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REPORTS ON GENOVA
MAY-SEPT. 1945

FILE CLOSED 6 September 1945

OFFICIAL ORDER) 6 September 1945

NUMBER 82)

WHEREAS it is necessary that a Receiver should be appointed for

SOCIETA' UNIONE ESERCIZI ELETTICI

whose head office is situated at CHIAVARI in the Province
of GENOA,

NOW THEREFORE, I, J.G. SLIBY, Colonel, Regional Commissioner of
Liguria Region, A.M.G., hereby order as follows:

ARTICLE I

Sig. Stefano Ferro is hereby
temporarily appointed Receiver of Società Unione Esercizi Elettrici
whose head office is situated at Chiavari in the Province
of Genoa.

ARTICLE II

The powers of the Receiver shall be as follows:

- a. The Receiver shall have full power to act for and manage
the business and shall have power to exercise all normal
administrative functions.
- b. The acts of the Receiver shall be subject to the supervision
of the Provincial Commissioner.
- c. The Receiver shall not, except with the written consent
of the Provincial Commissioner on his being satisfied as
to the necessity therefor, do any act outside the normal
scope of management.
- d. The provisions of Art. 2636 et seq. of the Italian Civil
Code shall apply to the Receiver.

ARTICLE III

The Receiver shall take possession of the assets of the business

LEG. SUB COMMISSION

CLO

DCLO

Chief

CIO

Head

HEADQUARTERS

ALLIED MILITARY GOVERNMENT

LIGURIA REGION

APQ 394

SEP 1945

SOCIETA' UNIONE ESERCIZI ELETTICI

whose head office is situated at CHIAVARI in the Province of GENOA,

NOW THEREFORE, I, J.G. SLIBY, Colonel, Regional Commissioner of Liguria Region, A.M.G., hereby order as follows:

ARTICLE I

Sig. Stefano Ferro is hereby temporarily appointed Receiver of Società Unione Esercizi Elettrici whose head office is situated at Chiavari in the Province of Genoa.

ARTICLE II

The powers of the Receiver shall be as follows:

- a. The Receiver shall have full power to act for and manage the business and shall have power to exercise all normal administrative functions.
- b. The acts of the Receiver shall be subject to the supervision of the Provincial Commissioner.
- c. The Receiver shall not, except with the written consent of the Provincial Commissioner on his being satisfied as to the necessity therefor, do any act outside the normal scope of management.
- d. The provisions of Art. 2636 et seq. of the Italian Civil Code shall apply to the Receiver.

ARTICLE III

The Receiver shall take possession of the assets of the business and an inventory thereof shall be made in the presence of the owner or owners of the business or his or their representatives.

If the owner or owners of the business or his or their representatives shall not attend for that purpose, the inventory shall be made by a notary in the presence of two witnesses.

ARTICLE IV

The Receiver shall comply with all written instructions issued to him by or on behalf of the Allied Military Government. His salary shall be fixed by the Allied Military Government.

ARTICLE V

The Receiver shall remain in office until further AMG order or until another Receiver is lawfully appointed.

ARTICLE VI

Any person in control or possession of any property of the concern or of any information relating to the affairs thereof shall:

- a. forthwith make written disclosure to the Receiver of such control or possession or such information, and
- b. not part with, destroy, or otherwise deal with the said property or disclose the said information without the prior consent of the Receiver.

ARTICLE VII

Any person who violates any of the provisions of this Order shall, upon conviction by an Allied Military Court, be liable to imprisonment or fine, or both, with or without other lawful punishment, as the Court may determine.

ARTICLE VIII

This Order shall be effective on, from, and after 6 Sept. 1945

J. G. Selby
J. G. SELBY
Colonel,
Regional Commissioner

QUARTIERE GENERALE
GOVERNO MILITARE ALLEATO
REGIONE LIGURIA
APO 394

ORDINE UFFICIALE)

NUMERO 82)

6 Settembre 1945

Considerato che è necessaria la nomina di un Commissario per

la SOCIETA' UNIONE ESERCIZI ELETTRICI
con sede in CHIAVARI Provincia
di GENOVA,

PERTANTO, io, J.G. SELBY, Colonnello, Commissario Regionale per
la Liguria, A.M.G., ordino quanto segue:

