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ORGANIZAT
NOV. 1944 -

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ORGANIZATION & SET-UP OF ALLIED MILITARY COURTS IN BARI ZONE
NOV. 1944 - MAR. 1945

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Declassified E.O. 12356 Section 3.3/NND No. 785016

FILE CLOSED 7 March 1945

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HEADQUARTERS
SOUTHERN REGION, ALLIED COMMISSION
LEGAL DIVISION
APO 394

L - 2009-

7 March 1945

SUBJECT: Special Report - Permanent Allied Military Courts -
BARI.

TO : C.L.A. - Allied Commission Headquarters - C.M.F.

1. I forward herewith for your information, and for purposes of record, a copy of a special report submitted by Major Boyd-Carpenter on the working of the above mentioned Courts in Bari.

2. The report is instructive and the results achieved by the Military Courts have, in my opinion, fully justified the decision to create them.

3. I wish to place on record my deep appreciation of the efficiency and enthusiasm with which all officers staffing the Courts set about their work, and I would particularly mention Major J. A. Boyd-Carpenter, without whose organizing ability and drive much of the success which has attended the working of these Courts might not have been achieved.

For the Regional Commissioner:

LEG. L. SUB. COM. 3	
CLO	
DCLO	
IFD/jc. Chief Counsel	
Incl. Copy of report.	
Italian Section	
CL. RKS	
8 MAR 1945	

L. F. Dawson 53
L. F. DAWSON,
Lt. Col., G.I.,
Regional Legal Officer.

← I disagree with 10(a) and (b)
Noted p
9 Mar

REPORT ON OPERATION OF PERMANENT A.M. COURTS IN BARI.
SUBMITTED IN APPENDIX TO MONTHLY REPORT OF LEGAL
OFFICER APULIA & CALABRIA SUBMITTED UNDER REFERENCE
6157 OF 20/2/45.

1. The permanent A.M. Courts in Bari Province opened on 24 November 1944, and the last sitting was on 20 February 1945. During the first week, and the last 4 days of this period very few cases were tried, and Courts can be considered as having been in full operation for approximately 2½ months.
2. Cases tried were as follows :

Superior A.M. Court,	BARI	122 cases involving	261 persons
Summary A.M. Court,	BARI	343 cases involving	417 persons
Superior A.M. Court,	BITONTO	33 cases involving	62 persons
Summary A.M. Court,	BITONTO	70 cases involving	71 persons
Summary A.M. Court,	MOLFETTA	32 cases involving	35 persons
		600 cases involving	846 persons
3. The MOLFETTA Court was NOT authorized until receipt of your L-4091 of 22 Jan 1945 and was therefore able only to hold 3 sittings before telephonic instructions were received from your HQ on 9 February to close down the Courts.
4. During the whole period of the Courts Major F.J. Aulisi acted as Superior Court Judge at BARI, Major F.E. Young as Superior Court Judge at BITONTO, and Captain H.G.T. Christians as Summary Court Judge at BARI. Captain Christians also sat as Superior Court Judge during Major Aulisi's absence on General Courts and on leave, and Major J.A. Boyd-Carpenter and Major M.B. Setten sat as relief Superior and Summary Court Judges respectively on one occasion. Major W.R. Lupton, after duty with Prosecuting Office, sat as Summary Court Judge at BITONTO, and after his posting this Court, which was never a full time job, was taken over by Major Young in addition to his duties in the Superior Court. Captain L.G. Greenfield and Ident. G.R. Robertazzi were on duty with the Prosecuting Officer in BARI, and Lieut. F.A. Balboni undertook all prosecuting duties at BITONTO & MOLFETTA. He also took the last Summary Court at BARI on 20 February. Major T. Goodacre, of the Public Safety Sub-Commission, was on duty with Prosecuting Branch in BARI, performed LIAISON duties with Allied & Italian Police, and was the regular

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1-4094 of 22 000 1947
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5. (a) Excellent work was done by Captain H.G.T. Christians, who tried more than half the total number of cases in all Courts. On review by HQs Allied Commission so far only one of his convictions has been quashed, and with one exception all his sentences have been confirmed apart from approximately half a dozen which this HQs put up with a specific recommendation for reductions.

(b) The excellent work done by Lieut. F.A. Balboni as prosecutor at BITONTO was specially reported to your HQs under reference B2/LEG/2/5107 of 19/1/45. Since that date his work has continued to be of a high standard, particularly in a very heavy recent General Court case. Both Major F.E. Young and L.O. Apulia & Calabria have indicated that they would be very glad to have this Officer with them in any future assignment.

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6. In the case of Major F.J. Aulisi this HQS has so far received notification of quashing of convictions of 16 persons tried by him, and sentences in a substantial number of other cases have been reduced.

Major F.E. Young has had one conviction quashed, and a number of sentences reduced.

7. No opposition from any quarter to the sitting of the Courts has come to the notice of this HQS, nor has any disturbance interfered with their sittings. The Bar has been most cooperative, although this attitude was no doubt affected by the increase in their earnings attributable to the A.M. Courts. The magistracy has been most helpful both in advice and in the most generous loan of Courts, offices etc. Their attitude is exemplified by that of the Procuratore Militare who frequently brought cases to this HQS with suggestion that they be taken over, adding with complete frankness that the mere cases that he could get taken off his hands the better from his point of view. The example of the A.M. Courts has also had its effect on the level of sentences in Allied interest cases in the Italian Courts, and has enabled Courts in BARI province to reduce their arrears of such cases pending to manageable proportions.

8. Arrangements were made in accordance with instructions contained in HQS A.C/4002/12/L for extensive publicity in press & on radio for work of A.M. Courts, P.W.B., BARI, & Public Relation Officer, Adriatic Dept gave much assistance in this direction, and provisions of Article 36 of Penal Code were ignored. All police agencies in BARI have stated that crime against Allied property has shown a notable decline, and at BIRTONTO pilfering from 14 B.A.D., has, according to HQS 54 Area, virtually stopped. In addition the BARI Courts have put in prison a number of persons of considerable wealth convicted of dealing in Allied property, and their conviction & imprisonment has made a deep impression in the City of BARI.

9. This above results have been obtained NOT so much by severity of sentence but by speed of trial, refusal of unnecessary adjournments, and immediate incarceration regardless of any mission of appeals, as well as by willingness to convict & sentence persons of position & substance. So far as sentences by

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these limits as coupled with one outside them. Further the exclusion of assaults on troops when NOT on duty in connection with stores made for considerable embarrassment, and the Military Police, American and British protested against exclusion of offences under Arts 191-208 of Public Security Law from jurisdiction of the Courts. It is suggested that in any future case greater discretion be given to the Legal Officer on the spot to direct trial of particular cases before A.M. Courts subject to general direction on policy from higher authority.

- (b) It is suggested that in any future case where A.M. procedure is to be applied together with Italian law, a direction be given in advance on specific points, indicating whether they are considered law or procedure. Particular points suggested are collection & disposal of fines, and minimum sentences.
- (c) A minor requisite of some importance is an approved translation of the material articles of the Military Codes.
- (d) The experiment of following the Italian practice of concentrating administrative work on the prosecuting office and leaving the Courts no work of this sort other than the keeping of their own records proved a success. In order to follow it, it is desirable in allotting personnel to have one officer in prosecuting office additional to those on Court duty.
- (e) A procedure was worked out with agreement of Legal Sub-Commission for treatment of young offenders. In suitable cases application is made immediately after conviction to Procuratore del Regno at Tribunale dei Minorenni. for a vacancy for prisoner in a riformatorio giudiziario. Procuratore applies to the Ministry of Justice for a vacancy, and when case is forwarded for review Legal Sub-Commission are asked to suspend the sentence conditional upon transfer to a riformatorio giudiziario. If this recommendation is approved by Legal Sub-Commission, on return of records after review, Procuratore del Regno is informed, sentence is suspended, and accused are held by Gaol NOT as sentenced persons but as persons at disposal of authorities until transport to riformatorio giudiziario can be arranged. This arrangement which took some time to work out, complies with

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J. A. Boyd-Carpenter

J. A. BOYD-CARPENTER,

Major, LC,
Apulia & Calabria.

JABC/ot

ALLIED MILITARY COURTS
ALLIED COMMISSION
OFFICE OF THE PROSECUTOR
A.P.O. 394 U.S. ARMY

14A

15 February 1945.

REPORT OF ACTIVITIES OF ALLIED MILITARY COURTS
BARI ZONE.

On November 24th, 1945, the Allied Military Courts for the Bari Zone were duly convoked for the purpose of prosecution and trial of all offenders against Allied Military interests.

Inasmuch as the Bari Zone had never been placed under Allied Government all charges and accusations against civilian offenders were prosecuted under the existing Italian Penal Code and the Italian Military Code of War.

The courts convened in the Bari Zone consisted of a Superior Court with power to imprison offenders for periods of upwards of one to ten years and a Summary Court with power to imprison up to one year. These Courts dealt only with civilians who committed crimes against the allies.

Offenders, in the majority of cases, were charged and tried for stealing or being unlawfully in possession of Allied Military property and to date the Courts in Bari have disposed of upwards of six hundred cases involving upwards of eight hundred and fifty persons. The annexed list gives the total amounts of property involved in these cases and which property after having been confiscated were returned to the proper military authorities.

The Bari Superior Court has sentenced offenders to prison terms for periods as high as ten years and has collected upwards of five hundred thousand liras in fines. The Summary Court, for the trial of minor offenses, has given sentences as high as one year and has collected approximately forty-five thousand lire in fines.

Due to the outstanding work of the police organizations in this area crimes against allied interests have been reduced to a minimum and the office of the allied prosecutor wishes to particularly commend the splendid work, effort and cooperation of the following personnel who have contributed to the successful operation of the Allied Courts:

SGT. ABRAHAM EAGLE ASN 32421638, 1051 M.P.Co.Avn.
SGT. NEIL J. VALERIO ASN 33312522; 1051 M.P.Co.Avn.
L/CPL. EDWARD BAYLISS, No. 5679162, 181 M.P. Ports Coy. (British)

The Bari Superior Court was presided over by MAJOR FELIX J. AULISI O-521686, of the United States Army, President Justice of the Bari Superior Court. His outstanding work, judicial temperament and devotion to duty have made an indelible impression on his fellow workers and the people of Bari. He has contributed largely to the reduction of crime and the democratic administration of justice. His work has been exemplary and a credit to the United States Army.

The Bari Summary Court was most ably and efficiently administered by CAPTAIN H.G.T. CHRISTIANS No. 135291, of the British Army. He has handled a vast number of cases in a most efficient and superior manner and by his zeal and efforts has contributed immeasurably to the proper administration of justice and the reduction of crime against the allies.

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The superior manner in which the many cases were prosecuted and presented to the Allied Courts is owed to the high degree of efficiency and competence displayed by MAJOR THOMAS GOODACRE No. 287702 of the British Army and 1ST. LIEUTENANT GEORGE J. ROBERTAZZI, ASN O-1551722 of the United States Army. Their untiring efforts have reflected great credit to their countries and has been of inestimable value towards the successful functioning of the Bari Military Courts.

This report would be incomplete without an expression of sincere gratitude and thanks to the Commanding Officer of the Adriatic Depot and his entire organization. The cooperation and aid received from the various sections of the Adriatic Depot has made it possible for the office of the Allied Prosecutor to function. Without the material aid received from the Adriatic Depot this office could not have attained its high degree of efficiency nor could so many offenders have been brought to justice so quickly.

