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ITALIAN COURTS & OFFICIALS
OCT. 1943 – JAN. 1944

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FOLIO	DATE	REF.	TO/FROM
1	15. 10. 43	AMGOT/376/HQ.	FROM : AMG HQ. PALERMO.
2	6. 10. 43.	AMGOT/HQ01/L.	FROM : LEGAL DN., AMG. PALERMO.
3	11. 10. 43.	AL/21/55	To : C.S.O & C.L.O. AMG. PALERMO.
4	15. 10. 43.	FA. 32	To : Sec.G for AMGOT.
5	16. 10. 43.	AMGOT/HQ64/1	FROM : AMG. PALERMO.
5A		~~As to Secs~~ DRAFT ORDER	
6	26. 10. 43.	AMGOT. 502.	" - "
7	27. 10. 43.	AMGOT/HQ1/2/L.	FROM : Sec.G for AMGOT.
8		Notes on Italian Emails.	FROM : AMG HQ. PALERMO.
9.	6. 11. 43.	AMG/206/9.	To : AMG HQ. PALERMO.

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Tc. 256 Sept 1947.

STATEMENT ON PROPOSED REFORM OF THE COURT D'ASSISES.

I. Historical Notes.

In the report to the King of Italy setting forth the arguments of the Parliamentary Committee appointed in 1931 to draft the project of the reform of the Supreme Criminal Court (or Court of Assises) the following points are emphasized.

(a) The jury is a foreign institution created in England in the Middle Ages to avoid the "Giugements de Dieu" or judicial deals condemned by the Pope as early as the XIII Century.

(b) It was introduced in Italy by the French after the Revolution of 1789, the legislators of the Cisalpin Republic (Italy) in their enactment of 1797 going as far as promulgating that "no criminal court will pronounce judgment when major offences are concerned without the formal findings of a jury of indictment and a jury of verdict having been rendered". This went further than the French. No double jury ever existed in France.

(c) Though the jury system did not physically function in Italy before 1848 in Piedmont and only for three offences (libel and political), it was formally adopted in 1859 (Code of Penal Procedure) the selection of jurors being the subject matter of various amendments by statute in 1865, 1874 and 1913.

II. Fascist Reform of 23-3-1931.

The reasons put forward by the Comission to justify the reorganisation of the Court of Assizes were the following:

(a) The fact that the jury (giudice popolari) and the bench (giudici professionalisti) sat entirely apart during the proceedings had been the cause of many miscarriages of justice.

Note: There is no summing up in Italian Courts.

(b) The complete suppression of the Jury favoured by a number of Jurists and politicians, was at least premature and would certainly disturb the mind of the nation.

(c) The amalgamation of professionals bringing with them their authority, prestige, culture and juridical knowledge with popular assessors chosen among free citizens well aware of the surrounding atmosphere and local conditions was bound to bring about good results.

(d) The selection of assessors would be stricter than that of the Jurors and men of higher social, moral and cultural standard could be thus chosen.

(e) The new Court of Assises had been tried in the colonies and had been a success.

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(b) It was introduced in Italy by the French after the Revolution of 1789, the legislators of the Cisalpin Republic (Italy) in their enactment of 1797 going as far as promulgating that "no criminal court will pronounce judgment when major offences are concerned without the formal findings of a jury of indictment and a jury of verdict having been rendered". This went further than the French. No double jury ever existed in France.

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II. Fascist Reform of 25-5-1931.

The reasons put forward by the Commission to justify the reorganization of the Court of Assizes were the following:

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Note: There is no summing up in Italian Courts.

(b) The complete suppression of the Jury favoured by a number of Jurists and politicians, was at least premature and would certainly disturb the mind of the nation.

(c) The amalgamation of professionals bringing with them their authority, prestige, culture and juridical knowledge with popular assessors chosen among free citizens well aware of the surrounding atmosphere and local conditions was bound to bring about good results.

(d) The selection of assessors would be stricter than that of the Jurors and men of higher social, moral and cultural standard could be thus chosen.

(e) The new Court of Assizes had been tried in the colonies and had been a success.

(f) The jury was the result of the former popular principle of the sovereignty of the people, a belief which had no place in the Fascist ideology.

III. Proposed reform of 1944.

The motives set forth for the suppression of assessors are:

(a) The assessors, being nonprofessional are generally influenced by the atmosphere of the proceedings and it is not logical that their emotional reaction should prevail over the experience and juridical knowledge of the professional judges.

(b) It is an anachronism to claim that in our days the conscience of

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the people to shocked by the crime and taken a interest in the charges profes-
sed and therefore must be represented at the trial by means of assessors.

(c) By suppressing the popular judges and maintaining only the professionals the standard of the Court of Assizes would be raised.

(d) In any case an experiment should be made in the Provinces of Foggia and the reform judged on the results.

Conclusions

1. In my opinion the only reason which could justify a temporary modification of the present system would be the difficulty of appointing or even finding suitable assessors in areas situated near the battle front.

In Regions I & II the Courts of Assizes are working regularly under the 1931 regulations which appear to have been accepted without much reluctance by the Italian public.

Whether Articles 6-7-8 etc. of the decree of 25-5-1931 dealing with the nomination of assessors could be modified and the provisions of Articles 14 & 15 etc. suspended, so as to facilitate the selection of assessors during the period of emergency, is a matter which the Italian government could study in order to put forward proposals which might be endorsed by the Legal Subcommission.

The order in its present form cannot be accepted by the Allied Commission without running a very strong risk of various political repercussions.

As a matter of fact if any newspaper or member of the opposition got hold of this document, either in U.S. or Britain and stated that an enactment containing sentences such as "Whereas it would constitute an anachronism to claim that today it is still necessary to give expression in the judicial body to the public conscience shocked by crime and interested by the charges preferred" had been promulgated by the Italian government with the tacit approval of AMG, whose members hold the power to prevent its publication, the results of such disclosures would certainly be disastrous to the government and the Control Commission in general and the Legal Subcommission in particular; even though it is possible that the above referred statement gives a true picture of the present state of mind of the Italian people after twenty years of fascist rule.

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1. In my opinion the only reason which could justify a temporary modification of the present system would be the difficulty of appointing or even finding suitable assessors in areas situated near the battle front.

In Regions I & II the Courts of Assizes are working regularly under the 1951 regulations which appear to have been accepted without much reluctance by the Italian public.

Whether Articles 6-7-8 etc. of the decree of 23-5-1951 dealing with the nomination of assessors could be modified and the provisions of articles 14 & 15 etc. suspended, so as to facilitate the selection of assessors during the period of emergency, is a matter which the Italian government could study in order to put forward proposals which might be endorsed by the Legal Subcommission.

The order in its present form cannot be accepted by the Allied Commission without running a very strong risk of serious political repercussions.

As a matter of fact if any newspaper or member of the opposition got hold of this document, either in U.S. or Britain and stated that an enactment containing sentences such as "Whereas it would constitute an anachronism to claim that today it is still necessary to give expression in the judicial body to the public conscience shocked by crime and interested by the charges preferred" had been promulgated by the Italian government with the tacit approval of AMG, whose members held the power to prevent its publication, the results of such disclosures would certainly be disastrous to the government and the Control Commission in general and the Legal Subcommission in particular; even though it is possible that the above referred statement gives a true picture of the present state of mind of the Italian people after twenty years of Fascist rule.

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Memorandum on the Italian Institution the "Luogotenenza"

I

Object of this Memorandum

The Allied Governments having concluded an armistice with the Government of the King of Italy, Victor Emanuele III, have been aware of a growing opposition to the Sovereign and his family from a large section of the Italian people.

Furthermore for political considerations it is deemed inexpedient to maintain on the throne the present King or to have him abdicate in favour of his son the Prince of Piedmont or even his grandson the Prince of Naples, age 7, as the Regency would be exercised automatically by the Father.

No other member of the Royal family being considered a suitable candidate for the Regency it is the purpose of the Allied Nations to entrust the functions of the Crown of Italy, until such time as Italy being completely freed of the enemy, the Italian people may choose their own form of government, to a new party, one political person or body of persons, such as a Council of Regency, in order to safeguard the unity of the nation, its fundamental institutions and secure its maximum cooperation in the war effort. How such step be taken without violating the present Italian Constitution. In other words does the "Statute of 1848" give the answers to the following question.

1. Can the King abdicate in favour of his grandson, thus ignoring the rights of the legitimate heir the Prince of Piedmont.

2. Is there a constitutional machinery by which a non member of the Royal House can be nominated Regent of a minor King.

3. Can a Council of Regency be appointed and by whom.

II

The "Constitution of 1848" (9 March 1848)

The Statute of the Kingdom of Sardinia (Savoy, Piedmont and Sardinia) granted freely to his people, by an absolute monarch, Carlo Alberto, became the Constitution of the Kingdom of Italy when his successor, Victor Emanuele II, finally unified the country after the surrender of Rome in 1870.

Modelled on the French Constitution of 1830, originally written in French, its main dynastical object was to ensure the continuance of the House of Savoy on a throne which its members had occupied as Counts, Dukes and Kings since the XIII century (Lex Salica). On the other hand the "Statute" was not "une Constitution rigide" (as in U.S.A.) which could not be modified by subsequent Statute, it was considered to be a constitution of the type called "octroyée" and its provisions were from time to time amended by parliamentary legislation. The fascist government did take advantage of this conception when they introduced by acts of Parliament the Grand Council of Fascism, the Corporations etc. in the constitutional life of the country.-(authority ref. Orlando, Chimenti, Rossi (also history of Italian public law - less one). Though it may be

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No other member of the Royal family being considered a suitable candidate for the Regency it is the purpose of the Allied Nations to entrust the functions of the Crown of Italy, until such time as Italy being completely freed of the enemy, the Italian people may choose their own form of government, to a non party, non political person or body of persons, such as a Council of Regency, in order to safeguard the unity of the nation, its fundamental institutions and secure its maximum cooperation in the war effort. Can such step be taken without violating the present Italian Constitution? In other words does the "Statuto of 1848" give the answers to the following question.

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2. Is there a constitutional machinery by which a non member of the Royal House can be nominated Regent to a minor king.

3. Can a Council of Regency be appointed and by whom.

II

The "Constitution of 1848" (4 March 1848)

The Statuto of the Kingdom of Sardinia (Savoy, Piedmont and Sardinia) granted freely to his people, by an absolute monarch, Carlo Alberto, became the Constitution of the Kingdom of Italy when his successor, Victor Emanuele II, finally unified the country after the surrender of Rome in 1870.

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III

The Regency

If the "Statuto" cannot be amended at present can its provisions be interpreted widely enough to allow the King to abdicate in favour of his grandson and to justify the nomination of a Regent or Council of Regency outside the House of Savoy.

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To these two questions the answer appears to be in the negative

(a) Abdication.

The King can abdicate and his abdication has not to be accepted by the Cabinet or Parliament to become effective; but he must abdicate unconditionally and definitely; thus the heir presumptive succeeds to the crown automatically. There are a number of cases of abdication by members of this House, the last known and more recent example being the abdication of Carlo Alberto (succeeded by Vittorio Emanuel II, the Founder of Italy) after the defeat of Novara in 1849.

(b) Regency.

The problem of the Regent is very carefully and completely gone into in the Statute. A Regent can only be nominated if the King is a minor under 18 years of age or if he is in the physical impossibility to reign (arts 12 & 16). The order in which the Regency is established is as follows.

The nearest relative (art 12) if over the age of 21.

Another male relative (art 13).

The queen mother (art 14) in the absence of male relatives.

The heir presumptive in cases of physical disability of the King if he has reached the age of 18 (art 16).

In no case can the Regent be selected outside the Royal House. The Council of Regency is no where mentioned.

IV

The Luogotenenza

The Luogotenenza is an old dynastic custom. The "Statuto" makes no reference to it, but many members of the House of Savoy have appointed "locum tenens or luogo tenente" during their reign. The first instance being the rights conferred by Count Amedio IV to his brother, Thomas, in 1251 when he appointed him "Luogotenente" to exercise the same powers as the Count himself, were he present and in full possession of his domains".

Since the "Statuto" Luogotenenze have been appointed in 1848-49-55-59-66 and finally in 1915. Though there is no constitutional foundation to this institution, it has been accepted without argument as one of the privileges of the reigning sovereign.

The King appoints a "Luogotenente" when he takes command of the armies in the field or when he has to absent himself from the country for an undetermined period of time.

The "Luogotenente" is commonly chosen among the members of the Royal family, but there exist precedents and it is not questioned, that an outsider can be

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The King appoints a "luogotenente" when he takes command of the armies in the field or when he has to absent himself from the country for an undetermined period of time.

The "luogotenente" is normally chosen among the members of the Royal family, but there exist precedents and it is not questioned, that an outsider can be selected.

The powers of the luogotenente are those contained in the Royal Decree nominating him. There is no limitation.

The Royal Decree is generally countersigned by the Prime Minister (Salandra in 1915).

In short there is no reason to doubt that the King could vest into the luogotenente all or part of the powers which he holds under the Constitution, subsequent Statutes and custom.

V

Conclusions

To secure the appointment of a luogotenente not a member of the Royal

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family, two conditions are essential.

(a) The absence of the King from his kingdom for an unlimited period of time

(b) The Royal Decree signed by him prior to his departure.

In both cases the King's agreement cannot be dispensed with.

Without prejudging what the powers of the Luogotenente would be, in the event of his nomination taking place, the provisions of the Royal Decree should limit their duration until the time when the Italian territory is rid of the enemy and the Italian people in a position to express themselves freely as to the form of government they intend to have.

Furthermore the King himself would have to agree to abide by the rule of the people, a declaration which, in fact, he has already made.

Finally if the powers of the Luogotenente were limited in the Decree to administrative, judicial and non-political activities, his appointment might well be a way out of the present impasse, as no other solution appears to be practicable without violating both the Constitution and the fundamental statutes of the Kingdom.

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HEAD OF APPOINTMENT OF JUDICIAL OFFICIALS IN SICILY:

1. During the first days of occupation when operations were still in progress and communications or transport non-existent, AMGOT appointed a number of magistrates temporarily to praetorian courts in order to ensure their speedy reopening. These officials, in the absence of the office holder, were selected from vice pretori or honorary pretori found available, in certain cases even members of the bar were selected to fill in existing vacancies.

At that stage no judge or counselors of appeal courts were appointed.

2. Later on, when conditions allowed the reopening of superior courts, no further nominations were made, except in one or two special cases and the tribunali and Courts of Appeal were made to function with the existing personnel available on the spot. The senior officials filling the posts of their immediate superiors automatically in an acting capacity. No increase in salary was allotted to them in this connection.

3. When the occupation was completed, Legal G requested Rome to obtain from the Presidents and Procurators in each province a complete list of existing vacancies and also the names of suitable officials present in their district. As it appeared that CIC and the other security branches would be unable to discriminate among the candidates as to their political background, such information was generally obtained from judicial officials, members of the bar, "prefetti", and similar selected by AMG for their anti-fascist record.

4. As soon as these lists had been completed, (which took some time) and forwarded to Legal G, a commission was formed at Palermo consisting of the Senior First President, the Rector of the University, and the Senior President of the Bar Association who together with the Officer I/C of Italian Courts decided on promotions, transfers, and appointments of the available personnel to judicial vacancies.

A list of 220 names together with a report setting forth the reasons for the selection of officials to the senior posts (political record, seniority, merit, etc.) was presented to the SCAO for consideration and eventual publication.

5. Furthermore, a project for the selection, after examination, of junior members of the judicial body (vice pretori, segretari di cancelleria, uditori, etc.) was devised by the committee, but not put in operation owing to the possibility of an early handover to the Italian Government and in order not to prejudice their future policy.

