

ACC

10000/142/896

PLAN
APR. 1

10000/142/896

PLANNING FOR NORTHEAST ITALY
APR. 1945

FILE CLOSED 25 April 1945

S E C R E T

10A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AG/4186/L.

/rlp.
25 April 1945.

SUBJECT : N.E. Italy.

TO : CA Sec.

Ref your TS/18/18/CA of 25 April 1945, as I understand that I am not asked to advise CA Sec (Defascism) on the epuration of captured animals envisaged in para 14, and as nothing is stated in the directive to conflict with previous expectations so far as legal is concerned, I have nothing to add to my original plan.

W. E. BEMRENS,
Colonel,
Deputy Chief Legal Advisor. 21

S E C R E T

file
SECRET

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

(9A) *EF*

20 April 1945.

43/4186/L.

SUBJECT : Planning for North East Italy.

TO : C. A. Sec.

1. Reference your 4/42A/CA of 18 April 1945.
2. Herewith is submitted the plan of the Legal Division.

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

SECRET

18

N. E. ITALY. - LEGAL DIVISION

ALLIED MILITARY COURTS.

1. The operation of Allied Military Courts raises problems, similar to those already encountered in newly occupied territory, although these problems are likely to be intensified by the relatively small number of legal officers available for these areas. These problems will not, however, be simplified by any wider delegation of powers either for the purpose of reviewing of court cases or for the constituting or convening of courts.

2. A panel for General Courts will be appointed.

3. The local military authorities should, whenever possible, be requested to make available officers to sit on General Courts, and, if required, also on Superior Courts and to act as prosecuting and, when necessary, defending officers in such courts.

ITALIAN COURTS.

4. The great majority of judicial officials in N.E. Italy is believed to have refused the oath of allegiance to the Republican Fascist Government and it is thought that there should be no substantial shortage of judicial personnel who can be retained in office. Some 12 officials of varying grades who hold appointments in N.E. Italy are at present in Italian Government territory and can be returned to their seats when required.

5. In addition to the normal courts Special Courts of Assize will be set up to deal with fascist criminals collaborating with the Germans. An Italian Government decree has been passed for the constitution of these courts; this decree has been implemented for AMG territory and the courts should be brought into operation as soon as possible in order to assist the maintenance of law and order.

6. The provision of judicial personnel for these courts and for general operation purposes is likely to involve a heavy strain on the total personnel available. It will be necessary however to ensure that personnel are provided for these purposes and for the subordinate courts as soon as possible. It will depend upon the numbers available, how soon the Superior Courts can be opened.

7. In any case it will be necessary for the local RCs to make temporary appointments of judicial personnel locally available to fill magisterial vacancies. These appointments by RCs will, in view of communication difficulties have to be treated as the rule rather than the exception, but they should be reported to Legal Sub-Commission for ratification in the usual way.

8. The Italian Government has appointed by decree a Tribunale Militare Territoriale for northern Italy; sections may be established where required. It may be desirable for a section to be set up in N.E. Italy.

9. It will be necessary to secure close liaison in the work of the AMG Courts, the Italian Civil Courts and the Military Tribunals to ensure that prompt disposition is made of the urgent cases. It may be necessary for AMG Courts, at least in the early stages, to handle cases which would normally be left for the Italian Courts.

HEADQUARTERS ALLIED COMMISSIC

APO 394

TS/CSO/80. Office of the Executive Commissioner

FILE TS/18/16/CA

8A

Chief Clerk,
CA Section.

Attached correspondence returned with thanks.
Also attached is copy of letter received from 15th Army
Group on this subject, which will complete your file.

Stilleland
8 30

COPY.~~TOP~~ SECRETCOPY. 7A

15/280/80
HEADQUARTERS
15th ARMY GROUP, APO 777

AG 387-CAS.

22 April 1945

SUBJECT: Local German Surrender in North Italy.

TO : Supreme Allied Commander
Allied Forces
APO 512

1. Reference your SAC (P)(45)19, K-136. of 3 April 1945, inclosing draft instruction designed to enlarge on special operations aspects detailed in paragraphs 18-20 of Appendix "A" to AG 387/157 SACS-O dated 31 March.

2. Paragraph 5 directs this Headquarters, in conjunction with PWB and AC, to prepare necessary proclamations in the name of SAC for dropping into North Italy and issuing through Italian Combatte Programme, the BBC, etc., and submit the proclamations to AFHQ for approval.

