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CONSOLIDATION OF DIR
OFFICERS IN ITALIAN
MAR. - JULY 1944

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CONSOLIDATION OF DIRECTIVES ON INSTRUCTIONS TO LEGAL
OFFICERS IN ITALIAN GOV'T TERRITORY
MAR. - JULY 1944

FILE CLOSED : 28 July 1944

R E S U R I C T E D

HEADQUARTERS
ALLIED CONTROL COMMISSION
HOLOG SECTION
APO 394

Ref/383/35/CA

/rlp.
28th July 1944.

EXECUTIVE MEMORANDUM)

NUMBER

72)

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(12) (6) (10) (20) (10) (5) (5) (15)

TO : Regional Commissioners, Regions I, II, III, IV, V, VI, VII and POLE Region.
Provincial Commissioner, Foggia Province. (3)

INSTRUCTIONS TO LEGAL OFFICERS IN REGIONS TRANSFERRED TO

THE ITALIAN GOVERNMENT

1. General.

a. As stated in Memorandum dated 23 January 1944 (Executive Memorandum O.A.), to which this Directive is supplemental, upon the restoration of territory to the Italian Government subject to control by the Allied Control Commission all powers of military government cease within the restored territory and the relationship between the Commission and the Italian Government depend entirely on contract. Such contract is contained in the Armistice Terms, and forms the charter of the Allied Control Commission, supplemented by certain terms reserved on the restoration of territory to the Italian Government.

b. For security reasons it is not possible to communicate the Armistice Terms or subsequent terms in written form but the Regional Legal Officers (RLOs) will be given any necessary information regarding them.

c. It will continue to be the duty of the RLOs to advise the Regional Commissioners (RCs) on all legal matters affecting the Region. This directive is intended in part to assist RLOs in giving advice to RCs in connection with the newly acquired powers and duties of the Commission personnel in the field. It must be appreciated that in furnishing such advice, as pointed out in para (a) above, the position has essentially changed and the powers of military government have ceased and are superseded by the Armistice Terms. In particular the RCs cease to be executive and become purely advisory and supervisory. Orders are no longer given by the RCs but by the Italian Administrative officials and it is the duty of the RC within his region to see that the Italian Administration carries out the orders received from higher Italian authority (as to which the RCs will be duly informed) and to report to the Headquarters of the Commission any failure to do so. In particular all proclamations and general and regional orders come to an end and cease to be of any force or effect; and it will no longer be within the power of the RCs to issue new orders. Problems may arise which will have, as a matter of policy, to be referred to the Chief Legal Officer (CLO), but in matters of urgency RLOs will not hesitate to exercise their judgment and common sense in giving advice pending the receipt of instructions from the CLO.

d. The RLOs and all legal officers remaining with them in the Region will

1. General.

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d. The RLOs and all legal officers remaining with them in the Region will retain their offices, motor equipment and requisitioned property to the extent necessary to perform their duties.

e. On restoration of territory in any Region the RLO will prepare and forward to the CLO his report on the activities of his office running from the date of his last monthly report to the date of restoration.

2. Closing of Allied Military Courts in Italian Government Territory.

a. Pending cases in which arrests have been made in connection with alleged offenses against Allied Proclamations or Orders prior to the restoration date will be completed as quickly as possible. Cases not involving particularly serious offenses may by agreement between the RLO and the CLO in the exercise of their discretion be transferred for investigation and trial by the appropriate Italian authorities and Courts.

b. All records, petitions for review, etc., will be speedily transmitted to the RLO, and the instructions as to review, applications for clemency, etc., contained in Articles 32 and 33 of "Consolidated Instructions for Allied Military Courts" will apply.

c. In closing the activities of the Legal Division of any region as to Allied Military Courts the following specific acts among others shall be performed by the RLO, or as he shall direct:

(i) The Italian Government will be required to carry out all sentences imposed by Allied Courts as though imposed by their own Courts. However, all cases in which a conviction has resulted and the sentence has not fully executed will be re-examined. All such cases in which harsh sentences were originally and subsequently confirmed, because of military considerations which no longer prevail, should be reconsidered by the RLO with the advice, where possible, of the presiding officer who tried the case, and the RLO should forward his recommendation to the CLO. This is not to be regarded as an invitation to a general reduction in sentences, but only in very exceptional cases, and the Italian practice (which will be applicable to these cases of granting conditional liberty after a portion of the sentence has been served must be borne in mind.

(ii) A careful check of outstanding fines will be made, steps will be taken to collect unpaid fines and a report will be made to the CLO. Where small individual fines are outstanding, applications may be made to the CLO for authority to write them off.

(iii) All Allied Military Court dockets will be checked for accuracy of entries required to be made including data on payment of fines and to determine that all fines collected have been remitted to proper authorities. All records properly indexed and filed will be held by the RLO for disposition on orders from the CLO.

(iv) RLOs should see that records of all outstanding cases are prepared for transmission to Italian authorities in accordance with Article 37 of "Consolidated Instructions for Allied Military Courts" and should forward them to the CLO.

Note: No AMF records are to be handed over to Italians nor are they to be examined by Italians.

3. Allied Courts in Italian Government Territory.

a. The Chief Commissioner has directed that only in the most exceptional circumstances will any cases in Italian Government territory be referred to AMF Courts.

b. The policy and procedure in respect to holding of these Courts is set out in Article 3 of "Consolidated Instructions for Allied Military Courts," which are however to be read subject to the instructions following.

c. The Chief Commissioner has directed that recommendations for the setting up of AMF Courts in territory under the jurisdiction of the Italian Government should, as questions of policy are concerned, be made by the EC concerned, after discussion with his RLO, to the HQMG Section. In submitting such recommendations, the EC will give detailed reasons, together

All such cases in which harsh sentences were imposed, should be subsequently confirmed, because of military considerations which no longer prevail, should be reconsidered by the RLO with the advice, where possible, of the presiding officer who tried the case, and the RLO should forward his recommendation to a General CLO. This is not to be regarded as an invitation to a general reduction in sentences, but only in very exceptional cases, in the Italian practice (which will be applicable to these cases of granting conditional liberty after a portion of the sentence has been served must be borne in mind.

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All Allied Military Court dockets will be checked for accuracy of entries required to be made including data on payment of fines and to determine that all fines collected have been remitted to proper authorities. All records properly indexed and filed will be held by the RLO for disposition on orders from the CLO.

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RLOs should see that records of all outstanding cases are prepared for transmission to Italian authorities in accordance with article 37 of "Consolidated Instructions for Allied Military Courts" and should forward them to the CLO.

Note: No AMG records are to be handed over to Italians nor are they to be examined by Italians.