6. Finally, it was agreed that in the event of Region I remaining under AMG, all matters of personnel, finance, transport, communications, etc., would be referred to a Committee composed of the three First Presidents of the Court of Appeal in Sicily and the Senior Procuratore Generale. Meetings to take place once a month and in urgent cases. In matters of procedure or legislation the President of the Bar Association of the district where the Committee met would always be consulted and sit with the Judicial members.

The Committee in turn would forward its recommendations to the [illegible]

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The Committee in turn would forward its recommendations to the ACSAB for decision and necessary action.

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MINUTES OF MEETING

Date: 10 January 1944.

Place: Prefettura, Brindisi.

Present: Major Palmieri
Major Thackrah

U.S De Santis
Comm. Spinelli
Lt. Stevens

Meeting opened at 1100 hours.

1. Personnel for Temporary Section of Court of Appeal-Lecce.

The following have been suggested as personnel for temporary Section of Court of Appeal of Lecce:

Pres: Consigliere di Cassazione Uff. Chieffo, Raffaele

Av. Genl: Ruggiero, Ruggeri

Consigliere: Ciccarelli, Nicola
grosso Foggia
D'Amario - Comm. a Bari
Francovilla, Fr. " "
Tomasi, Ernestino " "

2. Legislation on Property Control.

A memorandum outlining the powers for a Property Controller was handed over. Undersecretary DeSantis says that it will be studied and an appointment was made for Friday, 14 January 1944 at 1100 hours for a general discussion of this topic.

3. Repeal of Discriminatory Laws.

(a) The Undersecretary stated that the Italian Government will give back citizenship and restore status ab retroactively. He further argued that one cannot tie a string to it and say that you can get it back only by asking for it. The Italian Government cannot control if a Jewish citizen has since acquired a new and different citizenship and refuses to avail himself of this law, but the Government cannot say, "You are restored into Italian citizenship if you do this, etc."

(b) Article 8 gives great latitude to power of the Chief of Government to issue executive decrees. As we go along we can establish rules covering various situations arising under the main decree law. This Article contains the formula established by Minister Rocco under Fascism and permits the widest application within the spirit of the law. We are not tied down by detailed provisions

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Lt. Sforza

Meeting opened at 1100 hours.

1. Personnel for Temporary Section of Court of Appeal-Lucca.

The following have been suggested as personnel for temporary Section of Court of Appeal of Lucca:

Pres: Consigliere di Cassazione Uff. Chieffo, Raffaele

Av. Genl: Ruggiero, Ruggeri

Consigliere: Ciccarelli, Accadia
presso Foggia
D'Amario - Cons. a Bari
Francavilla, Fr. " "
Bonaci, Cristino " "

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(b) Article 3 gives great latitude to power of the Chief of Government to issue executive decrees. As we go along we can establish rules covering various situations arising under the main decree law. This article contains the formula established by Minister Jung under Fascism and permits the widest application within the spirit of the law. We are not tied down by detailed provisions which would undertake to regulate special cases.

4. Italians Arrested by Allied Police and Handed over to Italian Authorities for Prosecution.

(a) Minister DeSantis gave a paper to Major Thalenh which purported to be a circular of instructions on this subject intended for Procuratori.

(b) Major Thalenh points out that everytime a case arises involving an Italian arrested by the Allied Police and handed over to the Italians, the Allied Police must be advised of the disposition of the case.

(c) Minister DeSantis states a willingness that we interrogate the Procuratore at Taranto directly on this subject. He adds that British authorities themselves have intervened frequently with the Italian Police to secure the release of thieves that have been arrested by the Allied Police and handed over to Italians.

5. Next meeting at Bari, Friday 14 Jan. at 1100 hrs. (Adjourned at 1300 hrs.

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ALLIED MILITARY GOVERNMENT.

Province of Foggia

NOTICE.

Whereas it has been deemed expedient that appeals from the decisions of the Italian Courts in the Province of Foggia, in both civil and criminal cases, should be heard without delay, and

Whereas a Decree has been enacted and published by the Italian Government authorising the establishment of a detached section of the Court of Appeal of Bari for the purpose of hearing such appeals,

Now, therefore, the provisions of the said Decree are with the consent and approval of Clive R. Pomeroy, O.B.E., M.C., Lieutenant Colonel, Senior Civil Affairs Officer of the Province of Foggia, hereby adopted and published as under :

Considering it advisable that penal and civil proceedings of appeals originating from the territorial district of the Tribunals of Foggia and Lucera, within the zone occupied by the Allied Forces, take place without further delay, it is ordered as follows :

Article One.

A detached section of the Court of Appeals with jurisdiction over the Tribunals of Foggia and Lucera, is established temporarily within the Province of Foggia in order to deal with civil and penal cases which are now or may hereafter be the subject of appeal.

Article Two.

The section of the Court of Appeal mentioned in Article One above will consist of a Councellor of Cassation with the function of a President of Section of the Court of Appeal and of five Councellors of the Court of Appeal of which two may be judges of the Tribunals upon whom functions of a superior grade may be conferred in accordance with the Italian judicial

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Government authorizing the establishment of a detached section of the Court of Appeal of Bari for the purpose of hearing such appeals,

Now, therefore, the provisions of the said Decree are with the consent and approval of Olive F. Dougherty, U.S.N., U.S., Lieutenant Colonel, Senior Civil Affairs Officer of the province of Foggia, hereby adopted and published as order :

Considering it advisable that penal and civil proceedings of appeals originating from the territorial district of the Tribunals of Foggia and Lucera, within the area occupied by the Allied Forces, take place without further delay, it is ordered as follows :

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-2-

Article Two.

The section of the Court of Appeal mentioned in Article One above will consist of a Counsellor of Cassation with the function of a President of Section of the Court of Appeal and of five Counsellors of the Court of Appeal of whom two may be judges of the Tribunals upon whom functions of a superior grade may be conferred in accordance with the Italian judicial organic law.

Article Three.

A Deputy Procuratore Generale of Cassation with the functions of Advocate General will be attached to the office of the Public Ministero. A Deputy Procuratore del Re may be attached to the same office.

...Article Four.....

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

Article Four.

The magistrates constituting the detached section of the Court of Appeal and of the Office of the Pubblico Ministero will be appointed by the Senior Civil Affairs Officer of the Province of Foggia from those magistrates holding office or otherwise present within the district of the Court of Appeal of Bari or from other magistrates whose names may be submitted by the Prime Presidente of the Court of Appeal of Bari.

Lieutenant Colonel,
Senior Civil Affairs Officer,
Province of Foggia.

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

2620

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

183

Subject:- Italian Military Court.

AMG,
HQ ACC,
C.M.F.

ACC/256/43
27 Jan 44.

R.C.L.O.,
AMG H.Q., Region IV.

I have been informed that an Italian Military Tribunal is to sit in the Province of PUGLIA in the near future to dispose of cases which would normally be heard by the Military Court in MATERA.

2. If this report is true I should be grateful if you would let me know when the sitting is scheduled to take place. There are a number of cases pending for similar trial in CAMPOBASSO and we should like, if possible, to have the officers constituting the Court proceed to that Province at the same time. I should also be grateful for information as to the persons in the Italian Army with whom the aforesaid arrangements have been made.

Major, A.U.S.,
Chief Legal Officer.

215

0621

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

26 JAN Recd Legal

Ref. SRM/ 39
22-1-1944

OBJECT: Persons awaiting trial by Italian Military Court.
TO: S.L.O. AMG Hq. Eight Army Main
FROM: L.O. Campobasso Province

1.- We now have in Capobasso Province 10 persons awaiting trial by the Italian Military Court which is located in Naples . I am informed that arrangements have been made by the Province of Foggia through the 15th Army for the transportation of the Italian Military Court to Foggia Province in order that such cases may be disposed of.

2.- If this is possible, I should like to have the same arrangement made for the Campobasso Province. Most of the persons have been in prison since some time in October 1943.

SHIRLEY R. MARSH, Capt.
LEGAL OFFICER, A.M.G., Reg. IV
Campobasso Province.

1st Indorsement

To: LO AMG HQ 15 Army Group.

1. If the understanding set out in para. 1 is correct can this office comply with the request in para. 2.
2. Request reply through this office.

EDWIN J. MERCER, Maj. Ord.
SENIOR LEGAL OFFICER, A.M.G., 8th ARMY

0422

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

31Dec 1943.

Subject; Opening of Italian Courts

To ; SCAO Chieti

From ; CAO Casalbordina.

Attached list of cases involving violation of Italian Law were tried prior to your instructions to open Italian Courts as soon as possible. No further such cases will be tried and instructions have been issued to Carabinerri to notify Judge of Pretura Court call on me as promptly as possible to discuss this.

Lewis McIntyre. Major AUS

CAO Casalbordina.

0623

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

SUBJECT: Bar Associations

AMG
FG ACMF
CMG

AMG/206/180
21 Jun 44

180

PCLO, AMG Region 4

170

1. Referring to your RA/LO/10 of 11 Jun 44, you are under no obligation at all to take steps for the reorganization of the bar.

2. There are, as you say, obvious disadvantages to the Regional reorganization of the bar. It has, however, been found to be the case in a number of cases upon the demand for reorganization was so strenuous and was based upon such good reasons as to make some sort of action on our part virtually necessary. Realising that the problem was national in scope we adopted the rule that if any reorganization was to take place it should follow the same line everywhere. Hence our recent directive. The Italian Government knows of our scheme, approves of its essentials, and has undertaken to adopt the same type of organization when it obtains national responsibility and authority.

3. You will, perhaps, be interested to know that it is proposed in Region 3 to issue a Regional Order in accordance with the terms of General Order 12 (Sicily). Their decision to take that step is the response to a strongly felt local need. The situation in Region 4 is in all probability very different.

2 Encl

Major, AUS., Chief Legal Officer.

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

307 Rec'd 1 JAN [illegible] has already on our file: also to appear. copy.

ALLIED MILITARY GOVERNMENT CONFIDENTIAL
SICILY REGION HEADQUARTERS 300

179

File:REG/108 4 January 1944

Subject: Salaries of Judges

To : Allied Control Commission Hq.
Finance Sub-Commission,
Through AMG 15th Army Group
(copy to AMG Hq. FOR AMG APO 394)

Through: R.C.A.O.

1. Reference your CMG/F 5 of 16 December 1943.

2. Promotions of Judges in the Italian Courts in Sicily have been made at various times under authority of an order issued by General Hoffberry, a copy of which is annexed.

3. Such promoted Judges are being paid the salary of the grade to which they have been promoted.

4. The same procedure has applied in cases where promotions have been made in other branches of the Government Services.

For the Regional Civil Affairs Officer

215

K.B. MENAHAN
Lt. Colonel
R.C.A.O.

cc:
Sicily Region Hq. (1)
AMG Hq. (2)
File 108 (1)
File 131 (1)
CFC AMG 15th Army Group (2)

0625

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

SUBJECT: Bar Association

AAG
RE: ADJP

178

To: RCLO, [redacted] Region 3

AAG/206/178 —
21 Jan 44

Referring to your 3/6075/L of 15 Jan 44, you are entirely free to publish a Regional Order identical in terms with General Order No. 12 (Sicily), if in your judgement the organization of such an association would be desirable at this time.

Lual Hark

Major, AUS,
Chief Legal officer.

214

0626

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

SUBJECT: Removals from Office

177

AGO
FRE ACAS
CMF

Chief Legal Officer
Legal Sub-Commission
ACA

AGO/236/(17)
21 Jan 44

1. We have just been informed that the following officials have been removed from office in CALTANISSETTA and ENNA because of their political background and activities:

TROTTA Francesco, Giudice of the Tribunale of CALTANISSETTA
MICHELETTO, Adolfo, Vice Pretore of CASTEL SAN VINCENZO, Province of ISERNIA.

2. The removal of VARESE Tito, Giudice of the Tribunale at CALTANISSETTA is presently being reviewed and reconsidered, and it is probable that he will be reinstated in the near future.

3. DE LUCIA Nicola and VANNUCCI Italo, Pretori in the city of CALTANISSETTA, were temporarily suspended from office in the first days of occupation. They have both been reinstated.

4. You are, of course, free to give this information to the Ministry of Justice.

Major, AUS,
Chief Legal Officer.

21

0627

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

SUBJECT: CHECCHIA Comm. Pier Filippo

AGC
IRR ACAF
CMP

Chief Legal Officer
Legal Sub-Commission
ACC

AGC/206/176
21 Jan 44

168

The enclosed copy of an Order recently issued by the RCAO for REGION III is sent to you for information of the Ministry of Justice.

Major, AUS,
Chief Legal Officer.

213

0628

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

20 JAN 1944

SUBJECT: Italian Court Officials

206

A.M.G. H.Q. Eighth Army

175

CM/13

C.L.O., A.M.G. H.Q. 15 Army Group

18 January 1944

15

1. Attached is report of L.O., Campobasso in answer to your Ref. AMG/206/135 of 6 Jan. 44.

2. Situation in Chieti Province is still too confused to allow of a report of any value.

Edwin J. Mercer

EDWIN J. MERCER, Maj. Ord.,
Senior Legal Officer,
A.M.G. H.Q. Eighth Army Main.

21

Ref. SRM/30
12 -1944

174

SUBJECT: Magistrates and Officials removed from office.
TO: Edwin J. Mercer, Major, S.L.O.AMG Hq. Eight Army Main
From: Legal Officer Campobasso Province.

1.- In compliance with your request of 1o-1-44 we list the following magistrates removed from office by AMG or FSS. The only information we have is that they were removed because of alleged Fascist leaning or activities:

Dott. TROTTA Francesco, Giudice of the Tribunale of Campobasso,

Avv. NOTARDONATO Adolfo, Vice-Pretore of the Pretura of Castel San Vincenzo(Prov. of Isernia), residing at Castel San Vincenzo, who is said to be arrested by the English authorities.

There is a vacancy in the Pretura of Venafro due to the fact that the Germans deported that office-holder prior to our occupation.

VARRONE Tito, judge in the Tribunal of Campobasso was discharged because of informations that he was a Fascist. Since the date of his discharge the undersigned and the F.S.S. have investigated and determined that he should have been reappointed and have heretofore forwarded that recommendation to the S.C.A.O. Campobasso Province.

In the Pretura of Campobasso Dott. DE LELLIS Nicola, Pretore Titolare of said Pretura and Dott. EVANGELISTA Italo, Pretore No. 2, were discharged because of Fascist connections. A further investigation has taken place and both men have been reinstated with the endorsement of F.S.S.

Shirley R. Marsh
SHIRLEY R. MARSH, Capt.
LEGAL OFFICER, A.M.G., Prov. IV
Campobasso Province

21

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

20 JAN 1944

206

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HEADQUARTERS
AMG 5 ARMY
A.P.O. 464 U.S. ARMY
Legal Division.

AG 203/GA/19
17 January 1944.

SUBJECT: Appointment of Pretori.

TO : See distribution.

1. With reference to the operation of the local Italian Courts in Occupied Italy it has frequently occurred that Civil Affairs Officers appointed individuals as Pretori who were not properly qualified under the Italian law to hold that office.

2. These appointments were made in the majority of cases because a vacancy had been created by the dismissal of the Pretori in office prior to the Allied Occupation, generally on the ground that the Pretori was formerly a Fascist or member of the Fascist Party.

3. Pretura Courts are of extreme importance in the Italian Judicial system, and it is essential that full consideration be given to the judical qualifications of those persons appointed to preside in these courts if they are to function efficiently.