ARTICOLO I

il Sig. Stefano Ferro
temporaneamente nominato Commissario della Società Unione Esercizi Elett.
con sede in Chiavari Provincia
di Genova

ARTICOLO II

I poteri del Commissario saranno i seguenti:

- a. Il Commissario avrà pieni poteri per curare ed amministrare gli affari e potrà esercitare tutte le normali funzioni amministrative.
- b. Gli atti del Commissario saranno soggetti al Controllo del Commissario Provinciale.
- c. Il Commissario, con compirà nessun atto eccedente l'ordinaria amministrazione a meno che non abbia ottenuto il consenso scritto dal Commissario Provinciale e po che questi ne abbia riscontrata la necessità.
- d. Si applicheranno al Commissario le disposizioni dell'articolo 2636 e segg. del Codice Civile Italiano.

ARTICOLO III.

Il Commissario dovrà prendere possesso dei beni dell'azienda e

la SOCIETA' UNIONE ESERCIZI ELETTRICI

Provincia

CHIAVARI

con sede in

di GENOVA,

PERTANTO, io, J.G. SELBY, Colonnello, Commissario Regionale per la Liguria, A.M.G., ordino quanto segue:

ARTICOLO I

il Sig. Stefano Ferro è

temporaneamente nominato Commissario della Società Unione Esercizi Elett.

Provincia

Chiavari

con sede in

di Genova,

ARTICOLO II

I poteri del Commissario saranno i seguenti:

- a. Il Commissario avrà pieni poteri per curare ed amministrare gli affari e potrà esecutare tutte le normali funzioni amministrative.
- b. Gli atti del Commissario saranno soggetti al Controllo del Commissario Provinciale. 10
- c. Il Commissario non compirà nessun atto eccedente l'ordinaria amministrazione o meno che non abbia ottenuto il consenso scritto dal Commissario Provinciale dopo che questi ne abbia riscontrata la necessità.
- d. Si applicheranno al Commissario le disposizioni dell'articolo 2686 e segg. del Codice Civile Italiano.

ARTICOLO III.

Il Commissario dovrà prendere possesso dei beni dell'azienda e un relativo inventario dovrà essere fatto in presenza del proprietario o dei proprietari o di loro rappresentanti.

Se il Proprietario od i proprietari dell'azienda od i loro rappresentanti non saranno presenti all'operazione di cui sopra, l'inventario dovrà essere redatto da un notaio alla presenza di due testimoni.

ARTICOLO IV

Il Commissario si atterrà a tutte le istruzioni scritte impartitegli da o per conto del Governo Militare Alleato. La sua identità di carica dovrà essere fissata dal Governo Militare Alleato.

ARTICOLO V

Il Commissario rimarrà in carica fino ad ulteriore disposizione dell'AMG e sinchè un altro Commissario non sarà legalmente nominato.

ARTICOLO VI

Qualsiasi persona che abbia il controllo ed il possesso di qualsiasi proprietà dell'Azienda oppure sia in grado di fornire informazioni relative agli affari dell'Azienda:

- a. dovrà subito presentare al Commissario denuncia scritta di tale controllo o possesso o di tali informazioni, e,
- b. non dovrà alienare, distruggere, o fare uso in qualsiasi modo di detta proprietà o rivelare dette informazioni senza il preventivo consenso del Commissario.

ARTICOLO VII

Chiunque violi qualsiasi disposizione della presente ordinanza sarà, con sentenza di una Corte Militare Alleata, passibile di detenzione o multa, o di entrambe, con o senza altra pena legale, a seconda il giudizio della Corte.

ARTICOLO VIII

Questo ordine entrerà in vigore a partire dal 6 Settembre 1945.

(Firmato) J.G. SELBY
Colonello
Commissario Regionale

ADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4039/L.

ES/lc.
5 June 1945.

SUBJECT : Extraordinary Court of Assizes, LIGURIA Region Personnel.
TO : Regional Commissioner (Attn: Regional Legal Officer),
LIGURIA Region.