3. Allied Courts in Italian Government Territory.

a. The Chief Commissioner has directed that only in the most exceptional circumstances will any cases in Italian Government territory be referred to AMG Courts.

b. The policy and procedure in respect to holding of these Courts is set out in article 3 of "Consolidated Instructions for Allied Military Courts, which are however to be read subject to the instructions following.

c. The Chief Commissioner has directed that recommendations for the setting up of AMG Courts in territory under the jurisdiction of the Italian Government should, as questions of policy are concerned, be made by the RLO concerned, after discussion with his RLO, to the AMG Section. In submitting such recommendations the RLO will give detailed reasons, together with the advice of his RLO, and, if the request has originated from the local military commander, the opinion of the GOC District concerned. These reasons and opinion are required in addition to the facts and particulars already required by paras 3 (b) and 4 of article 3 of "Consolidated Instructions for Allied Military Courts." The recommendations will then be passed with comment to the CLO who will advise the Chief Commissioner.

d. The Chief Commissioner has laid down for the guidance of RLOs specific directions in regard to cases involving groups of defendants charged with pro-fascist conspiracy or some like anti-allied activity. In these cases a trial will be held only if it is necessary for exemplary or deterrent purposes; thus if there has recently been a case of similar type in the locality it may be

unnecessary to hold another. When a trial is held

- (i) Only a few of the ringleaders will be tried, the remainder being interned (if this is required by the security agencies) and not tried.
- (ii) The security agencies concerned must be prepared to produce all the evidence required to support their case quite strictly closed court and to permit full examination and cross-examination of their witnesses on all relevant matters in the presence of the accused;
- (iii) It will be made quite clear at the opening of the court that the accused will in any event continue to be interned if such internment is required by the security agencies concerned. Initially all persons concerned in this type of case should be interned in 371 POW Camp and brought out for hearing if it is decided to try them in A.M. Courts. In no instance will consideration be given to any such case being tried in an Italian Court unless a until the security situation would permit it.

4. War Crimes.

a. Instructions as to cases of war crimes are set out in AFHQ Circulars of 27/11/43 and 6/2/44 and in Article 5 of "Consolidated Instructions for Allied Military Courts", and must be strictly adhered to. The expression "War Crime" in this context means violations of the laws and customs of war, e.g., maltreatment of prisoners of war, and does not include offenses against proclamations. Copies of AFHQ Circulars of 27/11/43 and 6/2/44 will be circulated under separate cover to RLOs.

b. It is the duty of all legal officers to see that no case of war criminals is tried in any Italian Court, civil or military, or in any A.M. Court. If an Italian Court is proposing to try such a case it should be advised against doing so, and an immediate report should be made to the CLO.

5. Italian Legislation and Law.

a. RLOs and RLOs will not initiate any amendments to Italian Legislation or laws on the ground that they are Fascist or discriminatory, or with such suspension of such laws, as all such matters will be dealt with by HQ JAG. Any suggestion for abrogation, revision, or amendments of any Italian legislation will be transmitted to the CLO.

b. Amendments to rules of procedure which have been initiated during AFHQ, may, however, be continued by the Italian Administration and any departure from such amendments should forthwith be reported to the CLO.

6. Detainees.

The cases of all persons detained under Article VII of old Proclamation No. 2 or Article VIII of new Proclamation No. 1 will be reviewed and if the RLO on the advice of the RLO decides to continue to detain any such persons, the RLO will make a full report to HQ JAG within 14 days of the restoration date. Such report will deal with all such detainees separately and will give the place of detention of each detainee and the reasons for his continued detention.

7. Attachment of legal officers to Courts of Appeal.

Wherever sufficient personnel are available, RLOs will appoint a legal

ment is required by the security agencies concerned. Initially all persons concerned in this type of case should be interned in 371 POW Camp and brought out for hearing if it is decided to try them in A.M. Courts. In no instance will consideration be given to any such case being tried in an Italian Court unless a until the security situation would permit it.

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b. It is the duty of all legal officers to see that no case of war criminals is tried in any Italian Court, civil or military, or in any Court. If an Italian Court is proposing to try such a case it should be advised against doing so, and an immediate report should be made to the CIO.

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7. Attachment of legal officers to Courts of Appeal.

Wherever sufficient personnel are available, RLOs will appoint a legal officer to act with the First President of each Court of Appeal. It will be the duty of RLOs or of such legal officers when appointed:

a. To advise and assist the First President in opening any Courts not yet opened and in the administration of the Court of Appeal District.

b. To see that all appointments, promotions and removals of officials made by the Italian Government as notified to him by HQ JAG are duly carried out.

c. To notify immediately to the CIO (through Regional Hq) any purported appointments, promotions or removals not sanctioned by Hq .CC.

d. To report to the CIO any cases of biased or incompetent behavior on the part of the judges or officials which come to his notice and to investigate any complaints received from an advocate or prisoner of unfair treatment by an Italian Court, and if the complaint appears to be well founded to forward a report and recommendation to the CIO.

e. Generally to keep Regional Hq and the CIO advised of all relevant matters in the Court of Appeal District, such as the inadequacy in number or quality of Procuratori and judges, inefficiencies and delays of courts in handling cases, particularly those involving Allied interests, the reorganization of the Bar Association, the holding of examinations for advocates or Procuratori, the reorganization of Notarial Councils, and so forth.

f. To carry out the other duties specifically set out below.

RLOs will inform the CIO of any officers attached to First Presidents as soon as possible after the transfer of any territory.

8. Italian Military Tribunals.

a. Italian Military Tribunals have been set up in various parts of the country and they have jurisdiction over Italian soldiers and civilians in accordance with the provisions of the Codice Penale Militare.

b. The primary duty of RLOs in connection with these Tribunals is to supervise cases affecting Allied interests, and to maintain contact with President of Military Tribunals and with Procuratore Militare to ensure (i) priority for such cases and (ii) adequate sentence in every case. The observations under para 11 below apply with equal force to Military Tribunals.

c. A legal officer has been appointed to act with the Procuratore Generale Militare (FGM), and in the event of (a) a Court repeatedly giving inadequate sentences or (b) sitting for too short hours a report must be made to the CIO, when the matter will be taken up with the FGM.

d. In no circumstances will the legal officer concern himself with purely disciplinary cases which do not in any way affect Allied interests. He should, however, from time to time ask to see records of cases which deal with deserters from the Italian Forces between 10 July - 8 September 1943 in order to see that such cases are dealt with in accordance with the agreement reached with the Italian Government the operative part of which is annexed as annex I.

9. Italian Courts generally.

a. All civil and criminal courts functioning at the date of the restoration of territory to the Italian Government will continue to function and any attempt to close such Courts will forthwith be reported to the CIO.

b. If any Criminal Courts have not been reopened at the date of restoration, steps will be taken to encourage their reopening at the earliest possible date, subject to suitable personnel being available (see para 15 below). If any Courts remain unopened one month after the restoration of territory to the Italian Government a report stating the Courts remaining unopened and the reason therefor will be rendered to the CIO.

f. To carry out the other duties specifically set out below.

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c. A legal officer has been appointed to act with the Procuratore Generale Militare (PGM), and in the event of (a) a Court reportedly giving inadequate sentences or (b) sitting for too short hours a report must be made to the CLO, when the matter will be taken up with the PGM.

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c. Subject to the special directives given below and to any subsequent directives, RLOs will not concern themselves with the supervision of Italian

Courts. The management and supervision of Italian Courts and personnel will be handed over by the First President of the Courts of Appeal within the Regions.