4. For your information the following is a summary of the qualifications necessary for candidates for the post of Pretori. Aspirants to this Judicial post must hold a degree in Jurisprudence; they must be Italian citizens with the full exercise of civil rights and be of high moral and political reputation; they must not be less than 21 and not more than 32 years of age and must pass a public examination for the post of Judicial Auditor in which position they must serve for a period of two years, following which they must pass a further practical examination for promotion to Vice Pretori; after serving for three years as Vice Pretori and upon recommendation by the Judicial Council of the Court of Appeal they may be named Pretori and are available for appointment when a vacancy arises.

5. At the present time there are very few fully qualified Pretori to be found in the occupied territory who might be appointed in the place and stead of those Pretori dismissed from office. Accordingly in view of the difficulty of replacing these officials, Pretori who occupied their position prior to

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

Subject: Appointment of Pretori.

TO : See distribution.

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5. At the present time there are very few fully qualified Pretori to be found in the occupied territory who might be appointed in the place and stead of those Pretori dismissed from office. Accordingly in view of the difficulty of replacing these officials, Pretori who occupied their position prior to the Allied occupation should not be removed unless they are clearly politically unsuitable. No appointment of individuals to fill such vacancy as Pretori will be made unless they possess the necessary qualifications outlined in paragraph 4 above.

6. It is proper however in order to continue the operation of these courts to appoint to a vacant Pretura court an Honorary Vice Pretori. Any Italian citizen holding a degree in jurisprudence and who is more than 25 years of age may be appointed as a Honorary Vice Pretori. Under Italian law he receives no compensation in respect of such office with the exception of an indemnity which is paid to him when he acts in the absence of the titular Pretori. In effect the regulation with regard to this compensation is that during the first thirty days of acting in the place of the Pretori an honorary vice Pretori does not receive any remuneration other than out of pocket expenses as during this period he is considered to be on trial. Thereafter he receives

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

the full pay and allowances, to which the fully qualified Pretori in the district is entitled. Persons who are appointed Honorary Vice Pretors will be given an authorisation to the appropriate Italian paying official to receive the same salary as that to which the full Pretors would be entitled.

7. Accordingly in the absence or impossibility of appointing full Pretors properly qualified individuals may be appointed as Honorary Vice Pretors by SCAOs where,

(i) It is found that there is no Pretori sitting when the territory is occupied by the Allied Forces.

(ii) It is necessary to remove the existing Pretori on the grounds of politically undesirability or incompetency in,

(iii) by reason of difficulties of transport or other good cause in cases where one Pretori has to act in two or more communes and he cannot do so, an Honorary Vice Pretori may be appointed to act in that commune which is left without a Pretori.

8. The names and particulars of all persons who are so appointed will be reported to the Legal Division at this headquarters.

By order of Colonel Hume.

[illegible]
D.A.A.G. ....GHS
(...TN, SCOTS GUARDS,
G-2-3
...AG FIELD ...MY.

208

Distribution :

S.C.A.O.	VI Corps	(10)
"	II Corps	(10)
"	X Corps	(10)
A.F.C.	5 Army	(5)
C.L.C. H.Q.	AAI 15 Army Group	(2)
R.C.L.C.	Region 3	(2)
C.L.C.	HQ. Region 4	(2)
File		(1)
Spares		(2)
S.C.A.O.	C.M.F.	(10)

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

7. Accordingly in the absence or impossibility of appointing full Prefets properly qualified individuals may be appointed as Honorary Vice Prefets by S.C.A.O. where,

(i) It is found that there is no Prefet sitting, when the territory is occupied by the Allied Forces.

(ii) It is necessary to remove the existing Prefet on the grounds of politically undesirability or incompetency in,

(iii) By reason of difficulties of transport or other good cause in cases where one Prefet has to act in two or more communes and he cannot do so, an Honorary Vice Prefet may be appointed to act in that commune which is left without a Prefet.

8. The names and particulars of all persons who are so appointed will be reported to the Legal Division at this Headquarters.

By order of Colonel Dume.

Major
A.A.A. & Q.M.G.
for BRIGADIER, SCOTS GUARDS.
G-2-3
AFHQ FIFTH ARMY.

208

Distribution :

S.C.A.O.	VI Corps	(10)
"	II Corps	(10)
"	X Corps	(10)
S.F.C.	5 Army	(3)
C.L.G. H.Q.	AMG 15 Army Group	(6)
R.C.L.C.	Region 3	(2)
C.L.G.	HQ. Region 4	(2)
Files		(1)
Spares		(3)
S.C.A.O. G.S.F.		(10)

Seen
L.H.

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

20 JAN 1944

171

HEADQUARTERS
REGION 3, ALLIED MILITARY GOVERNMENT
A.P.O. 394, U.S. Army

206

RMcC/pv
3/6074/L

15 January 1944

Subject: Bar Associations.

To : A.M.G. Headquarters 15 Army Group, C.M.F.

1. Reference is made to letter from your headquarters to R.C.L.O., A.M.G. Region III, 4 January 1944, subject as above (A.M.G. 206/140).

2. In the past there has been some activity on the part of local lawyers with a view to securing permission to reorganize the local bar. This activity has increased since the abolition of the Fascist syndicates and under date of 6 January 1944 the Prefect of Naples Province requested in writing that the Naples lawyers be permitted to meet 15 January for the purpose of electing persons to represent them. Inadvertently permission to hold such a meeting was granted by this headquarters without the matter having been brought to the attention of the Legal Division of this headquarters. 207

3. When the situation in regard to the proposed meeting came to the attention of the Legal Division it was arranged that the meeting should be limited in scope to a discussion of the form of reorganization authorized by General Order No. 12 (Sicily), the terms of which were made known to the persons conducting the meeting.

4. It is believed appropriate at this time to permit the reorganization of the bar within Region III, and authority to publish in this region a general order, identical in terms with General Order No. 12 (Sicily), is requested.

For the Regional Civil Affairs Officer:

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

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3/6074/L

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For the Regional Civil Affairs Officer:

Douglas N. Batson
DOUGLAS N. BATSON,
1st Lt., C.M.P.,
Actg Asst Adj Gen.

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

0636

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

19 JAN 1944 HGW/Qd

HEADQUARTERS, REGION 4, MAIN
ALLIED MILITARY GOVERNMENT
A.P.O. 394

170

206

TO : C.L.O., AMG, 15th Army Group

FROM : R.C.L.O., Region 4
SUBJECT : Italian Bar Associations
REFERENCE : R4/LE/10

DATE : 11 January, 1944.

140

1. Reference your AMG/206/140 of 4 Jan. 44. Enclosing copies of General Order 12 (Sicily).

2. In my opinion any reorganization of the Italian Bar on a Regional basis would be most undesireable. The Bar is a national institution, and any reorganization should be on a national basis.

3. Furthermore, I question whether reorganization of the Italian Bar is any part of the business of A.M.G., the objectives of which are set out on page 1 of the manual.

4. In these circumstances, unless specifically ordered to do so by your H.Q., I should be disinclined to entertain any request by members of the Italian Bar to re-organize themselves on a Regional basis during the period of military government, or to authorise the publication of any Regional Order to this effect.

5. In the meantime it is my intention, as a temporary measure, to invite the members of the Italian Bar in each centre of population to elect a local committee, to act as intermediary between the Provincial Legal Officer, and the members of the Bar, andto advise and to assist the Provincial Legal Officer, more particularly in relation to matters of Italian Law and Procedure. Such local committees have already been formed in Foggia Province, but no attempt has been made to form any thing in the nature of a new Association. It is presumed that in going this far I have done nothing to contravene the spirit of the instructions contained in your letter under reply.

H.G. Willmer

H.G. WILLMER, K.C.
Colonel,
R.C.L.O.,Region 4

50 W. 14

0637

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

18 JAN 1944 Legal

169.

HEADQUARTERS
REGION 3, ALLIED MILITARY GOVERNMENT
A.P.O. 394, U.S. Army

206-

RMcC/pv
3/6083/L

16 January 1944

Subject: Order maintaining in office substitute Procuratore Generale - Court of Appeal, Naples.

To : A.M.G. Headquarters 15th Army Group, C.M.F.

1. Inclosed is a certified copy of an order subject as above.

2. The continuance of CHECCHIA, Comm. Pier Filippo, in office was found necessary because of inability to secure a suitable successor.

For the Regional Civil Affairs Officer:-

Douglas N. Batson
DOUGLAS N. BATSON,
1st Lt., C.M.P.,
Actg Asst Adj Gen.

1 Incl -
copy of order.

0638

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

ALLIED MILITARY GOVERNMENT
HEADQUARTERS REGION III.
Office of the Regional Civil Affairs Officer.

168

ORDER maintaining in office a substitute Procuratore Generale; of the Court of Appeal, NAPLES.

WHEREAS on the 25th day of January 1944, the substitute Procuratore Generale, CAVACCHI Cesa. Pier Filippo, will reach the age for compulsory retirement under the terms of articles 227 and 273 of the Royal Decree of 30 January 1941; and

WHEREAS according to the law of 25th January 1942, n° 33, the said CAVACCHI Cesa. Pier Filippo may be retained in office until the 31 December following the termination of a state of war;

WHEREAS it is considered expedient to continue the said CAVACCHI Cesa. Pier Filippo in the office of substitute Procuratore Generale, of the Court of Appeal, Naples;

NOW, therefore, I, CARL A. KRAEGE, Lieutenant Colonel, Signal Corps, Regional Civil Affairs Officer, Region III, hereby ORDER as follows:

The said CAVACCHI Cesa. Pier Filippo is hereby provisionally maintained in his appointment as substitute Procuratore Generale, of the Court of Appeal, Naples, pending further orders of competent authority.

2[illegible]

S/ Carl A Kraege
CARL A. KRAEGE,
Lieutenant Colonel, Signal Corps,
Regional Civil Affairs Officer.

Dated 10 January 1944.

A true Copy:
Riley McClain
RILEY McCLAIN
Lt. Col., J.A.G.D.

Incl

Copy for 15 Army Group

0634

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

18 JAN 1944 Segal (206) 1st

HEADQUARTERS
REGION 3, ALLIED MILITARY GOVERNMENT
A.P.O. 394, U.S. Army

RMcC/pv
3/6083/L

14 January 1944

Subject: Italian Court Officials.

To : A.M.G. Headquarters, 15 Army Group, C.M.F.

1. Reference is made to letter your headquarters to R.C.I.O., Region III, 6 January 1944, subject as above (A.M.G. 206/135).

2. Due to transportation and communication difficulties in this region it has not been possible up to this time to compile at this headquarters complete information on the subject.

3. Accordingly, the Senior Civil Affairs Officers of the provinces of this region have been directed to furnish this headquarters with the required information. Upon receipt from the various provinces of the required information a report will be compiled, checked with available records at this headquarters, and forwarded to your headquarters.

For the Regional Civil Affairs Officer:

Douglas N Batson
DOUGLAS N. BATSON, 1lt
1st Lt., C.M.P.,
Actg Asst Adj Gen.

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

Legal(206) pe
18 JAN 1944

206 — 166.

HEADQUARTERS
AMG 5 ARMY
A.P.O. 464 U.S. ARMY
Legal Division

208/CA/10
11 January 1944

Subject : Italian Courts.

To : Chief Legal Officer,
A.M.G. Headquarters,
15 Army Group,
A.P.O. 777 U.S. Army.

105

Pursuant to your request in letter of 1 January 1944 (AMG/206/105), I am forwarding to you herewith the report on Italian Courts in Region 3.

J.V.M. SHIELDS,
Lt. Col.,
Senior Legal Officer,
A.M.G. 5 Army.

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

17 8 JAN 1944

RETURN ON ITALIAN

COURTS

1 DECEMBER 1943.

A. M. G. REGION III.

20

Naples, 29 December 1943.

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

P R O V I N C E O F N A P L E S.

(a). Places where Italian Criminal Courts are open, and the kinds of Courts.

1.	NAPLES CITY.	= Court of Appeal =6sections. = Tribunals = 7 sections. = 1 section for minors. = Pretura; = 8 sections.
2;	BARRA.	= Pretura.
3.	CAPRI.	= Pretura.
4.	CASTELLAMMARE DI STABIA.	= Pretura.
5.	FRATTAMAGGIORE.	= Pretura.
6.	GRAGNANO.	= Pretura.
7.	ISCHIA.	= Pretura.
8.	MARANO DI NAPOLI.	= Pretura.
9.	MARIGLIANO.	= Pretura.
10.	OTTAVIANO.	= Pretura.
11.	POMIGLIANO D'ARCO.	= Pretura.
12.	POMPEI.	= Pretura.
13.	PONTICI.	= Pretura.
14.	POZZUOLI.	= Pretura.
15.	PROCIDA.	= Pretura.
16.	S. ANASTASIA.	= Pretura.
17.	SORRENTO.	= Pretura.
18.	TORRE ANNUNZIATA.	= Pretura.
19.	AVERSA.	== Pretura.
20.	CASERTA.	= Pretura.
21.	CICCIANO.	= Pretura.
22.	MADDALONI.	= Pretura.
23.	MARCIANISE.	= Pretura.
24.	SESSA AURUNCA.	= Pretura.

201

0643

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

A L L I E D M I L I T A R Y G O V E R N M E N T
HEADQUARTERS NAF
REGION III
LEGAL DIVISION

Return of Italian Courts compiled as of 1 December 1943.

PROVINCE OF BENEVENTO

(a). Places where Italian Criminal Courts are open, and the kinds of Courts;

1.	BENEVENTO.	=	Tribunale = 2 sections. Pretura.
2.	AIROLA.	=	Pretura.
3.	CERRITTO SANNITA	=	Pretura.
4.	COLLE SANNITA.	=	Pretura.
5.	MORCONE.	=	Pretura.
6.	S.BARTOLOMEO IN GALDO	=	Pretura.
7.	S.GIORGIO DEL SANNIO	=	Pretura.
8.	S.GIORGIO LA MOLARA.	=	Pretura.
9.	SOLOPACA.	=	Pretura.
10.	VITULANO.	=	Pretura.

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PROVINCE OF AVELLINO .

(a). Places where Italian Criminal Courts are open, and the kinds of Courts.

1.	AVELLINO	= Tribunale = 1sect = Pretura.	
2.	CERVINARA	= Pretura.	
3.	CHIUSANO S.DOMENICO	= Pretura.	
4.	LAURO	= Pretura.	
5.	MONTORO SUPERIORE	= Pretura.	
6.	ARIANO IRPINO	= Tribunale = 1sect = Pretura.	
7.	CASTELBARONIA	= Pretura.	
8.	MIRANDELLA SOLANO	= Pretura.	
9.	S.ANGELO DEI LOMBARDI	= Tribunale = 1sect = Pretura.	
10.	FRIGENTO	= Pretura.	
11.	LACEDONIA	= Pretura.	
12.	MONTELLA	= Pretura.	
13.	CALITRI	= Pretura.	
14.	PARTENOPOLI	= Pretura.	
15.	CALABRITTO	= Pretura.	

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P R O V I N C E O F N A P L E S.

(b). Places where Italian Civil Courts are open, and the kinds of Courts.

1.	NAPLES CITY.	= Court of Appeal = 5secti = Tribunals = 8 sections. = Pretura = 6 sections.
2.	AFRAGOLA.	= Pretura.
3.	BARRA.	= Pretura.
4.	CAPRI.	= Pretura.
5.	CASTELLAMMARE.	= Pretura.
6.	ISCHIA.	= Pretura.
7.	MARIGLIANO.	= Pretura.
8.	OTTAVIANO.	= Pretura.
9.	POMIGLIANO D'ARCO.	= Pretura.
10.	PORTICI.	= Pretura.
11.	POZZUOLI.	= Pretura.
12.	PROCIDA.	= Pretura.
13.	S. ANASTASIA.	= Pretura.
14.	TORRE ANNUNZIATA.	= Pretura.