Louis G. Greenfield
LOUIS G. GREENFIELD
CAPTAIN, ALLIED COMMISSION
LEGAL SUB-SECTION
PROSECUTOR

ARTICLES OF WAR DEPARTMENT PROPERTY CONFISCATED
IN ACTIONS BEFORE ALLIED COURTS

ATEBRINE	12 bottles
ASPERINE	4 boxes
AMMUNITION	1 case and 495 Rounds
ANTI DIM	3 tins
ANKLE SOCKS	2 pairs
ANTI GAS CAPES	8
BLANKETS	369
BOOTS	40 pair
BOOTS, FLYING	33 pair
BELTS, WEB	27
BAGS, MUSETTE	12
BAGS, BARRACKS	43
BREAD	19 loaves
BUTTER, TINS	19
BRUSHES, SHAVING	29
BLADES, SHAVING	336
BRUSHES, TOOTH	73
BANDAGE, RODS	62
BATTERY TRUNKS	1
BEER	18
BLOUSES	43
BACON, TINS	37
BELTS, SANITARY	3
BATTERIES, FLASHLIGHT	122
BRUSHES, SHOE	6
BEEF, TINS	164
BISCUITS	90 packages
BLADDERS, MASK, AIR TYPE	3
BULBS	15
BEANS, TINS	40
CLOTHES FROM BLANKETS	134
CLOTHES FROM ARMY CLOTHES	55
COATS, RAIN	16
CANVAS SHEETS	74
CHOCOLATE	20 cases and 175 bars
CIGARETTES	4 cases and 6754 packs
CIGARETTES, TINS	979 packs
CANDIES, MISCELLANEOUS	23 cases
CAPS, ALL TYPES	56
CANDLES	138 lbs
COVERALLS	48 suits

CARDS, PLAYING	11 packs
CAMERA, US GOVT.	1
CAUSTIC SODA	250 lbs.
COATS, ARMY	226
CANDY BARS	4 cases, 3 tins and 75 packs.
CUP, MESS	1
CANS, GAS	32
CRACKERS, BOX	1
POWDER, CONTAINERS	2
CASES, SUIT	9
CASES, PILLOW	53
CIVILIAN SUITS FROM ARMY BLANKETS	42
CHEESE	12 cases and 3 lbs.
COCOA	15 lbs.
CEREAL	3 cases
COLD CREAM, JARS	3
CHAINS	2
CARBURATORS	11
DRAWERS	93 pairs
DRAWERS COTTON	142 pairs
DISINFECTANT	1 can
DENTAL CREAM, TUBES	133
DISHES	4
EXPLOSIVES	18 lbs
EGGS, DRIED	56 lbs
FLIT, SPRAY, GALLON	1
FORKS	57
F. STENERS, ZIPPER TYPE	20
FOOT PUMP	12
FLANNEL BULK	7 yards
FLINTS	11,001
FABRICS	50 yds.
FLOUR	636 lbs.
GLOVES	50 pr.
GASOLINE	235 gallons
GLASSES, SUN	11 prs.
GRENADES	1 case
GOGGLES	9 pr.
GLASSES, EYE	9 pr.
GARMENTS FROM PARACHUTES	6 slips, 2 dresses.
GASOLINE, GENERAL MIXED	1925 gallons.
HATS	3
HEELS, LEATHER	56
HAND VICE	1

HELMET	1
HACK SAW	1
HAM	34 lbs
HANDKERCHIEFS	240
HAMMERS	2
INK, BOTTLES	2
JACKETS, FATIGUE	40
JACKETS, FIELD	162
JACKETS, FLYING	6
JUGS, MUSTARD	3
JACKETS, LEATHER	44
JAM, TINS	54
JUICES, TINS	92
JACKETS, BATTLE TYPE	112
KNAPSACK	11
KNIVES	69
KEROSENE	164 gallons
LEGGINGS	1 pr.
LARD	29 pounds
LACES	60 pr.
LAMP SHADES	3
LINEN	45 yards
LEATHER	7 square yds.
LOCKS	5
LEATHER, PIECES	5
FLASHLIGHTS	25
MESS KITS	74
MARGARINE	99 tins
MACKINAW	1
MILK	25 cases and 2 tins
MONEY	106,500 lire.
MATERIAL, OIL CLOTH	8 yards; 40 aprons
MINE TAPE	300 yds.
MIRROR	11
MADICINES	1 case
MATCHES, BOX	328 boxes
MARMALADE	55 lbs.
NUTMEG	1 tin
NYLON GLIDER TOW ROPE	1
NETS, MOSQUITO	61
NAILS	10 pounds
ONIONS, DEHYDRATED	20 lbs
OVALTINE	1 case
OUTFIT, SHAVING	1

PANTS, FLYING	14 pair
PANTS, FATIGUE	77
PANTS, KAKHI	42
PANTS, O.D.	180
PETROL, BRITISH	25 gallons
PARAFFIN WAX	12,600 pounds
PROPHYLACTICS	7 boxes
POWDER, T.L.CUM	57 boxes
POLISH, SHOE	35 boxes
POWDER, TOOTH	30 cans
PEPPER	7 tins
PARACHUTES	1200 and 23 pieces
PENS, FOUNTAIN	8
PORK	7 pounds
SWEATERS	2
PISTOLS	5
PYJAMAS	17 pair
PAPER	62 pounds
PENKNIVES	8
PEARS, TINNED	10 cans
POWDER, INSECT	7 tins
QUAKER OATS	6 tins
RICE	4 pounds
RUBBER HOSE	4 hoses
RAZORS	18
RISINS	2 lbs
RATIONS	10 cases
SACKS, EMPTY	108
SALT	40 pounds
SHAVING SOAP	10 pieces
SOLES, LEATHER	28 pieces
SPOONS	36
SANDALS	1
SWEATERS	68
SCARF	10
SHEETS	62
SARDINES	42 tins
SCREWDRIVERS	8
SPARKPLUGS	5
SPOOLS	2
STRING	2 reels
SHIRTS, WOOLEN	41
SHOES, LADIES	2
SHOES, MILITARY	402 prs.
SYRUP	2 lbs

SOAP, TOILET
 SEAT, LEATHER
 SUGAR
 SHIRTS O.D.
 SOCKS
 SHEETS GROUND
 SLACKS U.D.
 SPAM
 SALMON
 SOAP, LAUNDRY
 SHORTS
 SLIPPERS, LEATHER
 SHELTER HALVES
 TENTS
 TENT MATERIAL
 TINS, GASOLINE, EMPTY
 MEAT AND VEGETABLE STEW CANS
 TWEZERS
 TOBACCO
 TURKEY
 TOMATO JUICE
 TWINE
 TUNA FISH
 TROUSERS, BATTLE DRESS
 TRUNKS, SWISSING
 TAPE
 TARPULINS FOR TRUCKS
 TELEPHONES, FIELD
 UNDERSHIRTS, COTTON
 UNDERSHIRTS, WOOL
 UNDERWEAR
 VASELINE
 UNDERSHIRTS WOOLEN, WINTER HEAVY
 WOOL, KNITTING MATERIAL
 WIRE
 WRENCHES

554 bars
 10
 5,240 lbs.
 147
 617 pr.
 9
 25
 9 cans
 19 cans
 94 bars
 176 prs.
 37 prs.
 43
 9 complete
 98
 15
 113
 4
 144 packs
 9 cases
 16 cans
 3 balls
 26 cases
 8
 2 pr.
 1 roll and 10 lbs.
 35
 1
 92
 38
 28
 11 jars
 99
 29 reels
 5 rolls
 6

In addition to these items there were innumerable miscellaneous items which were too numerous to mention.

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HEADQUARTERS
SOUTHERN REGION, ALLIED COMMISSION
LEGAL DIVISION
APO 394, U.S. Army

L-3130

22 December 1944

SUBJECT: Military Courts, Bari Zone.

TO : Public Relations Officer, HQ, A.C.

1. I enclose three further press references in respect of the working of the above mentioned Courts together with the English translations thereof.

2. First addressee please acknowledge receipt.

L.F. Dawson
L.F. DAWSON,
Lieut. Colonel, G.L.,
Reg. Legal Officer
Southern Region, A.C.

LFD/mo

ENCLOS-

3 press cuttings
with English translation.

Copy to - Chief Legal Advisor, HQ, A.C.

26 DEC 1944

GAZZETTA DEL MEZZOGIORNO

11 December 44

Un processo per furti in danno degli Alleati.

Nel novembre scorso i sergenti Abramo Eagle e Valreio Neil della Polizia Americana e l'agente di P.S. Giovanni Campanile, scoprivano gli autori di numerosi ed importanti furti di zucchero ed altre merci, che da tempo venivano consumati nella Fiera del Levante, ai danni dell'Amministrazione Alleata.

Gli autori ed i ricettatori, in numero di 32, sono stati assicurati alla Giustizia, che già sta procedendo a loro carico per giudizio direttissimo.

I promotori di tale associazione a delinquere: Giuseppe De Mita. Arcangelo Brandonisio. Vito De Giulio. Nicola Spadavecchia. Michele Veronico. Antonio De Adessis. Angelo Santoro. Bonaventura Paoline. Giuseppe Maglietta. Tommaso De Vito, tutti occupati alle dipendenze degli Alleati, esplicavano anche mansioni di fiducia in quanto ad essi era stata affidata la custodia di un cancello di chiusura alla Fiera del Levante e disponevano di automezzi alleati per il trasporto della merce.

I ricettatori Giovanni Consalvo, Giacomo Calabrese, Giuseppe Lombardi, Michele De Filippis ed altri sono stati pure arrestati e deferiti alla Corte Militare Alleata. Gli stessi agenti hanno recuperato molta merce trafugata.

LE GAZZETTA DEL MEZZOGIORNO

26/11/44

CORTE SUPERIORE ALLEATA

Condannato a 2 anni per furto aggravato

Ieri l'altro, nell'aula della Corte d'Assise, ha iniziato le sue udienze, la Corte Superiore Alleata, istituita di recente, come abbiamo già pubblicato, per giudicare i civili imputati di furti in danno degli Alleati.

Imputato era Vincenzo Rossini, di Gaetano, di anni 44, abitante in via Pasubio N.25, il quale doveva rispondere di furto continuato, per essersi impossessato, allo scopo di trarne profitto, di oggetti, di pertinenza dell'A.M.A., alle cui dipendenze lavorava, del valore di circa 14 mila lire. Dopo le risultanze del dibattimento, il Rossini è stato condannato a due anni di carcere.

Il Presidente della Corte, capitano Felix J. Aulisi, un Italo-Americano essendo nato a Salerno, al difensore del Rossini, avv. Giuseppe Papalia, disse di essere a disposizione della classe forense barese, per le necessarie delucidazioni, circa il funzionamento della Corte suddetta.

La pubblica accusa è stata sostenuta dal capitano Louis B. Greenfield.

GAZZETTA DEL MEZZOGIORNO

TRIBUNALI MILITARI ALLEATI A BARI E BITONTO

Recrudescenza di furti e necessità di stroncarli per non compromettere lo sforzo bellico—Un importante processo oggi a Bari.

Sono stati di recente istituiti due Tribunali Militari Alleati a Bari e due a Bitonto. Le Autorità Alleate hanno creato questi Tribunali per proteggere le proprietà militari alleate dall'ondata di furto cui sono state esposte negli ultimi mesi. E' probabile che molti civili non sappiano valutare le gravi conseguenze di questi furti nei confronti dell'efficienza dello sforzo bellico o non comprendano perchè le Autorità Alleate abbiano sentita la necessità di istituire questi Tribunali per facilitare una rapida e severa punizione dei reati anzidetti.

CRIMINI GRAVISSIMI:

E' possibile d'altra parte che i civili ritengano che la cinghia che essi strappano ad una cassa di munizioni, la scatola di carne od il paio di scarpe che essi sottraggono, non possano influire sullo sforzo di guerra. Ma ogni oggetto di proprietà militare che viene rubato è stato costruito con duro lavoro dagli stabilimenti d'Inghilterra e d'America. Esso, sovente, è stato fatto da uomini e da donne strappati al loro normale lavoro o al loro riposo, perchè ciò era necessario per lo sforzo bellico al quale questo oggetto avrebbe contribuito. In Inghilterra, poi si è lavorato in stabilimenti che in ogni momento del giorno e della notte sono esposti alla minaccia del bombardamento aereo.