10. Collaboration between Italian Civil Courts and Military Tribunals.

Where both types of Courts are sitting, RLOs should, if possible, arrange with the local Procuratore Generale or Procuratore del Re and with the PMJ that all cases shall be submitted to the Procuratore del Re who will decide which cases are to be heard and determined before the Civil Courts and which before the Military Tribunals. A translation of a directive issued by the Ministry of Justice in this connection on the 8th March 1944 is attached as Annex II.

While it is for the Procuratore del Re to decide these questions, RLOs must satisfy themselves that this machinery is working smoothly and well. In particular, where both types of Courts are sitting, RLOs must see that the Procuratore del Re endeavors as far as possible to keep both Courts busy.

11. Cases affecting Allied Interests.

(a) It is a principal duty of the RLOs in Italian Government territory to see that close supervision is exercised over the work of the Italian Courts in trying cases which affect Allied interests. RLOs must ensure:

- (i) that priority is given to all such cases and
- (ii) that adequate sentence is imposed in every case. This can only be done by keeping a check on every case affecting Allied interests.

(b) This is best done by arranging with the local PSS, SIS, GIP and other bodies of the Allied Forces carrying out arrests and also with the local CC RR and other civilian police agencies for a copy of all arrest records to be sent periodically to the appropriate Legal Officer and entered by him in a register. It is convenient if all police bodies use the same forms. Specimens of an arrest form and a form of headings for such a Register are attached as Annex III.

It will then be the duty of the local Procuratore del Re to supply particulars periodically showing the progress of the case and sentence imposed.

The Legal Officer may also wish to obtain each week consolidated particulars from the Procuratore del Re of (a) cases tried during the week (b) cases ready for trial next week and so on.

The use of this register and form is not compulsory and any other system may be used provided that the results set out in sub-para (a) are achieved.

(c) Frequent and close liaison with the police bodies of the Allied Forces is necessary and weekly reports showing the progress of cases may properly be submitted to such bodies.

(d) Frequent and close liaison with the Procuratore del Re and at the seat of the Court of Appeal the Procuratore Militare is also obviously essential. Individual cases should be discussed with the Procuratore del Re who should be requested to appeal where an inadequate sentence has been imposed and to have cases expedited where necessary.

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(e) If any Court repeatedly gives inadequate sentences the fact should be reported to the CLO.

(f) Liaison with the First President of the Court of appeal and Presidents of Tribunali is also necessary and the seriousness with which the Allies view offenses against Allied interests placed before them.

The short hours worked by the average Italian judicial official is a matter which may also properly be brought to their attention; with good will there is no reason why court personnel should not work longer hours in an attempt to make up for their admitted deficiencies in personnel. Serious cases of dereliction of duty in this respect should be reported to the CIO.

(c) The Minister of Justice has already directed (See Annex II) that provisional liberty in cases affecting allied interests is only to be granted very sparingly; the granting of provisional liberty is a matter for the Procuratore del Re, but legal officers may give their advice thereon in difficult cases if asked or where they feel that such discretion is being used more than sparingly.

(h) The proper trial of cases before Italian Courts is facilitated by having proper medical particulars before it and attention is drawn to the directive issued by Hq. JAF attached as "Annex IV."

12. Cases not affecting Allied Interests.

While cases affecting allied interests must receive priority, legal officers should not neglect ordinary cases pending before the Courts and at any rate in places where there are no arrears of cases affecting such interests should satisfy themselves by periodic conversations with Italian officials, inspections of prisons, prison records, etc. that arrears of judicial business are not accumulating. Legal officers may properly request Italian courts to give a major portion of their time to criminal rather than civil cases. They must be active in seeing that arrangements are made for the holding of assize Courts. While shortage of personnel is to be expected, RLOs will report to the CIO if such shortage is seriously hampering justice.

13. Prisons.

The responsibility of prisons is that of Public Safety and NOT Legal, but in view of the overcrowding of prisons in some areas, RLOs may have to give some time in an endeavor to assist in solving this problem.

14. V.D. Cases.

The strongest representations have been made to see that no provisional liberty is granted, save in exceptional cases, to accused pending trial or pending appeal, and every effort should be made to see such liberty is given only in the rarest cases. A synopsis of the provisions of the law in relation to prostitution together with copies of a number of directives and memoranda published by the Minister of Justice are attached as Annex V. A copy of a Directive on this subject issued by the Minister of Justice on 29 April 1944 is also attached (Annex VI).

15. Judges and Officials of Courts.

a. It has been agreed with the Minister of Justice that the names of the following officials shall be submitted to Hq. JAG by the Minister before the appointment is made:

- (1) First President of Court of Appeal.
- (2) Counsellor of Cassation and of Appeal.
- (3) Procuratore Generale.
- (4) Sostituto di Procuratore Generale.
- (5) Presidente di Tribunale.
- (6) Procuratore del Re.
- (7) Primo Pretore in towns of at least 50,000.

(h) The proper trial of cases before Italian Courts is facilitated by having proper judicial particulars before it and attention is drawn to the directive issued by Hq. A.I. attached as "Annex IV."

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- (2) Counsellor of Cassation and of Appeal.
- (3) Procuratore Generale.
- (4) Sostituto di Procuratore Generale.
- (5) Presidente di Tribunale.
- (6) Procuratore del Re.
- (7) Primo Pretore in towns of at least 50,000.

All appointments, promotions and dismissals of officials within the above classes will be arranged direct between Hq. A.CC and the Minister of Justice and RLOs will be informed of all such arrangements. If any arrangements, particularly dismissals, other than those notified to RLOs are made, the CLO must be informed as soon as possible.

b. If any judge or official appointed by AMI is proposed to be removed without the sanction of Hq. A.CC, RLOs will advise the First Resident against taking any action without the consent of Hq. A.CC.

c. It will not be the duty of RLOs to take any steps to fill any vacant

cies to Italian legal offices. Committees appointed under the auspices of I.M.G. to consider the appointment of judges and officials will be abolished unless the First President desires their continuance.

16. The immediate reports and returns required under this directive are accordingly the following:

- a. General report up to date of restoration (para 1 (c)).
- b. Recommendations regarding severe sentences when original military considerations no longer apply (para 2(c) (i)).
- c. Report regarding unpaid fines (para 2(c) (ii)).
- d. Returns for Italian authorities (para 2 (c)(iv)).
- e. Report concerning detainees (para 6).
- f. Names of legal officers attached to First Presidents (para 7).
- g. Report regarding unopened Italian Courts (para 9(b)).

17. This directive supercedes Executive Memo No. 7; Executive Commissioners' Directives 283/42 C. of 5/3/44 and 283/4 C. of 23/5/44; and the CIOs directives 4135 L of 1/5/44 and 4129/7/L of 19/6/44. It should however be read in conjunction with the "Consolidated Instructions for Allied Military Courts."

Norman F. French
in line
 J. S. LUSH,
 Commander,
 Executive Commissioner.

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Copies for information to:

R.C. Region VIII	10 Copies.
R.C. Region IX	10 "
R.C. Region Z	10 "
Adm Sec (10 copies)	✓
IC & IG Sec (10 copies)	15

Annex I

Extract from agreement concerning Deserters from Italian Army, dated 9th May 1944.