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PROVINCE OF BENEVENTO

(b). Places where Italian Civil Courts are open, and the kinds of Courts;

1.	BENEVENTO.	=	Tribunale = 2 sections. Pretura.
2.	AIROLA.	=	Pretura.
3.	CERRETO SANNITA.	=	Pretura.
4.	COLLE SANNITA.	=	Pretura.
5.	MORCONE.	=	Pretura.
6.	S.BARTOLOMEO IN GALDO	=	Pretura.
7.	S.GIORGIO DEL SANNIO.	=	Pretura.
8.	S.GIORGIO LA MOLARA.	=	Pretura.
9.	SOLOPACA.	=	Pretura.
10.	VITULANO.	=	Pretura.

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PROVINCE OF AVELLINO.

(b). Places where Italian Civil Courts are open, and the kinds of Courts.

✓ 1.	AVELLINO.	= Tribunale & Sec = Pretura.
✓ 2.	CERVINARA.	= Pretura.
✓ 3.	GIULIANO S.DOMENICO.	= Pretura.
✓ 4.	LAURO.	= Pretura.
✓ 5.	MONTORO SUPERIORE.	= Pretura.
6.	AFRANO IRPINO.	= Tribunale = Sec = Pretura.
✓ 7.	CASTELBARONIA.	= Pretura.
✓ 8.	MIGLIELLA EOLANO.	= Pretura.
✓ 9.	SNAITOLO DEI LOMBARDI	= Tribunale = Sec
	CALABRITTO	= Pretura.
✓10.	PITIGLIANO.	= Pretura.
✓11.	MACEDONIA.	= Pretura.
✓12.	MONTELLA.	= Pretura.
✓13.	SALERNO.	= Pretura.

GROTTAMINARDA

PATERNOPOLI

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PROVINCE OF NAPLES.

(c). The names of all Italian Judges and officials functioning, their appointments and where they are located.

COURT OF APPEAL AND PROCURA GENERALE = NAPLES.

LIBONATI Michele = Prime Presidente nominato dal Comando Alleato.
VACCARIELLO Francesco = Presidente delle sezioni 2^ e 5^(civili).
SANTULLI Nicola = Presidente della 4^ Sezione civile.
CELLUCCI Carlo = Presidente della 10^ sezione penale.
TECCE Camillo = Presidente 11^ sezione penale.
MORELLI Costantino = Presidente 1^ sezione civile.
DODARO Francesco = Presidente 2^ sezione civile.
ALI' Ettore = Presidente 3^ sezione civile.
VIGORITA Antonio = Presidente 6^ sezione civile.
D'ALESSANDRIA Federico = Presidente 8^ sezione penale.
GALLO Angelantonio = Presidente 7^ sezione penale.
BAGROTTA Ignazio = Presidente 9^ sezione penale.
PAPA Eugenio = Consigliere 5^ sezione civile.
GIRARDI Vincenzo = Consigliere 3^ sezione civile.
MAIORANO Oreste = Consigliere 8^ sezione penale.
GALDIERISI Bernardino = Consigliere 4^ sezione civile.
LAVIANI Francesco = Consigliere 1^ sezione civile.
PERNARO Augusto = Consigliere 11^ sezione penale.
GALLO Angelo = Consigliere 6^ sezione Penale.
GUIDETTI Francesco = Consigliere 5^ sezione civile.
BARATTO Amedeo = Consigliere 2^ sezione civile.
LAINO Gregorio = Consigliere 8^ sezione penale.
CLARIZIA Vincenzo = Consigliere 3^ sezione civile.
SANTONASTASO Alfredo = Consigliere 10^ sezione penale.
DI MOSER Michele Arcangelo = Consigliere 4^ sezione civile.
CAIVANO Tommaso = Consigliere 1^ sezione civile.
BONORO Rocco = Consigliere 4^ sezione civile.
LEZZI Domenico = Consigliere 9^ sezione penale.
MELLO Ferdinando = Consigliere 9^ sezione penale.
SABELLI Guglielmo = Consigliere 11^ sezione penale.
LIGNOLA Filippo = Consigliere 1^ sezione civile.
VALENZANO Saverio = Magistratura del lavoro.
MOTTA Catalde = Consigliere 6^ sezione penale.
GIACUMBI Giuseppe = Consigliere 2^ sezione civile.
BRAYDA Pietro = Consigliere 4^ sezione civile.
GRAZIANO Giacomo = Consigliere 9^ sezione penale.
ROBERTI Michele = Consigliere 5^ sezione civile.

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MEZZACANE Vincenzo	= Consigliere	3ª	sezione civile.
VIPARELLI Fabio	= "	1ª	" "
COSENZA Giuseppe	= "	Magistratura del Lavoro.	
CEVOLI Alessandro	= "	8ª	sezione penale.
SCOTTO Ferdinando	= "	11ª	" "
CEDRANGOLO Ugo	= "	1ª	sezione civile.
CAPURSO Umberto	= "	5ª	" "
FESTA Domenico	= "	9ª	" penale.
CONTIERI Alfredo	= "	2ª	" civile.
AMODIO Francesco	= "	9ª	" penale.
DE MATTEIS Ciro	= "	8ª	" "
BOSCO Ruggiero	= "	8ª	" "
BACCASSINI Pantaleo	= "	6ª	" "
PIOMBO Domenico	= "	1ª	" civile.
RANAURO Raffaele	= "	7ª	" penale.
MAZZARELLA Oscar	= "	4ª	" civile.
DENTE Alessandro	= "	Magistratura del Lavoro.	
BOCCASSINI Mauro Domenico	"	7ª	sezione penale.
DE VITO Felice	= "	11ª	" "
MESCE Francesco	= "	10ª	" "
VITALE Francesco Saverio	"	7ª	" "
RIZZO Francesco	= "	10ª	" "
ROCCO Amedeo	= "	1ª	" civile.
DI STEFANO Francesco	= "	3ª	" "
FALCONE Domenico	= "	1ª	" "
SANT'ELIA Luigi	= "	10ª	" penale.
DE SILVA Giuseppe	= "	7ª	" "
MELE Giuseppe Nicola	= "	9ª	" "
IORIO Mario	= "	11ª	" "
DI LAURO Felice	= "	2ª	" civile.
GUERRA Francesco	= "	Magistratura del Lavoro.	
TURI Francesco	= "	6ª	sezione penale.
COPPOLA Rosè	= "	Magistratura del Lavoro.	
COELLI Eugenio	= ""	7ª	sezione penale.
CUOCO Alfonso	= "	3ª	sezione civile.
MATTERA Gregorio	= "	1ª	"" "
VOLPE Giuseppe	= "	5ª	" penale.
GRASSO Emilio	= "	2ª	" civile.
TEDESCHI Francesco	= "	8ª	" penale.
FERRAZZANI Mario	= "	Magistratura del Lavoro.	
ZEULI Enrico	= "	9ª	sezione penale.
GREGORACI Bellarmino	= "	8ª	" "
BENVENUTO Francesco	= "	6ª	" "
MINERVINI Corrado	= "	Procuratore Generale nominato dal Comando Alleato.	

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LA ZAZZERA Vincenzo	Giudice.	14^	sezione penale.
CASELLI Rocco	"	16^	" "
VITAGLIANO Enrico	"	1^	" civile.
SANTORO Ardaino	"	5^	sezione penale.
PARRELLI Michele	"	16^	" penale.
MINETTI Edmondo	"	4^	" civile.
DE ROSA Carlo	"	istruttore.	
DEL GIUDICE Filippo	"	9^	sezione civile.
SIENA Nicola	"	Tribunali minorenni.	
CONTI Eugenio	"	4^	sezione civile.
NAPOLETANO Giuseppe	"	5^	" "
PACE Luigi	"	11^	" penale.
GIORDANO Pietro	"	istruttore.	
GUZZARDI Casualdo	"	9^	sezione civile.
PIZZUTI Vincenzo	"	= assente =	
LIPARI Giuseppe	"	1^	sezione civile.
D'ALESSANDRO Leone	"	istruttore.	
ZAPPELLA Luigi	"	3^	sezione civile.
CUOMO Generoso	"	7^	" "
CARA Pietro	"	9^	" "
NATTI Giuseppe	"	4^	" "
FALUNDO Domenico	"	14^	" penale.
CONTI Giuseppe	"	istruttore.	
CARNEVALE Armando	"	= assente =	
DE HENRI Luigi	"	9^	sezione civile.
MARONNA Leonida	"	3^	" "
PROTO Antonio	"	Tribunale dei minorenni.	
TARRO Mariano	"	1^	sezione civile.
PAVANA Ettore	"	1^	" "
ROSSANO Michele	"	7^	" "
DE MARCO Filippo	"	1^	" "
AVITABILE Enrico	"	2^	" "
CARISTO Ugo	"	4^	" "
LAVIANO Dante	"	5^	" "
CACCIOPPOLI Ugo	"	8^	" "
ROSSI Goffredo	"	= assente =	
MATERA Paolo	"	1^	sezione civile.
GILIBERTI Guido	"	2^	" "
CONTEMANI Enrico	"	1^	" "
VIGORITA Alfonso	"	= assente =	
PERFETTA Tommaso	"	7^	sezione civile.
MARINO Luigi	"	2^	" "
BINACCI Giuseppe	"	8^	" "
CESARO Vincenzo	"	10^	" penale.
COSTAGLIOLA Roberto	"	1^	" civile.
ALIOTTA Empedocle	"	= assente =	
AMOROSI Mario	"		

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CHECCHIA Pier Filippo	=	Sostituto Procuratore Generale
BELLINI Ugo	=	" " "
LANDOLFI Luciano	=	" " "
PICCOMELLA Giovanni	=	" " "
ERRICO Nicola	=	" " "
DONADURA Salvatore	=	" " "
GALASSO Ettore	=	" " "
PALCIATORE Pasquale	=	" " "
LA MARCA Giulio	=	" " "
BIONDI Adelchi	=	" " "
SEVERINO Dorsio	=	" " "
PINCHELLA Federico	=	" " "
D'ERRICO Filippo	=	" " "
DE NIGRIS Pietro	=	" " "

TRIBUNALE AND PROCURA DEL RE = NAPOLI.

BERISIO Raffaele	=	Presidente.
RICCIULLI Giuseppe	=	Presidente della 13^ sezione penale.
RUCCI Ernesto	=	" " 11^ " "
MURARO Raffaele	=	" " 9^ " civile.
CERABONA Michele	=	" del Tribunale minorenni.
SCARANO Cesare	=	" della 15^ sezione penale.
TARICI Alfredo	=	" " 8^ " civile.
ZEPPI Vincenzo	=	" " 12^ " (!) penale.
LOMBARDI Paolo	=	" " 4^ " civile.
SOLIENNE Ugo	=	" di sezione = assente.
GIURAZZA Michelino	=	" della 7^ sezione fallim.
ARTINA Alberto	=	" " 10^ " penale.
PERCLA Raffaele	=	" " 5^ " civile.
CARBONE Oreste	=	" " 3^ " "
ZARRELLI Simeone	=	" " 13^ " penale.
MANCINI Nicola	=	" " 14^ " "
DE MARCO Prospero	=	" " 6^ " civile.
ZEULI Domenico	=	" " 2^ " "
DE LUISE Guglielmo	=	Consigliere incaricato della istruzione dei procedimenti penali.
DE FALCO Eduardo	=	Giudice istruttore.
MARASCO Giuseppe	=	" 13^ sezione penale.
DE SCISCIOLO Francesco	=	" istruttore.
GIULIANI Ernesto	=	" "
TACCONE GALLUCCI Alfonso	=	" "
DE FALCO Francesco	=	" 15^ sezione penale.

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MURANO Ugo	=	Giudice.	3^ sezione civile.
DE FALCO Enrico	=	"	15^ " penale.
CAMPANINO Giacomo	=	"	10^ " "
VARELLI Carlo	=	"	11^ " "
RAJA Renato	=	"	5^ " civile.
SIMONCELLI Salvatore	=	"	15^ " penale.
CAMMAROSANO Giorgio	=	"	istruttore.
MARCONI Guglielmo	=	"	8^ sezione civile.
SERIO Gennaro	=	"	10^ sezione penale.
ARMANO Armando	=	"	13^ " "
GIULIANO Giuseppe	=	"	11^ " "
MANCINELLI Luigi	=	"	12^ " "
CASIERE Cesare	=	"	10^ " "
VOLPE Vincenzo	=	"	2^ " penale.
GENTILE Francesco	=	"	= assente =
PALAZZI Ugo	=	"	12^ sezione penale.

SIRACUSA Francesco	=	Procuratore del Re.
DELLO RUSSO Michele	=	Procuratore del Re aggiunto.
ANNUNZIATA Angelo	=	Sostituto Procuratore del Re.
CONTI Michele	=	" " "
SAVARESE Ettore	=	" " "
RICCI Rosario	=	" " "
PISCOPO Umberto	=	" " "
ISSULAURO Ottavio	=	" " "
PANEVINO Giovan Batt.	=	" " "
GIANCOTTA Gioacchino	=	" " "
COVELLI Eugenio	=	" " "
DE MAGISTRIS Luigi	=	" " "
TENORE Carlo	=	" " "
CAPECELATRO Enrico	=	" " "
AMENDOLA Michele	=	" " "
ANGELONE Roberto	=	" " "
DEL GIUDICE Walter	=	" " "
FERNANDEZ Eduardo	=	" " "
ALFINITO Tommaso	=	" " "

PRETURA OF NAPLES.

CUTINELLI Saverio	=	Primo Pretore dirigente.
SANT'ELIA Eduardo	=	Primo Pretore 2^ Sezione civile.
MAZZONE Olindo	=	Primo Pretore.
LA TESSA Francesco	=	Pretore sezione contravvenzioni municipal
DE ANTONELIS Luigi	=	Pretore sezione rogaterie.
BOZZA Canio	=	Pretore dirigente il servizio penale.
TULLIO Cataldo Antonio		Pretore 9^ sezione penale.
RIZZO Luigi	=	Pretore 3^ sezione civile.
DE BELLIS Luigi	=	Pretore 9^ sezione penale.

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RUBINO Vincenzo = Pretore Ufficio tutelare.
VERDE Camillo = Pretore 6^ sezione civile.
MANCINELLI Giuseppe = Pretore 4^ sezione civile.
NICOLINI Paolo = Pretore 13^sezione penale.
PAGLIANO Mario = Pretore 5^ sezione civile.
STILE Giovanni = Pretore sezione controversia del lavoro.
LIGNOLA Giuseppe = " " " " "
MAFFEI Giuseppe = Pretore 1^ sezione civile.
CIMMINO Igino = Pretore = applicato fuori sede =
RAELI Pedele = Pretore sezione decreti penali.
BONADIES Vincenzo = Pretore sezione controversie del lavoro.
ROBERTO Carlo = Pretore 2^ sezione civile.
ROBERTI Michele = Pretore 12^sezione penale.
REGINA Vittorio = Pretore 7^ sezione penale.
LUSI Ippolito = Pretore 14^sezione penale.
DE RUBRIS Mario = Pretore 10^sezione penale.
DI NOSSE Armando = Pretore 6^ sezione civile.
CHIARIELLO Tullio = Pretore 1^ sezione civile.
DE LUCI Luigi = Pretore 8^ sezione penale.
CAPUTO Michele = Pretore Ufficio tutelare.

