

ACC

10000/142/671

CONG
MAR.

10000/142/671

CONGESTION OF PRISONS IN SARDINIA
MAR. - JULY 1944

FILE CLOSED 2 July 1944

HEADQUARTERS
ALLIED CONTROL COMMISSION
REGION 6

RECEIVED
JUL 1944
2nd July 1944
REAR HQ. A.C.C.

To : Headquarters, Allied Control Commission,
(Rear) Legal Sub-Commission)

Subject : Prisons.

Reference : L/1404.

May enclosed letter (acknowledging copy
Report on Penal Colonies etc;, in Sardinia) be
transmitted to Dott. de Villa of the Ministry of
Justice, please?

RGSA/ajs.

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

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

41

✓ 1090 Incoming Regd
CONFIDENTIAL

32A

5468

251000

NO & NO Section (orig. Lush)

25 May 44

Vapor 3 - Lush

CONFIDENTIAL

PRIORITY



WASH

L/1446 of 21 May

YOUR LOVE SLANT ONE FOUR FOUR SIX OF TWO ONE MAY ACTION APPROVED PD
 PAPER TO PAPER FOR CASE FROM AGO MAIN PAPER PD MINISTRY OF JUSTICE
 INSURING ON LOCAL COURSE TO APPOINTMENT COMMISSION PD MAJOR ALEXANDER
 WILL REMAIN

54, File with VP Admin
 (Sardonia Proun)

LEGAL SUB-COMMISSION

CLO

CLO

Chief Counsel

CLO

Legal Section

S. J. P.

-40

L. T. HENNING JR.,
 1st Lieut ESN,
 ADJUTANT.

Copy for Legal S/Com.

CONFIDENTIAL

Entire File

31A

RECEIVED
ARMED CONTROL DIVISION
100-100-100-100
100-100

100-100-100-100

/rhp.
24 May 1981

SUBJECT : Prison Conditions in Argentina.

TO : Chief Commissioner.

1. I have to report the progress made to date in the matter of judicial proceedings for persons in Argentina.

2. At the suggestion of the Regional Commissioner the Prosecutors General of Argentina and Major Almonester, SAC, Region VI, came over to the United Kingdom on 14 May at which the Minister of Justice and other Italian representatives were present with the Argentine two companies and on the 15th also SAC, SAC, Major Almonester and other representatives of legal administration and Major Wilson (Public Safety Division) were present.

3. Prison. The attached list was submitted showing the prison situation as at the middle of May. This shows a very satisfactory decrease of persons in prison compared with April, but the following persons (those awaiting trial) were still incarcerated. The total released (persons serving sentence) was 1,000 of which 1,000 were released.

4. The Prosecutors General and Major Almonester stated that 500 of the persons in prison awaiting trial were released and they estimated that within a month they would all be transferred to new military prison camps awaiting completion.

5. Major Wilson confirmed that he was arranging to send to the Penal Colony 500 prisoners serving long sentences on the mainland. In the very near future and 200 a little later were expected to be sent to the Penal Colonies were completed.

6. Review in Prison awaiting trial. At an earlier conference, the Minister of Justice had stated to the satisfaction of a Prison Commission with power to decide of cases of those who had served in prison, while awaiting trial, a period equal to the sentence they would have received at the trial, on the ground of its illegality under Italian law. At the conference it was further pointed out

a. That a new decree which would be published next week gave additional power to grant provisional liberty (trial) in the cases of those awaiting trial which would substantially relieve the position in the judicial system.

b. A large number of cases were of a very serious character and

(3/14)

as to them, the new decree would not be applicable, but equally it would be inconceivable that any Prison Commission would permit their release without trial.

After a comprehensive discussion it was agreed that the transfer of soldiers to the Military Prison Camps together with the operation of the new decree would so substantially relieve the judiciary prisons of their surplus prisoners that the creation of a special Prison Commission was not essential. Taking into account also the strong objection of the Minister to the appointment of a Prison Commission with the wide powers originally envisaged, this project was therefore temporarily dropped.

7. Judicial Personnel.

The position is as follows: seven judges have been sent to Sardinia with one, who is at present sick, to follow. Eleven "auditori" have been given power to exercise judicial functions making a total of eighteen additional available judicial personnel. In addition, twenty-one new junior court officials have been appointed in Sardinia.

8. It appeared that there had been some friction between the Minister and the Procuratore Generale as to the detailed posting of these and other judges in the island, but at the conference the Minister agreed, to give to the Procuratore Generale a free hand in this respect and therefore full use can now be made of the services of all judicial personnel on the island.

9. For the time being this allocation of judges is probably sufficient for the judges are not at the moment sitting full time; this is due to the great lack of transport needed to serve documents and bring accused and witnesses to trial making it impossible to bring on cases for trial. The Minister of Justice is working out a decree to enable the small cases (where fines are imposed) to be dealt with without necessitating the presence of the accused and this will relieve the position slightly. The matter can only effectively be dealt with however, by re-establishing further transport and by an improvement in the postal services so that documents can more easily be served by post.

10. General. The general position appears therefore to be very much better than was at first thought and subject to your directions it is considered that no further exceptional steps need be taken at present. Major Alexander is in close contact with the position and will, of course, keep this Hq fully informed of the progress of events.

GRAHAM E. UNWIN,
Colonel,
Chief Legal Officer.

Copy to: WMA Section,
VP, Admin Section,
Region VI,
Public Safety Sub-Comm.

COMPARATIVE TABLE SHOWING PRESENT SITUATION OF
PRISONS IN SARDEGNA AS AGAINST SITUATION IN APRIL.

ANNEXURE

PRISONS		Capacity of Prison.	Total Prisoners in May	Total Prisoners in April	Reductions or Increases since April		Numbers at Present over or under normal capacity	
PENAL COLONIES	(SARCIDANO	194	90	102		-12		-104
	(CASTIADAS	1400	700	742		-42		-700
	(ALOSERO	433	475	517		-42	42+	
	(TRAMARTICLIO	406+	270	253	17+			-136
	(ASTHARA	1000+	449	748		-299		-551
	(MANONE	550	369	406		-36		-131
	TOTALS	3983	2353	2767		-413		-1630
JUDICIARY PRISONS	(CAGLIARI	650	820	819		-134	178+	
	(SASSARI	268	386	802		-416	118+	
	(NUORO	208	215	279		-64	7+	
	(ORISTANO	161	317	378		-61	156+	
	(TEMPLO	60	86	84	2+		26+	
	(LANUSEI	80	59	75		-16		-21
	TOTALS	1427	1891	2437		-609	484+	
GRAND TOTALS		5410	4244	5204			6	

NOTE: ASTHARA ACCOMMODATES MINORS AND TUBERCULOSIS PRISONERS IN ADDITION TO NORMAL PRISONERS.

Total in

COMPARATIVE TABLE SHOWING PRESENT SITUATION OF
PRISONS IN SARDEGNA AS AGAINST SITUATION IN APRIL.

ANNEXURE to ACC/4090/L of 24 May 1944

(318)

Capacity of Prison.	Total Prisoners in May	Total Prisoners in April	Reductions or Increases since April.		Numbers at Present over or under normal capacity		REMARKS
194	90	102		-12		-104	
1400	700	741		-41		-700	
433	475	517		-42	12+		
406*	270	253	17+			-136	*Capacity according to April statement - 400.
1000*	149	748		-299		-551	*Capacity according to April statement - 1300
550	369	406		-36		-181	
3983	2353	2767		-413		-1630	
650	828	819		-134	173+		
268	306	802		-416	118+		
208	215	279		-64	7+		
261	317	378		-61	156+		
60	86	84	2+		26+		
80	59	75		-16		-21	
1427	1891	2437		-609	464+		
5410	4244	5204			960		

INCLUDES MINORS AND TUBERCULOSIS PRISONERS IN ADDITION TO NORMAL PRISONERS.