3. It is the feeling of this Headquarters that a proclamation is not the proper sort of document to be used under such circumstances. We feel that a STAND STILL ORDER (EXHORTATION) is better suited and that in such form it should be issued in the name of the Commanding General, 15th Army Group, rather than in the name of the Supreme Allied Commander.

4. A suggested form of STAND-STILL ORDER (EXHORTATION) prepared in conjunction with PWB and AC, is herewith submitted for your approval.

FOR THE COMMANDING GENERAL:

H. L. OSTLER,
Colonel, AGD,
Adjutant General.

1 Incl.
Suggested form of
Stand Still Order (Exhortation).

Copies furnished.

ALCOM
PWB
G-3 (SP Ops)
G-5
AG

14

~~TOP SECRET~~

EXHORTATION.

All German and Fascist Republican armed forces in Northern Italy have surrendered and have been ordered to lay down their arms. Fighting between the forces under my command and the German and Fascist forces in Italy has ceased.

Allied Military Government will be established in Northern Italy as soon as possible. Allied Officers are already moving towards Piemonte, Liguria, Lombardia and Venezia.

Until they arrive I call upon all people to remain calm and to obey the following instructions:

1. The Allied Armies must not be impeded and the orders of any Allied Officers with whom you come in contact must be implicitly obeyed. REMAIN WHERE YOU ARE. Do not try to move about the country. If you move, you will block the roads and delay the arrival of the Allied Armies.
2. The war is over. Law and Order must be established and maintained.
3. Special Courts will shortly be set up to try collaborators with the fascists and nazis. Such persons will be tried in open legal courts. The guilty will be made to answer for their crimes. These special courts are the only legal courts until the recognised Italian Government reopens its normal legal system.
4. NATIONAL AND TERRITORIAL RIGHTS MUST BE RESPECTED. Rightful ownership will be settled in good time, and the true rights of all men will be recognised.
5. The property of all individuals must be respected. Looting will be severely punished. GUARD IMPORTANT INSTALLATIONS, BOTH PUBLIC

Piemonte, Liguria, Lombardia and Venezia.

Until they arrive I call upon all people to remain calm and to obey the following instructions:

1. The Allied Armies must not be impeded and the orders of any Allied Officers with whom you come in contact must be implicitly obeyed. REMAIN WHERE YOU ARE. Do not try to move about the country. If you move, you will block the roads and delay the arrival of the Allied Armies.
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4. NATIONAL AND TERRITORIAL RIGHTS MUST BE RESPECTED. Rightful ownership will be settled in good time, and the true rights of all men will be recognised.
5. The property of all individuals must be respected. Looting will be severely punished. GUARD IMPORTANT INSTALLATIONS, BOTH PUBLIC AND PRIVATE, FOODSTUFFS AND LIVESTOCK. There are still enemies of peace in the country. Sabotage must be prevented and Public Services kept in operation.

FROM THE MAGNIFICENT RESISTANCE SHOWN TO THE GERMAN INVADER BY ALL TRUE ITALIANS WILL ARISE THE NEW ITALY, FREE AND DEMOCRATIC. ALLIED MILITARY GOVERNMENT OFFICERS COME TO HELP YOU IN THE TASKS WHICH LIE AHEAD. THEY NEED YOUR HELP NOW AND YOUR HELP AND ADVICE WHILE THEY REMAIN WITH YOU. AWAIT THEIR ARRIVAL IN PEACE.

MARK W. CLARK
General, U.S.A.,
Commanding 15th Armt Group.

SECRET

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

Copy no. 6

6A

Ref: TS/18/21/CA

14 Apr 45.

SUBJECT: Proclamations.

TO: Headquarters, 15th Army Group,
G-5 Section.

(Copy no. 1)

Reference your G-5/S/39 dated 9 Apr 45.

- 1 The enclosed notice is submitted for your approval. It has been prepared in conjunction with PWB.
- 2 It is suggested that a facsimile of the Supreme Allied Commander's signature would add to the importance of the notice.
- 3 As this may clearly be a matter of some urgency, copies have been forwarded to G-5, AFHQ so that you can discuss the subject on the telephone with them, should you so wish.
- 4 PWB have requested that the Commission expresses its agreement if there is any proposal that some other message be printed on the back of the notice. It is felt that, as only a purely military message would be in keeping - for instance, a copy of any announcement by General Eisenhower if it happened to co-incide - it is not a matter on which this Commission is entitled to express a view. It is felt that nothing should be printed on the back unless it is of the nature indicated.

For the Chief Commissioner;

G.R. UPJOHN, Brig.
VP CA Section.