PRETURA OF ARRAGONA.

DE MAIO Armando = Primo Pretore dirigente.
RIZZI Vittorio = Pretore in sottordine.

PRETURA OF BARRA.

GIANNETTI Leopoldo = Pretore dirigente.
NARNI-MANCINELLI Giovan. Pretore in sottordine.

PRETURA OF CAPRI.

IRASO Giuseppe = Pretore dirigente.

PRETURA OF CASTELLAMMARE DI STABIA.

MARRA Pasquale = Pretore dirigente.
CAMMAROTA Giovanni = Pretore in sottordine.

PRETURA OF FRATTAMAGGIORE.

SPENA Francesco = Advocate = Appointed by A.M.G. to replace the Pretor TUCCI Luigi.

PRETURA OF GRAGNANO.

FOSCHINI Alberto = Pretore dirigente.

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PRETURA OF ISCHIA.

CORDUAS Alberto = Pretore dirigente.

PRETURA OF MARANO DI NAPOLI.

MARMO Mario = Pretore dirigente.
PUGLIESE Domenico = Pretore in sottordine.

PRETURA DI MARIGLIANO.

RAVOSO Vincenzo = Pretore dirigente.

PRETURA OF OTTAVIANO.

BIANCHI Tito = Pretore dirigente.

PRETURA OF PONTIGLIANO D'ARCO.

PELUSO Luigi = Pretore dirigente.

PRETURA OF POMPEI.

SIRICA Tommaso = Pretore dirigente.

PRETURA OF PORTICI.

CARAMIELLO Francesco = Advocate appointed by A.M.G. to re= place Prator MAGLIANO Vittorio.

PRETURA OF POZZUOLI.

D'ALFONSO Enrico = Pretore dirigente.

PRETURA OF PROCIDA.

GIOIA Michele = Pretore dirigente.

PRETURA OF S.ANASTASIA.

SORRENTINO Nicola = Pretore dirigente.

PRETURA OF SORRENTO.

DIFANI Alessandro = Pretore dirigente.

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PRETURA DI TORRE ANNUNZIATA.

SABELLI Mario = Pretore dirigente.
PARALLO Filiberto = Pretore in sottordine.

PRETURA DI AVERSA.

BRIZZI Francesco = Pretore dirigente.

PRETURA DI CAIAZZA.

REMOLLA Alfonso = Primo Pretore dirigente.
SPIZUOCO Renato = Pretore in sottordine.

PRETURA DI CICCIANO.

DI PETTI Angelo Raff.= Pretore dirigente.

PRETURA DI MADDALONI.

PALETTANO Giovanni = Pretore dirigente.

PRETURA DI MARCIANISE.

MORFINO Giovanni = Pretore dirigente.

PRETURA DI SESSA AURUNCA.

NASCA Riccardo = Pretore dirigente.

PRETURA DI TRIVOLA.

MARESCA Gino = Pretore dirigente.

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PROVINCE OF BENEVENTO

(a). The names of all Italian Judges and officials functioning, their appointments and where they are located.

PROCURA DEL RE. - BENEVENTO.

(1).

CENTRACCHIO	Comm.	Emanuele	=Procuratore del Re.
CIAMARRA	Cav.	Vittorio	=Sostituto Procuratore del Re.
PALMIERI	Cav.	Luigi	=idem.
CEDRANGOLO	Dott.	Francesco	=idem aggiunto.
MEOMARTINI	Dott.	Rodolfo)	=Uditori senza funzioni in
LANGHER	Dott.	Antonio)	soprannumero.
DEL DONNO	Cav.	Camillo	=Segretario Capo.
FUSCO	Cav.	Claudio	=1° Segretario.
RICCIUTI		Francesco	=Segretario.
ROSSI		Ottavio	=Segretario.
MILONE		Giuseppe	=Aiutante segreteria.
LUCIANI		Giovanni	=Custode e usciere avventizi.

JUDGES AND COURT OFFICIALS OF TRIBUNALE - BENEVENTO.

(2).

NIUTTA	Cav. Uff.	Enrico	=Presidente.
MANCINI	Cav.	Rocco	=Presidente di Sezione.
PIACQUADIO	Cav. Uff.	Antonio	=Giudice.
LOMBARDI	Cav.	Ezio	=Giudice.
DI SALVO	Dott.	Corrado	=Giudice.
LEONE	Dott.	Domenico	=Giudice aggiunto.
MARESCA	Dott.	Ettore	=Giudice aggiunto.
STIGLIANI	Dott.	Pasquale	=Giudice aggiunto.
MAZZACANE	Dott.	Elio	=Uditore.
DEL GOGLIANO	Dott.	Paolo	=Uditore in soprannumero senza funzioni.
CASAZZA	Cav.	Ugo Foscolo	=Cancelliere Capo.
FLORIO	Cav.	Gennaro	=Cancelliere di Sezione.
TAURINI	Cav.	Giuseppe	=Cancelliere di Sezione.
VILLANI		Ciriaco	=Cancelliere.
VITALE		Ottorino	=idem.
CARUSO		Michele	=idem.
DE BLASIO		Sebastiano	=idem.
OMAGGIO		Salvatore	=idem.
IASIELLO		Francesco	=idem.
LONGO		Rocco	=idem.
MELISCH		Alberto	=Volontario di cancelleria.
CANTONE		Ernesto	=Aiutante di cancelleria.
GARGIULI		Raffaele	=idem.

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MAGLIONE	V.	Michele	=Ufficiale giudiziario.
IANNOTTI		Crescenzo	=usciere.
DE MAIKNA		Michele	=idem.

PRETORE AND OFFICIALS OF PRETURA = AIROLA.

(3).

QUINTO	Cav.	Michele	=Pretore.
MENDOZZA	Cav.	Francesco	=1° Cancelliere.
DEL VISCOVO		Mario	=Aiutante cancelleria.
BIANCOLILLO		Vincenzo	=Ufficiale Giudiziario.

PRETORE AND OFFICIALS OF PRETURA = BENEVENTO.

(4).

DE GREGORIO		Federico	=1° Pretore.
RIZZO	Cav.	Modestino	=Pretore.
PACLUCCI	Cav.	Igino	=Cancelliere Capo.
ABBAMONDI		Giuseppe	=Aiutante di cancelleria.
FORNER		Israele	=idem.
CATALANO		Gennaro	=idem.
ALPIERI		Luigi	=Ufficiale Giudiziario.
DI PESO		Gennaro	=idem.
DE FATA		Vincenzo	=usciere.

PRETORE AND OFFICIALS OF PRETURA = CERRETO SANNITA

DE MARTINO	Cav.	Luigi	=Pretore.
DI LELLA	Cav.	Giuseppe	=1° Cancelliere.
CIABURRI		Luigi	=Ufficiale Giudiziario.

PRETORE AND OFFICIALS OF PRETURA = COLLE SANNITA.

MARCARELLI	Dott.	Enrico	=Pretore.
PACLUCCI	Cav.	Federico	=1° Cancelliere.
CIPELLI		Giuseppe	=Ufficiale Giudiziario.

PRETORE AND OFFICIALS OF PRETURA = MORCONE.

ADDEO	Cav.	Alberto	=Pretore.
BIAGINI		Giuseppe	=Cancelliere.
CIARLO		Antonio	=Ufficiale Giudiziario.

PRETORE AND OFFICIALS OF PRETURA = S.BARTOLOMEO IN GALDO.

MANCINI	Dott.	Roberto	=Pretore.

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CESTA Dott. Fortunato =Ufficiale Giudiziario.

PRETORE AND OFFICIALS OF PRETURA = SGIORGIO DEL SANNIO.

MUTI Dott. Roberto =Pretore.
DE CESARE Creste =Aiutante cancelleria.
BOCCACCINO Alfredo =Ufficiale Giudiziario.

PRETURA OF S. S.GIORGIO LA MOLARA.

The Pretore of Benevento Cav. RIZZO sits on occasion as Pretura of S. Giorgio La Molara. The other officials of this Pretura are:

CONTE Cav. Carmine =1°)Cancelliere.
NOVELLI Raffaele =Ufficiale Giudiziario.

PRETORE AND OFFICIALS OF PRETURA = SOLOPACA.

FILIPELLA Cav. Giovanni =Pretore.
DOLEI Dott. Gennaro =Cancelliere.
SCARLATO Giovanni =Ufficiale Giudiziario;

PRETORE AND OFFICIALS OF PRETURA = VITULANO.

GISOLFI Cav. Vincenzo =Pretore.
IZZO Cav. Renato =Cancelliere Capo.
CARUSIO Mario =Aiutante cancelleria.
VERRUSIO Raffaele =Ufficiale Giudiziario.

0639

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

PROVINCE OF AVELLINO.

(c). The names of all Italian Judges and officials functioning, their appointments and where they are located:

PISCOPO Ernesto	= Presidente del Tribunale.
TUFARELLI Carmelo	= Presidente di sezione.
SANCINI Rocco	= Giudice.
DE PALO Francesco Paolo	= "
ALVINO Ernesto	= Aggiunto giudiziario.
ALBANO Raffaele	= " "
MELCHIONNI Angelo	= " "
PALERMO Antonio	= " "
PACIFICO Mario	= Uditore ff. giudice.
NARNI MANCINELLI Ezilda	= " " "
ASTARITA Alfredo	= Procuratore del Re.
CASORIA Gennaro	= Aggiunto giudiziario ff.Sostit Procuratore del Re.
PALUMBO Raffaele	= Pretore di Avellino.
GRASSINI Emilio	= Pretore in sottordine ad Avell
NICOLETTI Michelangelo	= " " " " "
RUFFO Augusto	= Pretore di Cervinara.
LATTEI Alessandro	= Pretore di Chiusano S.Domenico
SCHIPPENBEIL Federico	= Pretore di Lauro.
COSTA Giuseppe	= Pretore di Montoro Superiore.
BENVENUTO Francesco	= Presidente del Tribunale.
IANNIRONE Nicola	= Aggiunto giudiziario.
MAZZA Pasquale	= " "
PERCUOTI Garibaldo	= Uditore ff. giudice.
CAGNAZZI Paolo	= Procuratore del Re.
DI STEFANO Silvio	= Sostituto Procuratore del Re.
MANTINI Carlo	= Pretore di Ariano Irpino.
RUGGIERO Roberto	= Pretore di Castelbaronia.
MAZZARO Giovanni	= Pretore di Mirabella Eclano.
GILIBERTI Enrico	= Presidente del Tribunale.
COTICLA Francesco	= Aggiunto giudiziario.
PENNELLA Andrea	= " "
ZENGA Giuseppe	= Uditore con funzioni di giudi
BERTAGNA Adolfo	= Sostituto Procuratore del Re.
LUPO Domenico	= Pretore di Frigento.
VINCI Luigi	= Uditore vice Pretore reggent Lacedonia.
OGNISSANTI Renato	= Pretore di Montella.
ANDREACCI Francesco	= Pretore di S.Angelo dei Lomb
BUONO Luigi	= Vice Pretore di Calitri.

0660

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

PROVINCE OF NAPLES.

(d). Particulars of Court premises destroyed or occupied by Allied Forces and alternative addresses in such cases where courts are sitting;

The premises of the Court of Appeal, the Procura nel Re, Tribunals, and Pretura in the City Naples have all suffered considerable damage by bombing, but all these courts are functioning.

The offices of the Pretura at SARRA have been slightly damaged, but not sufficiently to prevent the Court from functioning.

The Pretura at MARIGLIANO is undamaged but is functioning at some inconvenience because a portion of the premises has been given over to the Municipio which has been destroyed.

The Pretura at OTTAVIANO has been almost completely destroyed. The Court now sits in the premises of the local school.

The Pretura at ACERRA has been completely destroyed, and nearly all records, registers and furniture are buried beneath debris. Pretura temporarily situated in the offices of the "Dopolavoro";

The Pretura at CAPUA has been partiallyydestroyed, records and furniture lost. Offices temporarily located in the ex-Fascist's Bldg.
remaining part of Pretura Bldg. occupied by Italian work men attached to Engineers of the Allied Command.

The Pretura of CARINOLA, has been severely damaged.

The Pretura of MARCIANISE is occupied by Allied troops. Pretura temporarily located in offices of the Comune.

The Pretura of NOLA, has suffered heavy damage.

The Pretura of PIGNATARO MAGGIORE, has suffered some damage, but can still be used.

The Pretura of SESSA AURUNCA, has suffered some damage, and is occupied in part by Allied troops.

The Pretura of TEANO, partially destroyed and damaged. Temporarily located in two rooms of the School REGINA MARGHERITA made available by the Comune.

0661

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

(d). Particulars of Court premises destroyed or occupied by Allied Forces and alternative addresses in such cases where Courts are sitting.

Province of BENEVENTO.

The premises of the Court of Appeal, the Procura del Re, and Pretura at Benevento, have suffered considerable bomb damage.
The Court of Appeal is not functioning.
The Procuratore del Re now occupies three rooms of the ex "Sindacato Forense".
The Pretura functions in the Tribunale Building.
The premises of the Pretura at Guardia Sanframondi and Montesarchio have been destroyed by bombs. These Pretura Courts are not functioning.

0662

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

PROVINCE OF AVELLINO.

(d). Particulars of Court premises destroyed or occupied by Allied Forces and alternative addresses in such cases where Courts are sitting;

No particulars have been received of Court premises destroyed or occupied by Allied Forces

0643

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

206

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HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommission

GRU/gmf

15 January 1944.

In reply
refer to: ACC/I/101.

SUBJECT: Italian Military Tribunals.

TO : Chief Legal Officer, 15th Army Group, HQ AMG.

156 — 156

Ref your AMG/206/654 dated 10 Jan 44 this matter must obviously be clarified and will be taken up together with other matters affecting this thorny subject at the earliest possible moment with the new Deputy President.

G. R. UPJOHN, Colonel
Chief Legal Officer, AMG

1 7 1

0664

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

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Suggestion by Acc
that there this is
(one) of a Royal Decree
something more than
a Royal Order in
Council to give it
effect in Egypt. If
that should be done
what form of Order
should C.C.O. issue?

Record of meeting
on 19 Jan 44 was
not read and pending
before Nat. Council
& read & that
Court.

Nahas consent 178
received & fair. in
very favourable. Dr Lampson
Draft Form 44
slightly changed - not
substantially

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

206 - 163

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommission

GCH/gmf

9 January 1944.

In reply
refer to: ACC/L/303.

SUBJECT: Section of Court of Appeal in Foggia and Lucera.

TO : Chief Legal Officer, HQ AMG 15th Army Group.

Your draft notice has given rise to one or two observations which we should like to discuss with you at our next meeting. They are in short.

(a) Should not the document be an "order" and not a "notice."

(b) Should not appeals now pending before the Court of Bari from Tribunali in Foggia Province be decided by that Court and not retransferred to the new "Sezione distaccata" (detached section). Hence the necessity of an operative date or an article discriminating between cases.

(c) Question of the "Magistratura del Lavoro".

G. R. UPJOHN, Colonel
Chief Legal Officer, ACC.

0666

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

160

Subject:- Pretore at Casalbordino.

AMG HQ.,
15 Army Group,
C.M.F.

Ref. AMG/206/160
11 January 44.

S.L.O.,
AMG HQ. Eighth Army.

Your G4/13 of 9 Jan 44 is received.

2. To fill the vacancy referred to it is recommended that you either appoint a qualified lawyer of the community Vice Pretore Onorario or extend the responsibility of one of the Pretori in a neighbouring town to include Casalbordino.