Inoltre questi oggetti sono stati portati in Italia a mezzo di navi in cui lo spazio disponibile è preziosissimo, attraverso i mari sui quali in ogni momento gli equipaggi ed i carichi possono venire affondati da un sottomarino: e sono tutti prodotti necessari alla vittoria degli Alleati. Ogni volta, perciò, che un civile ruba uno di questi oggetti, egli intacca lo sforzo bellico per il quale tanti e tanti uomini hanno rischiato la loro vita. 39

Ogni volta che un civile ruba, egli aiuta il comune nemico e contribuisce a ritardare il giorno in cui i tedeschi saranno sconfitti e l'Italia cesserà di essere un campo di battaglia. E non soltanto questo; possono essere aggiunti ulteriori rischi a quelli già corsi dai coraggiosi combattenti Italiani ed Alleati,

che stanno lavorando per scacciare i tedeschi dal nostro Paese. Pertanto nelle battaglie così strenuamente combattute nella guerra moderna, ora così complessa ed elaborata, la mancanza di un pezzo anche piccolo di equipaggiamento, come la cinghia con cui si trasporta una cassa di munizioni, può significare la morte dei soldati che debbono usarla. Perciò l'egoismo di un ladro aggiunge una ulteriore perdita a quelle che hanno già posto in lutto tante famiglie.

33 IMPUTATI A GIUDIZIO:

E non soltanto il ladro è colpevole. Non vi sarebbero ladri di queste proprietà militari se non vi fosse gente che compera la refurtiva per proprio uso o per farne commercio. Per le gravi conseguenze che derivano da tali furti, le persone che comperano gli oggetti rubati sono altrettanto responsabili quanto gli stessi ladri. E' sperabile che la maggior parte di simili reati siano fatti per ignoranza delle conseguenze che ne derivano. La istituzione quindi dei Tribunali Militari Alleati a Bari ed a Bitonto, è la più chiara dimostrazione della importanza militare di tali reati e della gravità dei loro effetti sullo sforzo bellico. Una opinione pubblica illuminata può quindi far cessare i crimini lamentati, insieme ai quali cesserà l'opera dei Tribunali Militari che essi hanno resi necessari:

Intanto stamane, la Corte Militare Alleata di Bari giudicherà 33 imputati di furto e ricettazione.

Essi sono: Santoro Angelo (Via Casamassima N.21 Capurso); Brandonisio Arcangelo (Via Napoli N.41 Carbonara); De Nitto Giuseppe (Via Largo Albococca N.2 Bari); Balice Bonaventura (Via Mortara N.20 Carbonara); Maglietti Giuseppe (Via Colle N.61 Capurso); De Giulio Vito (Via Manzoni N.5 Carbonara); De Adessisi Antonio (Via Vittorio Veneto N.36 Carbonara); Veronico Michele (Via S. Procopio N.7 Carbonara); Spadavecchia Nicola (Via Cgnisanti N. 47 Carbonara); Mari Vincenzo (Via Arcangelo N.12 Bari); Del Mastro Michele (Via De Romita N.2 Bari); Gentile Giorgio (Via Re Davide N.21 Bari); De Mittio Tommaso (Via Monte S. Michele N. 79 Bari); Di Fronzo Pasquale (Via Madonna Del Pozzo N.130 Capurso); Roppo Raffaele (Vico S.Rismo N.6 Capurso); Questelli Giuseppe (Via Napoli N.128 Bari); De Marzo Pasquale (Via Vincenzo Rogadei N.34 Bari); Cosalvo Giovanni (Via Madonna Del Pozzo N. 64 Capurso); Calabrese Giacomo (Via Madonna del Pozzo N.51 Capurso); Procaccia Michele (Via Forno Grande N.14 Triggiano); Mascipinto Francesco (Via Piccini N.18 Triggiano); Ventrelli Giuseppe (Via Piccini N.47 Triggiano); Maselli Giuseppe (Via Stazione N.3 Capurso); Lombardi Giuseppe (Via S.Croce N.1 Triggiano); De Filippis Michele (Largo Marconi N.26 Valenzano);

Costanzo Vito (Via S.Croce N.27 Triggiano); Calabrese Angela (Via Volturmo N.1 Carbonara); Oreste Francesco (Via Municipio N. 42 Ceglie); Falco Angela (Via Municipio N.42 Ceglie); Rogan-
 Giuseppe (Vico II Mazzini N.11, Valenzano); Loconte Rocco (Vico II Mazzini N. 13 Valenzano); Parisi Pasquale (Via Izo N. 21 Valenzano); Parisi Francesco (Vico II Mazzini N.22 Valenzano)

I CAPI DI ACCUSA:

Gli imputati, Santoro, Angelo, De Mitto Giuseppe, Balice Bonaventura, Maglietti Giuseppe, De Giulio Vito, De Adessis Antonio, Veronico Michele, Spadavecchia Nicola, Mari Vincenzo, Questelli Giuseppe, De Marzo Pasquale, Del Mastro Michele, Gentile Giorgio, De Nitto Tommaso, Di Fronzo Pasquale e Roppo Raffaele, sono accusati della violazione degli articoli 624, 625, N.5 e N.7, 61 N.11, 112 N.1 e N.2, e II O del Codice Penale per essersi impossessati al fine di trarne profitto per se, in numero di più di cinque persone, in Bari il giorno 31 Ottobre 1944; Santoro Angelo Brandonisio Arcangelo, De Mitto Giuseppe, Balice Bonaventura, Maglietti Giuseppe, De Giulio Vito, De Adessis Antonio, Veronico Michele e Spadavecchia Nicola, organizzando e dirigendo l'azione criminosa: e Mari Vincenzo, Questelli Giuseppe, De Marzo Pasquale, Del Mastro Michele, Gentile Giorgio, De Nitto Tommaso, De Fronzo Pasquale e Roppo Raffaele concorrendo nell'azione medesima, di trentuno sacchi di zucchero, ognuno del peso di 100 libbre, in danno dell'Amministrazione Militare Alleata, commettendo il fatto su cose destinate a pubblico servizio, e con abuso di prestazione d'opera. Gli imputati, Consalco Giovanni, Calabrese Giacomo, Procaccia Michele, Mascipinto Francesco, Ventrelli Giuseppe, Maselli Giuseppe, Lombardi Giuseppe, Costanzo Vito, De Filippis Michele, Calabrese Angela, Oreste Francesco, Falco Angela, Rogandi Giuseppe, Loconte Rocco, Parisi Pasquale e Parisi Francesco, sono accusati della violazione dell'articolo 648 del Codice Penale, per avere in Capurso, Valenzano e Triggiano, in diversi tempi, dal 31 Ottobre al 2 Novembre 1944, al fine di procurarsi un profitto, acquistato lo zucchero proveniente dal furto innanzi detto e nella quantità come in seguito indicata, conoscendone la illegittima provenienza; Consalco Giovanni (9 sacchi); Calabrese Giacomo (9 sacchi); Procaccia Michele (2 sacchi); Mascipinto Francesco (2 sacchi); Ventrelli Giuseppe (3 sacchi); Maselli Giuseppe (2 sacchi); Lombardi Giuseppe (5 sacchi); Costanzo Vito (5 sacchi); De Filippis Michele (4 sacchi); Calabrese Angela (quantità non

precisata); Ceste Francesco (quantità non precisata); Falco Angela (quantità non precisata); Rogamdi Giuseppe (1 sacco); Loconte Rocco (1 sacco); Parisi Pasquale (2 sacchi); Parisi Francesco (2 sacchi);.

La Corte sarà così composta:

Giudice: Capitano Felix J. Aulisi, Giudice in Nuova York; Pubblico Ministero; Capitano Louis G. Greenfield, avvocato da Nuova York, e George Robertazzi, Tenente; Direttore: Maggiore William R. Luton
Giudice² Avvocato in Nuova York.

Gazzetta del Mezzogiorno, 11 December 1944

13.B

TRIAL FOR THEFTS INVOLVING
ALLIED PROPERTY

Last November Sgts. Abraham Eagle and Valerio Neil of the American Police, together with Giovanni Campanile, an agent of P.S., detected the authors of numerous and conspicuous thefts of sugar and other stuff, committed long since in the Fair "del Levante" at Bari, and resulting in damage of the Allied Administration.

Those who perpetrated said thefts in conjunction with ~~xx~~ racketeers (altogether 32 persons) have been committed to Justice and the prosecution against them has already begun with utmost speed.

The leaders of such criminal gang are :

Giuseppe De Mila, Arcangelo Brandolisio, Vito De Giulio, Nicola Spadavecchia, Michele Veronico, Antonio De Adessis, Angelo Santoro, Bonaventura Paolino, Giuseppe Maglietta, Tommaso Le Vito,

all civilian employees of the Allied Forces, who had been entrusted with positions requiring responsibility such as the checking up of incoming and outgoing material through the gate of the Fair-ground, besides the operating of Allied trucks and other vehicles assigned to the transportation of goods.

The following forestallers: Giovanni Consalvo, Giacomo Calabrese, Giuseppe Lombardi, Michele De Filippis and others have also been arrested and brought before the Allied Superior Court.

The a/m agents have recovered a great deal of the stolen goods.

trs. by mo/.

35

LA GAZZETTA DI MEZZOGIORNO, 16 November 1944

ALLIED SUPERIOR COURT

Sentenced to 2 years imprisonment for
aggravated theft.

The day before yesterday the Allied Superior Court, lately set-up, as we have already published, for trying civilians charged with thefts resulting in Allied property damage, has started its hearings.

The defendant was a certain Vincenzo Rossini, son of Gaetano, 24 years old, living at Via Pasubio No.25, who had to answer for a continued aggravated theft. In fact he had embezzled a certain quantity of articles belonging to A.M.A. (by which he was hired) amounting to 14,000 lire value, for the purpose of deriving a profit.

After the finding Rossini has been sentenced to 2 years imprisonment.

The President of the Court, Capt. Felix J. Aulisi, an American Officer of Italian extraction, as he was born at Salerno, told Avvocato Giuseppe Papalia that he (Capt. Aulisi) was at the disposal of the Bar Association of Bari, for furnishing all the required information concerning the functioning of the said Allied Court. The prosecution has been carried out by Capt. Louis B. Greenfield.

trans. by mo/.

Gazzetta del Mezzogiorno - 14 December 1944.

ALLIED MILITARY TRIBUNALS AT BARI AND BITONTO.

Recrudescence of thefts and necessity of eliminating them
in order not to compromise war effort.
An important trial at Bari for today.

Two Allied Military Tribunals have lately been
established at Bari and two more at Bitonto.

The Allied Authorities have set-up these Tribunals
for protecting the Allied Military property against the
wave of thefts to which such property has been exposed in
these months.

It is likely that several civilians are unable to
estimate the heavy consequences of these thefts in regard
to the efficiency of the war effort, or that they do not
understand why the Allied Authorities have deemed necessary
to establish such Tribunals to the aim of inflicting immediate
and deterrent punishment of the above said offences.

Very severe crimes

On the other hand it is possible that civilians may
think that a belt wrested from an ammunition-box, a tin of
canned meat or a pair of shoes subtracted from a lot, cannot
affect the war effort.

But every item of Allied property which is stolen
has been created through hard work by factories either in
England or in America. Such articles have often been made
by men or women subtracted from their normal work or their
rest, for it was necessary that such articles should be
made in favour of the war effort.

Furthermore, in England the work was carried on in
in factories exposed to the menace of air-raids in every
moment of day and night.

Moreover, these articles have been carried into Italy³¹
by ships of which every piece of available space is very
precious. These ships cross perilous seas where crews and
cargoes may be sunk any time by submarines, resulting in the
loss of products necessary to the victory of the Allies.