Encl: Notice and Translation.

Copy to: PWB (2) (Copies nos. 2+3)
AFHQ G-5 Section (2). (Copies nos. 4+5)
File. Copy no. 6.

AA/sg

Legal

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SECRET
COPY NO 6.

NOTICE

All German and Fascist Republican armed forces in Northern Italy have surrendered and have been ordered to lay down their arms. Fighting between the forces under my command and the German and Fascist forces in Italy has ceased.

As Supreme Allied Commander I now hold command over the armed forces of all nationalities in Northern Italy.

I have ordered that Allied Military Government be established as soon as possible and Allied Officers are already moving towards Piemonte, Liguria, Lombardia and Venezia.

Until they arrive I call upon all people to remain calm and to obey the following instructions:

1. My Armies must not be impeded and the orders of any Allied Officers with whom you come in contact must be implicitly obeyed. REMAIN WHERE YOU ARE and do not try to move about the country. If you move you will block the roads and delay the final overthrow of the enemy.
2. Law and Order must be established and maintained. The war is over. In case of necessity you may defend yourself but DO NOT provoke any strife.

3. Special Courts will shortly be set up to try collaborators with the fascists and Nazis. Such persons will be tried in open legal courts and judged by loyal Italians. If guilty they will be made to answer for their crimes. DO NOT SET UP ANY OTHERS

between the forces under my command and the German and fascist forces in Italy has ceased.

As Supreme Allied Commander I now hold command over the armed forces of all nationalities in Northern Italy.

I have ordered that Allied Military Government be established as soon as possible and Allied Officers are already moving towards Piemonte, Liguria, Lombardy and Venetia.

Until they arrive I call upon all people to remain calm and to obey the following instructions:

1. My Armies must not be impeded and the orders of my Allied Officers with whom you come in contact must be implicitly obeyed. REMAIN WHERE YOU ARE and do not try to move about the country. If you move you will block the roads and delay the final overthrow of the enemy.

2. Law and Order must be established and maintained. The war is over. In case of necessity you may defend yourself but DO NOT

PROVOKE NEW STRIFE.

3. Special Courts will shortly be set up to try collaborators with the fascists and Nazis. Such persons will be tried in open legal courts and judged by loyal Italians. If guilty they will be made to answer for their crimes. DO NOT SET UP ANY OTHER COURTS OR PASS SENTENCES ON ANY PERSON OF ANY NATIONALITY OR POLITICAL COLOR. Accused persons may be kept in custody but must be properly treated until their cases can be brought before these Courts.

4. NATIONAL AND TERRITORIAL RIGHTS MUST BE RESPECTED. Rightful ownership will be settled in good time, and the true rights of all men will be recognized.

5. The property of all individuals must be respected and looting will not be tolerated. GUARD IMPORTANT INSTALLATIONS, FOODSTUFFS AND LIVESTOCK. There are still enemies of peace in the country. Sabotage must be prevented and public services kept in operation.

FROM THE MAGNIFICENT RESISTANCE SHOWN TO THE GERMANS INVADERS BY ALL TRUE ITALIANS WILL ARISE THE NEW ITALY, FREE AND DEMOCRATIC. MY ALLIED MILITARY GOVERNMENT OFFICERS COME TO HELP YOU IN THE TASKS WHICH LIE AHEAD. THEY NEED YOUR HELP NOW AND YOUR HELP AND ADVICE WHILE THEY REMAIN WITH YOU. AWAIT THEIR ARRIVAL IN PEACE.

(H.S.L. ALFANDERI),
Field Marshal,
Supreme Allied Commander,
Mediterranean Theatre.

SECRET

COPY NO. 6.

A V V I S O

Tutte le forze armate tedesche e delle repubbliche fasciste nella Italia Settentrionale si sono arrese e hanno avuto l'ordine di deporre le armi. La ostilità fra le forze sotto il mio comando e le forze tedesche e fasciste in Italia sono terminate.

Nella mia qualità di Comandante Supremo delle forze alleate in area comando tutto le forze armate di tutte le nazionalità nella Italia settentrionale.

Ho dato ordine che al più presto sia stabilito il Governo Militare Alleato e ufficiali alleati si stanno già avviando verso Piemonte, Liguria, Lombardia e la Venezia.