It has been agreed as follows:

1. "The position of all members of the Italian Armed Forces who have been or will be accused of having deserted such forces within the period July 10th - September 8th 43 inclusive, will be settled by the Italian authorities by the choice in each case of one of the following ways so that no punishment which is consequential to such desertion be undergone by the said members of the Italian Forces:
 - (a) "Archiviazione degli atti" (nolle prosequi) according to Art. 74, para 3, Italian Code of penal Procedure;
 - (b) "Revoca dell'azione penale" (revocation of criminal action) according to Art. 245, para. 4, Italian Military Penal Code of War;
 - (c) Acquittal at any stage;
 - (d) Conviction followed by "grazia" (pardon) or "condono" (general pardon).
2. "In the case of members of the Italian Armed Forces who have deserted within the period July 10th - September 8th, 1943, inclusive, and who have not answered subsequent requests to return to the Italian Armed Forces, included in ordinances or proclamations issued by Italian Military authorities after September 8th 1943 and duly published, the desertion perpetrated between July 10th and September 8th 1943, inclusive, shall not be punished as such and by itself but it shall be taken into account, if and whenever necessary, so as to punish as crime of desertion the failure to answer the requests to return to the Italian Armed Forces included in ordinances or proclamations subsequent to September 8th 1943. 11
3. "The above will not apply to those who deserted to the Germans or to other armies or military formations hostile to the Allied Forces.

"No publicity shall be given to the present agreement."

Salerno, May 9th, 1944.

TRANSLATION

PART II

Salerno, 8 March 1944.

MINISTRY OF JUSTICE

Central Office for Criminal Affairs

SUBJECT: Directive in regard to proceedings for offences of any description committed against the Allied Governments, Allied Forces and property.

To all Procuratori Generali
Procuratori del Re.

Attention has been drawn on previous occasions by circular directive from this Ministry to the Procuratori Generali to the fact that offences of theft especially to the detriment of Allied Governments, on the increase and it was recommended not only that the police be given strict instructions in relation to the necessity of preventing such thefts by exercising the greatest watchfulness, but also that pre-trial investigations be carried out with care and solicitude, always bearing in mind the gravity of the offence when having to take a decision with regard to the personal freedom of the accused.

It was also requested at the time that this Ministry be kept informed, as soon as the charges were known, of any theft of correspondence and other serious crimes affecting the Allied Forces, and also of the result of the inquiries and proceedings.

Now, at the request of the Allied authorities, the general instructions hereunder, (in addition to and in partial modification of previous directives) shall be followed for any offence committed against the Allied Governments, the Forces and property.

In this respect, it must be remembered, that the Allied Military Police will inform at the same time the Allied Control Commission, the Royal Carabinieri (to whom prisoners shall be handed) and the Procuratori del Re of the names of the accused and of their offence.

As soon as such information is received, Procuratori del Re shall decide whether the offence committed falls within the jurisdiction of the Italian Military Courts or the ordinary Civil Courts, bearing in mind the provisions of Article 15 of the Italian Military Code of War, which this Ministry consider applicable in this connection.

As soon as the competence of the Civil Courts has been established the Procuratori del Re shall initiate penal proceedings forthwith and if necessary shall request from the Carabinieri a copy of the charge sheet (denuncia). The provisions of Article 51 of the Penal Code of Procedure shall be applied whenever the gravity of the offence renders it undesirable that such case be tried before a pretorian Court and when possible the re-trial proceedings shall be cut down to the minimum, the Procuratore availing himself of the short procedure (giudizio direttissimo).

Furthermore, the Procuratore shall also ascertain that these proceedings be given absolute priority during pre-trial investigations (istruttoria) and also in the lists, and that the findings be accurate and comprehensive, always remembering the gravity of such crimes which by interfering with the smooth running of the Allied services delays the achievement of the principal aim of the Italian State.

attention has been drawn on previous occasions by circular directive from this Ministry to the Procuratori Generali to the fact that offenses of theft especially to the detriment of Allied Forces were on the increase and it was recommended not only that the police be given strict instructions in relation to the necessity of preventing such thefts by exercising the greatest watchfulness, but also that pre-trial investigations be carried out with care and solicitude, always bearing in mind the gravity of the offense when having to take a decision with regard to the personal freedom of the accused.

It was also remarked at the time that this Ministry be kept informed, as soon as the charges were known, of any theft of correspondence and other serious crimes affecting the Allied Forces, and also of the result of the inquiries and proceedings.

Now, at the request of the Allied authorities, the general instructions hereunder, (in addition to and in partial modification of previous directives) shall be followed for any offense committed against the Allied Governments, their Forces and property.

In this respect, it must be remembered, that the Allied Military Police will inform at the same time the Allied Control Commission, the Royal Carabinieri (to whom prisoners shall be handed) and the Procuratore del Re of the names of the accused and of their offense.

As soon as such information is received, Procuratori del Re shall decide whether the offense committed falls within the jurisdiction of the Italian Military Courts or the ordinary Civil Courts, bearing in mind the provisions of Article 15 of the Italian Military Code of War, which this Ministry consider applicable in this connection.

As soon as the competence of the Civil Courts has been established the Procuratori del Re shall initiate penal proceedings forthwith and if necessary shall request from the Carabinieri a copy of the charge sheet (denuncia). The provisions of Article 31 of the Penal Code of Procedure shall be applied whenever the gravity of the offense renders it undesirable to at such case be tried before a Pretorian Court and when possible the pre-trial proceedings shall be cut down to the minimum, the Procuratore availing himself of the short procedure (giudizio direttissimo).

Furthermore, the Procuratore shall also certify that these proceedings be given absolute priority during pre-trial investigations (istruttoria) and also in the lists, and that the findings be accurate and comprehensive, always remembering the gravity of such crimes which by interfering with the smooth running of the Allied services delays the achievement of the principal aim of the Italian State to drive the Germans out of Italy.

All decisions taken by the Procuratori as to proper jurisdiction, the results of pre-trial investigations and of the Court proceedings shall be communicated forthwith to the local Allied Legal Officer, so that the Procuratori del Re may refer whenever they deem it useful during the investigations and trial, especially in regard to the actions of the police and the examination of their evidence.

- 2 -

Furthermore the allied Central Commission have expressed the wish that provisional liberty (except under special circumstances) should not be granted for the offences in question or, that proper security be obtained in order to ensure that defendants shall not escape the law.

This request is perfectly legitimate because not only is the Commission personally interested in the punishment of such offenders but also it corresponds with the views of this Ministry in regard to the gravity of these crimes. Procuratori del Re are therefore urged, in cases when the granting of provisional liberty is optional, to make full use of their discretionary powers in this connection.

Finally in modification of previous instructions Procuratori Generali are requested to forward to this Ministry at the end of every month, a list of such cases, which have been tried in their district indicating the result of each proceeding and also a nominal roll of matters pending, either before the examining judge or the Court, giving the reasons why specific cases have not reached finality within the maximum time limit of two months after the notification from the allied police has been received.

The Minister,
D. CASTI.

ANNEX IIIALLIED CONTROL COLLISION
COLLISSIONE ALLEATA DI CONTROLLO

FORM TO BE COMPLETED ON ARREST OF A PRISONER WHO IS TO BE BROUGHT BEFORE A COURT FOR TRIAL.