Hence, whenever a civilian steals one of these

objects, he inflicts the war effort for which so many persons risk their life.

Every time a civilian pilfers, he actually helps the common enemy, because, by so doing, he defers the day of the German defeat and Italy's liberation. In addition to what said we must consider that more and different risks may be added to those already run by the brave Italian and Allied fighting Forces, which are struggling to push away the Germans from our Country. Concluding, in the battles of modern war, so hardly fought so complicated and elaborated, the scarceness of an item even though trifling, such as a belt tying an ammunition-box, may cause death to soldiers who have to use it. Finally the selfishness of a thief adds a further loss of human lives to those which cost already so much mourning to so many families.

33 DEFENDANTS BROUGHT TO THE TRIAL

And not only the thief is a culprit. There would be no thieves of these military properties if there were no people buying the goods wrongfully possessed, for their usage or for making object of trade.

Persons who buy stolen property are as much responsible as the thieves, considering the heavy consequences deriving from such pilferage. It is hoped that most of such crimes be committed by ignorance as to the consequences connected thereto. Therefore the establishment of Allied Military Tribunals at Bari and at Bitonto is the clearest sign of the military importance related to such crimes and of the importance of their effects upon the war effort.

An enlightened public opinion may consequently have the complained offences ceased and in this way the work of Military Tribunals, requested to try such offences, will be over.

Meanwhile this morning, the Allied Military Court will try 33 defendants wharged with thefts and concealing. They are: Santoro Angelo (Via Casamassima No.21, Capurso) 3? Brandonisio Arcangelo (Via Napoli No.41, Carbonara); De Mitto Giuseppe (Via Largo Albicocca No.2, Bari); Balice Buonaventura (Via Mortara No.20, Carbonara); Maglietti Giuseppe (Via Colle No.21, Capurso); De Giulio Vito (Via Manzoni No.5, Carbonara); De Adesisi Antonio (Via Vittorio Veneto 36? Carbonara); Veronica Michele (Via S.Procopio 7, Carbonara)

Spadavecchia Nicola (Via Ognissanti 47, Carbonara); Mari Vincenzo (Via Arcangelo No. 12, Bari); Del Mastro Michele (Via De Romita No. 2, BARI); Gentile Giorgio (Via Re David 21, BARI); De Mitto Tommaso (Via Monte S. Michele 79, BARI); Di Fronzo Pasquale (Via Madonna del Pozzo No. 130, Capurso); Rocca Raffaele (Vico S. Raimo No. 6, Capurso); Calabrese Giacomo (Via Madonna del Pozzo 5, Capurso); Procaccia Michele (Via Forno Grande 14, Triggiano); Maselli Giuseppe (Via Stazione 3, Capurso); Lombardi Giuseppe (Via S. Croce 1, Triggiano); Costanzo Vito (Via S. Croce 26, Triggiano); De Filippis Michele (Largo Marconi 20, Valenzano); Calabrese Angelo (Via Volturmo 1, Carbonara); Orste Francesco, (Via Municipio 42, Ceglie); Falco Angela (Via Municipio 42, Ceglie); Roganti Giuseppe (Vico 2° Mazzini No. 11, Valenzano); Loconte Rocco (Vico 2° Mazzini 13, Valenzano); Parisi Pasquale (Via Izo 21, Valenzano) Parisi Francesco, (Via 2° Mazzini, 22 Valenzano)

THE CHARGES

The defendants: Santoro Angelo, De Nitto Giuseppe, Balice Buonaventura, Maglietti Giuseppe, Virgilio Vito, De Adessis Antonio, Veronico Michele, Spadavecchia Nicola, Mari Vincenzo, Quetelli Vincenzo, De Marzo Pasquale, Del Mastro Nicola, Gentile Giorgio, De Nitto Tommaso, Di Fronzo Pasquale, Rocco Raffaele, are charged with violation of articles 624, 625, 625 and N°7, 61 N°11, 112 N°1 and N°2, and 110 of the Penal Code on that they stole 31 sacks of sugar, 100 lbs. each, in damage of Allied Mil. Administration, stealing goods directed to the public utility, for purpose of deriving profit, in Bari on 31 October 1944, in a gang more than 5 persons; Santoro Angelo, Brandonisio Arcangelo, De Mitto Giuseppe, Balice Buonaventura, Maglietti Giuseppe, De Giulio Vito, De Adessis Antonio, Veronico Michele, and Spadavecchia Nicola, on that they did organize and lead such criminal gang; and Mari Vincenzo, Quetelli Giuseppe, De Marzo Pasquale; Del Mastro Giuseppe, Gentile Giorgio, De Nitto Tommaso, Di Fronzo Pasquale and Rocco Raffaele, on that they did concur in such criminal action.

31

The defendants: Consalvo Giovanni, Calabrese Giacomo, Procaccia Michele, Pascipinto Francesco, Ventrelli Giuseppe, Maselli Giuseppe, Lombardi Giuseppe, Costanzo Vito, De Filippis Michele, Calabrese Angela, Orste Francesco, Falco Angela, Roganti Giuseppe, Loconte Rocco, Parisi Pasquale and Parisi Francesco, are charged with violation of art. 648 of

of Penal Code, on that at Capurso, Valenzano and Triggiano, on several periods, from 31 October to 2 November 1944, they did buy the sugar originating from the above said theft, knowing it to be wrongfully possessed, in the quantities stated as follows:

Consalvo Giovanni (9 sacks); Calabrese Giacomo (9 sacks); Procaccia Michele (2 sacks); Mascipinto Francesco (2 sacks); Ventrelli Giuseppe (3 sacks); Masselli Giuseppe (2 sacks); Lombardi Giuseppe (5 sacks); Costanzo Vito (5 sacks); De Filippis Michele (4 sacks); Calabrese Angela (quantity not stated); Orsini Francesco (quantity not stated); Falco Angela (quantity not fixed); Roganti Giuseppe (1 sack); Loconto Rocco (1 sack); Parisi Pasquale (2 sacks); Parisi Francesco Giuseppe (2 sacks);

The Court will be composed as follows:

Judge: Capt. Felix J. Aulisi; Judge in New York; Prosecutor: Capt. Louis G. Greenfield, Lawyer from New York; and George Robertazzi, Lieutenant; Director: Major William R. Luton, Judge and Lawyer in New York.

trans. mo/.

✓ 4173/1

12A

HEADQUARTERS
SOUTHERN REGION, ALLIED COMMISSION
LEGAL DIVISION
APO 394, U.S. Army

L-2212

15 December 1944

SUBJECT: Allied Military Courts Bari.

TO : Chief Legal Advisor, Legal Sub-Commission, AC, HQ, CEF.

1. I attach for your information a copy of the 2nd Interim Report on the above subject.
2. I have no comments to make thereon, except to say that the work appears to be progressing satisfactorily.

L.F. Dawson

L.F. DAWSON,
Lieut. Colonel, G.I.,
Reg. Legal Officer,
Southern Region, AC

LFD/no

ENCL-
1 copy of Interim Report
d/d 12 Dec. 44 from LO Bari.

CJO. Gsee.

I think Anisi is a good judge. If Boyd Carpenter is beating up his sentence, please review them with care. I think he has an exaggerated idea of the sentences necessary, as I see from the application, he makes for several counts.

Noted 12/20/44

Ward: 18/12

ALLIED COMMISSION
LEGAL OFFICE
BARI

12B

Ref : BZ/LEG/2/6112

12 Dec 44

Subject:- Allied Military Courts, BARI.

To :- R.C.L.C., Southern Region NAPLES.

Second Interim Report.

1. Further my Interim Report forwarded under reference BZ/LEG/2/6112 of 4 Dec on above subject, further interim report is submitted as directed in your L-2212 of 6 Dec.
2. The Allied Military Courts in BARI City are working well, and have up to 11 December tried 19 Superior and 35 Summary Court cases.
3. The sentences imposed by the Superior Court in BARI have however been on the whole too low. This matter has been discussed with Captain Aulisi, the Judge concerned.
4. The BITONTO Courts have no far tried only 16 cases up to 11 Dec, and the Summary Court has NOT found it necessary to sit more than 2 mornings a week.
5. There are only a few cases in preparation for trial, and it is NOT anticipated that there will be sufficient work to justify a permanent second Court in BITONTO for some days.
6. The reason for is that as a result of the disturbance in BITONTO in 3 December, which have been reported to your HQs by Zone Commissioner and Zone Police Officer, the searches which had been organised under the direction of Major HARE have been suspended until 15 December, with the result that few charges have been brought by the police agencies concerned.
7. It is not within the function of a Legal Officer to comment on the validity of the reasons of public order which impelled the OC Troops BITONTO, in connection with HQs 54 Area, to request this concession to public opinion.

8. Its consequence has, however, been to delay substantially the coming into full effectiveness of the BITONTO Courts. It is understood from Major Hare that when searches are resumed material for a substantial number of Superior Court cases will be discovered.
9. A Court of Inquiry has been convened by Commander 54 Area with respect to the BITONTO disturbances on December 3rd, and is to commence sittings on December 12. This HQs letter BZ/LEG/2/6163/46 of 11.12.44 copy to your HQs refers.
10. There is NOT the slightest reason to assume any connection between the disturbances and the Courts, all of whose sittings have been completely orderly.

/s/ J.A. Boyd-Carpenter

/t/ J.A. BOYD-CARPENTER
Major L.O.,
Apulia & Calabria

JABC/im

4173/1

114

HEADQUARTERS
SOUTHERN REGION, ALLIED COMMISSION
LEGAL DIVISION
APO 394, U.S. Army

L-2212

6 December 1944

SUBJECT: Interim Report, Allied Military Courts, Bari Zone.
TO : Chief Legal Advisor, Legal Sub-Commission, A.C., HQ

1. I attach for your information copy of an interim report submitted to me by Major Boyd-Carpenter relative to the working of the abovementioned Courts.

LFD/mc

L. F. Dawson
L.F. DAWSON,
Lieut. Colonel, G.I.,
Reg. Chief Legal Officer
Southern Region, A.C.

ENCL-

1 copy of interim report
d/d 4 Dec 44 from LO Bari.

LEGAL SUB-COMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	✓
Italian Section	
CLERKS	
8 DEC 1944	

26

*I have your letter to keep
been on return
from Tom
16
20 Dec*

ALLIED COMMISSION
LEGAL OFFICE
BARI

11/13

REF : BZ/LRG/2/6112

4 Dec 44

SUBJECT : Interim Report, Allied Military
Courts, BARI Zone.

TO : R.C.L.O., HQ A.C. Southern Region, Naples (in duplicate)
Zone Commissioner, A.C., BARI

1. Interim report is submitted on Allied Military Courts in BARI Zone.
2. A Superior Court sat for the first time in BARI on Friday 24th November.

In the course of a brief opening ceremony, which was attended by the Zone Commissioner and the Prefect, the convening orders were read.

A similar ceremony took place on the same day at BITONTO.