3. There are many reasons which make the appointment of avvocati to paid judicial office inadvisable, the principal reason being that such appointments conflict with the provisions of the organic judicial law. Such an appointment should be made only in case of absolute necessity.

4. You are free to follow whichever course mentioned in the in the first paragraph above seems to you most suitable in the circumstances.

Major, A.U.S.,
Chief Legal Officer.

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ALLIED MILITARY GOVERNMENT.

Province of Foggia

NOTICE.

Whereas it has been deemed expedient that appeals from the decisions of the Italian Courts in the Province of Foggia, in both civil and criminal cases, should be heard without delay, and

Whereas a Decree has been enacted and published by the Italian Government authorising the establishment of a detached section of the Court of Appeal of Bari for the purpose of hearing such appeals,

Now, therefore, the provisions of the said Decree are with the consent and approval of Clive R. Temperley, O.B.E., M.C., Lieutenant Colonel, Senior Civil Affairs Officer of the Province of Foggia, hereby adopted and published as under :

"Considering it advisable that penal and civil proceedings of appeals originating from the territorial district of the Tribunals of Foggia and Lucera, within the zone occupied by the Allied Forces, take place without further delay, it is ordered as follows :

Article One.

A detached section of the Court of Appeals with jurisdiction over the Tribunals of Foggia and Lucera, is established temporarily within the Province of Foggia in order to deal with civil and penal cases which are now or may hereafter be the subject of appeal.

Article Two.

One section of the Court of Appeal mentioned in Article One above will consist of a Counsellor of Cassation with the function of a President of Section of the Court of Appeal and of five Councillors of the Court of Appeal of whom two may be Judges of the Tribunals upon whom functions of a superior grade may be conferred in accordance with the Italian judicial

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

Government authorizing the establishment of a detached section of the Court of Appeal of Bari for the purpose of hearing such appeals,

Now, therefore, the provisions of the said Decree are with the consent and approval of Clive R. Pomperley, O.B.E., M.C., Lieutenant Colonel, Senior Civil Affairs Officer of the Province of Foggia, hereby adopted and published as under :

"Considering it advisable that penal and civil proceedings of appeals originating from the territorial district of the Tribunals of Foggia and Lucera, within the zone occupied by the Allied Forces, take place without further delay, it is ordered as follows :

Article One.

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Article Two.

One section of the Court of Appeal mentioned in Article One above will consist of a Counsellor of Cassation with the function of a President of Section of the Court of Appeal and of five Counsellors of the Court of Appeal of whom two may be Judges of the Tribunals upon whom functions of a superior grade may be conferred in accordance with the Italian judicial organic law.

Article Three.

A Deputy Procuratore Generale of Cassation with the functions of Advocate General will be attached to the office of the Pubblico Ministero. A Deputy Procuratore del Re may be attached to the same office.

...Article Four.....

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

Article Four.

The magistrates constituting the detached section of the Court of Appeal and of the Office of the Pubblico Ministero will be appointed by the Senior Civil Affairs Officer of the Province of Foggia from those magistrates holding office or otherwise present within the district of the Court of Appeal of Bari or from other magistrates whose names may be submitted by the Primo Presidente of the Court of Appeal of Bari.

Lieutenant Colonel,
Senior Civil Affairs Officer,
Province of Foggia.

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

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

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SUBJECT: Italian Courts 206- AMG. H.Q. Eighth Army

OA/13

C.L.O., AMG. H.Q. 15 Army Group 9 January 1944.

1. Attached is communication from C.A.O. Casalbordino and comments of S.L.O Chieti regarding vacancy in Pretura at Casalbordino.

2. We are advised that the pretore, Conte cav. Primo, has never appeared to take office since appointment. Apparently the vice pretore onorario is not available either. In any event I am loath to have a pretore onorario function if it can be avoided.

3. Will his office secure the nomination of a pretore, either from the pool or one of the lawyers recommended.

Edwin J Mercer

EDWIN J. MERCER, Maj.,
for Group Captain,
Officer Commanding,
AMG. H.Q. Eighth Army Main.

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

158

COPY

SUBJECT:- Italian Courts

5 Jan 1944

TO:- SCAO Caserta

FROM:- CAO Casalbordino

Following are the names of lawyers in this community:-

D'Agostino Nicola	Pollutri
Finarino Manfredo	Casalbordino
Troiano Domenico	Casalbordino
Molisani Alberto	Casalbordino
Gambesini Alberto	Paglietti

Signor Molisani is in my opinion ineligible to serve as Pretore because he is already serving as Sindaco of Casalbordino and Pollutri. Since Paglietti normally came under Ateneo in the judicial set up Signor Gambesini is probably ineligible though I do not know him. Signore Troiano and Finarino are rather young men. I doubt the wisdom of their selection. Both appeared in your superior on Jan 5 This leaves Signor Agostino as the only available candidate. I know him casually and perhaps he would do. I suggest he be investigated with this in mind. However I recommend that an enquiry be made into the possibility of having the Pretore now in Vasto taking over the duties in this area. The transportation question would probably not be too severe.

(Sgd) Lewis McIntyre Major AUS.
CAO Casalbordino.

0612

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

157

CR/Legal 31

Subject - Pietro - Casaltordino.

To S.L.O. Ancona Att'n Barnes

Herewith 2 copies of letter from C.R.O. Casaltordino re appointment of a new Podesta

Only Avvocato Troiano appeared before me yesterday; he conducted his case well & made the best of a poor case. He is about 35 yrs old I should judge.

I have told C.R.O. Casaltordino not to make any appointment pending further instructions.

If he insists [illegible]

Yours

[illegible] Jan '44

S.L.O. - Chieti Forward

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0673

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

156

Subject:- Jurisdiction over Italian Military Personnel.

A.G.H.Q.,
1st Army Group,
C.M.F. 156

Ref. 156/205/156
11 January 1945.

Chief Legal Officer,
Legal Sub-Commission,
Allied Control Commission,
NAPLES.

156

In your communication of 22 Dec 44 to General Taylor concerning the arrest of Lt. Grisoldi you suggested in the second sub-paragraph of paragraph 4 that the rules which are in process of final drafting governing the Italian Military Tribunals deprive the Allied Military Courts of jurisdiction in the first instance over Italian Military personnel, and that it is only after charges have first been presented to the Italian Military authorities that Allied courts can hear charges that a proclamation offence has been committed.

2. This is not my interpretation of the proposed rule. That rule provides merely that "where an offence charged (in an Italian Military Court) is also an offence against any proclamation or Order issued or which may hereafter be issued by the Military Governor or under his authority" a report of the charge shall be made to the Military Governor. I have not read into this proposed rule any implication that whenever a proclamation offence is committed by an Italian officer or soldier APM must refer the charge to the Italian Military Courts. Such an implication seems to be clearly unwarranted, for it would also superfluous in many cases the later report by the Italian Military authority to the Military Governor.

3. A signal from AFHQ dated 7 Dec 43 stated that Italian Military and Naval personnel who are not carried on the rolls of an Italian unit that has been offered to and accepted by the Allied Forces and is under the military command of those forces, are subject to the jurisdiction of Allied Military Courts.

4. Because it is obviously desirable that we both interpret the proposed Rule similarly I should be grateful if you would give the question further consideration.

Lead Hawk

Major, A.U.S.,
Chief Legal Officer.

0673

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Foreign Office 156-

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HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommission

ART/gmf

28 December 1943.

In reply
refer to: ACC/L/101.

MEMORANDUM:

TO : Brigadier General Maxwell D. Taylor.

1. Flying of the Italian National Flag now permissible.

AMG Proclamation No. 14, Article III, dated 7 Dec. 1943 provides as follows:-

"In view of the status of cobelligerency which has been granted to Italy, Article VI of Proclamation 11 shall be amended to read as follows:-

Display of Flags & Singing of National Anthems.

"The public display of any flag or colors of any nation which is at present actively prosecuting war against Great Britain or the United States and the public singing and playing of the National Anthem and any other patriotic or political song or music of any such country are prohibited."

2. Case of Lieut. GRIMALDI Fidele.

This would appear to be a case of preventive detention by the British police for motives of security as opposed to any charge with object of trial before a Military Tribunal. Such action for security reasons is normal but in cases where the person concerned is an officer on active service with the Italian forces it seems advisable to inform the Italian Military authorities at the time of taking preventive measures, in accordance with their request.

If on the contrary it is intended to charge this officer before a Military Tribunal, then the proper jurisdiction would be that of an Italian Military Tribunal when the Rules issued by AMG for the supervision of such Courts would enable the case to be withdrawn on the authority of the Allied Military Governor should such steps be deemed necessary.

0675

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

To: Maj. Packard

From: [illegible]

26/12/43

154 SE

P.M.107, 23 dicembre 1943

SUNTO DELLE QUESTIONI VERBALMENTE PROSPETTATE AL GENERALE MAXWELL D. TAYLOR - CAPO DI S.M. DELLA COMMISSIONE ALLEATA DI CONTROLLO

1°)- ESPOSIZIONE DELLA BANDIERA NAZIONALE

Viene segnalato che in Campania ed in Calabria le Autorità Alleate avrebbero fatto presente a quelle Italiane di non poter autorizzare che nelle solennità e ricorrenze nazionali venga esposta la Bandiera Nazionale.

Sembra che ciò derivi dal fatto che non è mai stato abrogato l'art. 6° del proclama n° 2, in data 1° settembre, emanato dal Governo Militare Alleato in terra di occupazione, secondo il quale la "pubblica mostra di qualsiasi bandiera a colori d'Italia o di qualsiasi altra nazione in guerra contro la Gran Bretagna o Stati Uniti..... è proibita".

Dato il radicale mutamento di situazione verificatosi dopo la data sopracitata sarebbe molto gradito che il divieto in questione fosse tolto.

2°)- TENENTE COMMISSARIO DI COMPLEMENTO GRIMALDI FEDELE

Il giorno 4 corrente in S.Paolo Civitate, la polizia inglese ha arrestato e tradotto alle carceri di S.Severo, sembra per motivi politici, il tenente di complemento GRIMALDI Fedele, della Direzione di Commissariato del IX Corpo d'armata.

Stà però di fatto che il Ministero della Guerra ha già iniziato una energica opera di epurazione nei riguardi di tutti gli ufficiali politicamente compromessi ed intende proseguire con la massima decisione in questa discriminazione che è di stretta sua competenza.

Inoltre, salvo il caso di flagrante reato, secondo la legge italiana l'arresto di un ufficiale in attività di servizio non può essere compiuto direttamente dalla polizia, ma soltanto da ufficiali dei CC.RR. dietro preciso mandato dell'Autorità militare.

Sarebbe,perciò,vivo desiderio del Ministero che le Autorità Alleate, in tutti i casi in cui ritengono che la posizione di un ufficiale debba essere presa in esame, segnalassero a queste Ministe-

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

1°)- ESPOSIZIONE DELLA BANDIERA NAZIONALE

Viene segnalato che in Campania ed in Calabria le Autorità Alleate avrebbero fatto presente a quelle Italiane di non poter autorizzare che nelle solennità e ricorrenze nazionali venga esposta la Bandiera Nazionale.

Sembra che ciò derivi dal fatto che non è mai stato abrogato l'art. 6° del proclama n° 2, in data 1° settembre, emanato dal Governo Militare Alleato in terra di occupazione, secondo il quale la "pubblica mostra di qualsiasi bandiera a colori d'Italia o di qualsiasi altra nazione in guerra contro la Gran Bretagna o Stati Uniti..... è proibita".

Dato il radicale mutamento di situazione verificatosi dopo la data sopracitata sarebbe molto gradito che il divieto in questione fosse tolto.

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Stà però di fatto che il Ministero della Guerra ha già iniziato una energica opera di epurazione nei riguardi di tutti gli ufficiali politicamente compromessi ed intende proseguire con la massima decisione in questa discriminazione che è di stretta sua competenza.

Inoltre, salvo il caso di flagrante reato, secondo la legge italiana l'arresto di un ufficiale in attività di servizio non può essere compiuto direttamente dalla polizia, ma soltanto da ufficiali dei CC.RR. dietro preciso mandato dell'Autorità militare.

Sarebbe, perciò, vivo desiderio del Ministero che le Autorità Alleate, in tutti i casi in cui ritengono che la posizione di un ufficiale debba essere presa in esame, segnalassero a questo Ministero o alle Autorità militari italiane territorialmente competenti (che non mancheranno di procedere agli accertamenti e provvedimenti di loro competenza) le generalità dell'ufficiale ed i fatti che gli vengono attribuiti.-

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

0678

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

153

Subject:- Land Transactions.

AMG HQ.,
15 Army Group,
C.M.F.

Ref. AMG/206/153
10 January 1944.

Chief Legal Officer,
Legal Sub-Commission,
Allied Control Commission,
BRINDISI.

1157

Referring to paragraph 1 of your AMG/1/303 of 5 Jan 44, there is enclosed herewith the draft of a proposed General Order for early publication in 15th Army Group Areas.

2. At the present time a complete prohibition on land transactions is in effect in these areas as a result either of the publication of Proclamation 5 or as a result of the posting of special Provincial Orders in the same terms as those of Article III of that Proclamation.

3. When the prohibition is modified it is important that it be done in terms which will be substantially similar to those used in Regions 1 and 2 and in close conformity to the policies of unoccupied Italy. Accordingly, your comments on the draft Order would be appreciated.

Major, A.U.S.,
Chief Legal Officer.

Copy to:- Chief Legal Officer,
Legal Sub-Commission,
HQ. AMG.

0679

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

Subject:- Alleged Damage at Ortanova.

152

AMG HQ.,
15 Army Group,
C.M.F.

Ref.AMG/206/152
10 January 1944.

Chief Legal Officer,
Legal Sub-Commission,
Allied Control Commission.

28A

Reference your communication of 30 November, 1943, (art/gmf), herewith a report submitted by the C.A.P.O. of Cerignola on the damage alleged to have been done to the Practura at Ortanova by Allied Troops.

Major, A.U.S.,
Chief Legal Officer.

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

206 — 151

AMG REGION IV ADVANCED
C/O HQ. AMG 15 ARMY GROUP

9 JAN 1944

Legal

TO : HQ. AMG 15 Army Group

FROM : HQ. Region IV AMG, Advanced

SUBJECT: Premises of Praetura at ORTANOVA

REF : T/298/Fogg

DATE : 7 January 44

28

As requested in AMG/206/28, 5 Dec 43, there are forwarded herewith two copies (one for ACC) of a report from the SCAO, FOGGIA Providence, regarding missing articles from the Praetura at ORTANOVA.

For RCAO, Region IV

JOHN OLIVER RHEE,
Major, F.A.

150

REF: FP/1201.

28 DEC. 1943.

SUBJECT: PREMISES OF PRAETURA, FOGGIA AT ORTANOVA.

TO: SCAO--FOGGIA.

FROM: CAPO--CERIGNOLA.

AN INVESTIGATION HAS BEEN COMPLETED BY THIS OFFICE RELATIVE TO THE SUBJECT MATTER. I HAVE INTERVIEWED THE PRETOR CAV. CARLO ASCOLESE AT ORTANOVA AT THE COURT-ROOM OFFICE OF THE PRETOR OF ORTANOVA,-ILDO SCOLOZZI. THE TOWN COMMISSARIO, DOMENICO DE FRANCESCO WAS PRESENT DURING THE INTERVIEW. I AM NOW PREPARED TO REPORT THE FOLLOWING FACTS:

(1) PRETOR CAV. CARLO ASCOLESE NOW SAYS THAT ALL OF THE MATERIAL REPORTED MISSING OR DAMAGED IN HIS LETTER DATED 29 OCT. 1943 HAS BEEN LOCATED AND FOUND TO BE IN GOOD ORDER, WITH THE EXCEPTION OF THREE WOODEN STRAIGHT BACK CHAIRS. ALL THE COURT RECORDS AND REGISTERS ARE IN THEIR PROPER PLACES.-ONE WRITING DESK THAT HAD BEEN REPORTED SMASHED, IS ONLY SLIGHTLY DAMAGED AND HAS SINCE BEEN REPAIRED. THE TYPEWRITER, INKSTANDS, CABINET, PENS, BLOTTERS, STATIONARY, ENVELOPES, CARBON PAPER AND STAMPS REPORTED MISSING HAVE BEEN FOUND IN GOOD ORDER AND RETURNED TO THEIR ORIGINAL USE.

