

785016

ACC

10000/142/817

ATTENDANCE OF
BEFORE COURTS
APR., MAY 1944

ATTENDANCE OF MEMBERS OF ITALIAN ARMED FORCES, POLICE, ETC.,
BEFORE COURTS - MARTIAL
PR., MAY 1944

0456

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

785016

FILE CLOSED 11 May 1944

6

0457

785016

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

GRU/cap

4A

ACC/4130/1

11th May 1944

SUBJECT: Attendance of Members of Italian
Armed Forces, Police, etc., before
Courts Martial.

TO : AFHQ, MG

1. Your MG 154-1 dated 18th April 1944 is acknowledged.
2. Before taking the matter up with the Italian Government inquiries were made which established that in fact witness fees are never paid to members of the Italian Armed Forces or Police when attending before Courts Martial or Military Commissions either in HQ AAI or PBS.
3. In the circumstances it is not proposed to carry the matter further unless so directed by you.

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

3

Copy to: RG & MG Sec.
(ref/273/21/CA of 8 May 44)

4130.

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

(3A)

Ref/273/21/CA.

8 May 1944.

SUBJECT: Attendance of Members of Italian
Armed Forces, Police etc before
Courts Martial.

TO : Admin Section - For Legal Sub-Com. ✓

Reference your ACC/4130/L of 25 April 1944
this HQ has been informed that it is not the practice
to pay fees to witnesses within the 5th and 8th
Army Areas, and no difficulty is found in securing
attendance of such witnesses.

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

Norman E. Fiske
NORMAN E. FISKE,
Colonel,
Deputy Executive
Commissioner.

Hold pending
Telephone from Resker
to check with the
before to AM Cals or Cals
washed.

4130
 HEADQUARTERS
 ALLIED CONTROL COMMISSION
 R.C. & M.G. SECTION
 APO 394

(2A)

Ref/273/14/CA

30 April 1944

SUBJECT: Attendance of Members of Italian Armed
 Forces, Police, etc., before Courts-Martial

TO : Major Brown, Room 24, P.B.S.
 SCAOs 5th and 8th Armies

1. The Military Government Section, AFHQ, have requested that the Italian Government be approached to permit the attendance of members of the Armed Forces, Governmental Police, etc. as witnesses before the Courts and Commissions without payment of fees.

2. Before doing so, however, it is desired to know what the present position is in your areas. It is believed that in some cases no fees are paid at all.

3. Please inform this headquarters if such witnesses fees are paid and the method of payment.

Stewart R. Fisher
 NORMAN E. FISKE,
 Colonel,

Deputy Executive Commissioner

3

Copy to:

Legal Subcom. (Ref your ACC/4130/L
 of 25 April 44)

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

File

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

CONFIDENTIAL

(1A)

ACC/1330/L.

/rlp.
25 April 1944.

SUBJECT : Attendance of Members of Italian Armed Forces, Police, etc.;
before Courts-Martial.

TO : Executive Commissioner.

1. The enclosed communication from MCS, AMIQ dated 15 April 1944 with enclosures has been considered by this sub-commission which has not so far learned of any difficulties having been experienced.

2. Before taking up this matter with the Italian Government, it is suggested that the PMS, 5th and 8th Armies be consulted to ascertain what, if any, difficulties they have experienced. Certainly, if everything is working smoothly, it would not appear to be particularly advisable to stir this matter up with the Italian Government.

2

RICHARD H. WILMER,
Lt. Col., GAC,
Deputy Chief Legal Officer.

18

ALLIED FORCE HEADQUARTERS

CWS/CF/thh

Military Government Section

MGS 154-1

18 April 1944

SUBJECT: Attendance of Members of Italian Armed Forces,
Police, etc., before Courts-Martial

TO : Allied Control Commission
(Attention: Chief Legal Officer)

1. Attention is invited to the inclosed correspondence (copied), subject "Expenses of Courts-Martial (U.S.), and particularly to the second recommendation in paragraph 4 of minute 2:

"It is further recommended that Allied Control Commission arrange with the Italian Government to permit attendance of members of the armed forces, governmental police, etc., to attend as witnesses before the courts and commissions referred to without payment of fees."

By minute 6 the Commanding General, MATOUSA, returns the file to the Military Government Section in order that appropriate action by the Allied Control Commission vis-a-vis the Italian Government may be sought. It is contemplated that the United States Army will be prepared to reciprocate by causing any of its soldiers sought as a witness to appear - subject of course to military exigencies.

2. Attention is further invited to the inclosed memorandum from G-1(8), requesting that the same arrangement be made for the benefit of British service courts, on the same basis of reciprocity.

3. It is accordingly requested that the matter be taken up with the Italian Government to the end that the desired arrangement be effected.

4. In the event that, by reason of any anticipated difficulty or otherwise, the Allied Control Commission wishes to consult on the matter, it is to be noted that Colonel Tom H. Barratt, JAGD, Executive Officer of the Judge Advocate's Section, MATOUSA, expects to be at the office of the U.S. Claims Commission at Naples about April 23. It is suggested that, if it appears desirable, he be reached at that address.

CHARLES M. SPOFFORD,
Colonel, G.S.C.,
Chief of Section.

Incl: AR 35-4120, Expenses of
Courts Martial etc.

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