespi himself and his brothers.

Eco. Maroni himself, President of the High Court has acted as judge reporter.

The trial ended with the rejection of all charges against Crespi, who therefore was reconfirmed in his position of Senator.

During the trial certain members of the Regional C.L.N. of Milan have transmitted a memorandum to the High Court of Justice in which it was stated that Sen. Crespi had committed relevant acts in favour of Fascism and accused him of violating Art. 3 of the above mentioned Law 27 July 1944.

The High Court proceeded also to investigate the above mentioned charges which were found inconsistent. It was proved that in the period of resistance - during which time he was also imprisoned - Mr. Crespi had greatly helped the partisans' activity and, among other things, had paid 3,500,000 Liras for the liberation of Pertusio Parri. 12

The decision of the High Court should have been sufficient to silence the accusers. Instead, it appears that the latter through Avv. Becca who confers upon himself the title of "Commissario alla Giustizia" propose to initiate a penal proceeding based on the same charges which have been reversed by the Court.

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The decision of the High Court should have been sufficient to silence the accusers. Instead, it appears that the latter through Avv. Becca who confers upon himself the title of "Commissario alla Giustizia" propose to initiate a penal proceeding based on the same charges which have been reversed by the Court.

It is obvious, therefore, that if the Court has recognised that in the political activity of Senator Crespi there can be found no sufficient elements to initiate a trial of political character, as was the one relating to the epuration judgment, with better reason there cannot exist any penal responsibility in connection with the facts - themselves.

Neither it would serve a useful purpose to object that the denunciations made by Avv. Becca were lodged not only against Mario

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Crespi but also against his brothers who did not appear before the High Court. As a matter of fact the charges brought against them are the same, so that the judgment of the High Court in the proceeding against Sen. Crespi includes also his brothers, Dr. Aldo and Vittorio Crespi and it can be added, with still better reasons, that the higher political position of Mario Crespi would have carried, if it really existed, a greater responsibility.

Therefore, if the charge should be brought before the Court it should be considered as being in complete bad faith and mainly directed in creating around Crespi brothers and especially in regard to their newspaper company a scandalous campaign. It should, in fact, be borne in mind that many and various interests - often not very clean - are involved in the "Corriere della Sera" Company, and that many a political party covets to seize such news paper in order to exercise a propaganda activity in favour of their own clique.

This attempt is extremely serious at the eve of the elections and for these reasons the situation should be faced with energy.

The administration of "Corriere della Sera" Company has been taken away by force from its proprietors and a commissioner has been appointed in their place by the Communist party.

It should have been fair, particularly after the decision of the High Court, that the Commissioner be removed and the Company restored to its legitimate proprietors.

Such removal should have been ordered inasmuch while Crespi's administration was successful, now under the Commissioner, business is ruinous.

It is an open injustice not to have taken any decision for the revocation of the Commissioner. Such injustice would be aggravated if it were aggravated with putting the penal denunciation into effect.

In bringing the above to your attention it was in our mind to point out a fact of particular seriousness and request a timely intervention not only in order to prevent the preparation of a scandalous campaign which is about to start with the presentation of a penal denunciation, but also to cause, with the cessation of the Commissioner's management, the restoration of the publishing company to its legitimate proprietors.

The latter, will give to the newspaper an independent policy

This attempt is to ensure that the situation should be faced with energy.

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The latter, will give to the newspaper an independent policy free from any group interest, and objective expose of elements which have been the glory of the "Corriere della Sera" in the past.

COPIA

PROPOSIZIONE

F.lli Sen. Mario, Dott. Aldo e Vittorio CRESPI
 "EDI ORLANDI F.lli CRESPI" ("Corriere della Sera")

Contro il Sen. Mario CRESPI, su richiesta dell'Alto Commissariato per le Sanzioni contro il Fascismo, si e' svolta davanti all'Alta Corte di Giustizia una procedura a' sensi dell'Art. 8 della legge 27 Luglio 1944 No. 159 per la sua decadenza da Senatore.

Il giudizio si e' esteso a tutto l'attivita' e la condotta politica e morale del CRESPI sia nel periodo anteriore alla guerra e particolarmente al passaggio di parte delle carature del "Corriere della Sera" dai F.lli Luigi e Alberto ALBERTINI al CRESPI medesimo e ai suoi fratelli, sia al periodo della guerra e della resistenza.