3. One Superior Court case was tried at BARI on Friday November 24th, but the case set for BITONTO for that day was adjourned at request of accused.
4. This report therefore relates to operation of the Courts during the week 26th November - 2nd December, with the exception of the one case referred to in the preceding paragraph.
5. In order to prevent the Courts and Prosecuting Branch being overstrained during the first few days, it was arranged with the Police agencies concerned that in cases of receiving only charges where the article concerned was valued at more than 1,000 lire should be submitted for trial by A.C. Courts, unless the articles in question related to ammunition. The question of reducing this figure is under consideration.
6. A Superior and a Summary Court have sat in BARI on each day of the week, and a Superior Court has sat in BITONTO on every day except Wednesday 29th November. The Summary Court at BITONTO has NOT yet sat partly by reason of insufficiency of work and partly by reason of delay in obtaining a second suitable courtroom. The question as to whether the second BITONTO should NOT be a Superior Court is under consideration, but it should NOT be a Superior Court is under consideration, but it

785016

4. This report therefore relates to operation of the courts during the week 24th November - 2nd December, with the exception of the one case referred to in the preceding paragraph.
5. In order to prevent the Courts and Prosecuting Branch being overstrained during the first few days, it was arranged with the Police agencies concerned that in cases of receiving only charges where the article concerned was valued at more than 1,000 lire should be submitted for trial by A.M. Courts, unless the articles in question related to ammunition. The question of reducing this figure is under consideration.
6. A Superior and a Summary Court have sat in BARI on each day of the week, and a Superior Court has sat in BITONTO on every day except Wednesday 29th November. The Summary Court at BITONTO has NOT yet sat partly by reason of inefficiency of work and partly by reason of delay in obtaining a second suitable courtroom. The question as to whether the second BITONTO should NOT be a Superior Court is under consideration, but it is intended to open a second Court there during the present week.
7. During week under review cases actually disposed of numbered:
- | | |
|------------------------|----------|
| BARI Superior Court | 7 |
| BARI Summary Court | 18 |
| BITONTO Superior Court | <u>3</u> |
| Total for week | 28 cases |
8. In addition the following numbers of persons on being brought before Court secured an adjournment beyond the end of the week:
- | | |
|------------------------|---|
| BARI Superior Court | 5 |
| BARI Summary Court | 2 |
| BITONTO Superior Court | 1 |
9. The disappointing number of cases actually disposed of has the following causes:
- (*) the inexperience of the officers allotted to

Prosecuting work, and the "bottle-necking" of work in that department.

(b) Initial difficulties with respect to ^{including} ~~attending~~ of witnesses.

(c) Undue willingness of Judges to grant adjournments for some days.

(d) At BITONTO by failure of electric light at 4 o'clock regularly.

10. I have attempted to deal with:

(a) above by temporarily allotting 5 officers to this work:

(b) this largely been cleared up by conferences with A.P.M.:

(c) judges' attention ~~has~~ been drawn to this;

(d) I can do nothing about this.

11. For information it may be added that I am informed by Major Hare that after an initial delay 6 arrests have now been made at BITONTO in connection with pilfering of ammunition. 3 of these are ready for trial, and in the other 3 investigations are still being made.

12. Publicity for Military Courts is being undertaken by A.W.E. BARI with whom arrangements have been made both for general publicity and publication of individual cases of interests.

13. Cavaliere PANSINI, Giuseppe, who was until 9 November President of the Section of the BARI Tribunale dealing with Allied cases has been engaged as adviser on Italian law to the Prosecuting Branch of this HQs.

JABC/mk

Thompson

J. C. BOYD-CORRENTEN
Major, IC,
Apulia & Calabria.

2/

47311

(10A)

HEADQUARTERS
SOUTHERN REGION, ALLIED COMMISSION
LEGAL DIVISION
APO 394, U.S. Army

L-4091

4 December 1944

SUBJECT: Military Courts, Bari Zone.

TO : Public Relations Officer, HQ, A.C.

1. My evenly numbered letter dated 21 Nov. 1944 refers.
2. I enclose two further press references to the subject of the setting up of Permanent Allied Military Courts in certain portions of the Bari Zone. These references were made in the issues of "La Gazzetta del Mezzogiorno" dated the 30th and 25th of November 1944.
3. I also enclose a copy of a letter addressed to me by L.O., Apulia and Calabria re the arrangements generally which have been made to give full publicity not only to the existence of the Courts but also to their work.
4. Publicity has apparently been so successful already that there has to date been a marked falling-off in the number of depredations made upon 14 B.A.D.

For the Regional Commissioner:

P.S. I have just received information that six cases of pilferage from 14 B.A.D. will be tried before Superior Courts, Bari.

LFD/HG

ENCL-

2 copies of press cutting
1 copy of ltr d/d 30 Nov. 44
from LO Apulia & Calabria.

Copy to - C.L.A., HQ, A.C. —

L.F. Dawson
L.F. DAWSON,
Lieut. Colonel, G.L.,
Reg. Chief Legal Officer
Southern Region, A.C.

LEGAL SUB COMMISSION	23	
→	DOLO	m
→	Chief Counsel	
→	CIO - E. DEC	WA

Allied Commission
Legal Office
BARI

REF: BZ/LEG 2/6116

30 Nov. 44

SUBJECT: Publicity for A.M. Courts.

TO : R.C.L.O., Southern Region, A.C.

1. Ref your 3072 of 17/11/44, para 6 and HQs AC letter 4002/12/6 of 14/11/44 para '.
2. Forwarded herewith are cuttings from "Gazzetta del Mezzogiorno" of 20 & 25 November respectively.
3. Publicity for the opening of these courts was also effected through P.W.B. BARI over BARI radio.
4. Arrangements have also been made with P.W.B. to forward regularly information with respect to important cases tried. P.W.B. will then arrange to place the material in the most effective manner possible.

JABC/gv

S/ J.A. Boyd-Carpenter

T/ J.A. BOYD-CARPENTER
Major, LC,
Apulia & Calabria.

10c

La Gazzetta del Mezzogiorno

25 Novembre 1944

CRONACA DELLA CITTA'LA COSTITUZIONE DI TRIBUNALI
MILITARI ALLEATI

L'Ufficio Legale della Commissione Alleata di Bari
comunica:

" Parecchi Tribunali Militari Alleati sono stati costituiti nella Provincia di Bari, per trattare processi relativi alle offese contro il personale alleato e le manomissioni di proprietà alleata. Ciò si é reso necessario pel considerevole numero di reati commessi in questa zona e per la necessità di una pronta e severa punizione dei colpevoli. I Tribunali Italiani continueranno a processare molti casi del genere, anche durante il tempo in cui un notevole numero dei più gravi reati saranno trattati dai Tribunali Speciali Alleati.

Sia di monito al pubblico, che ogni interferenza allo sforzo bellico Italiano ed Alleato causata da furti ed acquisti di proprietà militari Alleate, non sarà più a lungo tollerata". Ieri ha avuto inizio la attività dei suddetti Tribunali Militari.

10D

La Gazzetta del Mezzogiorno

20 Novembre 1944

Non comprate nè accettate viveri ed articoli militari
alleati. Appositi tribunali puniscono severamente i
contravventori.

HEADQUARTERS ALLIED COMMISSION

ATO 374

LEGAL SUB-COMMISSION

AC/4173/1/L.

/rlt.
29 November 1944.

SUBJECT : Allied Military Courts in Bari Zone.

TO : Regional Commissioner (Attn: Regional Legal Officer),
SOUTHERN Region.

1. In view of the establishment of Military Courts in Bari Zone to deal with cases of damage to, and theft from, ammunition and kindred cases, a Note on the relevant Italian law has been prepared. I forward herewith 20 copies of that Note, please ensure that each officer concerned in any respect with these courts receives a copy thereof and of this letter.

2. Particular attention is drawn to the following:

a. Under CMB, Art. 158 the minimum penalty, if the offence is committed with "dolo", is 15 years "reclusiones". This is above the jurisdiction of a Superior Court. A charge should, therefore, only be laid under this article in cases which justify the convening of a General Court.

b. In the majority of cases, it will be possible to prove theft by the accused. It is recommended that in such cases, unless falling within (c) above, the accused be charged only with theft. It is probable that the theft will be doubly aggravated which carries the penalty of up to 10 years "reclusiones" with a fine. See Note, para. 14.

c. In cases not falling within (a) or (b) above, i.e., in cases not justifying a General Court and in cases in which damage to, but not theft of, ammunition can be proved, the accused, if he has acted with "dolo", should be charged under C, Art. 635, second para. (3); this carries a penalty of up to 3 years "reclusiones", liable to increase for aggravating circumstances. See Note, para. 14 (b).

d. In cases envisaged in (c) above, if the accused acted with "colpe" the charge should be laid under CMB, Art. 156, last paragraph.

By command of Commodore STONE:

W. E. BENTENS

W. E. BENTENS.

of a Superior Court. A charge should, under the circumstances, be made in cases which justify the convening of a General Court.

b. In the majority of cases, it will be possible to prove theft by the accused. It is recommended that in such cases, unless falling within (a) above, the accused be charged only with theft. It is probable that the theft will be doubly aggravated which carries the penalty of up to 10 years "reclusion" with a fine. See Note, para. 14.

c. In cases not falling within (a) or (b) above, i.e., in cases not justifying a General Court and in cases in which damage to, but not theft of, ammunition can be proved, the accused, if he has acted with "dolo", should be charged under EC, Art. 635, second para. (3); this carries a penalty of up to 3 years "reclusion", liable to increase for aggravating circumstances. See Note, para. 14 (b).

d. In cases envisaged in (c) above, if the accused acted with "colpa" the charge should be laid under CMG, Art. 156, last paragraph.

BY command of Commodore STONE:

W. E. Stephens

19

W. E. STEPHENS,
Colonel,
Deputy Chief Legal Advisor.

Encl: Note (28 copies).

Copy to: RC (for HQ), Sicily, Lazio-Umbria, Abruzzi-Marche, Sardegna, Toscana, Emilia, Piemonte, Liguria, Lombardia and Venezia Regions (with 4 copies of note).

NOTES ON ITALIAN LAW RELATING TO DAMAGE TO AND THEFT OFAMMUNITION AND OTHER MILITARY PROPERTY

INTRODUCTORY

1. The following abbreviations are used throughout:

P. C. = Penal Code

C.P.M.G. = Codice Penale Militare di Guerra

2. The word "soldier" ("militare") when used herein includes also a member of the other Armed Forces.

3. Under C.P.M.G., Art. 50, certain penalties are established for offenses against the State and by Art. 84 these penalties are also applied to offenses against a State allied with the Italian State which includes a state associated with Italy in war (Art. 15). It follows that when any such offense is committed against the Allies, who are co-belligerents with Italy, it may be punished exactly as if it had been committed against the Italian State.

ACTS INTENDED TO HELP THE ENEMY

4. Sabotage or destruction of military articles or works may constitute the offense of aid to the enemy (CRM, Art. 51): in the absence of mitigating circumstances conviction carries the obligatory penalty of death; if the accused is a soldier, the death penalty is under that article; if a civilian, it is under that article read with DIL 159, 27 July 1944 which provides:

"Whoever whether a member of the Armed Forces or not, after 8th September 1943 has committed a crime against the loyalty and the military defense of the State by any kind whatsoever of action collaboration, help or assistance given to the German invader shall be punished according to the provisions of the CRM."

5. To establish an offense under CRM, Art. 51, two elements must be established:

(a) The act must be such as to aid the military operations of the enemy or harm those of the state and such aid or harm must have some direct effect on some existing operations; and

(b) The act must be committed with that end in view and the intent must

"Whoever whether a member of the Armed Forces or not, after 8th September 1943 has committed a crime against the loyalty and the military defense of the State by any kind whatsoever of action collaboration, help or assistance given to the German invader shall be punished according to the provisions of the CMR."

two elements must be adjacent

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on some existing operations, and that the cost must be committed with that end in view and the intent must

Defining

Restruccion or Sabotage of Military Works on other Articles

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 08-11-2010 BY 60322 UCBAW

Any person is punished with imprisonment for a term not exceeding 10 years, in a place in a state of war:

(1) Removes, destroys or renders unserviceable, wholly or partly, even temporarily, ships, aircraft, convoys, roads, establishments, depots, machinery, or other instruments of war, telegraphic, radiotelegraphic or telephonic or similar lines or apparatus, or any works of military defense, enclosures and the like constructed or put to military use.

(2) Throws away or makes unusable, wholly or partly or causes injury to arms or munitions.

The penalty is "la pena di morte con degradazione" if the act has compromised the war preparations or war efficiency of the state or any military operations.

The penalty is "reclusione militare" from one to ten years if the act was committed through "colpa."