Total in Carceri Mandamentali - 269.

CARCERI MANDAMENTALI DELLA SARDEGNA

- I maggio 1944 -

4090 30A

Indicazione del Carcere	Capienza		Totale capienza	Detenuti sentiti al 1-5-44		Totale detenuti presenti	Numero medio dei detenuti
	uomini	donne		uomini	donne		
+ CIRCONDARIO DI CAGLIARI							
Decimomannu	14	6	20	18	2	20	18
Fluminimaggiore	10	2	12	10	2	12	10
Guspini	12	2	14	12	2	14	12
Iglesias	12	2	14	12	2	14	12
Isili	12	2	14	12	2	14	12
Nuravera	12	2	14	12	2	14	12
Paula	12	2	14	12	2	14	12
Quartu S. Elena	12	2	14	12	2	14	12
Seniuri	12	2	14	12	2	14	12
S. Niccolò Gerrei	12	2	14	12	2	14	12
S. Antìpo	12	2	14	12	2	14	12
S. Antìpo (S. Barbara)	12	2	14	12	2	14	12
Senorbi	12	2	14	12	2	14	12
Serramanna	12	2	14	12	2	14	12
Sinnei	12	2	14	12	2	14	12
Stintino	12	2	14	12	2	14	12
Villacidro	12	2	14	12	2	14	12
TOTALE	214	66	280	125	10	135	11
+ CIRCONDARIO DI LANUSSEI (Pensione di Stato)							
Ierzu	10	4	14	3	1	4	3
Portofino	48	20	68	4	1	5	4
Seui	8	4	12	11	1	12	11
TOTALE	56	28	84	11	1	12	11
+ CIRCONDARIO DI NUORO							
Bitti	20	4	24	4	1	5	4
Bono	12	3	15	9	1	10	9
Dorgali	12	3	15	16	1	17	16
Gavoi	12	3	15	16	1	17	16
Orani	12	3	15	16	1	17	16
Siniscola	12	3	15	16	1	17	16
TOTALE	57	22	79	37	1	38	37
+ CIRCONDARIO DI ORISTANO (Pensione di Stato)							
Ales	6	4	10	1	1	2	1
Bosa	12	4	16	1	1	2	1
Busachi	12	4	16	1	1	2	1
Cagliari	12	4	16	1	1	2	1
Gallura	12	4	16	1	1	2	1
Macomer	12	4	16	1	1	2	1
Mogoro	12	4	16	1	1	2	1
Seneghe	12	4	16	1	1	2	1
Sorgono	12	4	16	1	1	2	1
Terralba	12	4	16	1	1	2	1
TOTALE	137	46	183	29	1	30	29
+ CIRCONDARIO DI SASSARI							
Alghero	12	4	16	6	1	7	6
Bonorva	12	4	16	4	1	5	4
Ittiri	12	4	16	4	1	5	4
Mulini	12	4	16	4	1	5	4
Ozieri	12	4	16	4	1	5	4
Settebade	12	4	16	4	1	5	4
Plotte	12	4	16	4	1	5	4
Portofino (S. Maria)	12	4	16	4	1	5	4
Pozzomaggiore	12	4	16	4	1	5	4
Sorso	12	4	16	4	1	5	4
Thiesi	12	4	16	4	1	5	4
TOTALE	137	46	183	29	1	30	29

quartu S. Elena	1000
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4090
 HEADQUARTERS
 ALLIED COMMISSION
 RE: M 6

21 May 1944

TO: H.E. The High Commissioner for Sardinia

SUBJECT: Congestion of Prisons in Sardinia

REFERENCE: L/1431-(A) 1943

1. With further reference to my letter L/1401 of 15 May 44, I have now received a further communication from H.Q., A.C.C. on the subject of the proposed Mixed Commission.

It is considered that in view of the serious congestion in the prisons of Sardinia, principally caused by the number of prisoners awaiting trial, a Joint Commission should be set up at the earliest possible date.

I trust that you will see your way to give early approval to this proposal. I have already earmarked two A.C.C. Officers - one British and one American - to serve on this Commission.

2. The proposed terms of reference are as follows:-

"To review all cases of those in prison for more than one year with power to order the release of all such prisoners who would in the opinion of the Commission on the facts of the case probably have been found not guilty or have been sentenced to a term of imprisonment of about the same length as that which the prisoner has served in prison before trial".

3. The following points also arise out of the letter received from H.Q., A.C.C.:-

(a) It is considered that the Judges recently sent to this Island should be used to deal with current cases.

(b) The letter states that instructions are being issued to you from the Ministry of Justice as to co-operation with me in arranging details for the prompt constitution and effective functioning of this Commission and arrangement of details. In this connection it is presumed that action is being taken by your Government to give the Commission any legal powers necessary.

4. I understand that you have not yet received the instructions referred to in Para.3(b) above. I feel, however, that we should lose no time in completing our preliminary arrangements and I would suggest that pending the receipt of the Ministry's instructions the following action should be taken:-

(a) The Procuratore Generale del Re should be consulted as to the most effective modus operandi of this Commission.

(b) That he be asked to obtain at the earliest possible moment lists of all prisoners of the category mentioned in the above

Lloyd S.C. (New Hq)
 29/5/44

Not received

Commission.

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3. The following points also arise out of the letter received from H.M., A.C.C.:-

(a) It is considered that the judges recently sent to this island should be used to deal with current cases.

(b) The letter states that instructions are being issued to you from the Ministry of Justice as to co-operation with me in arranging details for the prompt constitution and effective functioning of this Commission and arrangement of details. In this connection it is presumed that action is being taken by your Government to give the Commission any legal powers necessary.

4. I understand that you have not yet received the instructions referred to in Para.3(b) above. I feel, however, that we should lose no time in finalising our preliminary arrangements and I would suggest that pending the receipt of the Ministry's instructions the following action should be taken:-

(a) The Procuratore Generale del Re should be consulted as to the most effective modus operandi of this Commission.

(b) That he be asked to obtain at the earliest possible moment lists of all prisoners of the category mentioned in the above terms of reference and to instruct the proper authorities to have all documents put in order ready for submission to the Commission.

5. Subject to any further instructions which may be received and to your own views and those of the Procuratore Generale del Re it seems to me that this Commission should operate as follows:-

(a) It should sit in CAGLIARI.

(b) It should sit continuously on every day of the week except Sunday until all the cases are disposed of.

(c) It should have the services of an Italian legal expert at its disposal if neither of the members appointed by you is a lawyer. A secretary should also be appointed.

/ (d)

(a) Arrangements should be made for all relevant documents, relating to every case to be submitted to the Commission.

(a) Short abstracts relating to such case should be prepared on lines to be settled by our respective staffs and the Procuratore Generale del Re, these abstracts should be forwarded to this office for translation as soon as practicable and in any event as and when they are completed for each case.

(f) Consideration should be given to the question of the necessity or otherwise for the attendance of a responsible officer of the appropriate prison and familiar with the records thereof at the sittings of the Commission. This affects the question of priority of cases dealt with in sub-para. (g) below.