Relatore fu lo stesso Presidente dell'Alta Corte, Eccellenza MARONI.

Il giudizio fini' con la esclusione di qualsiasi addebito al CRESPI, il quale pertanto venne riconfermato nella carica di Senatore.

Durante lo svolgimento del giudizio qualche elemento del C.L.N. Reg. di Milano aveva fatto pervenire all'Alta Corte un memoriale di accuse in cui si accennava, fra l'altro, ad atti rilevanti a favore del Fascismo di cui il Sen. CRESPI si sarebbe reso colpevole a' sensi dell'Art. 3 della succitata Legge 27 Luglio 1944.

L'Alta Corte estese la propria indagine anche a queste accuse constatandone l'assoluta inconsistenza, e, anzi, al contrario, l'Alta Corte rilevo' che il CRESPI nel periodo della resistenza - durante il quale era stato anche imprigionato - aveva largamente aiutato il movimento partigiano e che, tra l'altro, aveva versato circa tre milioni e mezzo per la liberazione di Ferruccio PARRI.

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Sarebbe stato naturale che la decisione dell'Altissima Magistratura avesse fatto tacere gli accusatori. Risulta invece che questi, per il tramite dell'Avv. RECCA, che si compiace del titolo di Commissario alla Giustizia, si propongono di portare in sede penale le accuse che l'Alta Corte di Giustizia ha giudicato prive di fondamento.

Ora e' evidente che se l'Alta Corte ha riconosciuto che nella condotta politica del Sen. CRESPI non sussistono nemmeno li elementi

- 2 -

per un giudizio di carattere politico quale era quello inerente al giudizio di epurazione da Senatore, e maggior ragione non può sussistere alcuna responsabilità penale inerente agli stessi fatti.

Ne varrebbe opporre che le denunce del BECCA si dirigono non solamente contro il Mario CRESPI ma anche contro i fratelli dello stesso, che non sono stati parte del giudizio davanti all'Alta Corte: invero i fatti addebitati sono gli stessi, sicché il giudizio pronunciato dall'Alta Corte nel procedimento contro il Mario vale anche nei confronti dei fratelli Dott. Aldo e Vittorio. Si può anzi aggiungere che vale a maggior ragione in quanto la più elevata posizione politica del Mario avrebbe importato, se effettivamente fosse esistita, una maggiore responsabilità.

Qualora pertanto venisse formulata l'accusa essa dovrebbe essere giudicata come proposta in assoluta malafede e diretta essenzialmente a creare attorno ai CRESPI e particolarmente alla loro azienda giornalistica, una campagna scandalistica. Occorre infatti tenere presente che molti e vari e talora non puri, sono gli interessi che si agitano intorno all'azienda del "Corriere della Sera", di cui qualche partito vorrebbe impossessarsi per esercitare una azione di propaganda faziosa. Questo tentativo è tanto più grave alla vigilia delle lotte elettorali e anche per questo va energicamente fronteggiato.

L'Azienda del "Corriere" è stata strappata all'amministrazione dei loro proprietari e a capo della stessa è stato posto un Commissario scelto nel partito comunista. Particolarmente dopo l'esito del giudizio davanti all'Alta Corte sarebbe stato doveroso che il Commissario venisse tolto e l'azienda restituita ai proprietari. Tanto più ciò avrebbe dovuto essere fatto in quanto, mentre sotto i Crespi l'azienda prosperò floridamente, oggi, sotto il regime commissariale, dà risultati rovinosi.

Il non decidersi quindi a revocare il Commissario costituisce patente caso di ingiustizia. Ora questa ingiustizia diventerebbe addirittura criminosa se venisse aggravata con l'attuazione della minacciata denuncia penale.

Prospettando le considerazioni che precedono si è inteso essenzialmente richiamare l'attenzione su un fatto di particolare gravità e chiedere che un intervento tempestivo non solo impedisca il sorgere della campagna scandalistica che si vorrebbe preparare con la denuncia penale, ma anche che provochi, con la cessazione della gestione commissariale, la restituzione dell'azienda editoriale ai legittimi proprietari.

Questi nel clima di libertà che la vittoria degli Alleati ha consentito all'Italia, assicurerebbero al giornale quella indipendenza di atteggiamento, quel contegno nemico di tutte le faziosità e quell'obiettiva valutazione degli elementi che sono state glorie del "Corriere della Sera".