MODULO CHE DEVE ESSERE RIEMPIUTO ALL'ATTO DELL'ARRESTO DI UN PRIGIONIERO CHE DEVE ESSERE TRADOTTO DINNANTI AD UN

IF, ON ARREST, the prisoner is taken before a military, naval or air force officer or M.C.O., this form must be completed by the person making the arrest and countersigned by the officer or M.C.O. On completion it will be handed over together with the prisoner to the Carabinieri or other person detaining the prisoner until he is brought to trial.

IF, ON ARREST, the prisoner is taken direct to the Carabinieri barracks this form must be completed at the Carabinieri barracks by the person making the arrest and left with the Carabinieri.

SE, ALL'ATTO DELL'ARRESTO, il detenuto è condotto dinanzi ad un Ufficiale o M.C.O. dell'Esercito, della Marina, o dell'Aeronautica, il presente modulo deve essere riempito dalla persona che opera l'arresto e controfirmato dall'Ufficiale o dal M.C.O. Quando è stato compilato dovrà essere consegnato insieme al detenuto ai Carabinieri o ad altra persona che abbia custodia del detenuto finché egli non venga tradotto in giudizio.

SE, ALL'ATTO DELL'ARRESTO, il detenuto è condotto direttamente alla Caserma dei Carabinieri, questo modulo deve essere riempito nella Caserma stessa dalla persona che ha operato l'arresto, e lasciato ai Carabinieri.

NAME OF PERSON ARRESTED:
Nome della persona arrestata:

ADDRESS OF PERSON ARRESTED:
Indirizzo della persona arrestata:

NAME, RANK, NUMBER AND UNIT OR ORGANIZATION OF PERSON MAKING ARREST:

Nome, grado, numero e unità o organizzazione della persona che opera l'arresto:

CHARGE:

(such as (a) interfering with communications by cutting wire, (b) being in unlawful possession of firearms, (c) acquiring by gift or purchase any military equipment or war material belonging to the Allied Forces).

9

IF, ON ARREST, the prisoner is taken before a military, naval or air force officer or M.C.O., this form must be completed by the person making the arrest and countersigned by the officer or M.C.O. On completion it will be handed over together with the prisoner to the Carabinieri or other person detaining the prisoner until he is brought to trial.

IF, ON ARREST, the prisoner is taken direct to the Carabinieri barracks this form must be completed at the Carabinieri barracks by the person making the arrest and left with the Carabinieri.

SE, ALL'ATTO DELL'ARRESTO, il detenuto è condotto dinanzi ad un Ufficiale o M.C.O. dell'Esercito, della Marina, o dell'Aeronautica, il presente modulo deve essere riempito dalla persona che opera l'arresto e controfirmato dall'Ufficiale o dal M.C.O. Quando è stato compilato dovrà essere consegnato insieme al detenuto ai Carabinieri o ad altra persona che abbia custodia del detenuto finché egli non venga tradotto in giudizio.

SE, ALL'ATTO DELL'ARRESTO, il detenuto è condotto direttamente alla Caserma dei Carabinieri, questo modulo deve essere riempito nella Caserma stessa dalla persona che ha operato l'arresto, e lasciato ai Carabinieri.

NAME OF PERSON ARRESTED:
Nome della persona arrestata:

ADDRESS OF PERSON ARRESTED:
Indirizzo della persona arrestata:

NAME, RANK, NUMBER AND UNIT OR ORGANIZATION OF PERSON MAKING ARREST:

Nome, grado, numero e unità o organizzazione della persona che opera l'arresto:

CHARGE: (Such as (a) interfering with communications by cutting wire, (b) being in unlawful possession of firearms, (c) acquiring by gift or purchase any military equipment or war material belonging to the Allied Forces).

ACCUSAL: (Come per esempio (a) interrompere le comunicazioni tagliando un filo, (b) era in illecito possesso di armi da fuoco, (c) otteneva in dono o per acquisto un capo di vestiario militare o un oggetto di materiale bellico appartenente alle Forze Alleate).

SKETCH: (if necessary for clearer understanding of case)
DISSENS: (quando sarà necessario per la migliore esposizione del caso)

NAMES OF WITNESSES, GIVING RANK AND NUMBER IF SERVICE PERSONNEL AND ADDRESS OF CIVILIANS:

NOMI DEI TESTIMONI, INDICANDO IL GRADO E IL NUMERO SE MILITARI, L'INDIRIZZO SE CIVILI:

- 2 -

1. Signature of person making arrest: _____
1. Firma della persona che opera l'arresto: _____
2. Countersignature of Officer or I.J.O. (if any): _____
2. Controfirma dell'Ufficiale o I.J.O. (se occorre): _____
3. Signature of Carabinieri Officer if accused is handed over direct to Carabinieri: _____
3. Firma dell'Ufficiale dei Carabinieri se l'accusato è consegnato direttamente ad essi: _____

UNIT (UNITA')

Station (stazione)

STATEMENT OF FACTS

Describe simply in the first person, that is, using the form of words "I saw,.... I heard.... I said...." or "We saw.... We heard.... We said" the facts caused you to make the arrest. Example: At 14.00 hours on 21st May 1943 I was on patrol duty at X when I saw the accused crouching behind a hedge cutting a piece of wire. As soon as he saw me he ran away. I chased and captured him then took him back to the spot where I had seen him crouching. There I found that a length of wire, about 10 feet, had been cut and was lying on the ground. The wire was British wire".

DESCRIZIONE DEL FATTO:

(si esprimerà brevemente in prima persona, usando la parola "Io ho visto.... ho udito.... ho detto...." oppure "Noi abbiamo visto.... Noi abbiamo udito.... abbiamo detto....", quale è il motivo che ha spinto ad operare l'arresto. Esempio: "Alle ore 14 del 21 maggio 1943 mentre ero di servizio io vidi l'accusato accovacciato dietro una siepe e intento a tagliare un tratto di filo. Appena egli mi vide si diedo alla fuga. Io lo inseguii, lo catturai e lo riconducessi sul luogo dove lo avevo visto accovacciato. Colà trovai un tratto di filo della lunghezza di circa 30 piedi era stato tagliato e giaceva in terra. Il filo era di fattura inglese".

at _____ hours on _____ (day) _____ (month) _____ (year)

UNIT (UNITED)

Station (Station)

STATEMENT OF FACTS:

Describe simply in one first person, that is, using the form of words "I saw, . . . I heard . . . I said . . ." or "We saw . . . We heard . . . We said . . ." the facts caused you to make the arrest. Example: At 14.00 hours on 21st May 1943 I was on patrol duty at K when I saw the figure crouching behind a hedge cutting a piece of wire. As soon as he saw me he ran away. I chased and captured him then took him back to the spot where I had seen him crouching. There I found that a length of wire, about 30 feet, had been cut and was lying on the ground. The wire was British wire".