1. Lt. Col. HANNAFORD has advised this Sub-Commission of the request submitted by CLN to the effect that:

- (a) the following officials be removed because of their collaboration with Germans:
First President of Ct. Of Appeal; Procuratore Generale of Ct. of Appeals; First President of Genova Tribunale; Procuratore del Regno of Genova Tribunale; First Pretore City of Genova; Cancelliere Capo of Genova Tribunale.
- (b) the following officials be appointed to the offices which will thus become vacant:
Dott. REBUTTATI, now President of Section of Ct. Of Appeal to be First President Ct. of Appeals;
Dott. LANERO, now Avvocato Generale to be Procuratore Generale Ct. of Appeals;
Dott. CARTA, now Consigliere of Ct. of Appeals, to be First President Genova Tribunale;
Dott. CRESPELLANI, now substitute Procuratore Generale of Cassazione, to be Procuratore del Regno of Genova Tribunale;
Dott. Nicandro CASAGLI, now Pretore anziano della Pretura, to be First Pretore of Genova;
Sig. TORRE to Cancelliere Capo del Tribunale of Genova.

2. If you agree with the proposal of CLN please have the necessary suspensions and appointments effected by an AMG order making it of course quite clear that these measures are of a temporary and provisional nature only. The Minister has been advised and agrees with this procedure. Obviously in the absence of detailed information as to the behaviour of the individual officials during the German occupation and as to the factual personnel situation the Minister is unable to pass upon the request of the CLN and consequently suggested that the admittedly urgent provisional appointments be made by the AMG. Kindly forward two copies of the relative order to this Sub-Commission.

3. It appears from Col. HANNAFORD's report that several additional magistrates of grade 5 will be needed to provide over the Extraordinary Courts of Assise in your Region. The Ministry is now examining the

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possibility of promoting qualified magistrates in service at Genova to grade 5. Simultaneously the Minister is combing his limited reserves magistrates for suitable personnel to be sent to Genova. In this connection please be advised that Sig. MANCUSO Giuseppe, giudice at Genova, (our AC/4039/L of 29 May 1945 refers), has already been promoted to grade 5. It is hoped that an official communication to this effect will be received here tomorrow for onward transmittal to you. You will then be able to use him at the Extraordinary Court of Assize.

4. It is proposed to return Dott. PASQUALE Domenico, Sostituto Procuratore Generale Appello, from l'Aquila where he was temporarily attached, to Genova, his original official seat. You might wish to use his services as Pubblico Ministero at the Extraordinary Court of Assize. Kindly advise whether you agree to his return.

5. It would be of considerable assistance if you could expedite the compilation by the First President and Procuratore Generale of the information requested by the Minister in his circular forwarded to you with our AC/4017/2/L of 28 May concerning the personnel situation.

By command of Rear Admiral STONE:

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

Copy to: RC (Attn: RLO) LOMBARDIA Reg.
for Lt. Col. HANNAFORD
Ministry of Justice for info.
AC/4187/2/L.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

WEB/nt.
2 June 1945.

AC/4032/I.

SUBJECT : Judicial Officials, Genova.

TO : H. E. The Minister of Pardon and Justice.

1. It has been reported to AMG in Genova that the holders of the following offices in Genova have collaborated with the Germans.

First President and Procuratore Generale of the Court of Appeal;
First President, Procuratore del Regno and Capo Cancelliere of the
Genova Tribunale;
First Pretore of the City of Genova.

2. It is proposed therefore to remove the present holders of these offices and to appoint:

Dott. RIBUZZATI, now Presidente of Section of Court of Appeal to be
First President of Court of Appeal;
Dott. LANERO, now Avvocato Generale to be Procuratore Generale;
Dott. CARPA, now Consigliere of Court of Appeal to be First President
of Tribunale;
Dott. CRESPELLANI, now Sostituto Procuratore Generale of Cassation
to be Procuratore del Regno.
Dott. Nicandro CASAGLI to be First Pretore;
Sig. TORRE to be Capo Cancelliere of the Tribunale.

3. It would be appreciated that Your Excellency would confirm as a matter of ^{urgency} enquiry that you are in agreement with the above proposals and if so that you would make the necessary appointments.

Copy to: AC/4187/2/L.

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

HEADQUARTERS ALLIED COMMISSION

APC 394

LEGAL SUB-COMMISSION

AC/4187/2/L.