7. (a) This article applies whether the offender is a soldier or civilian.

(b) It applies throughout all Italy, the whole of the country having been declared in a state of war (RDL 4 Aug 43, No. 714).

8. CHM, Art. 158 details precisely the acts which constitute an offence thereunder and the wording of the article must be read with care to see that the act complained of does constitute an offence thereunder.

9. (a) To appreciate the effect of the last paragraph of CHM, Art. 158, it is essential to consider briefly the degree of "mens rea" required by Italian law. IC, Art. 42, second paragraph provides:

"Nobody can be punished for an act which the law declares to be a crime if he has not committed it with 'dolo,' except in the cases when the law expressly provides for preterintentional crimes or crimes committed with 'colpa'."

(b) A crime is preterintentional when the offender commits a wrongful act but consequences follow which are more damaging or dangerous than those wished.

Example: X gives Y a blow on the head. X intended only to assault and not to kill. Y dies of the blow. X has committed preterintentional homicide.

For the purpose of these notes it is not necessary further to consider preterintentional crimes, for the law does not provide that any of the crimes herein considered can be committed preterintentionally.

(c) CHM, Art. 158, however, expressly provides that an offence thereunder can be committed either with "dolo" (roughly speaking, malice), or with "colpa" (roughly speaking, culpable negligence). It is, therefore, necessary to consider these mental elements in some detail, as the penalty for an offence committed with "dolo" is much heavier than for one committed only with "colpa."

(d) "Dolo" is defined in IC, Art. 43.

A person commits an offence "per dolo" when of his own free will he does an act causing consequences damaging or dangerous to another and which in law amount to an offence, provided that he had foreseen and willed such consequences. So, for an offence to have been committed with "dolo" the perpetrator must have foreseen and willed the damaging or dangerous consequence of his act.

consequences follow which are more damaging or dangerous than those wished.

Example: X gives Y a blow on the head. X intended only to assault and not to kill. Y dies of the blow. X has committed preterintentional homicide.

For the purpose of these notes it is not necessary further to consider preterintentional crimes, for the law does not provide that any of the crimes herein considered can be committed preterintentionally.

(c) CHAP. Art. 150, however, expressly provides that an offence thereunder can be committed either with "dolus" (roughly speaking, malice), or with "culpa" (roughly speaking, culpable negligence). It is, therefore, necessary to consider these mental elements in some detail, as the penalty for an offence committed with "dolus" is much heavier than for one committed only with "culpa."

(d) "Dolus" is defined in PC, Art. 43.

A person commits an offence "per dolus" when of his own free will he does an act causing consequences damaging or dangerous to another and which in law amount to an offence, provided that he had foreseen and willed such consequences. So, for an offence to have been committed with "dolus" the perpetrator must have foreseen and willed the damaging or dangerous consequence of his act.

Example: X wishes to procure some explosive for use in fishing. He knows that this explosive is contained in ammunition. He therefore steals the ammunition. X acts with "dolus."

(e) "Dolo eventualis" is a form of "dolus." It exists when the perpetrator does not will the consequences of his act, but foresees them and accepts that they will follow if he commits the act, and nevertheless does the act.

Example: X requires a certain part of a bomb; he does not wish to make the bomb useless, but he realizes that if he does remove that part it will become useless. Nevertheless, he removes the part. X acts with "dolo eventualis."

An offence is equally "dolus" whether committed with simple "dolus" or with "dolo eventualis"; the type of "dolus" does not affect the penalty.

(f) "Culpa" is defined in PC Art 43.

A person commits an offence "per culpa" when he does a voluntary act with such negligence, imprudence, lack of skill or failure to comply with the laws and regulations that he brings about unforeseen and unwilled consequences which in law amount to an offence.

Example: X is custodian of some boxes of ammunition. He throws it away about with such carelessness that the ammunition is made unserviceable. X is not guilty of "dolus".

A person also commits an offence "per culpa" when he acts with such negligence, etc. that he facilitates the bringing about of the offence either by an innocent third party or by act of God.

Example: X is custodian of some ammunition. He negligently leaves it lying outside the store. A passer-by damages the ammunition and makes it unserviceable. X is responsible for having made that ammunition unserviceable by his "culpa". It is immaterial if the passer-by acted with "dolus" or "culpa".

Again X is custodian of some ammunition. He negligently leaves it outside the store. It is made unserviceable by rain. X is responsible for having made that ammunition unserviceable by his "culpa".

(g) "Culpa con previsions" is a refinement of simple "culpa". It exists when the doer of a voluntary act brings about certain consequences which constitute an offence and the doer at the act had foreseen the possibility of such consequences, but not not willed them.

Example: X is the custodian of a depot of explosives. It is dark in the depot. He wishes to go inside. He realizes that to go into the depot with a naked light may cause an explosion. He does not wish to cause such an explosion, nevertheless he enters with a lighted match and an explosion takes place. X acted with "culpa con previsions". The "previsions" in itself is an aggravating circumstance: see PC, Art. 61 (3).

(h) The line between "culpa con previsions" and "dolus eventualis" is narrow. In both cases the doer of the act foresees the possible consequences; in the former case he says to himself "I hope they don't happen"; in the latter case ("dolus eventualis"), he says to himself "I don't mind if they do happen."

(i) For the purpose of this paragraph an act includes an omission.

10. The penalties for an offence under CRM, Art. 158 are as follows:

(a) If committed with "dolus": "reclusiones" for not less than 15 years;

(b) If committed with "dolus" and the offence has compromised (i.e., compromised to a substantial degree), either the warlike preparations or efficiency of the state or any military operations: "la pena di morte con degradazione";

(c) If committed with "culpa": "reclusiones militares" for from 1 to 10 years.

11. In cases in which the penalty under CRM, Art. 158 is excessive, the court may, if it deems it just, reduce the penalty to a lesser one, but not below 5 years. In the circumstances under consideration this would carry "reclusiones" up to 5 years. See the second para of that article.

the defect. He wished to see inside. He realized that if he acted naked light may cause an explosion. He does not wish to cause such an explosion. X acted nevertheless he enters with a lighted match and an explosion takes place. X acted with "dolus" or "provisione" in itself is an aggravating circumstance: See PC, Art. 61 (3).

(b) The link between "dolus" or "provisione" and "dolus eventualis" is narrow. In both cases the actor of the act foresees the possible consequences: in the former case he says to himself "I hope they don't happen"; in the latter case ("dolus eventualis"), he says to himself "I don't mind if they do happen."

(1) For the purpose of this paragraph an act includes an omission.

10. The penalties for an offence under CMF, Art. 158 are as follows:

- (a) If committed with "dolus": "reclusiones" for not less than 15 years;
- (b) If committed with "dolus" and the offence has compromised (i.e., compromised to a substantial degree), either the warlike preparations or efficiency of the state or any military operations: "la pena di morte con degradazione";
- (c) If committed with "colpa": "reclusiones" for from 1 to 10 years.

41. In cases in which the penalty under CMF, Art. 158 is excessive, the court may reduce it to the penalty provided for by the law.

42. In cases in which the penalty under CMF, Art. 158 is excessive, the court may reduce it to the penalty provided for by the law.

12. Theft ("furto") is defined in PC, Art. 624 which is translated as follows:

Article 624 - Theft

Whoever takes possession of movable goods of another, taking them from the person in possession thereof for the purpose of making a profit for himself or others is punished with "reclusiones" up to three years and with a fine of from 300 to 5000 Lire.

"Dolus" is an essential element of theft: the law does not provide for "furto per colpa" or "furto preterintentionale."

13. (a) In many cases, an offence under PCMG, Art. 158/1a followed by theft, s.5., damage to munitions followed by a theft of some component part. In such circumstances the accused, if convicted, may be punished for the two separate offences. Defense counsel may argue to the contrary, namely that the damage to the ammunition was properly only to be regarded as aggravation of the theft; that the accused should be found guilty of aggravated theft and should not be found guilty of an offence under PCMG Art. 158/1a and of simple theft. This argument is bad in law and, if put forward, should be rejected.

DETERMINATION OF SENTENCE

14. (e) The sentences properly imposed under CMG 158/1a have already been stated; see paras. 10 and 11 above.

and PC Art 625

(b) The aggravating and mitigating circumstances applicable to these offences are those set out in CP, Arts. 61 and 62 respectively.

(c) The sentence for theft is "reclusiones" up to 3 years and a fine from 300 to 5000 Lire.

(d) The aggravating and mitigating circumstances applicable to theft are also those set out in CP, Arts 61 and 625, and Arts 62 and 626 respectively.

(e) The sentence for aggravated theft is as follows:

One set of the aggravating circumstances set out in PC, Art 625 "reclusiones" for from 1 to 6 years and a fine from 1,000 to 10,000 Lire.

Two sets of those aggravating circumstances or one set of those together with one of those set out in PC, Art 61; "reclusiones" for from 3 to 10 years and a fine from 2,000 to 15,000 Lire.

(f) If an accused is found guilty of the double offence (sabotage and theft) the court, in fixing the penalty for the former offence, should take into consideration any applicable aggravating circumstances; but in fixing the penalty for theft, it should not take into account the aggravating circumstances set out in PC, Art. 625, first paragraph (2) and (7); these circumstances are in reality already included in the former offence.

(g) Where the code provides that the penalty for a certain offence is detentive punishment and a fine (as in theft) it is obligatory on the court to impose both parts of the sentence.

APPLICATION OF AGGRAVATING AND MITIGATING CIRCUMSTANCES

15. See generally PC, Arts. 69-69; Note particularly

One set of the aggravating cases set out in PC, Art 625 "reclusiones" for from 1 to 6 years and a fine from 1,000 to 10,000 Lire.

Two sets of those aggravating circumstances or one set of these together with one of those set out in PC, Art 61: "reclusiones" for from 3 to 10 years and a fine from 2,000 to 15,000 Lire.

(f) If an accused is found guilty of the double offence (sabotage and theft) the court, in fixing the penalty for the former offence, should take into consideration any applicable aggravating circumstances; but in fixing the penalty for theft, it should NOT take into account the aggravating circumstances set out in PC, Art. 625. First paragraph (2) and (7); these circumstances are in reality already included in the former offence.

(g) Where the code provides that the penalty for a certain offence is detentive punishment and a fine (as in theft) it is obligatory on the court to impose both parts of the sentence.

APPLICATION OF AGGRAVATING AND MITIGATING CIRCUMSTANCES

15. See generally 13, Arts. 63-69. Note particularly

(a) That the permitted increases or decrease is not to be estimated on either the permitted maximum or minimum penalty but on the figure, within those limits, which the court considers appropriate.

(b) That where the law does not expressly otherwise provide, aggravating circumstances raise the penalty by up to one-third (PC, Art. 64).

(c) That "reclusiones" may not be given for more than 30 years (PC, Art. 66).

(d) That for mitigating circumstances "reclusiones" is normally reduced by up to one-third (PC, Art. 65).

PROMOUMENT OF SENTENCES

16. (a) Sentences of detentive punishment will be awarded in Italian phraseology, e.g., "10 years (reclusiones militare)." British or American expressions such as "penal servitude" will NOT be used.

(b) If the accused is sentenced to detentive punishment of the same kind on two separate charges, the court will impose one term covering both charges (PC, Art. 73). If, however, he is sentenced to detentive punishments of different kinds, e.g., "reclusiones militare" for an offence "per rapina" under CPM, Art. 158 and "reclusiones" for theft, then the court will impose the different sentences separately and in full (PC, Art. 74).

2
JURISDICTION OF ALLIED MILITARY COURTS

17. RDL of 13 April 1944, No. 112 is the Italian law giving effect to the right reserved by the Allied Forces to hold Military Courts in Italian Government Territory: see also Consolidated Instructions, Article 3.