4082/8

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HEADQUARTERS ALLIED COMMISSION
APO 39L
CIVIL AFFAIRS SECTION

Ref: 1/5.28/01

19 Nov 45

SUBJECT: Revision of Epuration Procedure

TO: See Distribution

Enclosed in an English version of DL 702, the new law on epuration which replaces Part II of DL 159.

- 1 The grounds upon which persons may be epurated are re-defined and are somewhat differently stated. The old grounds are therefore superseded.
 - Art 13 Broadly speaking, officials and civilians of equivalent rank down to the 7th Grade inclusive are liable to epuration if they have shown activity as fascists. Employees of lower grades are not epurable unless they have shown serious fascist bias or have committed certain named acts or held certain named offices. Persons who distinguished themselves in opposition to the Germans are still exused.
- 2 The machinery is also varied. The present Commissions of First Instance remain and continue to function under the same rules. The order for dismissal however will be made by the Head of the Service. Dismissed employees are normally entitled to pension though they may be deprived of this in exceptional circumstances. Employees may be suspended pending proceedings and officials may be transferred from one district to another.
 - Art 4
 - Art 5
 - Art 6
 - Art 7
 - Art 9
- 3 Employees of concerns of national importance and of companies exercising public utility functions are epurable under similar conditions to those mentioned above.
 - Art 8
- 4 The procedure for dealing with professions is varied and they are made responsible for self purging. The present commissions are abolished.
 - Art 10
- 5 The procedure with regard to appeals is completely changed. The Central Commission is abolished and a special section of the Council of State is substituted therefor which will hear ordinary appeals and appeals against decisions of Provincial Commissions will be to a new Section of the local Court of Appeal. In either case the respective courts of appeal will operate according to the rules of procedure which previously applied for the abolished Central Commission.
 - Art 11
 - Art 12
- 6 All previous decisions as to dismissal from Service, removal from the register of a profession or acquittal stand but all minor punishments (with one exception mentioned below) are revoked. Provision is made for dealing with pending appeals. The minor punishment which is not revoked is a reduction in grade but this is intended only to be used to restore to his proper grade a person who has received undue promotion by fascist favour.
 - Art 13

7 Suspensions of all persons of lower than Grade 7 are revoked unless they are persons against whom proceedings are to be continued under Art. 2 of Art. 1 or under Art. 2. All "de facto" suspensions, however occasioned, are revoked. This is intended to apply to those persons who have been named or instructed by bodies or persons, who are not legally empowered to do so, that they are dismissed or will not in future attend their offices. It does not apply to suspensions ordered under Art. 35.

8 The time limits within which proceedings must be brought are the 31 Mar 46 or three months after the handing back of the territory to Italian administration, whichever is the later, but this will not re-open time limits which expired before this decree came into force.

9 New provisions are contained to enable the operation of those directors and managers who by Italian law are, technically speaking, not employees. Art. 16 If such persons have been guilty of named acts or have held named offices their contracts are declared dissolved and any employer who continues to employ such persons is liable to punishment by imprisonment or fine. This Art. 16 dissolution will not be applied in certain cases. Persons may apply to a Art. 17 Special Commission for an order that the dissolution does not apply. Persons Art. 18 whose employment is dissolved are, under certain circumstances, entitled to compensation.

19 All provisions of DL 159 and of the subsequent operation of laws, e.g. 257, which are not inconsistent with any of the above provisions, continue. The principal changes are the restriction, in normal circumstances, of operation to the first 7 Grades, the addition of managers and directors to those operable and the change of procedure with regard to the professions and as to appeals. For all practical purposes, so far as Sub-Commissions and Regions are concerned, the machinery under DL 159 continues to operate unchanged so far as the restricted classes of employees are concerned. It should not be overlooked that any employee of a grade lower than the 7th may be operated if he has shown serious Fascist bias as well as for reasons contained in Art. 2.