(2) In general it would appear that priority should be given to prisoners who have served the longest sentences although this consideration may not be paramount in view of the fact that it is hoped the work of the Commission will be disposed of at an early date. It might be found more convenient to deal with cases prison by prison. The point, however, requires close consideration.

(h) It would seem to be desirable that all prisoners should be medically examined and that certificates as to their state of health be submitted to the Commission.

6. In view of the very great urgency of this matter I shall be grateful if you will take the action indicated in Para.4 above at your earliest convenience and if you will advise me as soon as you receive instructions from the Ministry of Justice.

145/504

McCarry ³⁶

The official Commission report
 will appear in the official
 publication.

Copy to: H.Q., A.C.C. (Main) (R.C. & M.S. Section,
V.P. Administrative Section, A.C.C. (Genr).
Level Sub-Commission, H.Q., A.C.C. (Genr)

(f) Consideration should be given to the question of the necessity or otherwise for the attendance of a responsible Officer of the appropriate prison and familiar with the records thereof at the sittings of the Commission. This affects the question of priority of cases dealt with in sub-para. (a) below.

(g) In general it would appear that priority should be given to prisoners who have served the longest sentences although this consideration may not be paramount in view of the fact that it is hoped the work of the Commission will be disposed of at an early date. It might be found more convenient to deal with cases prison by prison. The point, however, requires close consideration.

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6. In view of the very great urgency of this matter I shall be grateful if you will take the action indicated in Para. 4 above at your earliest convenience and if you will advise me as soon as you receive instructions from the Ministry of Justice.

MC/ech

McCarry 34
A. Carr,
Prigadier,
Regional Commissioner.

Copy to: H.Q., A.C.C. (Main) (H.C. & M.S. Section,
V.P. Administrative Section, A.C.C. (Hear).
Legal Sub-Commission, H.Q., A.C.C. (Hear)

no action

26 4090
 ALLIED CONTROL COMMISSION INCOMING MESSAGE MAY

28A

SVC/ RELAY NO :

L/C NO :

CLASS : NOT GIVEN

REF NO :

PREC. : NOT GIVEN

FILED : May 171700B

FROM : TABLE ACC SARDINIA FROM CARR

Rec'D : May 180525B

TO : ACC REAR FOR UPJOHN

Teletype

Aggiunti giudiziari arrived yesterday. Your cable 141755B NR 2762 refers : First President requests transmission to Ministry of message as follows:

" Ignorando provvedimenti adottati AUT adottando sostituzione Pretori applicati Tribunali e Regie Procure distretto circa magistrati conseguente inviati missione da Sardegna tenendo presente arretrato Uffici così provvediamo : Giudice Teati Vittorio et Uditore Ballucci Giuseppe Tribunale Sassari. Uditore Sammartano Giovanni Procura Sassari. Uditore Treisi Mario e Mancuso Mario Tribunale Cagliari. Sostituto Angelo Jaktoraberto et uditore Vitolo Marcello Procura Cagliari ".

Letter with recommendations being despatched by fast air courier today.

A CARR Brigadier .

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33

File 409)

27A

17 May 1944. /rly.

2776

Abstract

TO BAKER FOR CASE TWO AND BAKER FOR LONE
BANK AND BANK WITH BAKER

G. S. HAYFORD, 32
Colonel,
Chief Legal Officer.

MINUTES OF THE MEETING HELD ON 16 MAY 1944

PRESENT Col. Gerald A. Upton
Lt. Col. Wilmer
Capt. Humphord,
Capt. Ginnelli
Capt. Stein

H. J. The Minister
Comm. Zouli
Avv. Della Pietra
Comm. Florio
Comm. Giannantonio
Data, 30 May 1944

Meeting opened at 1:00.

1. Declassification of Personnel.

CLO requests information on accomplishment of the Government in this field. The Minister reports that no officials have been dismissed from judicial offices under the Declassification Law and that a list is now being prepared of officials who shall be investigated under the said law. The Minister recommends that further information be received from Sig. Onofrio and Ministry of Interior.

2. Journalists.

Agreed that the Minister shall propose to the Commission for Razzione that Art. 2 be amended as follows:
"Whoever promoted or directed the armed insurrection of 28 Oct. 1922 against the authorities of the State shall be punished by imprisonment for life; whoever thereafter continued to hold high fascist responsibilities after the fascism has introduced the death penalty, may be punished by death." CLO points out that this will give discretion to the judge as regards the imposition of the death penalty.

3. Sardinian Prisons and Courts.

(a) Vig. Gatt's cable is read pointing out that promotions of Adorni does more damage than good.

(b) The Minister is opposed to giving the Allied - Italian Prison Commission any power exceeding the present law.

(c) The Ministry is preparing a draft decree dispensing with obligatory warrants for arrest in many cases and extending the applicability of provisional liberty. This provision is calculated to relieve prisons of about 15% inmates. The Minister suggests that the Prison Commission compile even before the publication of the decree a list of prisoners to be released in accordance with the provisions of said draft decree and the competent authorities will act upon this recommendation.

(d) The draft decree shall be submitted to Legal Sub-Commission.

(e) The Minister is opposed to any step which would dispose of a detained accused without formal trial. The only measure acceptable is a general amnesty.

1. Defascistization of Personnel.

CLO requests information on accomplishment of the Government in this field. The Minister reports that no officials have been dismissed from judicial offices under the Defascistization Law and that a list is now being prepared of officials who shall be investigated under the said law. The Minister recommends that further investigations be received from the Quoted and Ministry of Interior.

2. Examinations.

Agreed that the Minister shall propose to the Commission for Examinations that Art. 1 be amended as follows:

"Whoever promoted or directed the armed insurrection of 28 Oct. 1922 against the authorities of the State shall be punished by imprisonment for life; whoever thereafter continued to hold high fascist responsibilities after the fascists has undergone the death penalty, may be punished by death if, CLO points out that this will give discretion to the Judge as regards the imposition of the death penalty."

3. Sardinian Prisons and Courts.

(a) The cable is read pointing out that promotions of officials does more damage than good.

(b) The Minister is opposed to giving the Allied - Italian Prison Commission any power exceeding the present law.

(c) The Ministry is preparing a draft decree dispensing with obligatory warrants for arrest in army cases and extending the nullity of provisional liberty. This provision is calculated to relieve prisons of about 35,000 inmates. The Minister suggests that the Prison Commission compile over before the publication of the decree a list of prisoners to be released in accordance with the provisions of said draft decree and the competent authorities will act upon this recommendation.

(d) The draft decree will be submitted to Legal Sub-Commission.

(e) The Minister is opposed to any step which would discuss of a detained accused without formal trial. The only secure acceptable is a general amnesty.

(f) CLO states he will report the above to Chief Commissioner.

4. Bari Court Difficulties.

Col. Corbelli's report on Bari Courts is discussed. Minister offers to write to Bari or send an official on special mission to investigate the situation. Personnel matters in regard to Bari are discussed.

Terminology.

Comm. Zeuli suggests the following:

- a) territorio libero : All territory at present free from Germans
- b) "a" liberato: Territory formerly occupied by Germans and now free from Germans
- c) "a" restituito: Territory restored to Italian Government
- d) "a" controllato: A.M.G. Territory
- e) "a" occupato: Territory held by Germans.

CLO states he will consider the proposal.