THREE ORDINARY WOODEN STRAIGHT BACK CHAIRS ARE STILL MISSING AND HAVE NOT BEEN RECOVERED. ASCOLESE EXPRESSED DEEP REGRET THAT HIS LETTER HAD CAUSED SO MUCH OFFICIAL CONCERN AND APOLOGISED FOR NOT SUBMITTING A LETTER AT A LATER DATE AFTER HE HAD FOUND THE ARTICLES INTACT, INFORMING HIS SUPERIORS OF THE FACT.

(2). THE TOWN COMMISSARIO DOMENICO DE FRANCESCO AND THE PRET. OF ORTANOVA, ILDO SCOLOZZI SAY THAT IT WAS NOT AN ENGLISH MILITARY POLICE UNIT THAT OCCUPIED THIS PLACE. THEY DESCRIBE THE UNIT AS HANDLING PETROL AND OIL SUPPLIES AND

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

TO: SCAO--FOGGIA.

FROM: CAPO--CERIGNOLA.

AN INVESTIGATION HAS BEEN COMPLETED BY THIS OFFICE RELATIVE TO THE SUBJECT MATTER. I HAVE INTERVIEWED THE PRETOR CAV. CARLO ASCOLESE AT ORTANOVA AT THE COURT-ROOM OFFICE OF THE PRETOR OF ORTANOVA,-ILDO SCOLOZZI. THE TOWN COMMISSARIO, DOMENICO DE FRANCESCO WAS PRESENT DURING THE INTERVIEW. I AM NOW PREPARED TO REPORT THE FOLLOWING FACTS:

(1) PRETOR CAV. CARLO ASCOLESE NOW SAYS THAT ALL OF THE MATERIAL REPORTED MISSING OR DAMAGED IN HIS LETTER DATED 29 OCT. 1943 HAS BEEN LOCATED AND FOUND TO BE IN GOOD ORDER, WITH THE EXCEPTION OF THREE WOODEN STRAIGHT BACK CHAIRS. ALL THE COURT RECORDS AND REGISTERS ARE IN THEIR PROPER PLACES,-ONE WRITING DESK THAT HAD BEEN REPORTED SMASHED, IS ONLY SLIGHTLY DAMAGED AND HAS SINCE BEEN REPAIRED. THE TYPEWRITER, INKSTANDS, CABINET, PENS, BLOTTERS, STATIONARY, ENVELOPES, CARBON PAPER AND STAMPS REPORTED MISSING HAVE BEEN FOUND IN GOOD ORDER AND RETURNED TO THEIR ORIGINAL USE.

THREE ORDINARY WOODEN STRAIGHT BACK CHAIRS ARE STILL MISSING AND HAVE NOT BEEN RECOVERED. ASCOLESE EXPRESSED DEEP REGRET THAT HIS LETTER HAD CAUSED SO MUCH OFFICIAL CONCERN AND APOLOGISED FOR NOT SUBMITTING A LETTER AT A LATER DATE AFTER HE HAD FOUND THE ARTICLES INTACT, INFORMING HIS SUPERIORS OF THE FACT.

(2). THE TOWN COMMISSARIO DOMENICO DE FRANCESCO AND THE PRET. OF ORTANOVA, ILDO SCOLOZZI SAY THAT IT WAS NOT AN ENGLISH MILITARY POLICE UNIT THAT OCCUPIED THIS PLACE. THEY DESCRIBE THE UNIT AS HANDLING PETROL AND OIL SUPPLIES AND HAD A RATHER LARGE DUMP LOCATED IN THE SPORTS PARK OF ORTANOVA AND THE OFFICERS WERE BILLETED IN THE ASILO INFANTOLE (CHILDREN'S HOME), WHICH IS THE SAME PLACE THE PRET. ASCOLESE WAS ESTABLISHED IN A TEMPORARY OFFICE, DESCRIBED IN HIS LETTER OF 29 OCT. 1943.

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

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DE FRANCESCO AND SCOLOZZI ARE MOST CERTAIN THAT IT WAS NOT A MILITARY POLICE UNIT AS THEIR SOLE FUNCTION WAS THAT OF A SUPPLY SERVICE OF PETROL AND THERE WAS A SIGN UP AT THE ENTRANCE TO THE SPORTS PARK AT ORTANOVA THAT HAD THE FOLLOWING LETTERS PRINTED ON A BOARD WHILE THIS UNIT WAS THERE/:--P.O.L. THERE WAS NO OTHER IDENTIFYING MARK NOR NUMBER GIVEN.

THE UNIT ARRIVED ABOUT 1ST. OCT. 1943 AND DEPARTED ON THE 28TH OF OCTOBER 1943. ONE CAPTAIN AND A SERGEANT REMAINED ABOUT THREE DAYS AFTER THE MAIN GROUP HAD LEFT, APPARENTLY TO CLEAR UP LAST MINUTE MATTERS, THEN THEY DEPARTED. DESTINATION UNKNOWN TO THOSE INTERVIEWED.

IN COMPLIANCE WITH YOUR ORDER, I ATTACH, HERETO, THREE COPIES AND THE ORIGINAL LETTER SENT BY YOU AS OF 19 DEC. 1943.

BY: Stanley Beatty

STANLEY BEATTY
CAPTAIN, AVC,
CAPO-CERIGNOLA.

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NOT A MILITARY POLICE UNIT AS THEIR SOLE FUNCTION WAS THAT OF A SUPPLY SERVICE OF PETROL AND THERE WAS A SIGN UP AT THE ENTRANCE TO THE SPORTS PARK AT ORTANOVA THAT HAD THE FOLLOWING LETTERS PRINTED ON A BOARD WHILE THIS UNIT WAS THERE/:--P.O.L. THERE WAS NO OTHER IDENTIFYING MARK NOR NUMBER GIVEN.

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BY: Stanley Beatty

STANLEY BEATTY
CAPTAIN, AVC.
CAPO-CERIGNOLA.

186

Recd.
1/1/43

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Legal 148

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommission

GRU/gmf

7 January 1944.

In reply
refer to: ACC/L/100.

SUBJECT: Italian Deserters.

TO : Chief Legal Officers, Regions 1 & 2.

102

Referring to my ACC/L/101 dated 30 Dec. 43 laying down rules with regard to the Court Martial of Italian soldiers who deserted between 10 July and 8 Sept. 43 it has now been decided to refer the matter to AFHQ for a decision.

You will therefore regard my above-mentioned letter as withdrawn pending further instructions.

G. R. UPJOHN, Colonel
Chief Legal Officer, ACC.

Copy to: AMG HQ
AMG HQ 15 Army Gp.

103

COPY.

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147

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission

CRH/gmf

5 January 1944.

In reply refer to: LCC/L/305.

TO: Chief Legal Officer, 15th Army Group, HQ AAI.

Referring to our conversation yesterday -

1. In reply to your AAI/218/11 dated 28 Dec. 43 the policy of ACC is to permit transactions up to 50,000 Lire without license and above that amount with license.

The granting of a license must depend on the facts of each particular case but the following facts are of especial importance (a) whether the transaction appears to be bona fide for full value (b) whether it appears to be an attempt at a flight from the Lire (c) whether any fascist is involved.

2. In reply to your AAI/206/11 dated 3 January 44 I can assure you that over and over again has the Minister of Justice had impressed upon him the non-effectiveness of new decrees in occupied territory and this has been done both in conference and in writing. I shall not relax my efforts in this direction. In fact so far as Decree 158 is concerned you stated to Major Thackrah on 24 Dec. that you were proposing to republish this decree in 15th Army Group territory.

3. In reply to your letter relating to proposed General Order 10 I entirely approve same.

161

4. The Financial Subcommission desires to have Decree No.21/B relating to Taxation on Turnover republished in occupied territory as soon as possible but substituting in Article 3 "February" for "January" and I am recommending this to D.C.C.A.G.; A.C.C. HQ. Will you please consider this and let me know your reaction.

5. I am also recommending D.C.C.A.G.; A.C.C. HQ to republish Decree 16/B. So far as Title 2 is concerned this has been requested by Communications Subcommission.

206/15 - 113

6. Ref. your AAI/206/11 dated 1 Jan. 44 I am taking the matter of the Foggia Court of Appeal up with the Italian Government; their proposed decree seems to me to be unnecessary. I shall be glad if you will do nothing further until you hear from me again.

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

Referring to our conversation yesterday -

1. In reply to your AMG/218/11 dated 29 Dec. 43 the policy of AGC is to permit transactions up to 50,000 Lire without license and above that amount with license.

The granting of a license must depend on the facts of each particular case but the following facts are of especial importance (a) whether the transaction appears to be bona fide for full value (b) whether it appears to be an attempt at a flight from the Lire (c) whether any fascist is involved.

2. In reply to your AMG/206/11 dated 3 January 44 I can assure you that over and over again has the Minister of Justice had impressed upon him the nonretroactiveness of new decrees in occupied territory and this has been done both in conference and in writing. I shall not relax my efforts in this direction. In fact so far as Decree 18B is concerned you stated to Major Thackrah on 24 Dec. that you were proposing to republish this decree in 15th Army Group territory.

3. In reply to your letter relating to proposed General Order 10 I entirely approve same.

4. The Financial Subcommission desires to have Decree No.21/B relating to Taxation on Turnover republished in occupied territory as soon as possible but substituting in Article 3 "February" for "January" and I am recommending this to D.C.C.A.O., A.M.G. H.Q. Will you please consider this and let me know your reaction.

5. I am also recommending D.C.C.A.O., A.M.G. HQ to republish Decree 16/B. So far as Title 2 is concerned this has been requested by Communications Subcommission.

6. Ref. your AMG/206/11 dated 1 Jan. 44 I am taking the matter of the Foggia Court of Appeal up with the Italian Government; their proposed decree seems to me to be unnecessary. I shall be glad if you will do nothing further until you hear from me again.

SIGNED. A.R.THACKRAH, Major,
for G. R. UPTON, Colonel,
Chief Legal Officer, AGC.

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M E M O.

D.C.C.A.O. 8 January 44.

Proclamations Nos. 6, 7 & 14.

Proclamation 6 has been posted throughout Fifth Army Area and Region III but not in Region IV and Eighth Army Area. This Proclamation provides for the appointment of a Property Controller and outlines the proceedure for handling Allied, Enemy State and other properties. You have directed that provincial orders be published in Foggia, Benevento, Avellino and Napoli Provinces extending the terms of Article IV to all of the United Nations (AMG/205/127 and AMG/205/125). The Provincial Legal Officer of Foggia Province raised the question as to whether Proclamation No.6 should be published in that area. It is my recommendation that Proclamation No. 6 be published throughout the area under the jurisdiction of AMG 15th Army Group.

2. Proclamation No. 7, which prohibits the establishment of Fascist Parties and Institutions, has not been posted in any of the area under the jurisdiction of this Headquarters. It is recommended that it too be posted throughout the area.

3. All of the provisions of Proclamation No. 14 which do not apply exclusively to Regions have been incorporated into Proclamation No.11. For this reason it is recommended that Proclamation No.14 be published in an area only after it has been incorporated into a Region.

4. May I please have your views.

Major, A.U.S.,
Chief Legal Officer.

1. I agree to promulgation of Proclamation 6 throughout 15 A G area
2. I agree to
3. I agree to 3

PH Coffey 44

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

Subject:- Extension of Terms of Office - Court Officials.

AHQ HQ.,
15 Army Group,
C.M.F.

Ref.AHC/206/145
8 January 44.

Chief Legal Officer,
Legal Sub-Commission,
Allied Control Commission.

Herewith a copy of an order issued by the R.C.A.O., Region III which is forwarded for your information.

Major, A.U.S.,
Chief Legal Officer.

0640

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

7 JAN 1944 Legal 91 Policy

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HEADQUARTERS
REGION 3, ALLIED MILITARY GOVERNMENT
A.P.O. 394, U.S. Army

RMcC/pv
3/6083/L.

2 January, 1944

Subject: Extension of terms of various giudici and vice pretori onorari.

To : A.M.G. Headquarters 15th Army Group.

Attached is certified copy of order issued by the Regional Civil Affairs Officer, Region III, extending the terms of office of those giudici and vice pretori onorari in Region III whose terms of office expired on 31 December 1943.

For the Regional Civil Affairs Officer:

Douglas N. Batson
DOUGLAS N. BATSON,
1st Lt., C.M.P.,
Actg Asst Adj Gen.

1 Incl -
Copy of order.

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

1143

ALLIED MILITARY GOVERNMENT
HEADQUARTERS REGION III
Office of the Regional Civil Affairs Officer

ORDER extending terms of office of Giudici and Vice Pretori Onorari.

WHEREAS, under existing Royal Decrees the terms of office of certain giudici and vice pretori onorari will terminate on the 31st of December 1943; and

WHEREAS, in order to avoid a serious curtailment in the administration of justice it is considered expedient to extend the said terms of offices;

NOW, therefore, I, CARL A. KRAEGE, Lieutenant Colonel, Signal Corps, Regional Civil Affairs Officer, Region III, hereby ORDER as follows:

All GIUDICI and VICE PRETORI ONORARI who, under terms of existing Royal Decrees, will relinquish their appointment on 31 December 1943, are hereby provisionally maintained in their respective appointments pending further orders of competent authority.

This Order is effective throughout each province of the Occupied Territory of Region III on 31 December 1943.

Dated 30 December 1943.

(sgd) Carl A. Kraege

CARL A. KRAEGE
Lieutenant Colonel, Signal Corps
Regional Civil Affairs Officer.

A True Copy
Riley Mc Clain.
RILEY Mc CLAIN,
Lt. Col., J.A.G.D.

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

Subject:- Italian Courts - Campobasso Province.

AMG HQ.,
15 Army Group,
C.M.F.

Ref. AMG/206/142.
8 January 44.

Chief Legal Officer,
Legal Sub-Commission,
Allied Control Commission.

Reference your ACC/L/303 of 4 December 1943, there is enclosed herewith a report on the present states of the Italian Courts in Campobasso Province.

Major, A.M.S.,
Chief Legal Officer.

Incl.1.

COPY.

Ref.SRM No.20.
Campobasso, 30 Dec 1943.

Subject:- Informations requested by the C.I.O., 5th Army Group.

To:- EDWIN J.MERCER, Major, S.I.O. AMG Hq Eight Army, for O.C. AMG Hq Eight Army.

From:- SHIRLEY R. MARSH, Capt. Legal Officer, AMG Reg. IV.