BY ORDER OF THE CHIEF COMMISSIONER

DISTRIBUTION:- Local Govt S/C
Legal S/C
Pub Ser S/C
Educ S/C
Domestic S/C
Agric S/C

Commerce S/C
Finance S/C
Pub Works S/C
Transport S/C
Air S/C
Land Forces S/C

Naval S/C
MRB
RC Piemonte Region
RC Lombardia Region
RC Liguria Region
LEGO Venetian COMMISSION

For info : Economic Sec
Executive Commissioner } 2
SCAO Venezia Giulia }

Scale of Dist: RM (4); RM (2)

CLO
DCLO
Chief Counsel
CJO

Italian Section

RKS

23 NOV 1945

H. B. WHITE Lt Col,
W/P CA Section

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1359

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

785016

DE JCC OF 9 NOV 68

REVISION OF THE LAW

AS TO

EDUCATION

1360

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

REVISION OF THE LAW

AS TO

REVISION

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19 Any employee discharged in consequence of dissolution of his agreements under art 16 of the present decree, shall be entitled to receive the compensation referred to in the third and fourth parts of art 16 of the RDL 1325 of 13 Nov 1921, as inserted into law no 562 of 18 March 1926 and any other compensation provided for by his contract of employment.

In the case of an agreement for a limited period, the (compensation) payable shall be whichever is the smaller of the total amount of compensation to the expiry of the contract or the total amount of indemnity for an unlimited period.

Dismissed employees within the provisions of clauses 1 and 2 of art 16 shall not be paid compensation for discharge and damages which may have been provided for in any contract for an unlimited period. In such cases the compensation and damages shall be transferred to the Provident fund of the Company or, failing that, to the National Institute of Social Insurance.

The contributions to the Provident fund paid by a dismissed employee who is within the provision of the above paragraph shall be re-funded to him.

Sum due to a dismissed employee under any obligatory insurance scheme shall be paid to him.

20 The present decree shall come into force the day after its publication in the Official Gazette of the Kingdom.

PAGES MISSING OR
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200213, the said register, which they shall do directly or by means of a commission appointed by them; if no such body exists, it shall be appointed by the Minister under whose supervision the (appropriate) register is kept.

Art. 139

11 A dismissed employee may lodge an appeal against the decision of a commission under sub-para a) of art. 4, even on the merits of the case. Such appeal shall be to a Special Section of the Council of State and be constituted by a decree of the President of the Council of Ministers and consist of two members, one of whom shall be designated by the High Commissioner and the other by the Minister of the Service to which the applicant belongs.

Such appeal shall be lodged within six days of notification of the decision of the Commission of the first instance by filing the same in the secretariat of the Commission concerned, in the office in which the applicant serves or directly in the secretariat of the Special Section of the State Council.

The Special Section shall consider the appeal in camera and shall not be bound by the ordinary rules of procedure but shall observe the rules contained in D.L. 159 of 27 Jul 44 and subsequent additions and amendments for the proceedings before the Central Commission.

12 A dismissed employee may lodge an appeal against the decision of a Provincial Commission to a Commission set up in the Court of Appeal within whose jurisdiction the Commission of first instance is seated. The Commission of Appeal shall be set up by a decree of the President of the Court of Appeal and shall consist of a President who shall be a magistrate or an official of the public service, serving or retired, of not less than the 5th grade and of two members one of whom shall be designated by the High Commissioner and the other by the Provincial Council from the officials of the Service to which the applicant belongs.

Such appeal shall be lodged within six days of notification of the decision of the Commission of first instance, by filing the same in the secretariat of the said Commission or directly in the secretariat of the Commission of Appeal.

The Rules for the proceedings before the Central Commission contained in D.L. 159 of 27 Jul 44 and the subsequent additions and amendments thereto shall apply to proceedings before such Commissions of Appeal.

Part III

6

13 Decisions from a Service, removed from the registers and accounts submitted in form final decisions already made under D.L. 159 of 27 Jul 44 shall stand, but shall not have other than ministerial force. Decisions removed from the registers and submitted in form final decisions shall have the same legislative force as any other.

For the purposes of the provisions of the preceding paragraph, a decision of the Central Commission shall be a final decision even if notice of the same has not been served on the interested party within 60 days of the day this

6

21st REGISTRATION

service, details of 7 days, or not less than the 5th day and of two members of the 2nd class shall be submitted by the High Commissioner and the other by the President of the Council of the 2nd class to the Council of the 2nd class to which the appeal is made. Such appeal shall be lodged within six days of notification of the decision of the Commission or of the President of the Council of the 2nd class. The Commission or the President of the Council of the 2nd class shall forward the appeal to the Council of the 2nd class and shall notify the President of the Council of the 2nd class of the decision of the Council of the 2nd class.

1. The Commission or the President of the Council of the 2nd class shall forward the appeal to the Council of the 2nd class and shall notify the President of the Council of the 2nd class of the decision of the Council of the 2nd class.

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No facts suspensions (other than the above) however occasional shall cease
as from the day this decree comes into force.