In attesa del loro arrivo chiedo a tutti di star tranquilli e di obbedire alle istruzioni seguenti:

1. Le mie armate non devono essere impedito e gli ordini di qualsiasi ufficiale alleato con cui veniate a contatto devono essere eseguiti. RIMANETE DOVE SIETE e non cercate di circolare per il paese. Se vi movete ostacolerete la via e così ritarderete la caduta finale del nemico.
2. Bisogna stabilire e mantenere la legge e l'ordine. La guerra è finita. In caso di necessità potrete difendervi ma NON PROVOCARE⁹ NUOVI DISORDINI.

3. Tribunali speciali saranno istituiti per giudicare i collaboratori del fascismo e dei nazisti. Dette persone saranno processate in tribunali locali, sparti al pubblico, e guidate da italiani

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le armi. La ostilità fra le forze sotto il mio comando e le forze tedesche e fasciste in Italia sono terminate.

Nelle mie qualità di Comandante supremo delle forze alleate io

ora comando tutte le forze armate di tutte le nazionalità nelle Italie settentrionali.

Ho dato ordine che al più presto sia stabilito il Governo Militare Alleato e ufficiali alleati si stanno già avviando verso Piemonte, Liguria, Lombardia e la Venezia.

In attesa del loro arrivo chiedo a tutti di star tranquilli e di obbedire alle istruzioni seguenti:

1. Le mie armate non devono essere impediti e gli ordini di qualsiasi ufficiale alleato con cui veniate a contatto devono essere eseguiti. Restate dove siete o non cercate di circolare per il paese. Se vi movete ostacolerete le vie e così ritarderete le cadute finali del nemico.

2. Bisogna stabilire e mantenere la legge e l'ordine. La guerra è finita. In caso di necessità potrete difendervi ma non provocare.

NUOVI DISCORSI.

3. Tribunali speciali saranno istituiti per giudicare i collaboratori dei fascisti e dei nazisti. Dette persone saranno processate in tribunali legali, aperti al pubblico, e giudicate da italiani locali. Le colpevoli saranno costrette a rispondere dei loro delitti. NON ISTITUIRE ALTRI TRIBUNALI. NON COSTITUIRE COMITATO SU NESSUNO A QUALSIASI RAZIONALE O FINE POLITICA O DI ASSISTENZA.

Gli accusati saranno messi tenuti sotto sorveglianza e devono essere ben trattati finché i rispettivi casi non potranno essere presentati ai tribunali sopraindicati.

4. I DIRITTI NAZIONALI E TERRITORIALI DEVONO ESSERE RISPETTATI.

A suo tempo saranno stabiliti i diritti di proprietà e i veri diritti di tutti saranno riconosciuti.

5. La proprietà di tutti i singoli sarà rispettata e il saccheggio non sarà tollerato. MUTARE NUOVA COME LA AGOL ITALIANI IMPERTANTI, AI DEPOSITI DI GNERI ALIMENTARI E AL POSTIAMI.

Vi sono ancora nel paese dei nomi di della pace. Il saccheggio deve essere impedito e i servizi pubblici mantenuti in efficienza.

DELLA MACCHINERIA RESISTENZA DI PERLA ALL'INVASIONE TIRANDO DA TUTTI I VESTI ITALIANI SORGEVA LA NUOVA ITALIA. LIBERA E DEMOCRATICA. GLI UFFI CIALI DEL MIO GOVERNO MILITARE VORRANO AD AIUTARVI NEI COMPLETTI CHE AVRETE DA AFFRONTARE. PERI HANNO ORA BISOGNO DEL VOSTRO AIUTO E FINCHE RIMANGAMO CON VOI AVREMO BISOGNO DELLA VOSTRA ASSISTENZA E DEL VOSTRO CONSIGLIO. ASPETTARE IN PACE IL LORO ARRIVO.

~~SECRET~~

(6E)

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Ts/cso/OK

HEADQUARTERS 15TH ARMY GROUP
G-5 SECTION
APO 777

NWM/mlh

Ref: G-5/S/39

9 April 1945

SUBJECT: Proclamations.

TO: V.P. Civil Affairs Section,
HQ Allied Commission.*Held by
Ex Comm. Office*

1. Para 5 - K 136 attached to AFHQ SAC (P) (45) 19 dated 3 April 1945, subject: "Local German Surrender in North Italy" refers.

2. It is requested that you prepare in conjunction with FWB the necessary proclamations (including translations thereof) in the name of the Supreme Allied Commander for dropping into North Italy, and for issuing through the Italian Combatte Programme, the BBC, etc. It is further requested that these be submitted to this Headquarters (G-5 Section) for transmittal to AFHQ for final approval.