Meeting closed at 1745.

CE-

File 4090

25A

RESTRICTED

4/14

ROUTINE

2762

ACC REAR

MAY 14/2132G

TABLE

EIGHT QUOTE AGGIUNTI GIUDIZIARI UNQUOTE GRADE SEVEN AND EIGHT
PROCEEDING BY NAVAL VESSEL TO CAGLIARI THIS WEEK ON TEMPORARY
APPOINTMENT TO RELIEVE PRESENT CONGESTION PD TO EABLE FOR CARR
FOR ALEXANDER FROM ACC REAR FROM UPJOHN SIGNED LACFARLANE PD
PLEASE ARRANGE THEIR POSTINGS WITH THE FIRST PRESIDENT AND
ORGANIZE NECESSARY ACCOMODATION FOR SOJOURN OF FIVE MONTHS PD
POSTINGS WILL BE CONFIRMED BY ROYAL DECREE AS SOON AS NECESSARY
INFORMATION RECEIVED BY MINISTER

AUTHENTICATED :

E.J. CHIOCCA
CWO, USA
Asst. Adj.

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- 1 - Legal
- 1 - Adj Main

29.

file 4090

3/11
2754

(24A)

MAY 13/1610B

RESTRICTED

ROUTINE

ACC REAR

POWIT

REQUEST ARRANGEMENT BE MADE FOR EARLY TRANSPORTATION EIGHT ITALIAN JUDGES NOW AT NAPLES AWAITING PASSAGE TO SARDINIA VIA ITALIAN NAVAL VESSEL ENGAGED NAPLES CAGLIARI FERRY SERVICE PD TO POWIT FROM ACC REAR FROM NAVY SUBCOMMISSION SIGNED MACFARLANE PD FAMILIES WILL NOT BE TRANSPORTED PD ADVISE MAJOR PALITERI AND NAPLES TEL FIVE THREE TWO NINE NINE AND THIS OFFICE TIME AND PLACE PASSENGERS WILL BE SEPARATED.

AUTHENTICATED

(SMD) E.J. CHIOCCA
CWO, USA
ASST ADJ.

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- 1 - Legal

28

HEADQUARTERS,
ARMED CONTROL COMMISSION,
APO 354

Regional Control and Military Government Section.

Ref: 64/109/CA.

14th May 1944

SUBJECT: Congestion of Prisons in SAMOIRA.

TO : Regional Commissioner,
Region VI.

1. I refer to my telegram 4855 of 12 May 1944.

2. The congestion in the prisons in SAMOIRA is deplorable and the greatest pressure must be brought upon the High Commissioner to secure matters. The number of prisoners awaiting trial forms the largest contribution to this congestion. Additional judges are being despatched to the island but should be used to deal with current cases.

3. In order to liquidate the outstanding cases, the Chief Commissioner directs that you should, in conjunction with the High Commissioner, create a Mixed Prison Commission in Bordinia with the following terms of reference:-

To review all cases of those in prison for more than one year with power to order the release of all such prisoners who would in the opinion of the Commission on the facts of the case probably have been found not guilty or have been sentenced to a term of imprisonment of about the same length as that which the prisoner has served in prison before trial.

4. The Chief Legal Officer has arranged for the Minister of Justice to issue orders to the High Commissioner to co-operate with you and you should thereupon arrange details with General Pina and advise him in the strongest possible terms to make his co-operation prompt and effective.

5. The Chief Legal Officer is anxious that you should not appoint your Regional Legal Officer to be a member of this Commission and you should therefore select two suitable officers from the Provincial staffs,

LOCAL SUB-COMMISSION

0

0

17 5 1944

TO : Regional Commissioner,
Region VI.

1. I refer to my telegram 4855 of 12 May 1964.

2. The congestion in the prisons in SAMARUA is deplorable and the greatest pressure must be brought upon the High Commissioner to improve matters. The number of prisoners awaiting trial forms the largest contribution to this congestion. Additional judges are being despatched to the island but should be used to deal with current cases.

3. In order to liquidate the outstanding cases, the Chief Commissioner directs that you should, in conjunction with the High Commissioner, create a Mixed Prison Commission in Cardinia with the following terms of reference:-

To review all cases of those in prison for more than one year with power to order the release of all such prisoners who would in the opinion of the Commission on the facts of the case probably have been found not guilty or have been sentenced to a term of imprisonment of about the same length as that which the prisoner has served in prison before trial.

4. The Chief Legal Officer has arranged for the Minister of Justice to issue orders to the High Commissioner to co-operate with you and you should thereupon arrange details with General Pirua and advise him in the strongest possible terms to make his co-operation prompt and effective.

5. The Chief Legal Officer is anxious that you should not appoint your Regional Legal Officer to be a member of this Commission and you should therefore select two suitable officers from the Provincial staffs.

SUB-COMMISSION	
Chief Officer	1964
Deputy Chief Officer	
Police Officer	
CL RKS	
Copy to: Administrative Section.	

Brigadier,
Executive Commissioner.

4039
ALLIED CONTROL COMMISSION - INCOMING MESSAGE /hft 4760
(22A)

SVC/RELAY NO.

CLASS: NOT GIVEN

PREC : NOT GIVEN

FROM : ACC SARDINIA FROM CARB

TO : ACC REAR FOR LEGAL SUBCOMMISSION

M/C NO:

REF NO: ACC 370

FILED : MAY 160024B

REC'D : MAY 161300B

via ACC courier

LIA

Your cable 2762 of 14 May received. Necessary arrangements being made. Alexander just completed tour of Tribunali. Transfers of Sardinian judicial officials proposed by Ministry of Justice referred to in your letter of 5 May will strengthen Preture at expense of Tribunali and Procure. General opinion of officials is that this will hinder rather than help. Would suggest your approach Minister with request that he invites Procuratore Generale to Salerno soonest to discuss position. Letter follows by air courier with specific recommendations.

ACTIONDISTRIBUTION:

- 1 - File
- 1 - DSG - info
- 1 - ECC
- 1 - Legal - action

LEGAL SUB-COMMISSION

CLO

DCLO

Chief Counsel

CJO

Italian Section

CL RKS

26

COPY

(21A)

RESTRICTED

15 May 44

ROUTINE

Ref 2765

FROM PUBLIC SAFETY SUBCOMMISSION HQ ACC (REAR)
TO REGION 6 FOR INFO.

REPORT FROM CENTRAL DIRECTOR OF PRISONS, ITALIAN MINISTRY OF JUSTICE, INDICATES THAT AFTER RELIEVING OVERCROWDING IN SARDINIAN PRISONS BY TRANSFERRING SIBILIAN PRISONERS TO AGRICULTURAL COLONIES, ROOM WOULD BE AVAILABLE IN THOSE COLONIES FOR 500 PRISONERS FROM THE MAINLAND. HE HAS TELEGRAPHED PROCURATORE, CAGLIARI, FOR EXACT INFORMATION. WILL YOU CHECK AND ADVISE ON THE POSSIBILITIES OF USING THESE ACCOMMODATIONS?

Major Harnaford

HEADQUARTERS
ALLIED OFFICIALS, CORRELATION
LEGAL AND ADMINISTRATIVE
SECTION

/rtp.
10 May 1944

100/109/L.

SUBJECT : Courts for dealing with persons awaiting trial.
TO : Vice President, Administrative Section.

1. I have considered carefully the suggestion made by Brigadier Leah in his letter dated the 8th of May which you lent to me yesterday afternoon and which I return herewith.