THESE ARTICLES

- 14. These persons to be subjected to operation preceding must be sent in before 14 March 1945 except in the case of persons in AMG territory (in which case proceedings may be suspended) within three months from the day on which said territory is handed back to the administration of the Italian Government but this (article) shall not re-open time limits which expired before this decree came into force.
- 15. The provisions of Art. 159 of 27 Jan 44 and the subsequent additions and amendments thereto as far as they are inconsistent herewith are revoked.

PART II - MANAGERS OF ENTERPRISES

LIABILITY TO REPRISALS AND BRIBES

- 16. These categories of employment activity of management or general, technical or administrative managers, of heads of departments or branches of the Managers of stock companies whose capital exceeds 5 billion lire whether or not their liability is limited by statute or if insurance companies with nominal capital or whose assets exceed 1 billion lire shall be dissolved:
 - 1) If the person concerned has been sentenced for (fascist) crime under part 4 of the 159 of 27 Jan 44, even if said sentence does not include disqualification from holding public office;
 - 2) If property belonging to such person has been forfeited under art 9 of said decree;
 - 3) If such person has been subjected to any sanction under the first part of art 4 or the 1st and 2nd parts of art 3 of D.L. 149 of 26 Apr 45;
 - 4) If such person has held any (of the following) fascist offices, secretary or vice secretary of the party, member of the Grand Council, member of the National Directorate, Inspector of the party, federal secretary, fascist deputy, national councillor or senator who has been removed from such office.
- 17. The provisions of sub-para 4 of the preceding article shall not be enforced in the persons of administrative technical and administrative capacity and if they fulfill any of the following conditions: have distinguished themselves in the fight against the Germans or had before the beginning of the present war openly opposed fascism, or left the National Fascist party, or they held the position of assistant commissioners (mayors) as representative of the profession without engaging in any real political activity.

Upon the application of any such person the decision (as to his dismissal) which shall be final and to be requested within sixty days from the day on which this decree comes into force, shall be given by the provincial commission appointed

TRANSITION PROCEEDINGS

4. The unavailability (for retention in the service) referred to in arts 1 and 2 shall (upon application of the service concerned)
 - a) in the case of employees of the State Central Services or of Autonomous Public bodies be decided by the operation Commission set up under Decree 159 of 27 Jul 44; the Commission set up in the last case of art 18 of Decree 159 of 27 Jul 44 and in art 15 of Decree 159 of 27 Dec 44 shall remain unchanged.
 - b) in the case of employees of local public bodies and of concerns controlled by the local administration be decided by the provincial operation Commission set up by Decree 159 of 27 Dec 44 or Decree 159 of 27 Jul 44.

5. The Service concerned, having received notice of the final decision, shall order the dismissed from the service of the employee declared unfit to retain his service.

He shall also order the administrative authority as to the judiciary shall also order the dismissed from the service.

ARTICLE 6

6. An employee dismissed from service under the preceding articles shall be granted the pension rights to which he is entitled under the existing laws.

In particular, if, from the date of the operation Commission may order forfeiture of pension.

When a forfeiture of pension has been ordered, the contribution which he has paid to the pension shall be repaid to the dismissed employee.

ARTICLE 7

7. The service concerned may suspend, as employee who set of operation proceedings under art 4 pending the result of such proceedings.

ARTICLE 8

8. The provisions of the preceding articles shall apply also to employees of public institutions and to institutions of national importance and of private undertakings or concerns operating public services or having a public purpose or public utility interest.

When in other circumstances commissions have been set up for the said institutions and concerns, the competent body to pronounce the verdict on operation proceedings shall be the provincial operation Commission set up under the last case of art 15 of Decree 159 of 27 Jul 44 and the subsequent additions and amendments thereto.

an employee shall be removed from service under the preceding articles should be granted the pension which he is entitled under the existing law.

In particular, if an employee is dismissed from service by order of forfeiture of pension.

When a pension is granted, the pension which he is entitled to shall be paid to the dismissed employee.

ARTICLE 10

7. The pension commission may request the employee subject of pension proceedings under art. 4, pending the final decision of the pension proceedings.

ARTICLE 11 TO NEW-ITALY IN 1948

8. The provisions of the preceding articles shall apply also to employees of public institutions and to institutions of national importance and of private undertakings in service operating public services or serving a public purpose or public utility.