/rlp.
2 June 1945.

SUBJECT : Liguria Region.

TO : Lt. Col. G. G. Hannaford, Legal Division, LOMBARDIA Region.

1. Your L/5080 of 31 May 1945 is acknowledged. I have already written to Liguria Region confirming your views in para. 5 and to the Ministry requesting the appointments in para. 12.

2. Your para. 13 is difficult to follow as I am not clear how much represents your views and how much those of Major Little. I have arranged a conference with Menca on Monday (Tupini is away until Wednesday) to get some extra Grade 5 judges for Genoa. If we can find some in the south it will be necessary for Liguria to make use of them either as previously or to release presidents.

3. I do not know what is meant by other ways and means of dealing with the political prisoners. If demunzie are forthcoming against the accused it should be possible to see whether any persons are being kept in prison unjustly and to dispose of their cases. The guilty will presumably not be prejudiced by a delay of 5 or 6 months. Death, however, sweet, is sweeter tomorrow than today. Those persons against whom no demunzie is received can be released.

By command of Rear Admiral STONE:

W. N. BEHRENS,
Colonel,
Deputy Chief Legal Advisor.

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HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION
APO 394
Legal Division

REF.: L/5080

31 May 1945.

SUBJECT : Liguria Region.

TO : H.Q. Allied Commission - (Legal Sub-Commission)

1. As notified on 29 inst., I proceeded to Genoa on Tuesday evening and spent most of Wednesday with Elder, Alexander and Little.
2. The RLO who is doing his best to cope with matters rather new to him has been much relieved by the arrival of Major Alexander.- Col. Elder is expecting to leave for home on or about 10th of June.
3. RLO and PLO Genoa Province do not appear to see things in the same light. Little, in spite of some slight error of judgment in favor of the C.L.N., has done very well indeed.
4. The question of epuration of the magistracy is ticklish. I have recommended the formation of a special commission to deal with the problem. It should be composed of a Judge grade 3 or 4, a professor of University and a senior member of the present Bar association.
5. I have also advised that whatever decision would be taken by Commission, the next senior in rank should automatically step in the shoes of his immediate superior. There should be no nonsense such as appointing the selection of the CLN, whatever his partesan's merits were. Little was rather reluctant but finally agreed. Kindly confirm this view to Elder officially.
6. We interviewed both First President and Avvocato Generale (who rightly holds the post of P.G.). The First President is a Sicilian, he is very unpopular with the CLN and may have to go.
7. As regards the attitude of the CLN, I asked Elder to send

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you a short memo on the Tonetti incident. Tonetti is a grade V counsellor, who in spite of formal instructions from AMG not to do so, went to the First President & Avvocato Generale on 26 May stating that he was solely in charge with the epuration of the Palace of Justice.

8. The Extraordinary Court of Assizes of Savona was the first to function. On 24/6 May they condemned six persons to death. All sentenced persons are going to Cassation. Alexander, the Avvocato Generale and I have agreed on the best method to adopt "reduce the delays of transmission of documents from Courts of Assizes of Liguria to Court of Cassation to a minimum.
9. I enclose a summing up of the ~~activities~~ of the Courts and Epuration Commissions in Genoa Province as Little gave it to me yesterday.

10. Prefect of Genova Province :

This official is constantly making appointments and performing official acts presumably as a defacto official; clarification of his present status is urgently needed. He apparently has been appointed by CLN but not confirmed by AMG. (I think he is all right.)

11. Epuration of Republican Fascists in Genova Province :

All Epuration action by Provincial Commission Genova Province under DF/3.A/CA AC Hq. dated 10 April '45 and AC Hq. Executive memo 67 (revised) dated 7 April 1945 has been held in abeyance on direction of Regional Hq. until 21/5. Request for operation of GO 35 in Genova Province by CLN has been referred to Regional HQ for their information and decision.- 159 L has been delivered by the PLO on orders of RLO, to prefect for implementation and same was implemented on 7 May 1945. (9035 in review)
Law setting up Extraordinary Court of Assizes was implemented on 7 May 1945 in Genoa Province.- LO accompanied representatives of CLN to First President of Genova Tribunale and personally saw delivery of certified list of 100 jurors on 14 May '45.
All other supervision and responsibility for functioning of Extraordinary Ct. of Assizes for Genova Province has been handled by RLO on a Regional level, and Genova Province has not as yet been delegated any responsibility concerning this Court.

reported to RRC.

who will see
what he can
do. 30.5.45

James

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Since Little gave me this information GO 35 has been posted and a Provincial Commission of nine members with Consigliere Rebuttati as President appointed.