DECLARATION OF FACTS:

(si espone brevemente in prima persona, usando la parola "Io ho visto . . . ho udito . . . ho detto . . ." oppure "Noi abbiamo udito . . . abbiamo detto . . .", quale è il motivo che ha spinto ad operare l'arresto. Esempio: "Il 14 ore 14 del 21 maggio 1943 mentre ero di servizio io vidi l'accusato accovacciato dietro una siepe e intento a tagliare un tratto di filo. Allora egli mi vide si diede alla fuga. Io lo inseguii; lo catturai e lo riconducessi sul luogo dove lo avevo visto accovacciato. Colà trovai un tratto di filo della lunghezza di circa 30 piedi era stato tagliato e giaceva in terra. Il filo era di fattura inglese").

At _____ hours on _____ (day) _____ (month) _____
 (year) _____
 At _____ del giorno _____ del mese _____
 dell'anno _____
 I/We,
 Io/Noi,

No.	Name of accused	Date of Offence	Date of Arrest	short particulars	Ref.No. date of Allied Police Report and Unit making report.	Ref. No.date of Italian Police Report and Unit making report.	Section which ch
Interlocutory Proceedings		Sentence asked for by P.A.		Short particulars of Appeal		Comments	

FORM OF HEARING FOR ARREST RECORD REGISTER

Place of Arrest	Date of Arrest	Short particu- lars	Ref. No. date of Allied Police Report and Unit making report.	Ref. No. date of Italian Police Report and Unit making report.	Section under which charged.
Sentence asked for by P. A.			Short particulars of Appeal		Comments

ATTACH IV

HOSPITAL ADULTS IN ITALY.

L.I./5081/1 (PS)

13 Nov 44.

SUBJECT: Allied MIL Personnel suffering from wounds caused by Italian Civilians or Military.

1. 1 District
2. 2 District
3. 3 District

1. In unoccupied territory (i.e. below the Northern bds of the Provinces of SALERNO, POTENZA and ATRI) ITALIAN civilians and soldiers committing offences are normally tried by the ITALIAN Courts.

2. In the event of members of the Allied Forces being admitted to Hospitals, CCS or the like, suffering from wounds not received in combat, but which are suspected to have been inflicted by Italians or soldiers, the following procedure will be adopted to assist the Italian Judicial officials in their task of trying and sentencing offenders:

(a) The Senior Med Ofcr of the Hospital concerned will render a report (in duplicate) as quickly as possible to the nearest Provincial Commissioner. CC, containing:

(i) Full name, no., rank and regt/corps of the wounded soldier,

(ii) Description of wound (stating depth and probable cause),

(iii) Date of wound and number of days necessary for its cure specifying whether less than 10 days or more than 10 days, and less than 40 days or more than 40 days,

(iv) Whether the accused has been or is in danger of his life as a result of the wound,

(v) If it can be said that the wound will cause any permanent disability to, or loss of, any limb, sense or organ.

(b) In the event of a report having been submitted stating that a wound is curable within 40 days and either the cure is not completed within this period, or other complications set in, a further report should be submitted to the Provincial Commissioner.

(c) If death results from such wounds and the autopsy is performed by Allied MIL Authority, copies of the autopsy report and hospital case record (giving details of the progress of the wounded man, treatment etc) will be sent to the Provincial Commissioner.

3. The reports, statements, case records, etc. referred to in para 2 above, will be forwarded direct to the Regional Commissioner concerned.

1. In unoccupied territory (i.e. below the Lombard boys of the Provinces of S. EUSTO, PAVIA and VIGEVANO) Italian civilians and soldiers committing offenses are usually tried by the Italian Courts.

2. In the event of members of the Allied Forces being admitted to Hospitals, CCS or the like, suffering from wounds not received in combat, but which are suspected to have been inflicted by Italians or soldiers, the following procedure will be adopted to assist the Italian Judicial officials in their task of trying and sentencing offenders:

(c) The Senior Med Officer of the Hospital concerned will render a report (in duplicate) as quickly as possible to the nearest Provincial Commissioner, CC, containing:

- (i) Full name, no., rank and regt/corps of the wounded soldier,
 - (ii) Description of wound (stating depth and probable cause),
 - (iii) Date of wound and number of days necessary for its cure specifying whether less than 10 days or more than 10 days, and less than 40 days or more than 40 days,
 - (iv) Whether the accused has been or is in danger of his life as a result of the wound,
 - (v) If it can be said that the wound will cause any permanent disability to, or loss of, any limb, sense or organ.
- (b) In the event of a report having been submitted stating that a wound is curable within 40 days and either the cure is not completed within this period, or other complications set in, a further report should be submitted to the Provincial Commissioner.
- (c) If death results from such wounds and the autopsy is performed by Allied Mil Authority, copies of the autopsy report and hospital case record (giving details of the progress of the wounded man, treatment etc) will be sent to the Provincial Commissioner.

3. The reports, statements, case records, etc. referred to in para 2 above, will be forwarded direct to the Regional Commissioner concerned.

4. It is emphasized that the above instructions do NOT apply in occupied territory where such offenders are tried before MIG Courts.

5. Sufficient copies are enclosed for distribution down to all Med units affected.

RM/ML

Copies to: CC, PBS
Executive Commissioner, CC.
(your 275/10/01 dated 2 May 44 refers)
AG(US), AI,
Med

/s/ ??
Major General
Chief Administrative Office

Ministry of the Interior

To all Prefetti.

The Allied authorities have informed the Italian government that private doctors who treat military personnel for venereal diseases do not report the cases to proper authorities, as they are required to do by law. Thus the adoption of disciplinary and sanitary measures by the military authorities is made impossible. In order to obviate these difficulties, will you please inform the medical associations to the effect that soldiers are considered as "living in the community" and therefore in pursuance of the provisions of the Ministerial Decree of 23 April 1940, it is compulsory for the doctors to report all cases of syphilis, gonorrhea and venereal disease affecting military personnel which they may obtain knowledge of in the course of their professional activities.

All soldiers shall be punishable under the terms of Art. 234 of the consolidated text of the existing sanitary legislation. Please acknowledge.

The Minister.

Instructions to the following effect have been issued to all Procuratori Generali - Arcivescovi Generali - Procuratori del Re - Salerno.

Instructions for the cooperation with the Allied authorities in order to eliminate the spreading of V.D. among troops.

A.C.G. have requested the effective cooperation of the judicial authorities in order to prevent the spreading of V.D. among troops.

It has been agreed with the Ministry of the Interior that, where necessary, armed squads of Allied and Italian police shall be organized to patrol the streets and prevent prostitutes from circulating with impunity and thus gaining easy contact with Allied soldiers. New observation centers have also been created in order to increase the possibilities of curing venereal disease and of detecting symptoms of a suspicious character (Disordered persons may be kept at these centers until cured).

It has been reported that the sojourn in jail of contaminated prostitutes, who have been either apprehended (fermati) or arrested (arrestati), and who have not been segregated from healthy ones tends to increase the spread of the disease, especially where there are large numbers of these women.

The attention of all Procuratori del Re and Pretori is therefore directed to the gravity of these facts which have a direct effect on Allied military activity and they are hereby instructed to lend every assistance in their power in this connection to the Allied authorities. More especially, the judicial police will be instructed to take all necessary steps to prevent prostitutes exercising their shameful trade away from the special authorized houses.