Nelson W. Monfort
NELSON W. MONFORT
Colonel, G.S.C.
DCCAO

Received 10 April 1945

SECRET

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

4/42A/CA

18th April, 1945

Subject: Civil Affairs Section Plan
for the Occupation of Northeast Italy.

To: Legal Sub-Commission
Local Government Sub-Commission
Public Health Sub-Commission
Public Safety Sub-Commission
Mine Clearance

1. It is the intention of this Section to issue a "Plan for the Occupation of Northeast Italy."
2. Will you please submit your directive to be included in such a Plan. This may possibly be done by amending the directive you have already issued for Northwest Italy.
3. Please treat this matter as urgent.

A.D. Bonham-Carter
A.D. Bonham-Carter, Lt. Col.
CSO CA SECTION

LEG	SUB-COMMISSION
CLO	
DCLO	
Chief Counsel	
CIO	
Italian Liaison	
CL RLS	

18 APR 1945

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HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

SECRET

(5A)

TS/18/16/CA

9 April 45

SUBJECT : Occupation of Northeast Italy.

TO : HQ 15 Army Group - G-5 Section.

Reference AFHQ AG323/661 dated 3 Apr your signal CAS/422 dated 6 Apr, and telephone conversation to-day's date.

- 1 It is considered that under para 46 of Proclamation No 1 a standstill is legally in effect which covers Displaced Persons and Refugees. In the opinion of the Legal Sub-Commission there is no technical loophole for a Refugee or Displaced Person on the grounds that the above mentioned para confines movement to 10 km from home.
- 2 It is, of course, a well known fact that most Refugees will start to move directly they are liberated. They usually admit quite readily that they have not read the proclamations. It would seem, therefore that what is needed is a notice on the lines of "A" attached. This will serve the purpose of bringing the standstill more prominently to their notice.
- 3 Patriots would seem to be covered in exactly the same way. Any legal action necessary can be taken under the Proclamation and a notice on the lines of "B" will be sufficient for your requirements.
- 4 If you agree and wish for the notices to be printed centrally, please signal accordingly. They will, of course, be translated into Italian.

FOR THE CHIEF COMMISSIONER :

[Signature]
G.P. UPJOHN Brig.
VP CA Section

Legal

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20. (C)

SECRET

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HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

TS/18/16/CA

7 April 1945

SUBJECT: Occupation NE ITALY.

TO: Legal Sub-Commission

Copies to: Displaced Persons & Repat. S/C
Patriots Branch

1. Attached is copy of signal from 15 Army Group reference CAS/422 dated 6 April 1945.
2. Please prepare the standstill orders as requested in the a/n signal, in conjunction with the Sub-Commissions concerned.
3. 15 Army Group has today telephoned this Section to stress the urgency of the matter.

A. D. Bonham-Carter
A. D. Bonham-Carter, ~~1st~~ Col.
CSO CA SECTION

Encl: CAS/422. Copy No. 2.

7 APR 1945

~~TOP~~ SECRET

Copy No 2.

3A

CAS/422
APR 061830BD/7026
APR 070900B
IMMEDIATE15 ARMY GROUP
ALCOM FOR CA SECTION

TOP SECRET

Refer AFHQ AG323/061 dated 3 April. Subject occupation North East ITALY.

Request you prepare North East ITALY standstill order to be issued for refugees and displaced persons also prepare separate standstill order for Patriots. This latter order may not be issued but it is wanted in case it is decided to stop all Patriot movements.

Dist

Copy No 1, 2 & 3	-Action - CA Sec (3)
"	4 Info - A/President
	5 Chief Commission-
	6 Exec Comm ner
	7 File

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~~TOP~~ SECRET

2A

ORDER

TO ALL PERSONS who have left their homes owing to war conditions.

STAY WHERE YOU ARE - DO NOT MOVE. Care will be taken of you and as soon as possible you will be returned to your homes.

Await further instructions which will be issued by leaflet, proclamation, radio and newspaper. Obey all further instructions carefully.

REMAIN HERE. DO NOT MOVE.

BY ORDER OF THE ALLIED MILITARY GOVERNMENT.

O R D E R

TO :

All patriots and members of patriot bands.

You are to remain in this area and report to your
^{Commander}
band-~~leader~~. You are to remain under the orders of your
^{Commander}
band-~~leader~~ until you receive further instructions through
him from Allied Military Government.

Band Commanders will present themselves at the
earliest opportunity to A.M.G. H.Q. (Patriot Office).

STAY WHERE YOU ARE.

BY ORDER OF THE ALLIED MILITARY GOVERNMENT.

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