2. In my opinion, there are grave objections both legal and practical to the suggestion put forth by Brigadier Leah.

3. In the first place I think that the setting up of an entirely new type of court in occupied territory is probably a breach of Article 43 of the Hague Convention. The matter is not free from doubt, but the better opinion in my view is that if the occupying power desires to supplement the courts of the country, he should set up his own military courts (as has in fact of course been done) and not attempt to create an entirely new court of the occupied territory.

4. Secondly, I think Brigadier Leah has overlooked several great practical difficulties in appointing lay magistrates. The system of having unpaid lay magistrates has been in force in England since before the time of Queen Elizabeth, but even after 300 years of this system it is still thought necessary that the lay magistrates should have a competent and technically trained clerk of court to advise them on matters of law. The Italians having never recognized a form of lay magistrate and the collection of and training of such laymen and of the clerk of the court presents in itself a problem which it would take months if not years to solve before such courts could in any way become effective. I would point out to you in this connection that the supervision of Allied officers as suggested would be quite useless, for such proposed Summary Courts would administer Italian law and Allied officers would not be competent to train or supervise the lay magistrates in their duties.

5. If the matter is to be dealt with drastically and a solution found within the next six weeks, I have the following suggestion to offer; (on the footing that the imposition of 100 in Germany and setting up of Allied Military Courts there is out of the question), namely:

A review, by a mixed commission of Allied and Italian representatives, of the cases of those in prison awaiting trial and the release

(208)

without further trial of those who have been imprisoned for a long time and who have in fact already served in prison the length of sentences which they would have been likely to have received after trial. This method has been employed already in Regions I and II in isolated cases where jails were over-flowing.

6. The gravity of the situation in Sardinia though serious can be overestimated. It must be remembered that no courts met for nearly two years until opened by Major Faldieri in April, but they are now beginning to function and the following steps have already been taken to deal with the situation:

7. I promised to Brigadier Carr at the last monthly meeting, twelve additional judges, but this figure will shortly be exceeded because the Italian Ministry has promoted ten formerly eleven retired (young judges) to higher positions, thereby releasing eleven retired who can return to their seats in the smaller towns. Furthermore, I have this morning, as a result of considerable pressure brought to bear on the Minister at a meeting yesterday morning, now received the names of eight judges to go over to Sardinia in a few days and I am asking Brigadier Carr to provide a special aeroplane for that purpose. This increase to nineteen in the staff of the civil courts should greatly alleviate the position.

8. One of the great difficulties is the large number of soldiers and others who are awaiting trial before the Military Tribunal in Sardinia. There is a very great shortage of judges here. I discussed this matter with General Traina, the Commander General Militari who came over from Catania yesterday. If Major Faldieri and General Traina could be sent at the earliest possible moment to Algeria to inspect the prisoners of war camps in North Africa, I feel convinced that they will be able to find a number of prisoners there who could be repatriated to serve as members of the military tribunals. A preliminary list of twenty-four judges, thought to be imprisoned in North Africa, was submitted some time ago, but so far nothing has occurred. I should be grateful if you will take this up with the Chief Commissioner as a matter of urgency as I am sure that the provision of judges from North Africa will go a long way to ease the present position in Sardinia.

23

GEORGE B. HUGHES,
Colonel,
Chief Legal Officer.

1 Incl.

glenn

S/tum

Acc/4090/L

3 May 1944

SUBJECT: Conditions in Sardinia.

TO : Chief Commissioner.

I attach material for the proposed letter to the Marshal. I also append a summary of the considerable work already done by the Legal Subcommittee.

" May I draw your attention to three matters regarding the island of Sardinia?

- (1) The first is the overcrowded state of the jails particularly at Sassari.
- (2) The second is the fact that hundreds of prisoners including many juveniles have been detained for long periods without trial.
- (3) The third concerns the OVRA organisation. I have no exact information on this point but I understand that though the late chief has been removed the other officers remain. I should be grateful if you would let me know the facts. The destruction of this organisation was a specific condition of the Armistice Terms.

Points (1) and (2) have already been the subject of discussion with the Italian ministry and I am aware of the difficulties confronting them.

Nevertheless, I feel that the circumstances are sufficiently serious to ask you to consider sending to the island, if possible, a member of the Government to confer on these matters with the High Commissioner and my own Regional Commissioner Brigadier Carr."

(Sgd) S.

STANSFATE,
Vice President
Administrative Section.

Copy to: Sec. General.
R. G. Ryan - 6.

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

78A

3 May 1944

SUBJECT: Summary of Mission regarding the re-establishment of the Italian Civil Courts, in Cagliari.

TO : V. P., Admin Section.

1. I was in Sardinia from 11 March 1944 until 12 April 1944. The purpose of my mission was to consult with the officers of the Allied Commission and with the local Italian officials with a view to formulating plans for the reopening of the Italian Civil Courts in Cagliari. Since the heavy bombings in that city early in 1943, the various sections of the Italian Civil Court system in Cagliari had fled to different parts of Sardinia/which were not readily accessible. The Palace of Justice had been seriously damaged and the housing, feeding and transportation problems existing in Cagliari at the time of my visit were very acute.

2. There exists in the offices of the Legal Sub-commission at Salerno, 3 reports addressed to the CLO, dated 16 March, 1 April and 12 April 1944 which set forth in detail the work which was done during my stay.

3. In a separate memorandum of 3 May 1944 addressed to V.P. Admin Sec, I have set forth the recommendations regarding the court and prison situation which should be dealt with at this time.

4. Briefly, the concrete results which I believe were attained by my mission to Sardinia are as follows:

a. The completion of the repairs according to plan of the 2 top floors of the Palace of Justice at Cagliari for the purpose of housing the Tribunale, the office of the Procuratore Del Re, the Court of Appeal and the Procura Generale.

b. The housing of the Pretura Court in temporary quarters, pending the completion of the repairs to the lower floors of the Palace of Justice.

c. The return of all courts and judicial offices to Cagliari.

d. The establishment of a mess for the judges and court employees

in the Palace of Justice. This involved the procuring and delivery of cooking apparatus, food and articles of furniture, all of which I was compelled to attend to personally.

e. The making of arrangements with a view to securing a telephone connection and motor transport for the courts at the earliest feasible date.

f. The establishment of a plan for expediting the hearings of criminal cases by the Italian Courts.

g. The establishment of separate custodial facilities for military prisoners so as to relieve the overcrowded conditions in certain Civil Detention Prisons.

h. The securing of specific information regarding the personnel requirements of the Italian Military Tribunal as well as the Italian Court system.

Edmund L. Palmieri

EDMUND L. PALMIERI, Major AUS

Copy for file ACC/4001/3/L

-20-

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

170

3 May 1944

ACC/4090/L

SUBJECT: Recommendations regarding the Court and Prison Situation in Sardinia.

TO : V.F. Administrative Section.

1. The prisons in Sardinia used for the detention of persons awaiting trial are seriously overcrowded for two reasons;

(a) The Italian Military Tribunal as well as the Italian Civil Courts are understaffed and unable to dispose of cases rapidly enough in the face of an increasing amount of crime committed by Italian military personnel and by civilians.

(b) The Italian military establishment in Sardinia did not possess adequate prison facilities for prisoners awaiting trial with the result that the civil jails have been burdened with military prisoners. This situation has, however been somewhat remedied by General Magli who has constructed a prison camp at Villanova Strisaili and who has secured two barracks buildings formerly used by Italian artillery at Oristano.