Furthermore, in cases of prostitutes either apprehended for reasons of public safety or arrested for the following sales shall only:

(1) Prostitutes apprehended for reasons of public safety in pursuance of Article 15 of Legge di Pubblica Sicurezza shall be sent to the observation and treatment centers. They will not be returned to the prisons unless the doctors at the centers have declared them to be free from disease or even from suspected disease.

(2) Prostitutes apprehended pursuant to Art. 230 of the Code of Penal Procedure, or prostitutes arrested (arrestate) shall be carefully examined by

Decrease of 25 April 1940, it is compulsory for the doctors to report all cases of syphilis, gonorrhea, and venereal disease, affecting military personnel which they are obtaining knowledge of in the course of their professional activities. All detainees shall be punishable under the terms of art. 254 of the consolidated text of the existing sanitary legislation. Please acknowledge.

The Minister.

Instructions to the following effect have been issued to all Procuratori Generali - Procuratori Generali - Procuratori del Po - Salerno.

Instructions for the cooperation with the Allied authorities in order to eliminate the spreading of V.D. among troops.

G.O. have suggested the creation of V.D. among troops.

It has been agreed with the Ministry of the Interior that, where necessary, units of Allied and Italian police shall be organized to patrol the streets and prevent prostitutes from circulating with impunity and thus causing any contact with Allied soldiers. New observation centers have also been created in order to increase the possibilities of curing venereal disease and of detecting symptoms of a suspicious character (discreet persons may be kept at these centers until cured).

It has been reported that the sojourn in jail of contaminated prostitutes, who have been either apprehended (sorvegliati) or arrested (arrestati), and who have not been separated from military units tends to increase the spread of the disease, especially where there are large numbers of these women.

The attention of all Procuratori del Po and Pretori is therefore directed to the gravity of these facts which have a direct effect on Allied military activity and they are hereby instructed to lend every assistance in their power in this connection to the Allied authorities. More especially, the judicial police will be instructed to take all necessary steps to prevent prostitutes exercising their shameful trade away from the special authorized houses.

Furthermore, in cases of prostitutes either apprehended for reasons of public safety or arrested the following rules shall apply:

(1) Prostitutes apprehended for reasons of public safety in pursuance of Article 19 of Legge di Pubblica Sicurezza shall be sent to the observation and treatment centers. They will not be returned to the prisons unless the doctors at the centers have declared them to be free from disease or over from a suspected disease.

(2) Prostitutes apprehended pursuant to art. 258 of the Code of Penal Procedure, or prostitutes arrested (arrestate) shall be carefully examined by the doctors at the prisons. All those found to be infected or suspected of being infected shall be separated from the healthy ones and given adequate treatment at the prisons. If any "Mandamentati" prison (i.e. a prison where persons are detained temporarily as distinct from one in which long-term prisoners serve sentences) is not equipped for such treatment, the prostitutes shall be transferred to a judicial prison.

(3) The names of all prostitutes released from jail, for any reason whatsoever, shall be communicated by the Director concerned to the Italian Public Safety authorities who shall observe the relevant regulations of public safety in their cases.

(4) Care shall be taken to supervise both pretrial investigations and all proceedings connected with prostitution and other offences included in that general category in order to ensure that the various cases are adequately and properly dealt with.

25 R HADDOCK
ATTEND CONTROL COMMISSION
LEAVE SUBCOMMISSION
-20 34

APRIL V

200/4005/1

2 March 1944

SUBJECT: Venereal Disease, Births, Rings, etc.

TO : Deputy Provost Marshall, 103 District.

Ref your EDO/3D/139 dated 26 Feb. 44.

1. Licensed prostitution is not allowed in England, but there is no federal law in the U.S. - in this respect each State issuing its own legislation on the matter.

2. In Italy licensed prostitution is regulated by the provisions of the law of Public Safety of 18 June 1931 No. 773, Chapter VII, Articles 190 to 208.

3. As far as the law is concerned the above referred to articles provide

Art. 190: At the request of the keeper or at their discretion, Public Safety authorities may declare premises where prostitution is exercised to be licensed premises.

Art. 191: No premises of this type can be opened without the license referred to in the preceding article; this provision is also applicable to premises where one person only exercises this practice. Penalty up to one year and 1,000 lire fine.

Art. 192: Public Safety authorities can close any such premises in the interest of morality, decency and public order.

Art. 193: Whoever desires to open a house of prostitution must fill in a special form provided by Public Safety authorities in which are determined the conditions under which he may exercise his profession.

Art. 194: No premises used for prostitution can be modified without the authorization of the P.S. authority. List of persons who exercise prostitution in licensed premises must be supplied to the P.S. authority. If through no license sanitary measures are not taken and an infected person is admitted, even for a short time, in the licensed premises, penalties up to one year and 5,000 lire can be upheld.

Art. 195: Hours of opening are determined by the P.S. authorities.

Art. 196: The following are forbidden in premises where prostitution is exercised:-

- (a) Gambling, dancing and any type of celebration.
 - (b) The ready sale of food and drink.
 - (c) Access to minors under 18.
 - (d) Entering the premises carrying arms.
- Penalties up to 6 months and 5,000 lire.

Art. 197: Full rights of requisition at any time by P.S. authorities and also of execution of all orders.

2. In Italy licensed prostitution is regulated by the provisions of the Law of Public Safety of 18 June 1931 No. 773, Chapter VII, Articles 190 to 200.

3. As far as the law is concerned the above referred to articles provide

Art. 190: At the request of the keeper or at their discretion, Public Safety Authorities may close premises where prostitution is exercised to be licensed premises.

Art. 191: No premises of this type can be opened without the license referred to in the preceding article; this provision is also applicable to premises where one person only exercises this practice. Penalty up to one year and 1,000 lire fine.

Art. 192: Public Safety authorities can close any such premises in the interest of morality, decency and public order.

Art. 193: Whoever desires to open a house of prostitution must fill in a special form provided by Public Safety authorities in which are determined the conditions under which he may exercise his profession.

Art. 194: No premises used for prostitution can be modified without the authorization of the P.S. authority. List of persons who exercise prostitution in licensed premises must be supplied to the P.S. authority. If through no license sanitary measures are not taken and an infected person is admitted, even for a short time, in the licensed premises, penalties up to one year and 5,000 lire can be upheld.

Art. 195: Hours of opening are determined by the P.S. authorities.

Art. 196: The following are forbidden in premises where prostitution is exercised:-

- (a) Gambling, dancing and any type of celebration.
 - (b) The ready sale of food and drink.
 - (c) Access to minors under 18.
 - (d) Entering the premises carrying arms.
- Penalties up to 6 months and 3,000 lire.

Art. 197: Full rights of requisition at any time by P.S. authorities and also of evacuation of all inmates.

Art. 198: The keeper cannot receive gifts of money or other articles from the inmates. Penalty - up to 3 months and 5,000 lire.

Art. 199: The keeper cannot retain an inmate wishing to leave the premises. Penalty up to 3 months and 5,000 lire.

Art. 200: Prostitution premises shall be closed when:-

1. Venereal diseases are prevalent.
2. Minors are found about the inmates.
3. Sanitary visits are not properly carried out.