Whereas the other provisions have been set up for the said institutions and public utility, a separate body to prepare the verdict on separation of employees shall be the principal pension commission set up under the third paragraph of art. 10, which shall be the subsequent additions and amendments thereto.

The decision as to dismissal of employees of public institutions and institutions of national importance shall be by the head of the institution. In the case of employees of private companies or undertakings mentioned in the first part of the present article, the decision shall be that of the president of the province in which the company or undertaking has its head office.

TRANSFER OF OFFICIALS

Needs of the various public services may be up to 31 Dec 1948 transfer officials even if they are transferred to another area if for political or moral reasons they consider it advisable to do so. In territory under the administration of the army, such transfer may be ordered up to three months after such territory has been restored to Italian administration.

ARTICLE 12

Any person who, contrary to the provisions of the preceding articles, has obtained his pension improperly to continue to receive his pension, not as a pension, may be considered from the date of such provision.

The decision as to the responsibility shall be by the holder responsible for

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

EXCEPT WHERE SHOWN OTHERWISE

The Italian version of this decree is the only authoritative text. This version is not a literal translation; its object is to inform officers conveniently of the provisions contained in the decree.

Officers are referred to the Italian text for all points of detail or matters of procedure or dispute.

Words in brackets are explanatory and not in the original text.

Liability to Exemption	Art	1-3
Exemption Procedure	"	4-5
Pension	"	6
Reservations	"	7
Application to non-State Bodies	"	8
Transfer of officials	"	9
Protections	"	10
Appeals	"	11-12
Final Decisions	"	13
Time Limits	"	14-15
Liability for Exemption and Procedure	"	16-20

PAGE 1 - EMPLOYERS AND EMPLOYEES

LIABILITY TO EXEMPTION

1. Employees of the public services of the 7th or higher grade of whatever description, even if irremovable who, because of their (past) fascist political activity their (improper) fascist conduct, whether or not in the execution of their office, their fascist bias or their appointment to office, because of their fascist political activities have shown themselves unfit to retain their office shall be dismissed from the service.

Employees of the public services of grade lower than 7th shall not be liable to dismissal unless they have shown serious fascist bias or are within the purview of the next article.

For the purposes of this law, upon the expiry of the term of non-state services is understood, it shall be declared by the head of that Service.

PART I - EMPLOYEES AND MEMBERS

LIABILITY TO DEPORTATION

1. Employees of the public services of the 7th or other union of whatever description even if they are of the 7th, because of their (past) fascist political activity, their (past) fascist conduct, whether or not in the execution of their office, their failure to take of their appointment to office, because of their fascist qualifications are deemed themselves unfit to retain their office and shall be dismissed from the service.

Employees of the public services of public power shall not be liable to dismissal unless they have been previously found to have been within the provisions of the next article.

For the purposes of this law, when the parity of the grades of non-state services is underlain, it shall be considered by the head of that Service.

2. Employees of the public services of any description even if irremovable may be dismissed from service if they have been themselves unfit to retain their office because they have since 1943:-

- a) given military or civil service to the German invaders;
- b) belonged to the fascist republican party;
- c) voluntarily served in military units of the government or the so-called Italian Social Republic or as officers in the labor organizations of that Government;

d) taken part in arrestations, beatings or summary executions ordered by fascist fascists or acted as informant for the latter;

e) been appointed chief of the sections or members of the so-called Italian Social Republic or as the main, President, Public Prosecutor or Member of the Special or extraordinary tribunals set up by the said Government;

f) left their usual place of abode to follow and serve the fascist Government;

g) collaborated with the German or with the so-called Italian Social Republic, dismissed from service shall not be ordered if the activity after 8 Sep 43 was under compulsion or if the object of his service German activities or those of the Government after 8 Sep 43 in fact being limited only to execution.

Those who have been dismissed from service after 8 Sep 43 in the fight against the Germans may be exempted from dismissal from service.

40/2/6

R 114A

LEGISLATIVE COMMISSION
ART. 39L
CIVIL AFFAIRS SECTION

Ref. 40/2/6

2 Oct 45

SUBJECT: Defection - DL 571.

TO: See Distribution

Herewith copy of DL 571 as to the position of officials appointed or
removed by DL.

Y BELONG TO THE CIVIL COMMISSION.

