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ITALIAN COURTS ON THE ISLAND OF ELBA
AUG., SEPT. 1944

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

785016

FILE CLOSED 5 September 1944

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

785016



PARTITO FASCISTA REPUBBLICANO
FEDERAZIONE DELL'URBE

IL COMMISSARIO FEDERALE

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 324.

ACG/4157/2/L.

SUBJECT : Italian Courts at MPA.

TO : RLO (thru Regional Commissioner), Region 8.

1. Reference your RVIII/19/5004 dated 5 September 1944.
2. The report enclosed with the above mentioned letter was received in due course. I would have acknowledged it earlier except for the fact that the V.P.Admin.Sec. was interested in seeing it.
3. Capt. Hill has submitted an excellent report, clear, concise and useful.

RICHARD H. WILMER.
Colonel, CAG.
Chief Legal Officer.

RHW/wow.

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ALLIED MILITARY GOVERNMENT

PROVINCE OF GROSSETO

1 September 1944

Provincial Legal Office

SUBJECT: Report on Italian Courts on Island of Elba

TO: Col. Weber, Regional Legal Officer, Region VIII

1. Complying with your instruction of 26 August, I went to Elba day before yesterday and returned today and make this report:

The Italian system provides for only one Pretura Court at Elba; this is located at Portoferraio and serves the entire island. The system provides for two Vice-Pretori, one First Chancellor, and one Judiciary Official (Ufficiale Giudiziario). The Court depends from the Procuratore del Regno of Livorno Province.....The island is within the district and jurisdiction of the Corte d'Appello of Florence.

Upon arrival I reported first to Major Marchie, SCAO and Major Goodacre, Public Safety Officer. The latter informed me that he had reported to ACC in his regular monthly report that the Pretore was on the job and that the first session of the Court would be held on August 12th. (Report of August 1st. 1944)

I had a conference with the Pretore, Dr. Antinozzi Cav. Giovanni. Major Goodacre states he has a splendid background and has always been anti-fascist. The Major already has Scheda Personale from him. The Pretore was busy in his office preparing cases and impressed me well. The opening session of the court was held on August 12th. at which time 16 cases were disposed of as follows:

- 1) Blackmarket case of last January - 1900 Lire fine imposed
- 2) Abusive language to CORR (Sect. 341 of Code) - 6 months suspended

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- 1) Blackmarket case of last January - 1900 Lire fine imposed
- 2) Abusive language to CCR (Sect. 341 of Code) - 6 months suspended
- 3) " " " - 4 months suspended
- 4) Price list violation of February 1943 - Verdict of not guilty
- 5) Blackmarket case passed to September term for trial
- 6) Libel case CCR - found not guilty.

A second session of the Court was held on 26 August with 13 cases being disposed of as follows:

- 1) Stealing of Italian property - 40 days jail and 320 L fine
- 2) " " - 1200 L fine and 1 month suspended sentence - defendant 90 yrs. old.
- 3) " " - 400 L fine and 20 days jail
- 4) " " - 1200 L fine and 3 months jail (this for stealing 8 kilos of Italian bacon)
- 5) Abusive language to CCR - Verdict of not guilty
- 6) Abusive language to CCR - 6 months jail and 300 L fine (the opprobrious words here used were: "You of the police are all dumb")
- 7) Blackmarket case of August 5 wherein defendant killed cow and sold it on blackmarket - 1300 lire fines and 1 month in jail
- 8) Blackmarket case of July 1943 involving two defendants. The first was fined 1500 L and given 3 months jail additional and second was given 3000 Lire fine.

BEST COPY POSSIBLE

Page 2

Italian Courts at Elba

To: ALO

- 9) Public Drunkenness - Defendant dead
- 10) Blackmarket case involving 30 kilos of German sugar - Accused, a woman was given 1200 lire fine
- 11) Blackmarket case involving 140 kilos of German flour (July 1944) 1500 lire fine imposed
- 12) Blackmarket case involving 25 sacks of flour and some leather which were German property - 1800 lire fine imposed
- 13) Abusive language to CORR - Verdict of not guilty.