4. The keeper tries to prevent such visits.
5. The keeper becomes an habitual offender under Int. 195 & 196.
6. The lease is at an end.

art. 201: All such premises can also be closed for general hygiene reasons or other reasons left at the discretion of P.S. authorities.

Int. 202: The Inspector maintains the premises open after the date of closing is liable to one year's imprisonment and 5000 lire fine.

Art. 203: However contravened the above provisions cannot receive a license for a period of five years.

Art. 204: One year is the minimum limit of time before any closed premises can be opened.

Art. 205: P.S. authorities can at any time order sanitary visits of the inmates or send them to special cure places.

Art. 206: Licenses are withdrawn if the keeper requests it or if too penalized and not used anymore for the exercise of prostitution.

Art. 207: All appeals against P.S. authority action can be made to a Commission convened by the Prefect, etc.

Art. 203: Incitement to debauchery is also forbidden, even by indirect means, in any public places.

7-18-80 Social-Forbidden

- (c) to solicit by deeds or words in the streets
(b) to stand in public places in an indecent attitude,
(c) to expose one's person at the windows
or on the thresholds of licensed premises,
(2) to give the address or indicate in any way
the location of licensed premises or to offer

years of vaccination.

Dealing with 50 states now.

L. It is hoped that this short synopsis of Italian legislation on the subject will answer most of the legal questions you are interested in. As prosecution control is entirely a police responsibility your letter has been passed to the Public Safety Subcommittee together with a copy of our reply for their comments thereon and their observations on the question of fact.

C. C. MILLARD, Major
Officer i/c Italian Section, Royal S.S.-Com.

Copy to: F.S. Subcommission.

TRANSLATION

ANNEX VI

MINISTER OF GRACE AND JUSTICE

29 April 1944
rlp

No. 27032

SUBJECT : Instructions for cooperation to prevent the spreading of venereal disease among Allied Troops.

TO : All Procuratori and Avvocati Generali.

With reference to Circular No. 25046 of the 28th of this month on the above subject, the Allied Control Commission has brought to our notice the necessity that arrested prostitutes should not be given provisional liberty unless in the most exceptional circumstances, with the principal aim of preventing these women from circulating in the towns and closing off another source of infection from the Allied troops.

In fact, together with the procedure of the circular above referred to, every way must be eliminated whereby prostitutes, infected and for any reason whatever set free from prison, may be able to carry on their shameful trade, so the prison authority, before letting them out of prison, must communicate their names to the Public Security Authority, who, in turn, must accompany these prostitutes to the centers for examination and medical care, where they must remain until they have no longer any sign of suspicion of venereal disease.

In any case, in view of the legitimate desire of the Allied Commission, justified by the necessity of combatting, in every way the spread of venereal disease which is adversely affecting the duties of many Allied soldiers, it is considered proper that this shall be brought to the attention of the judicial authorities so that they may bear it in mind when in those cases where the concession of provisional liberty is optional, they make use of their discretionary powers in that respect as granted by the law.

Please acknowledge receipt of this letter after bringing it to the attention of all your subordinate judicial officers.

The Minister.

MINISTRY OF GRACE AND JUSTICE

No. 27031

Salerno, 29 April 1944

SUBJECT : Venereal disease and Prostitution.

With reference to the letter on the above subject this Ministry has communicated to the judicial authorities the request put forward by the Commission with regard to arrested prostitutes, in order that this request may be borne in mind when they make use of the discretionary powers, granted to the judge by law, to deny or grant provisional liberty.

It would appear however, that even if the judicial authorities deny prostitutes the benefit of provisional liberty in every case, the result that is intended in the letter referred to, will not always be obtained, namely that prostitutes shall be kept in prison until they are tried thus avoiding the possibility of their continuing to circulate in the town and affect healthy men. and the reason lies in the fact that the course of the proceeding there goes together with the practice of provisional liberty that of releasing from jail which is not dependant on any discretionary power of the judge in cases falling within arts. 246 (Provisions for the Procuratore del Re and the Procurator regarding the provisional liberty).

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The Minister, being well aware of the danger that lies in infected prostitutes being free to circulate in the town, thinks that he has anticipated, in a better way, the will of Your Commission; having laid down, in the last three lines of Circular No. 25046 of 28th of this month, that the names of all prostitutes released from jail for any reason whatsoever, shall be sent by the competent prison authority to the Public Security Authority. And the desired result in the letter referred to will be obtained without anything else, if the Public Security Authority complying with the appropriate provisions for confinement for reasons of Public Security, make provision for the recovery of these prostitutes in the centers for inspection and medical care until they are declared free from any form whatsoever of venereal disease, or suspected, and moreover, after this shall make provision, if such be the case, that they be sent back to their respective communes in accordance with Art. 157 of the Public Security Law No. 773 of 18 June 1931.

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

JL/pa

RESTRICTED

Tel. No. 579/

REFERENCE : 4102/4/L.

10 Jul 44.

SUBJECT : Instructions to Legal Officers in
Regions transferred to Italian Government.

TO : RAOs (thru RCOs) regions III and V.

1. Enclosed herewith are copies of Instructions to Legal Officers which have been prepared in view of impending restoration of territory to Italian Government control.
2. These Instructions have not yet been finally approved by the Executive Commissioner, but it is expected that they will be issued as an executive memorandum substantially in the form of the enclosed copies.
3. The enclosed copies therefore, while they do not have the force of an official instruction, should for the present be used by you as a guide to immediate action on restoration and copies should be distributed as necessary to your P.L.O.s and any others of your Legal Officers concerned. Copies of annexes not included herein should already be in your possession under previous directives.

RICHARD H. WILMER,
Colonel U.S.A.
Acting Chief Legal Officer.

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

31/na

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REFERENCE : AGC/4102/⁴~~8~~L.
SUBJECT : Directive on turnover.
TO : RLO (Thru RC) Region VIII.

15 Jul 44.

1. In accordance with your request we send a spare copy of the draft Directive and Annex I thereto.
2. Copies of Annexes V and VI were sent to you under cover of your letter 4088/L of 10.6.44.
3. When the Directive is issued in final form additional copies complete with all Annexes will be forwarded to you.

J. MORE,
Capt.
for Acting Chief Legal
Officer.

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

REFERENCE : AGC/4102/A/L.

13 Jul 44.

SUBJECT : Consolidation of Directives concerning
Instructions to Legal Officers in Italian
Government Territory.

TO : Executive Commissioner.

1. Attached is a draft of a consolidated Directive to Legal Officers which has been prepared in this Sub-Commission in anticipation of further restoration of territory.

2. As will be seen from paragraph 1/, it is proposed to supersede a number of existing directives, including Executive Memorandum No. 7 issued under your signature. It is therefore considered that this Directive should also be issued under your signature, and it is accordingly submitted to you for approval.

3. In view of the bulk of the Directive, it is proposed to have it printed and issued in book form on the line of "Consolidated Instructions for A.M. Courts". For this purpose a foreword under your signature is probably called for and a draft of such foreword is also submitted for your approval.

RICHARD E. WILMER,
Colonel C.A.C.,
Acting Chief Legal Officer.

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