12. Epuration of Italian judicial officials.

Request from CLN dated 4 May 1945 to Provincial Commissioner that First President of Ct. of Appeals; Procuratore Generale of Ct. of Appeals; First President of Genova Tribunale; Procuratore del Regno of Genova Tribunali; First Pretore City of Genova; Cancelliere Capo of Genova Tribunale be removed because they have been in service under the Fascists, have collaborated with the Germans; and that they be replaced by the following non-fascists :

Dott. Rebuttati, now President of Section of Ct. of Appeal to be First President Ct. of Appeals,

Dott. Lanero, now Avvocato Generale to be Procuratore Generale Ct. of Appeals;

Dott. Carta, now Consigliere of Ct. of Appeals, to be First Presidente Genova Tribunale;

Dott. Crespellani, now substitute Procuratore Generale of Cassazione, to be Procuratore del Regno of Genova Tribunali;

Dott. Nicandro Casagli, now Pretore anziano della Pretura, to be First Pretore of Genova;

Sig. Torre to Cancelliere Capo del Tribunale of Genova.

Such request was immediately referred to Regional HQ. *and forwarded for Minister's consideration & action.*

13. Political Prisoners in Genova Province.

On 22 May 45 there were 1675 persons held in prison on charges of Collaboration with Germans and Republican Fascists and for other similar reasons. On 22 May 45, 220 such persons have been interrogated by the police of which number 79 have been released (79 not included in total of 1675). Questura have police verbales against 142, completely prepared, which verbales can be forwarded as basis for legal action against them in Extraordinary Ct. of Assizes. This leaves 1523 persons to be interrogated in the future.

President of Extraordinary Court of Assizes for trial of 3 Republican Fascists offenders has assured that the first case will be tried on first June 45, second case on 2 June 1945.

It is recommended that at least 5 additional sections of this Court be immediately constituted.

In order to accomplish this it is suggested that the CLN. legal committee be consulted as not to infringe on the spirit of the agreement between the RLO and that committee

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concerning the personnel of the Court.

Since the appointing power for judges remains in the hands of the present First President Ct. of Appeals whom the CLN insist should be epurated himself, Genova Province request that he be carefully supervised in his selection of judges for such additional sections.

Request is made that in selecting additional prosecutors for such sections, that they not be taken from the staff of the Procuratura del Regno of Genova Province as all such personnel are urgently needed for the operation of existing penal Courts. Attention is invited to sections of the law authorizing the Procuratura Generale to appoint reputable lawyers from civil life to these positions. *This has been done.*

I am of the opinion that in addition to the creation of 5 additional sections of this Court, other ways and means must be found to deal with the question of political prisoners otherwise many of these prisoners will remain in jail at least 5 or 6 months before their cases can be heard by the Extraordinary Ct. of Assizes.

I do not know where the 5 grade counsellors will be found.

G. G. Hannaford

G.G. HANNAFORD
Officer i/c Italian Branch
Legal Sub-Commission
Allied Commission HQ.

P.S. I advised Elder & Little to publish similar notices in the press as we decided to do in Lombardy with regard to detainees held in jail without proper or any charge.

LEGAL SUB-COMMISSION

CLO

DCLO

Chief Counsel

CIO

Italian Section

CL RKS

1 JUN 1945

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HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

WEB/at.
29 May 1945.

AC/1487/2/L.

SUBJECT : Genova.

TO : Lt Col G. G. HANNAFORD, Legal Division, HQ AMG,
LOMBARDIA Region.

1. The Minister of Justice has requested the assistance of AC over the judicial position in Genova where officials of the Pubblica Ministero have had warrants issued against them by a young judge.

2. I told him that you would investigate, and solve the problem in your usual ~~in~~ inimitable way. He became ecstatically relieved.

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

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