2. The proper administration of justice and the reduction of the populations of the detention jails cannot be achieved in Sardinia unless additional personnel are sent there immediately.

3. The Italian Civil Courts require a minimum of thirty five (35) judges and ranking officials (magistrati) and a minimum of seventy six (76) minor employees (funzionari). These figures are based on information furnished me by President Volpe of the Court of Appeal and Procuratore Generale Spadenzani. The Minister of Justice at Salerno has been furnished with the necessary details.

4. Seventeen (17) officials are required by the Italian Military Tribunal to do the work of instructional judges and assist in its administration. These officials can be drawn from Italian Prisoner of War Camps in North Africa. Two requests to this effect have been made by Col. Upjohn. They should be acted on speedily.

Edmund L. Palmieri
EDMUND L. PALMIERI, Major AUS

Copy for file ACC/4001/3/L

HEADQUARTERS
ALLIED CONTROL COMMISSION
REGION 6

28th April 1944.

To : Headquarters, Allied Control Commission,
R.C. and M.C. Section.

From : Regional Commissioner.

Subject : Offenders awaiting trial in Sardinia.

Reference : L/1401

Not held at request

Reference your cables of 23rd April and 25th April 1944, there are enclosed:-

- (1) Abstract showing prison situation with explanatory note attached.
- (2) Copies of 3 Reports by Major Palmieri (who recently spent some weeks in Sardinia on a special mission relative to the re-establishment of the Law Courts) dated respectively 16 March 1944 and 1 and 12 April 44.

It is pointed out with regard to (1) above, (a) that the figures are those ruling at the beginning of this month and that considerable changes have taken place since then. Whilst no precise figures are available it may be stated that approximately 500 minor offenders have been amnestied in the interval and that the total number of persons now awaiting trial is not much in excess of 1000. (b) that the prisons enumerated do not include the CARCERI MANDAMENTALI (see explanatory note attached to abstract). Individual particulars of these prisons which number 56 have been asked for but are not yet available. The number of persons awaiting trial therein is stated by the Procuratore Generale to be about 130. Convicted persons therein number 45.

(c) that all military prisoners will shortly be removed from the Civil Prisons.

(d) that the number of military offenders now awaiting trial is understood to be in the region of 2000. It was formerly much higher but a very large number of less serious offenders have been amnestied since 1st April 1944.

(e) that particulars of individual prisoners detained in each of the jails though asked for some considerable time ago are not yet available; and

(f) that enquiries are being pursued regarding the status of persons (see Col 4). It is believed that most of

April 1944. There are enclosed:

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(2) Copies of 3 Reports by Major Palmieri (who recently spent some weeks in Sardinia on a special mission relative to the re-establishment of the Law Courts) dated respectively 16 March 1944 and 1 and 12 April 44.

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(e) that particulars of individual prisoners detained in each of the jails though asked for some considerable time ago are not yet available; and

(f) that enquiries are being pursued regarding the status of persons detained without trial (see Col 4). It is believed that most of these are detained on grounds of public safety. They will be screened whenever particulars become available.

RGSA/ajg.

Copy to: Legal Sub-Commission, A.C.S. }
Vice-President Administration Sec. }
Messrs. Palmieri &

McLan Bypod

M. CARMI
Brigadier
Regional Commissioner

Explanatory Note Regarding
Prisons in Sardinia

There are three types of prisons:-

1) Penal Colonies - 6 in number:-

ASINARA
MANONE

TRAFARIGLIO
CASTIADAS

ALGHERO
SARCIDANO

These are normally for convicted persons only. At present there 9 prisoners in SARCIDANO Colony who are awaiting trial.

2) Judiciary Prisons - 6 in number:-

CAGLIARI
ORISTANO

SASSARI
TEMIO

NUORO
LANUSEI

ie. one at the seat of each Tribunal on the island.

These are normally for persons awaiting trial ^{mainly} only. At present owing to Special Circumstances they also house many convicted prisoners.

3) CARCERI FONDAMENTALI 56 in number ie. one at the seat of each Pretura.

These are for persons awaiting trial on minor charges Preture and also for a few persons serving short sentences.

- SITUATION OF PRISONS -

in SARDINIA - APRIL 1944.

PRISONS		AWAITING TRIAL	CONVICTED	DETAINED FOR VARIOUS REASONS WITHOUT TRIAL	MILITARY PRISONERS
Penal Colonies	(Sarcidano	9	30	63	-
	(Castiadas	-	707	34	-
	(Alghero	-	292	51	174
	(Tramariglio	-	194	7	52
	(Asinara	-	508	197	43
	(Manove	-	314	-	92
		9	2045	352	361
Judiciary Prisons	(Cagliari	629	19	38	133
	(Sassari	429	98	26	249
	(Nuoro	192	59	12	16
	(Oristano	182	46	-	150 +
	(Tempio	62	18	-	4
	(Lanusei	51	10	2	12
		1545	250	78	564
GRAND TOTAL		1554	2295	430	925

+ Of whom 53 are convicted, but not included in the 46 prisoners in "Convicted Column".

- SITUATION OF PRISONS -

in SARDINIA - APRIL 1944.

DATE	CONVICTED	DETAINED FOR VARIOUS REASONS WITHOUT TRIAL	MILITARY PRISONERS	TOTAL PRISONERS	CAPACITY OF PRISON
9	30	63	-	102	194
-	707	34	-	741	1400
-	292	51	174	517	433
-	194	7	52	253	400
-	508	197	43	748	1300
-	314	-	92	406	550
9	2045	352	361	2767	4277
29	19	38	153	819	650
29	98	26	249	802	268
32	59	12	16	279	208
32	46	-	150 +	378	161
32	18	-	4	84	60
31	10	2	12	75	80
45	250	78	564	2437	1427
54	2295	430	925	5204	5704

convicted, but not included in the 46 prisoners in "Convicted Column".

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
A.P.O. 394

Jag sap

23rd April 1944

ACG/1097/L

Subject: Prison Situation, Sardinia.

To : Executive Commissioner.

In compliance with your telephoned request of this morning, there are forwarded to you herewith copies of extracts from the reports of Major E.L. Palmieri, dated respectively 16 March, 1 April and 12 April 1944.

RICHARD H. WIDMER,
Lt. Col. G.A.C.
Deputy Chief Legal Officer. 15

ACX/1059/L.

14A
/112
25 April 1964

SUBJECT : Prison Situation in Sardinia.

EXTRACT FROM MAJOR PAINTERI'S REPORT DATED 22 APRIL 1964.

"9. The problem of custodial facilities for military prisoners awaiting trial has been solved by the construction of a detention camp at Villa Nova Strisaili (near Villa Grande) and northeast of Lanusei in Cagliari Province. I visited this camp on 7 April 1964. It is a former prisoner of war camp in which maximum security facilities are being installed in the way of barbed wire enclosures and searchlight towers. The barracks are stone buildings which house about 100 persons each. In addition to this camp, General Magli informed me on 11 April 1964 that he had secured the transfer of two companies of Italian military out of Oristano. This will make available two barracks buildings at Oristano for Italian military prisoners awaiting trial. The first shipment of military prisoners out of the Italian civil prisons to their new quarters was planned for 11 April 1964."

13A

EXTRACTS FROM LONDON PAPER 2214 REPORT DATED 1st APRIL 1944.