I suggested (the Pretore stated Major Goodacre had already made the same suggestion) that more severe penalties be imposed in black-market cases. The Pretore stated the Italian police never arrested the "big operators" but brought measly cases against the poor. He promised heavier sentences however.

I respectfully suggest a policy of discouraging prosecutions of the charges of abusive language to CORR, etc. (Sect. 341 Code) Major Goodacre stated he agreed.

CASES FOR TRIBUNALE COURT (Livorno)

Approximately 100 cases are being prepared for trial by Tribunale Court. 25 of these defendants are in jail awaiting trial. The more important cases are being prepared first. The Pretore stated that about 330 have been presented for both Pretura and Tribunale courts during the year 1944.

Cases for Court of Assizes

There is one case awaiting trial by Court of Assizes - involves a husband who killed his pregnant wife - defendant in jail.

CONSIGLIATORI

There is normally one for each of the 8 communes. The Pretore reports these are not used, the people having no confidence in the judges. People just don't make cases in them. Major Goodacre was left 14 copies of Schede Personale and is getting one on each of these officials.

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MISCELLANEOUS

The Germans stole most of furniture from Pretura Bldg. which is in need of repair. Pretura now being held in private villa in which AMG shares offices - at Portoferraio.

The Pretore was given new style in which his judgments should be entered.

As Major Goodacre reported on August 1st, no AMG court has yet been held; there have been only 4 cases reported and these are trivial offenses.

A third session of Pretura will be held on Sept. 6th. 8 cases are set for trial.

Robert M. Hill

Robert M. Hill, (US) P.L.O. *en route*

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File

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HEADQUARTERS

31 August 1944.

TO : Chief Legal Officer, HQ. ACC.

See your file ACC/4157/2/L.

The attached copy of a letter from Captain Robert M. Hill is for your information.

JOHN K. WEBER,
Colonel, Infantry,
R.L.O., Region VIII.

LEGAL SUBCOMMISSION

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C O P YALLIED MILITARY GOVERNMENT
Province of Grosseto

(3B)

29 August 1944.

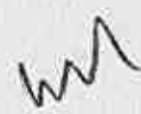
SUBJECT : Investigation at Island of Elba.

TO : Colonel Weber, R.L.O., Region VIII.

1. I have your communication ordering me to proceed to the Island of Elba and make report of Italian courts there, etc. etc.

I intend to leave for this assignment tomorrow morning; I shall proceed to Piombino and hitch a ride to Elba. I judge it will require about three days in all.

I would have left yesterday and wished to get my monthly report in to you. This I have done this morning.

ROBERT M. HILL, 
Captain (US)
P.L.O.

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
REGION VIII

(2A)

RVIII/ 19/ 5004
SUBJECT : Italian Courts at Elba.

26 August 1944

TO : PLO, Grosseto Province (thru PC)

1. Herewith please find enclosed copy of HQ,ACC letter, ACC/4157/2/L dated 21 Aug 44.
2. With approval of the Regional Commissioner, you are hereby instructed to proceed to Elba, there to make the necessary enquiries.
3. Your mission should be undertaken, and report rendered, as soon as possible.
4. In reference to paragraph 2 of the letter, Region VIII is taking over Military Government of Elba.

John K. Weber
JOHN K. WEBER
Colonel, Infantry
Regional Legal Officer

Copy to C.L.O. ✓

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

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

(1A)

ACC/4157/2/L

RHW/ap
21 Aug 44

SUBJECT : Italian Courts at ELBA

TO : Regional Legal Officer (thru RC) Region 8.

1. Some uncertainty exists as to the conditions of the Italian courts in ELBA.

2. It is appreciated that ELBA is outside the territory of Region 8, but the Head of the Administrative Section has requested that you send a representative to ELBA to investigate and report upon the present state and working of the Italian courts there.

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

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