H. URS, Brig,
V. C. Section.

4

DISTRIBUTION:

Mr. Loris, Lombardy, Piemonte, Venetia Regions
all of Distribution: RB (A); RM (2)

Civil Affairs Section

Technical Section

Scale of Distribution: See (A); S/C (2)

LEGAL SUB COMMISSION

CLO

DCLO

Chief Counsel

CJO

Italian Section

CL RKS

3 OCT 1945

100-5717 34 AUGUST 1945

as no officials appointed or removed by AMG

The Italian version of this decree is the only authoritative text. When version is not a literal translation; its object is to inform officers conveniently of the provisions contained in the law.

Officers are referred to the Italian text for all points of detail or matters of procedure or dispute.

Words in brackets are explanatory and not in the original text.

1 For the purposes of Italian law, appointments to public offices made by the Allied Military Government in the territory under its jurisdiction are temporary.

2 Any person who, upon the restoration of territory to Italian Administration holds a public office to which he was appointed by AMG, shall continue to hold the said office until such time as he is relieved therefrom by the appropriate Italian authority or until he is re-appointed to the permanent staff.

For purposes of reappointment, temporary employees shall be paid as if they were permanent employees of the State (including normally) perform the same duties. Their equal standards shall be published by decree of the appropriate Ministry in consultation with the Ministry of the Treasury.

Temporary employees other than those engaged by the State shall be paid the salaries established by present law or by regulations which are applicable to the positions the duties of which they perform.

3 All employees of the State or of any body to which art 11 of MIL 159 of 27 July 1944 relates, who have been removed or dismissed from office by AMG for reasons of suspension, shall be deemed to be suspended from office under art 12, para 2 of MIL 159 of 27 July 44.

Such suspension shall take effect from the date of such removal or dismissal.

The change of position must be kept. For the purposes of suspension, within three months from the restoration to Italian Administration of the territory in which the removal or dismissal occurred or, if the territory has already been restored, from the date that this decree came into force.

This (three months) does not apply to any other sanction to be enforced.

[illegible]

1374

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

114B

DA 574 OF 24 AUGUST 1945

AS TO C. 101115 APPROVED

OR

REMOVED BY AND

1 3 7 5

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

AS TO D. BULAN APPROVED

OK

REMOVED BY AMG

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can be effectively mounted or removed by all

ation holds a position in which he was appointed by A.C. shall continue to hold the same position until such time as he is relieved therefrom by the appropriate military authority or until he is appointed to the permanent staff. No provision of compensation, supervisory employees shall be paid as if they were permanent employees of the State (in the case of military) perform the same duties. That equal status shall be published by decree of the appropriate authority in consultation with the Ministry of the Treasury.

Whenever employees are taken from their positions by the State shall be paid the salaries established by current law or by regulations which are applicable to the position the duration of which they perform.

3. In employees of the State, in any body in which art 11 of July 159 of July 1966 relation, who have been removed or dismissed from office by law for reasons of suspension, shall be deemed to be suspended from office under art 11, para 2 of the 173 of 29 July 44.

Such suspension shall have effect from the date of such removal or dismissal.

Any charge of fraud or other crime, for the purpose of suspension, within three months of the relation to Italian administration of the territory in which the receipt or document occurred or, if the territory has already been restored, from the date that this decree was in force.

This (the 1966) does not apply to any other sanction to be imposed against the said who give as a result of penal proceedings taken against them.

4. The provision of the present decree shall apply also to acts of law in the territory which are referred to the Italian Administration before this decree was in force.

5. This decree was in force on the day following its publication in the Official Journal.

1378

Declassified E.O. 12356 Section 3.3/MND No.

785016

PL 574 OF 21 AUGUST 1965

AS TO OFFICIALS APPOINTED

OR

REMOVED BY AND

1379

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

785016

2

AS OF 9-10-1965 APPROVED

REVIEWED BY AMG

2 OCT 1965

DA 5000

4082/6

113A

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

DE/L.2/CA

27 Aug 45

SUBJECT : Defamation - Time limits.

TO : See Distribution

The following alteration of time limits has recently been effected by DLs 437 and 438 respectively.

EXPIRATION - The time limit for the initiation of proceedings, which terminated on 15 Aug, has been extended to 15 Nov. i.e. all limits in territory south of Grosseto, Terni, Ancoli which had not previously expired.

FEES - The time limit for submitting the financial statement to be made under Art 14 of DL 364 is extended to 15 Sep.

[Signature]
S. H. WHITE Lt Col,
for VP CA Section.

DISTRIBUTION :-

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