● ● ● ●

The meeting was attended by the Prefect of Cagliari, Signor Monti, Colonel Sanna, attaché to General Ima, President Volpe and Signor Spallanzani. General Magli was present for about forty minutes, at which time the problem of dealing with the custody of all six prisoners awaiting trial was discussed."

廣州 卷之二

"The problem of providing separate custodial facilities for military prisoners was discussed in the presence of General Magli. He appeared to be well informed regarding the problem, and as a result of our discussion he agreed to undertake immediately the construction of a prison camp which would be under the direct supervision of military authorities and which would absorb the custodial responsibility for military prisoners which was now falling upon the civil prisons hereinafter referred to. Several sites for this camp were discussed. The necessity for avoiding malarial areas, and the further necessity of obtaining the most difficult site so far as possible, narrowed the choice down to the area close to Oristano. (On 24 March 1944, I had a conference with General Magli who advised me that the camp for military prisoners was to be set up at Villa Grande-Agliari (Sardinia). It should be noted that there is ³no penal institutions in Sardinia for convicted prisoners. In fact, a large suitable prison for convicted military prisoners has already been set up at Sassari. The overcrowded conditions relate entirely to the institutions used as detention prisons at Cagliari, Sassari, Oristano and Sassari."

/r19

(121)

ACC/4090/1.

SUBJECT : Prison Situation in Sardinia.

REPORT FROM MAJOR WILHELM V. REPORT DATED 16 MARCH 1964.

+ + + + +

*5. The situation affecting the administration of criminal justice is extremely grave. On 11 March 64, I visited the Cagliari Prison and conferred with Mr. Calisto Tanzi, the Director. Mr. Tanzi advised me that his prison population was 632. Of these, only approximately 20 were convicted prisoners and the rest awaiting trial. These awaiting trial have been in jail for periods ranging from 20 months to shorter periods of time. In many cases of recent arrests, defendants have been given provisional liberty because no custodial facilities have been available. Mr. Tanzi stated that the Italian Military authorities were sending his military prisoners to that jail. He made a very earnest request that I discuss the matter at Oxford with the proper officials with a view to having the military prisoners housed in a separate jail of their own. I requested Mr. Tanzi to furnish me with a list showing the names of prisoners in his institution, the crime charged against each one, and the length of incarceration. While Cagliari Prison is not of modern construction it is reasonably well-sited to its purpose, having a hospital and operating room, a library and school room, and separate wings for male and female prisoners. Bathrooms are provided for the prisoners, and an attempt is made to provide a better ration for them and sick inmates. The food is reasonably good considering present dietary standards among the civil population in Italy.

CONFIDENTIAL

FATIMA 2902

3 April 1944

Vapor 165 - Pisto

FATIMA (Civil Affairs Branch)

CONFIDENTIAL

PRIORITY

FATIMA

DE VILLA UNDERSTANDS HIS POSITION TO PASSE TO PASTOR FOR CARD FROM FATIMA FOR LEGAL
PASSE TO YOUR ABLE CHARLES TWO SIX NIGHT DATED THREE ONE MARK REFFERS TO BE IS
 CONFIDENTIAL. THIS ACT OF ITALIAN GOVERNMENT TO DEVELOP QUESTIONS OF PROSECUTION TO IS
 NOT REPEAT NOT ATTACHED AND TO IF THE INSURET HE COULD DO INSURET. WITH IN COLLECTION
 WITH PASTOR TO IF RE-ATTACHED NOT CARBONIZED SUGGEST YOU REQUEST HIM RETURN TO
 ALEXANDER. SIGNED IN THIS SIGNAL.

Copy To
 Legal Sub. Com. (NEAR) HQ

L. F. MONTANT, Jr.
 2/Lt. ADJ.
 Adjutant.

CONFIDENTIAL

6
CONFIDENTIAL

ACTION COPY

MSG CENTER NO : 39

CLASSIFICATION: CONFIDENTIAL

PRECEDENCE : PRIORITY

FROM

FABLE FROM CARR

TO

FATIMA REAR FOR LEGAL SUB COMMISSION

DATE/TIME SENT : 311236

REFERENCE NR : WM1745

CITE

AC268

REC'D: MAR 31 1520

ITALIAN OFFICIAL DE VILLA ATTACHED TO LEGAL SUB COMMISSION ARRIVED 30 MARCH 44. REQUEST IMMEDIATE CLARIFICATION OF HIS AUTHORITY AND DUTIES. BELIEVE HE INTENDS TO DUPLICATE WORK ALREADY DONE BY MAJOR PALMIERE AND MAY SERIOUSLY IMPAIR SUCCESS OF PALMIERIS MISSION. TRANSLATION OF MAJOR PALMIERIS CONFIDENTIAL REPORT IN HIS POSSESSION IS CREATING EMBARRASSMENT. AM I TO USE DE VILLA ONLY TO EXTENT I CONSIDER HIM USEFUL OR HAS HE AUTHORITY INDEPENDENT OF MY CONTROL.

HEADQUARTERS

1 APR 1944

A. C. C.

ACC DISTRIBUTION:

Action - Legal Sec - Rear
 Info - Rep. CC
 - C.A.B.
 Admin Sec.
 - File
 - Float

HEADQUARTERS

1 APR 1944

A. C. C.

G. Pappas
 I have given a copy
 of our answer sent from Naples
 on 3.4.44

ACTION COPY

CONFIDENTIAL

CONFIDENTIAL

ACTION COPY

HSC CENTER NO : 40/31

CLASSIFICATION: CONFIDENTIAL

PRECEDENCE: PRIORITY

FROM: FABLE FROM CARR

TO: FATIMA REAR FOR LEGAL SUB COMMISSION

DATE/TIME REC'D: MAR 31 1956

DATE/TIME SENT : 311800

REFERENCE NR : WM1763

CITE : NR NONE 69

TRANSMIT FOLLOWING MESSAGE FROM DE VILLA TO MINISTRY OF JUSTICE
 "I BEGAN BY INVESTIGATIONS YESTERDAY"

ACTION COPY

ACC DISTN:

Action - Legal SC (Rear)

Info - Rep. C.C.

- File

- Float

9



ACTION COPY

CONFIDENTIAL

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

ART/gmf

ACC/4090/L

29 March 1944.

SUBJECT: Released Italian Convicts.

TO : V.P. Administrative Section.

1. Ref this office letter ACC/4090/L dated 22 March 44.

2. This matter was further discussed with the Minister of Justice on the 28th inst. from a general point of view. It appears that the Italian penitentiary administration provides ample facilities for the supervision and employment of released or discharged convicts both in the form of organized labour units as well as occasional work. These activities are sponsored by regional prison authorities.

3. It is respectfully suggested that this is a question of interest to the Labour Subcommittee.

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

See at:

It is suggested that you discuss the matter with the Labour Subcommittee. This matter is a matter which you are going to be asked to handle, and should be handled with care. The above of this office has been put out with 20-25 of them.

Admin
30 Mar.

To Capt Moore
To write to Labour Sub

W. H. H. H.
H. H. H. H.
H. H. H. H.

To: Director

From: Admiral

4090

1

Subject: Spokane State Court at Spokane

1. The small, as named at C.C. Conference

27 Nov 40

2. Cc shall that in view of the small size of the
it is not worth all testimony to form a better
part of the same.

(as they shall be allowed to present to the
main land, when they come to obtain it in the

normal population.