SPECIMEN CHARGES

18. Some specimen charges are attached hereto.

November 1944
AC/4173/1/L

1722

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

785016

16

- 5 -

SPECIMEN CHARGES

1. XY.....imputato di aiuto al nemico (c.p.m.g., art. 51, in relazione all'art. 5, 2° comma, D.L. 27 luglio 1944 n. 159 e all'art. 15 c.p.m.g.) per avere, in (località) e il (giorno e epoca), distrutto (o reso inservibili) ingenti quantità di munizioni site in (luogo di deposito), al fine di nuocere alle operazioni delle forze armate alleate contro la Germania;
2. XY.....imputato di sabotaggio doloso di cose militari (c.p.m.g., art. 150, primo comma, n. 2°, in relazione all'art. 15 c.p.m.g.) per avere, in Bari, in occasione dell'anno 1944 (o il 30 novembre 1944) o nel mese di novembre 1944, danneggiato munizioni di proprietà del comando alleato, site in (località) mediante sottrazione (o furto), al da rendere impossibile il funzionamento;
3. XY.....imputato di sabotaggio doloso aggravato di cose militari (c.p.m.g., art. 151, 2° comma in relazione all'art. 15 c.p.m.g.), per avere, in (località), nel (data), distrutto (o reso inservibili) ingenti quantità di munizioni site in (luogo di deposito) e destinate a....., al da aver compromesso le operazioni militari in corso;
4. XY.....imputato di sabotaggio doloso continuato di cose militari (c.p.m.g., art. 151, comma 1°, n. 2°, in relazione all'art. 15, 2° comma c.p.m.g. e all'art. 15 c.p.m.g.), per avere, in (località), nel (epoca), con più atti consecutivi del medesimo disegno criminoso, danneggiato (o distrutto o reso inservibili) x munizioni, di proprietà del comando alleato y e site in (luogo di deposito);
5. XY.....imputato di sabotaggio colposo di cose militari (c.p.m.g., art. 15, ult. comma, in relazione all'art. 15 c.p.m.g.) per avere in (località), nel (epoca), provocato per propria negligenza la distruzione (o il danneggiamento) di munizioni, site in (luogo di deposito), delle quali aveva il possesso per ragioni di lavoro (o della quale aveva la custodia, o che gli erano state affidate per compiti preparatori), ecc.
6. XY.....imputato di sabotaggio doloso aggravato di cose militari (c.p.m.g., art. 151, primo comma, n. 2°, e c.p. art. 51 n. 2°, in relazione all'art. 15 c.p.m.g.) e di furto in danno delle forze

8. *ZV*.....imputato di furto aggravato, in danno delle forze armate alleate (art. 62 e 625 n. 2 e 7 c.p.), per essersi appropriato in (luogo) nel (epoca) di parti di munizioni di proprietà delle forze armate alleate, depositate nel (magazzino, ecc.), usando violenza sulle stesse e esportazione fuori del concetto allo scopo di trarne profitto.
9. *VI*.....il putato del reato di danneggiamento aggravato, e sensi dell'art. 75, comma 2°, n. 3 c.p., in relazione all'art. 61 n. 11 c.p., per avere, in data , in (località), distrutto (oppure disperso, deteriorato o reso, in tutto o in parte, inservibili) (indicare le cose danneggiate), trovandosi in (indicare dove le cose si trovavano), abusando, nella sua qualità di (indicare il rapporto di servizio e la posizione dell'imputato), nelle relazioni d'ufficio (o di prestazione d'opera).

1726

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

785016

INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Legal
C/20958A

Originator's Reference: FX 59172
 Date/Time of Origin: NOV 27/1952A

Message Centre No: N91/27
 Date Time Rec'd: NOV 28/0845
 Precedence: PRIORITY
 CITE: FHGEG

FROM: AFHQ SIGNED SACMED
 TO: HQ ALCOM, INFO: SOUTHERN REGION ALCOM NAPLES

4173/1

ACTION

CONFIDENTIAL.

Pilfering from Base Ordnance depots is subject.

Understood that at least 14 Italians have been caught pilfering at 16 BAD and that total number caught may be as high as 43. Understood also that some others have been caught in BARI area.

Request information urgently as to how many have been brought to trial by Allied Military Court and when remainder will be dealt with.

Request that Southern Region reply direct here with copy to you.



A.C. Dist
 Action: Legal Sk ②
 Info. Chief Commissioner
 A.P. Sec.
 Pub. Supply 16
 File ②
 Float

CONFIDENTIAL

Sent by WEB

28 NOV 1952

File

1727

785016

HEADQUARTERS
SOUTHERN REGION, ALLIED COMMISSION
APO 394, U.S. Army

(7A)

R/1234

13 November 1944

SUBJECT: Military Courts in Bari

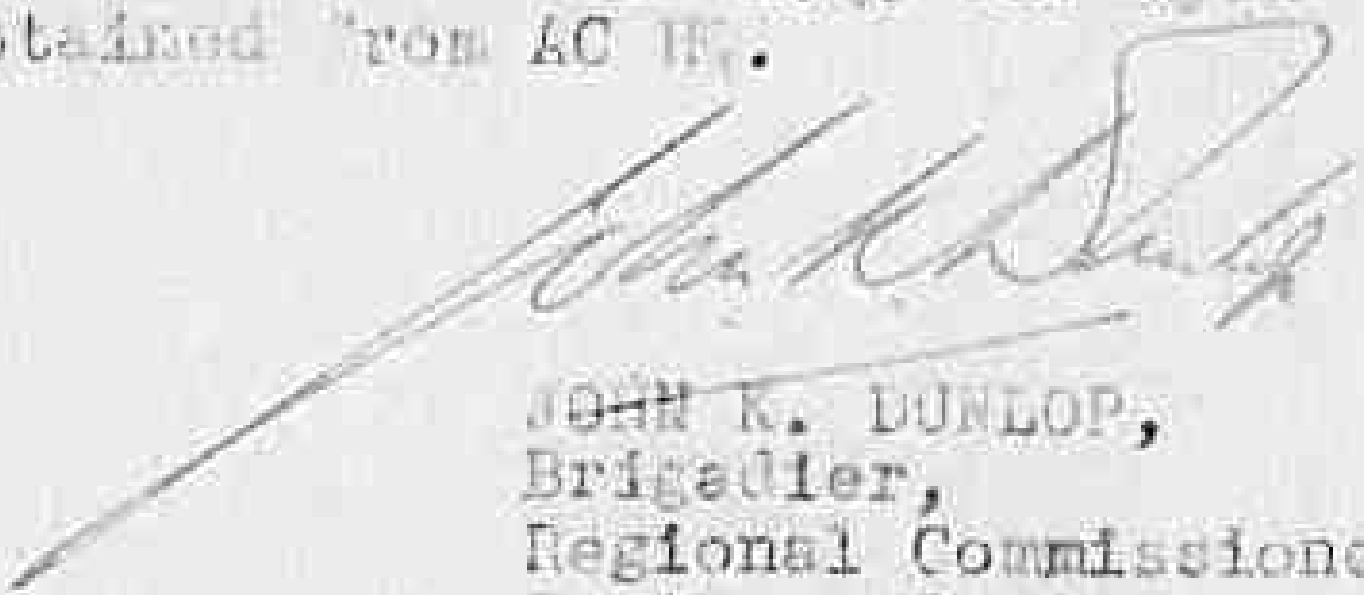
TO : Commissioner for Bari Zone

(2A)

1. I attach hereto a copy of a letter which has been received from Allied Commission HQ.
2. I also attach two original Orders appointing Superior and Summary Military Courts to sit continuously in the Bari Zone.
3. You will take steps to get the said courts into action immediately upon receipt of this letter. The Legal Officer on your staff already disposes of sufficient officer personnel to initiate action at once.
4. You have already received verbal instructions in connection with the opening of these courts. Allied Military Courts should, at any rate in the first instance, sit at Bitonto and Bari only. You will remember that the additional Legal Officers made available to you have been borrowed from Northern Regions and that events may demand their early recall. You will therefore use all available strength to strike hard at the malefactors who are causing damage to the Allied cause at 14 BAD. If you consider that it would be desirable to extend the functioning of these courts to Brindisi and Lecce, please let me have your report.
5. It is not the intention that the Italian Courts in your zone should be wholly excluded from the trial of cases in which Allied military interests are involved. You will, accordingly, arrange with Major Boyd Carpenter to organize the work in such a way that selection is made of those cases which are to be tried by the Allied Military Courts and those which will be left to the Italian courts for action.
6. You will particularly note the instruction that all cases to be tried by the Military Courts now set up will be tried under Italian Penal Law, and that the procedure to be adopted will be that established for Allied Military Courts. All cases will be reviewed on behalf of the Chief Commissioner by the Legal Subcommittee HQ AC. You will accordingly ensure that this done and to save time will transmit the records direct to Chief Legal Officer, AC HQ.

Cen 10
21 NOV

7. Allied General Military Courts will only be convened as heretofore i.e. after reference to this H.Q. and upon authority first had and obtained from AC HQ.


JOHN R. DUNLOP,
Brigadier,
Regional Commissioner
Southern Region.

LFD/mo

Encls.

- 1 copy of letter from HQ AC No. AGC/4173/LL d/c 12 Nov 44
- 2 Original Orders appointing Superior and Summary Military Courts.

Copies to: 1 - Legal Sub-Commission, AC, HQ
2 - Public Safety Sub-Commission AC, HQ
3 - V.P. C.A. Sec. Dep. COS
4 - Major Boyd-Carpenter, Legal Officer
Apulia & Calabria, c/o Commissioner
Bari Zone.
5 - Regional Legal Officer.

(7B)

ALLIED COMMISSION C.M.F.
HEADQUARTERS, SOUTHERN REGION.

CONVENING ORDER FOR ALLIED SUMMARY MILITARY COURTS.

1. In pursuance of the authority delegated to me by the Chief Commissioner Allied Commission, C.M.F. by his letter No.ACC/4173/1/L dated 12 November 1944, I, JOHN KINNIMONT DUNLOP, Brigadier, Regional Commissioner, Southern Region, A.C., C.M.F., hereby appoint and convene in the BARI ZONE, as defined by AC HQ letter 366/176/CA dated 13 September 1944, a relevant excerpt from which is appended hereto, the Allied Summary Military Courts set forth in Schedule 1 hereof, for the trial of all such persons as may be charged with any of the offences mentioned in Schedule 2 of this Order.

2. The said Allied Summary Military Courts shall have the powers conferred upon Allied Summary Military Courts in Military Government Territory.

3. The said Courts shall sit continuously, until further notice, for the trial of all such offences as are mentioned in Schedule 2 hereof.

Dated at Naples this *fourteenth* day of November 1944.


JOHN K. DUNLOP
Brigadier
Regional Commissioner
Southern Region.

LFD/mo

11

SCHEDULE 1

- a) An Allied Summary Military Court with its seat in BARI
- b) A Mobile Allied Summary Military Court to sit when and where required within the BARI ZONE.

SCHEDULE 2

- a) Theft or improper possession of ammunition, equipment, stores or supplies, the property of the Allied Forces;
- b) Damage to or interference with ammunition, equipment, stores or supplies, the property of the Allied Forces;
- c) Damage to or interference with military installations or depots in use by the Allied Forces;
- d) Assaults upon or interference with any member of the Allied Forces while engaged in the performance of any duty in connection with such ammunition, equipment, stores, supplies, installations or depots, the property of or in use by the Allied Forces.

EXCERPT FROM A.C., HQ., LETTER
No. 366/176/CA DATED 13 SEPT. 1944

Ref. 366/176/CA

13 Sept. 1944

1. Southern Region, consisting of the Provinces of Campobasso and Foggia and the former Regions 2, 3 and 7, commenced operations on 28 August xxxx xxxxxx xxxxx xxxxxx

2. The Region has been organized into six Zones as follows:

<u>Zone</u>	<u>Provinces</u>
Bari (former Region 2 less Taranto)	Bari, Potenza, Matera, Brindisi, Lecce.

