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ARREST
AUG., SE

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ARREST OF CIVILIANS EMPLOYED BY ALLIED FORCES
AUG., SEPT. 1944

FILE CLOSED 2 September 1944

2 September 1944

3A

MEMORANDUM: to Lt. Colonel Shipp.

1. I spoke to Colonel Behrens to-day about the letter which Colonel Wilmer had suggested we should send out about difficulty of arresting Italian civilians employed by Allied Military Units. The proposed draft of that letter was sent by Colonel Wilmer with his covering letter of 29 August 1944 Ref:ACC/4169/L.
2. Colonel Behrens informed me that he had asked the Italian Minister of Justice to provide some concrete examples of difficulty encountered in arresting Italian civilians.
3. It had not been possible to take action yesterday because there was so much business on the agenda of the Minister.
4. Colonel Behrens says that this matter has been put on the agenda of the Minister and that the Colonel should have an answer in four or five days when he will let us know the outcome.

WD
WILLIAM A.S. DOLLARD.
Major.
Civil Affairs Branch.

3

Thank you
WD

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

(2A)

AGC/4169/1.

HMW/na.
29 Aug 44.

SUBJECT : Arrest of Italian Civilians Employees by Allied Military Units.

TO : H.C. & M.C. Section (Thru Admin Sec)

1. The Minister of Justice has requested this Sub-Commission to give assistance regarding the arrest of Italian Civilians employed by Allied Military Units. For some reason or another Italians are using Allied employment as a shield against arrest for ordinary crime and I am told the Italian police are frequently prevented from making the desired arrests.

2. I feel that these civilian employees should be just as amenable to the processes of the Italian Courts as would British or American civilian employees be amenable to the processes of their respective Courts in their two countries.

3. I enclose a suggested form of letter to HQ AAI to cover this situation.

Richard H. Whelan
RICHARD H. WHELAN,
Colonel, SAC,
Acting Chief Legal Officer.

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See ↓

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.O. & H.G. SECTION
APO 394

(2B)

RHW/pa.

Ref. :

SUBJECT : Arrest of Italian Civilian Employees of Allied
Military Units.

TO : H.Q., A.A.I.

1. The Minister of Justice has advised this Commission that Italian Police officials are having difficulty in, and are at times prevented from, effecting arrests of Italian civilians for ordinary criminal offences when these civilians are employed by Allied Military Units. It appears that Allied employment is being used by Italian civilians as giving them an immunity from the ordinary processes of Italian law.

2. May instructions be given to Allied Military Units that where a member of the Italian police seeks to arrest an Italian civilian employee charged with crime, employing Units will within the bounds security measures afford the Italian police reasonable opportunity to effect the arrest?

Spoke Lt Behrens in absence of M. S. LUSH,
Brigadier,
Executive Commissioner.
They wanted some concrete
cases themselves to add to the effect,
but as of yet has not yet produced.
Wait their arrival.

8/30/8.

W.D.

Bu 2/9

W.D.
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HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

1A
27 AUG. 1944

ACC/4077/L.

/rlp.
26 August 1944.

MEMORANDUM TO: RC & MG Sec (THRU: Admin Sec).

1. At a conference with the Minister of Justice yesterday, he stated that Italian police officials are having considerable difficulty when it comes to arresting for ordinary crimes civilians who are employed by various military authorities. Instances have been brought to the attention of the Minister where a civilian committed an ordinary criminal offence and the carabinieri or other police have attempted to make the arrest. They have been refused this right on the ground that the individual is employed by some military authority.

2. This, of course, prevents the Italian courts from punishing such persons who, if it were not for their particular employment, would be immediately subject to the jurisdiction of the Italian courts. It appears to me that something should be done to remedy this situation.

Legal.

Will you please prepare a draft letter for RCmg to send to AAI and a covering letter

Richard H. Wilmer
RICHARD H. WILMER,
Colonel, GAC,
Acting Chief Legal Officer.

28 AUG. 1944

for cco.

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