(b) There is no ~~likely~~ likelihood of it

existing, although we are not sure of the
and 1930 being accepted then by the
authorities concerned.

994

(7a)

1. This matter was denied at C.C.'s Conference

27 Nov 62

2. CC added that in view of the results in Vietnam it was not worth holding a discussion to prove a false part of the memo.

as they still in attempt to present to the Joint Board, where they ended to show that in the

normal population

7

(6) There is no ~~little~~ likelihood of an outbreak of an anti-communist of Americanism and 24 Nov. being accepted there by the Administration as an end.

J. J. H. H. H.

Chas. G. H. H.

See folio (4)

4090 file

INCOMING

MAR 1944

2346

/mar

(6)

NOT GIVEN

MAR 1399

NOT GIVEN

MAR 252339A

CAGLIARI

MAR 260845A

SALERNO

Via Teletype

MM 1399. Ministero Grazia Giustizia Salerno.

Per incarico procuratore Generale comunico seguente telegramma due
punti relazione telegramma 18 corrente concernente liberta provvisoria
assicuro aver date disposizioni sua osservanza. Prefetto Mocci.

DISTRIBUTION:

- 1 - AG
- 1 - Legal INFO ✓
- 1 - Mistry Grazia e Giustizia ACTION

6

MM 1399 Ministry of Grace and Justice Salerno.

~~On the part of Procuratore Generale communicate following
telegram as per reference telegram 18 instant concerning
provisional liberty assure to have given directions. Pre-
fect Mocci.~~

On behalf of Procuratore Generale I am forwarding to you the following
telegram: ref telegram of the 18th instant concerning provisional liberty,
I assure you of having provided for compliance with it. Prefect Mocci.

Am complying with your instructions.

134 L

5890

SA

Legal (Rear)

FROM:
TO:

25814

ACTION COPY

MUR V LNUB NR78 F

T JUSK 242105A

GXR LCHK *Reinforce*
 FROM FABLE FROM CARR
 TO FATIMA FOR UPJOHN
 GR62 ST

YOUR CABLE 2525 IS AGED ARRANGEMENTS ALREADY AGREED UPON FOR
 RELIEF OF PRISON SITUATION AND FOR EXPEDITING WORK OF CIVIL
 AND MILITARY COURTS ARE SUFFICIENT WITHOUT THE GRANT OF ANY
 FURTHER POWERS TO ~~BE~~ HIGH COMMISSIONER STOP STEPS NOW BEING
 CARRIED OUT AND WILL BE ~~REPORTED~~ REPORTED UPON IN DUE COURSE
 BY ME AND BY HIGH COMMISSIONER SIGNED FELIX J AULISI CAPTAIN
 BT

SENT NR78 242144 WC ~~MAKE WA FURTHER POWERS~~ K
 V AGREED NR78 242144 RLC UKKO

AEC List
 Action - LEGAL (REAR)
 INFO - JUSCK
 - C.A.B.R.
 - FNE
 - FLOAT

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394.

ART/gmf

4A

ACC/4090/L

22 March 1944.

SUBJECT: Released Italian Convicts at Sardinia.

TO : V.P. Administrative Section.

1. At a Conference with the Minister of Justice yesterday, 21 March 44, arising out of the state of congestion reported to exist in the prisons of Sardinia and the necessity of taking immediate steps to relieve this, it was stated that from 200 to 300 convicts are now awaiting release^{on} expiry of sentences.

2. The disposal, maintenance, repatriation, etc. of these men in view of the fact that many of them come from territory in enemy occupation, that they are "undesirable" characters and also that the available accommodation in Southern Italy is much restricted, raises grave problems.

3. The Minister of Justice enquired if it would be possible to ship them to Libya and it was also suggested that they might be formed into labour units under AMG administration to relieve the present shortage.

4. It is submitted that this problem might be considered a suitable one for discussion at the next ~~Administration~~ Conference. *Vice Presidents Meeting.*

G. R. UFFCHIN, Colonel
Chief Legal Officer.

4090

U. S. RESTRICTED
Excludes British RESTRICTED

22 MAR 1944

LEGAL
ORU/CAF/MSR

RESTRICTED

ROUTINE

FATIMA REAR

FABLE

2/22 (3)
2509

MAR

21/1353A

MINISTER OF JUSTICE HAS STILL NOT RECEIVED ANY CABLE FROM ITALIAN HIGH COMMISSIONER
PARIS YOUR AM CEE WIND THREE DATED ONE FIVE MARCH REFERS TO NEW FOR ANY ANSWER TO
SIGNAL FROM HIM ON ONE NIGHT MARCH PARAGRAPH 10 TO FABLE FOR CABLE FROM FATIMA REAR
FROM URGENT SIGNED MICHAEL ME 10. PLEASE ASK ITALIAN HIGH COMMISSIONER TO PREPARE
FOORTHWITH FULL REPORT ON CURRENT STATE CIVIL AND MILITARY PARIS AND FATIMA SITUATION
TO BE SENT DIRECT TO MINISTER OF PARAGRAPH 10 PROSECUTOR GENERAL FROM MINISTRY
OF JUSTICE FORTHWITH YOUR HEAD UNITED STATES SOONEST TO ASCERTAIN STEPS TO BE TAKEN
BY ITALIAN GOVERNMENT TO RELIEVE POSITION

AUTHENTICATED:

E. J. CHICCO 3
C/O USA
Asst Adj

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18 MAR 1944

INCO
/GR/

OUTGOING

CONFIDENTIAL

PRIORITY

FATIMA REAR

FABLE

NO REQUEST FROM GENERAL PIRMA RECEIVED BY ITALIAN GOVERNMENT TO DATE PD MINISTER
 JUSTICE CABLED TODAY PROCURATORE GENERALE INSTRUCTING HIM GRANT PROVISIONAL LIBERTY
 IN ALL REPEAT ALL CASES PROVIDED BY EXISTING LEGISLATION PD THIS IS EXTENSIVE PD
 TO FABLE FOR DUNLOP FROM FATIMA REAR FROM UPJOHN SIGNED MACFARLANE PD NEW LEGISLATION
 NOT IN PREPARATION SHOULD RELIEVE POSITION PD SPECIFIC DECREE ALTERING EXISTING
 PROVISIONS REGULATING PROVISIONAL LIBERTY NOT PRACTICABLE AT THIS STAGE PD YOUR AC
 THE ZERO THREE OF ONE FIVE MARCH REPEARS

AUTHENTICATED:

E. J. ChioCCA
 E. J. CHIOCCA
 CWO USA
 Asst Adj

2.

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CONFIDENTIAL

REF NO WM 791

PRIORITY

FILED 151733

FABLE FROM DUNLOP

152225 RECD

FATIMA



(TO FATIMA FROM FABLE FROM DUNLOP CITE ABLE CHARLIE 103) PRISONS IN SARDINIA
 FAR TOO FULL AND SERIOUS ACCUMULATION OF UNTRIED CASES. GENERAL PINNA HAS ALREADY
 REQUESTED GOVERNMENT AT SALERNO TO ISSUE AND EDICT GRANTING PROVISIONAL LIBERTY IN
 CERTAIN CASES. REQUEST YOUR URGENT ASSISTANCE OBTAINING SUCH DECREE FROM ITALIAN
 GOVERNMENT. MEANTIME DOING UTMOST EXPEDITE WORK OF COURTS.

ACC DIST

ACTION LEGAL SC
 INFO DEP CO
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