ALLIED COMMISSION C.M.F.
HEADQUARTERS, SOUTHERN REGION.

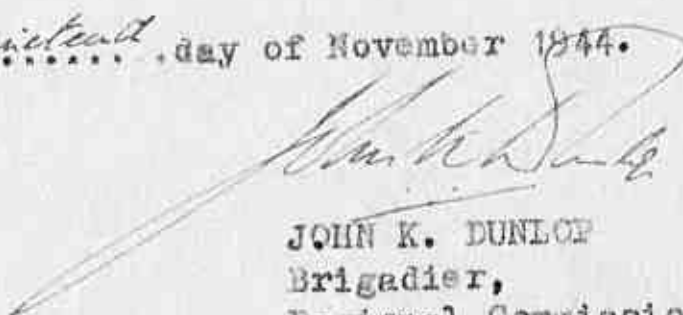
CONVENING ORDER FOR ALLIED SUPERIOR MILITARY COURTS

1. In pursuance of the authority delegated to me by the Chief Commissioner Allied Commission, C.M.F. by his letter No. ACC/4173/1/L dated 12 November 1944, I, JOHN KINNAMONT DUNLOP, Brigadier, Regional Commissioner, Southern Region, A.C., C.M.F., hereby appoint and convene in the BARI ZONE, as defined by AG HQ letter 366/176/CA dated 13 September 1944, a relevant excerpt from which is appended hereto, the Allied Superior Military Courts set forth in Schedule 1 hereof, for the trial of all such persons as may be charged with any of the offences mentioned in Schedule 2 of this Order.

2. The said Allied Superior Military Courts shall have the powers conferred upon Allied Superior Military Courts in Military Government Territory.

3. The said Courts sit continuously, until further notice, for the trial of all such offences as are mentioned in Schedule 2 hereof.

Dated at Naples this *fourteenth* day of November 1944.


JOHN K. DUNLOP
Brigadier,
Regional Commissioner,
Southern Region.

LFD/mo

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SCHEDULE 1.

- a) An Allied Superior Military Court with its seat in BITONTO.
- b) An Allied Superior Military Court with its seat in BARI.
- c) A mobile Allied Superior Military Court to sit when and where required within the BARI ZONE.

SCHEDULE 2.

- a) Theft or improper possession of ammunition, equipment, stores or supplies, the property of the Allied Forces;
- b) Damage to or interference with ammunition, equipment, stores or supplies, the property of the Allied Forces;
- c) Damage to or interference with military installations or depots in use by the Allied Forces;
- d) Assaults upon or interference with any member of the Allied Forces while engaged in the performance of any duty in connection with such ammunition, equipment, stores, supplies, installations or depots, the property of or in use by the Allied Forces.

EXCERPT FROM A.C., HQ., letter
No. 366/176/CA DATED 13 SEPT. 1944

Ref. 366/176/CA

13 Sept. 1944

1. Southern Region, consisting of the Provinces of Campobasso and Foggia and the former Regions 2, 3 and 7, commenced operations on 28 August xxxx xxxxxx xxxxx xxxxxx

2. The Region has been organized into six Zones as follows:

Zone
Bari (former Region 2
less Taranto)

Provinces
Bari, Potenza, Matera,
Brindisi, Lecce.

FROM : Colonel W. E. BLHRENS

Legal Sub-Commission.

HEADQUARTERS.

CONFIDENTIAL.

ALLIED COMMISSION.

AC/4023/1/L.

A.P.O. 394.

Dear

18 November 1944.

I see from your L-3072 of 16 November 1944 that you are treating Lieutenant VOGEL as one of your permanent officers in NAPLES. I want to explain the position to you.

I agreed to let you have ten additional officers for Southern Region. Of these eight were for the BARI zone courts and two were to replace CATTI and ROLFS.

The ten officers to fill this role will now be as follows- YOUNG, GATES, LUPTON, AULISI, CHERVIANI, ROGERS, GREENFIELD, BALBONI, ROBERTAZZI and VOGEL. Of these the first five are definitely attached to you for BARI purposes only. ROGERS is assigned to you as a permanent replacement. The other four officers are new to the Legal Sub-Commission of Allied Commission. In view of the situation in the north I did not find it convenient to assign any of them to a northern region and attached them to you because I was not sure exactly where I should ultimately want them. The position is, however, that only one of them will remain in Southern Region when the north is occupied.

I believe that VOGEL speaks excellent German and should be available in either Lombardia or Venezia. I would also think that ROBERTAZZI would be better in an AMG region.

I would like you to consider which of the four you desire to keep permanently, bearing in mind that my own suggestion is either GREENFIELD or BALBONI. The point is important because you will remember that the eight officers engaged in work on the AMG courts at BARI must be recognised as being liable to immediate recall when the operational situation demands it.

Yours

Lt. Col. L. F. DAWSON,
Regional Legal Officer
SOUTHERN REGION.

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file 173/1/L

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB- CO MISSION

AC/103/1/L

17 Nov 44

SUBJECT : Personnel.

TO : Regional Commissioner, Southern Region.
(Attn for Regional Legal Officer).

1. With regard to assigning officers for the Ravi District Courts it has been found to be inconvenient to transfer Major Cotes-Freedy.
2. Since however Captain Rogers has replaced Major Rader and in addition Captain Christians has been assigned to your Region you have now ten officers as you originally requested. It is presumed therefore that you will not also require Major Cotes-Freedy.

By Command of Commodore STEWART :-

C. R. BROWN,
Colonel,
Deputy Chief Legal Advisor.

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Copy to AC/4175/1/L.

Legal s/c

HEADQUARTERS ALLIED COMMISSION
APO 394
PUBLIC RELATIONS BRANCH

R1/130/ERR

November 14th, 1944

Press Release - Immediate.

As a result of numerous largesses of ammunition and other military stores in the Bari zone, the Regional Commissioner of the Southern Region has been given authority to appoint and convene Allied military courts for trial of civilians charged with such thefts, the legal sub-commission of the Allied Commission announced today.

Two Allied officers have already been sent to the area to prosecute persons charged with ammunition thefts. The number of legal officers will be shortly increased to ten there. The Italian penal code will be applied.

The Southern Region comprises the Italian mainland south of the northern boundaries of the Province of Naples, Campobasso and Foggia. It is Italian Government territory. The Allies have reserved the right to hold AM courts there as they arise.

HEADQUARTERS ALLIED COMMISSION
APD 374
Legal Sub-Commission

/jpl

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AC/ACM/12/L

14 Nov. 44

Subject: Superior Military Courts.

To : Regional Commissioner (for Regional Legal Officer) Southern Region.

Ref L-3072 of 11 Nov. and AC/1173/1/L of 12 Nov.

1. (a) Authority has previously been granted for each of the following officers to sit as sole member of an Allied Superior Military Court:

Major H.G.R. OATES
Major P.D. COTES FREEDY
Major W.R. LUTON
Capt. F.C. BADER
Capt. F.J. AULISI
Capt. H.G.T. CHRISTIANE

- (b) Similar authority is hereby granted for the following officers:-

Lt. Col L.F. DANCEN
Major F.I. YOUNG

2. Major YOUNG, Capt. BADER, Capt. CHRISTIANE and Capt. AULISI have had considerable experience as judges. In the early stages, until you have had the opportunity of forming a proper opinion on other officers, will you please draw on them as far as possible for your Superior Courts.

Major OATES, although he has not had much experience in Court, has done a lot of review work for Col. H.G. WILLIAMS. Major COTES FREEDY is fairly new to AMG and, therefore, has not had much experience of our Courts; but he was practicing at the Criminal Bar in England before the war and has had J.C. experience.

It is suggested that, at least at the beginning, Lieut. VOGEL and Lieut. ROBERTAZZI should be assigned to prosecution work.

3. It is not certain when CAPT. BADER will be available for duty with you.

4. It is important that there should be good publicity, and particularly local publicity, in regard to the work of these Courts.

Please ensure that, in all suitable cases, the local newspapers are supplied with, and give full publicity to, a statement of the offence charged and the sentence imposed.

Further, please arrange for a copy of all such statements issued to the local press to be sent to the Public Relations Officer, HQ. AC. These copies may be sent direct from RAPI Zone or through your HQ, as you prefer.

W.E. BERRIS
Colonel

Deputy Chief Legal Adviser

Copy to: PFO; ref para 4
File AC/1173/1/L

1737

1. The Chief Commissioner has considered the military situation which has developed in the area of Bari as a result of the frequent acts of larceny of and damage to ammunition and other military stores there.

2. He is of opinion that the consequences of these acts are so damaging to the Allied war effort that the offenders in such cases must be deemed to be committing offences to the prejudice of the Allied Military Forces.

3. The Chief Commissioner therefore directs that authority be and authority is hereby delegated to the Regional Commissioner, Southern Region to appoint and convene within the Bari Zone as defined by this HQ letter Ref/366/176/CA of 13 Sept 1944, Allied Military Courts for the trial of such persons as he thinks fit who may be charged with any of the offences below mentioned. Such courts shall consist of Superior and Summary Military Courts and shall have the powers respectively conferred upon Superior and Summary Military Courts in Military Government Territory.

4. Such courts shall sit as and when directed by the Regional Commissioner.

5. Such courts will in all such cases apply the Italian Penal Law and will proceed in accordance with the procedure established for Allied Military Courts. All cases will be reviewed on behalf of the Chief Commissioner by the Legal Sub-Commission, HQ AC.

6. The offences above referred to are any offences which involve:-

- a. theft or improper possession of ammunition, equipment, stores or supplies, the property of the Allied Forces;
- b. damage to or interference with ammunition, equipment, stores or supplies, the property of the Allied Forces;
- c. damage to or interference with military installations or depots in use by the Allied Forces;
- d. assaults upon or interference with any member of the Allied Forces while engaged in the performance of any duty in connection with such ammunition, equipment, stores, supplies, installations or depots, the property of or in use by the Allied Forces.

- 2 -

7. For the purpose of the above courts the following additional personnel will be attached to the staff of Southern Region :-

a. For judicial and prosecuting duties :

Major W.G.R. Oates
Major P.D. Cotes-Freedy
Major S.E. Lupton
Major F.E. Young
Captain F.G. Bader
Captain F.J. Mulisi
Captain H.G.T. Christians
Lieut. J. J. Vogel
Lieut. H.J. Robertazzi

b. For investigation duties :

Major W.R. Harg.

By Command of Commandere STONE:

G.R. UPJOHN, Brigadier,
VP CA Sec
Dep COS

Copies to: Legal Sub-Commission
Public Safety Sub-Commission.

(1A)

AC/4173/L

12 Nov 44

My dear Mr. Prime Minister,

As you are no doubt aware, the Allied Military authorities in Bari have for many months complained of the thefts and acts of sabotage which have taken place in the various depots in that area. In particular they have repeatedly protested against the large quantities of ammunition which are either stolen or rendered unserviceable.

These complaints have been brought to the notice of the Ministry of Justice and the local judicial officials. The local courts, however, seem unable or unwilling to take a serious view of the cases which are brought before them.

The number of these offences is not decreasing in any way. The offenders are clearly guilty of acts hostile to the Allied Forces and are in fact seriously prejudicing military operations and the prosecution of the war.

I regret to inform you that I consider it necessary in these circumstances to protect the Allied interests by the establishment of Allied Military Tribunals in the area, and I am accordingly authorising the Regional Commissioner to convene regular Allied Military Tribunals in the Bari zone for the trial of such cases of this nature as he may consider necessary.

Yours very truly,

KILBY W. STONE
Commodore, USNR
Chief Commissioner.

His Excellency Ivanoe BONOMI
The President of the Council of Ministers
Italian Government
R O M E

Copy to File: AC/4173/L

1740