In compliance with your communication of 27 December 43 we herewith transmit the following informations:

1. Places where the Italian Criminal Courts are open, and the kind of courts: Pretura and Tribunale of Campobasso; Pretura of Montagano; Pretura of Riccia; Pretura and Tribunale of Larino;

2. Places where Italian Civil Courts are open, and the kinds of Courts; Only the Pretura of Campobasso;

3. The names of all Italian judges and officials functioning, their appointments and where they are located; TRIBUNALE OF CAMPOBASSO ; President MARCACCIO MICHELE, Giudice: MARTINO CARLO, Giudice PEPE MARCELLO Giudice RUSSO GIOVANNI, Giudice CEFARATTI MARIO MICHELE, Giudice CASCELLA ARDUINO. R.PROCURA PROCURATORE DEL RE: FILIPPO LEONARDO, Sostituti: MARIANO GUIDO, LESULAURO OTTAVIO. PRETURE: Campobasso: DE LELLIS NICOLA, Pretore, EVANGELISTA ITALO, Pretore aggiunto. Riccia: ABBATE GIOVANNI, Pretore and LALLA ACHILLE, Vice-Pretore. Boiano: (not functioning) GENTILE PIETRO, Vice-Pretore. Civitacampomarano: (?) PETRONE RAFFAELE, Pretore. Montagano: CIOCAGLIONE EDMONDO, Pretore, PETRONE DAMIANO, Vice-Pretore. Trivento: MICHELANGELO PASCASIO, Pretore, AURELIO PONZO, Vice-Pretore. Castropignano: (not functioning)

4. Particulars of court premises destroyed or occupied by allied forces and alternative addresses in such cases where Courts are sitting. CAMPOBASSO: Palace of Justice occupied by the Allied Forces. Courts crammed in the Palace of the Government. BOIANO: Court building destroyed and also the Archives. CIVITACAMPOMARANO: Pretorship destroyed in part and in part destroyed also the archives.

5. The foregoing informations is all that is obtainable to date. Our reports are not yet completed on certain outlying areas in this province.

(Signed) SHIRLEY R. MARSH, Capt.

Legal Officer, A.M.G. Reg.IV.

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

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

Legal
JAN 1944
206

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SECRET

DEDIATE
US CIVIL MESSAGE
IN

FOLIO NO: 03207
6 JAN 44

TOO 2755A.06
TOR 1345A.07

FROM: FAFMA SIGNO JOINT.
TO: SUPREME
INFO: SUPREME FOR AFHQ
FAIRO FOR SHUFORD
CHIEF INFO: SVC 684.

PARAPHRASE OF GIVEN FAFMA OF OUR MESSAGE 1856 DTG 061755A GIVING YOUR SUPREME 6548.

WAR DEPARTMENT FOR WAR REPORTS THAT ANC OFFICIALS IN CASERTA HAVE DIRECTED THAT ITALIAN SOLDIERS WHO DESERTED IN THE PERIOD JULY 10TH - SEPTEMBER 8TH BE NOT TRIED FOR DESERTION BY ITALIAN ARMY COURTS MARTIAL. THE ATTITUDE TAKEN BY ANC IS THAT THESE MEN MAY HAVE DESERTED AS A CONSEQUENCE OF PROPAGANDA GIVEN THEM BY ALLIED RADIO AND LEAFLETS. AFHQ 15 ARMY GROUP CONCURS IN THIS VIEW TOO. SCC 15 ARMY GROUP CONSIDERS THAT IT IS A QUESTION FOR DECISION BY THE COMMANDER IN CHIEF, THE ITALIAN ATTITUDE IS THAT FEW IF ANY DESERTED IN THE PRESENCE OF QUESTION FOR REASONS OTHER THAN COWARDICE FOR WHICH THEY NEED BE PUNISHED TO MAINTAIN JUSTICE. WAR MINISTRY CONSIDERS FAILURE TO PUNISH TENDS NOW WILL DESTROY MILITARY PRESTIGE AND DISCIPLINE. THE WAR MINISTRY SUGGESTS THAT THAT IS PERMITTED AND THAT SUBSEQUENTLY AN ACT OF CLEMENCY BE OFFERED AND BE PROMULGATED IN FAVOR OF THE DESERTERS. THE ALLIED CONTROL COMMISSION FORWARDS THIS MATTER FOR YOUR DECISION WITH THE RECOMMENDATION THAT THE TRIALS FOR DESERTION BE AUTHORIZED PENDING THE DEMANDATES TO REDUCE THE EFFECT OF ALLIED PROPAGANDA IN DIVISION AS A MITIGATING CIRCUMSTANCE. WE CAN MAKE THE SENTENCES CLEMENCY AND PROCLAIM A GENERAL NOTION OF CLEMENCY.

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SCC 1543A.07
AFHQ 1550A.07

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

Legal
JAN. 1944
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141

SECRET IMMEDIATE FOLIO NO: 03207
US CIPHER MESSAGE 6 JAN 44
TS

FROM: FATTEA SIGMO JOYCE.
TO: PRESCOTT
INFO: ATLCOT FOR AMG
PARGO FOR SECDEFCOS
ORIG NO:SVG 604.

TOO 375SA.06
TOR 1345A.07

PARAPHRASE OF CRYPTO FATTEA OF OUR MESSAGE 1856 DTG 061755A ORIG: YOUR SECTION 654.

HMIS UNDERSTANDINGS FOR WAR REPORTS THAT AMG OFFICIALS IN GALARATA HAVE DETACHED TEAM ITALIAN SOLDIERS WHO DESERTED IN THE PERIOD JULY 1943 - SEPTEMBER 1943 AND NOW HELD FOR DESERTION BY ITALIAN ARMY COURTS MARTIAL. THE ARRESTEES BACKED BY AMG IS THAT THESE MEN MAY HAVE DESERTED AS A CONSEQUENCE OF ENCOURAGEMENT GIVEN THEM BY ALLIED RADIO AND LEAFLETS. AMG 15 ARMY GROUP CONCURS IN THIS VIEW FOR. GOC 15 ARMY GROUP CONSIDERS THAT IT IS A QUESTION FOR DECISION BY THE GOVERNMENT IF OTHER. THE ITALIAN ATTITUDE IS THAT FEW IF ANY DESERTED IN THE PERIOD IN QUESTION FOR REASONS OTHER THAN COWARDICE FOR WHICH THEY NEED BE ANSWERABLE TO MILITARY JUSTICE. THE WAR MINISTRY CONSIDERS FAILURE TO PUNISH FROM THEIR POINT OF VIEW, DISCREDITS MILITARY PRESTIGE AND DISCIPLINE. THE WAR MINISTRY SUGGESTS THAT THEY BE PUNISHED AND THAT SUBSEQUENTLY AN ACT OF CLEMENCY BE CONSIDERED AND BE ANNOUNCED IN FAVOR OF THE GUILTY. THE ALLIED CONTROL COMMISSION RECOMMENDS THIS MATTER FOR YOUR DECISION WITH THE RECOMMENDATION THAT THE TRIALS FOR DESERTION BE AUTHORIZED IMMEDIATELY THE DESIRABILITY TO REDUCE THE EFFECT OF ALLIED PROPAGANDA OF SEDITION AS A MITIGATING CIRCUMSTANCE. WE CAN WATCH THE SENTENCES CLOSELY AND RECOMMEND A CLEMENT POLICY OF CLEMENCY.

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

file

140.

SUBJECT: Bar Associations.

H.Q., A.F.H.Q.,
15 Army Group.
G.H.Q.

TO: S.L.O. AFHQ.5th Army.
" " 8th Army.
R.C.L.O. MG.Region III.
" " " IV.

AG/206/ (C.C.)
L. Immobile.

The abolition of the Fascist syndicates may lead some members of the bar, to seek MG approval of successor organisations. Any formal attempts to establish associations of lawyers in the Army areas should be discouraged for it is not believed that their organisation at that phase is either necessary or useful.

2. In the Regions, re-organisation of the bar may seem to be necessary. If it does you are instructed to make certain that it follows the form established by General Order 12 (Sicily), copies of which are enclosed herewith. No re-organisation except in accordance with the terms of that Order should be permitted.

3. If that procedure is to be followed a Regional Order, in the same terms as General Order 12, should be published in the Region. Before that action is taken this H.Q. should be informed.

Lund Hoar

Major, AUS.,
Chief Legal Officer.

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Incl.
SLO 5th Army. 3.
SLO 8th Army. 3.
RCLO Region III. 6.
RCLO Region IV. 6.

GOVERNO MILITARE ALLEATO DEL TERRITORIO OCCUPATO

(SICILIA)

ORDINE GENERALE NO 12.

L' ORDINAMENTO DELLA PROFESSIONE FORENSE.

VISTO che il Regio Decreto Legge 25 novembre 1933 N. 1578 (convertito nella Legge 22 gennaio 1934 N. 36) sull'ordinamento delle professioni di avvocato e procuratore era ispirato a concetti sindacalisti fascisti e

VISTO che la grande maggioranza degli Avvocati e Procuratori in Sicilia hanno chiesto l' abrogazione dei Sindacati Fascisti e lo stabilimento della loro professione secondo la tradizione liberale degli ordini forensi,

Ora, quindi, io, FRANCIS, BARON RENNELL OF RODD, Maggiore-Generale, Capo degli Affari Civili con il presente, ordino quanto segue:-

Articolo I.

ABROGAZIONE DELLE LEGGI VIGENTI

In tutto il territorio della Sicilia è abrogato il Regio Decreto Legge 27 novembre 1933 N. 1578, convertito nella legge 22 genn. 1934 N. 36, sull'ordinamento delle professioni di avvocato e procuratore e, sono richiamabi in vigore la legge 25 marzo 1926 N. 453, ed il relativo regolamento approvato con R.D. 26 agosto 1926, in tutte le disposizioni che siano compatibili o non siano modificate dalle norme del presente provvedimento.

Articolo II.

ESAME PER L' ISCRIZIONE NELL' ALBO DEGLI AVVOCATI.

L' esame per l'iscrizione nell' albo degli avvocati di cui allo articolo 13 della legge del 1926 avrà luogo ogni due anni e si svolgerà presso la sede di ognuna delle Corti di appello, alla data che sarà fissata dal Consiglio degli ordini, e con le modalità prescritte dalla legge stessa e dal relativo regolamento. Esso constera di prove scritte ed orali. Le prove scritte saranno quattro ed avranno per oggetto:

la prima il diritto e la procedura civile;
la seconda il diritto commerciale;

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

VISTO che il Regio Decreto Legge 25 novembre 1933 N. 1578 (convertito nella Legge 22 gennaio 1934 N. 36) sull'ordinamento delle professioni di avvocato e procuratore era ispirato a concetti sindacalisti fascisti o

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la prima il diritto e la procedura civile;
la seconda il diritto commerciale;
la terza il diritto e la procedura penale;
la quarta il diritto amministrativo.

La commissione esaminatrice si comporra di cinque membri:-

(a) Un Magistrato avente il grado di consigliere di Cassazione (che ne avra la presidenza) designato dal Primo Presidente della Corte di Appello su richiesta del Consiglio;
(b) Un professore di ruolo di materie giuridiche delle Universita scelto dallo stesso Consiglio degli ordini;
(c) Il Presidente del Consiglio professionale o di che ne fa le veci;
(d) Altri due membri dello stesso Consiglio da questo designati fra i consiglieri inscritti nell' albo degli avvocati.

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Articolo III.

NORME PER L' ISCRIZIONE NELL' ALBO DEI PROCURATORI.

E abolita la limitazione del numero dei procuratori per ciascuno distretto di Corte di Appello ed il relativo concorso per i posti liberi di cui agli articoli 21, 22 e 23 della legge del 1926. Per la iscrizione all' albo dei procuratori occorrono le altre condizioni stabilite all' articolo 20, e la idoneità riportata in un esame che avrà luogo ogni anno presso le sedi delle Corti di appello, nella data che sarà fissata dal Consiglio degli ordini. Tale esame di carattere prevalentemente pratico sarà scritto ed orale. Le prove scritte saranno due:

Una per il diritto civile, commerciale ed amministrativo,
L' altra per la procedura civile e penale.

La prova orale comprenderà diritto civile, commerciale, penale, amministrativo, finanziario, procedura civile e penale.

La commissione esaminatrice sarà composta come all' articolo precedente, ma i due membri designati dal Consiglio fra i suoi componenti, devono essere scelti fra i Consiglieri iscritti nell'albo dei procuratori.

Articolo IV.

ISCRIZIONE NELL' ALBO DEGLI AVVOCATI.

Avranno diritto ad essere iscritti nell'albo degli avvocati, senza sostenere il prescritto esame ne il relativo periodo di pratica, i procuratori legali che abbiano esercitato la professione per almeno cinque anni ininterrottamente, purchè abbiano gli altri requisiti richiesti dalla legge.

Gli avvocati che abbiano esercitato la professione per due anni ininterrottamente avranno diritto alla iscrizione nell' albo dei procuratori legali, senza sostenere l'esame ed il periodo di pratica purchè abbiano gli altri requisiti richiesti dalla legge.

Articolo V.

NORME DI UNA NUOVA LEGGE SULLE ORGANIZZAZIONI DEI CONSIGLIERI.

Ferma restando la distinzione degli albi e delle professioni, gli avvocati ed i procuratori legali formeranno un' unica assemblea. La loro rappresentanza sarà affidata ad un unico Consiglio composto di sette, undici o quindici membri secondo il disposto della legge del 1926. Tutti gli avvocati e procuratori iscritti nell' uno o nell' altro albo potranno essere eletti nel Consiglio dopo almeno cinque anni dalla loro iscrizione, salvo quanto sarà disposto nel comma seguente: Non potranno far parte del Consiglio gli iscritti che abbiano ricoperto cariche o uffici nel partito fascista, nelle organizzazioni dipendenti di carattere corporativo, o comunque di carattere politico amministrativo,

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di cui agli Articoli 21, 22 e 25 della legge del 1926. Per la iscrizione all' albo dei procuratori occorrono le altre condizioni stabilite all' Articolo 20, e la idoneità riportata in un esame che avrà luogo ogni anno presso le sedi delle Corti di Appello, nella data che sarà fissata dal Consiglio degli ordini. Tale esame di carattere prevalentemente pratico sarà scritto ed orale. Le prove scritte saranno due:

Una per il diritto civile, commerciale ed amministrativo,
L' altra per la procedura civile e penale.

La prova orale comprenderà diritto civile, commerciale, penale, amministrativo, finanziario, procedura civile e penale.

La commissione esaminatrice sarà composta come all' Articolo precedente, ma i due membri designati dal Consiglio fra i suoi componenti, devono essere scelti fra i Consiglieri iscritti nell'albo dei procuratori.

Articolo IV.

DISPOSIZIONE PER L' ISCRIZIONE NELL' ALBO DEGLI AVVOCATI.

Avranno diritto ad essere iscritti nell'albo degli avvocati, senza sostenere il prescritto esame ed il relativo periodo di pratica, i procuratori legali che abbiano esercitato la professione per almeno cinque anni ininterrottamente, purchè abbiano gli altri requisiti richiesti dalla legge.

Gli avvocati che abbiano esercitato la professione per due anni ininterrottamente avranno diritto alla iscrizione nell' albo dei procuratori legali, senza sostenere l'esame ed il periodo di pratica purchè abbiano gli altri requisiti richiesti dalla legge.

Articolo V.

FORMAZIONE DI UNA UNICA ASSEMBLEA E COMPOSIZIONE DEL CONSIGLIO.

Ferma restando la distinzione degli albi e delle professioni, gli avvocati ed i procuratori legali formeranno un' unica assemblea, e la loro rappresentanza sarà affidata ad un unico Consiglio composto di sette, undici o quindici membri secondo il disposto della legge del 1926. Tutti gli avvocati e procuratori iscritti nell' uno o nell' altro albo potranno essere eletti nel Consiglio dopo almeno cinque anni dalla loro iscrizione, salvo quanto dirà disposto nel capo seguente: Non potranno far parte del Consiglio gli iscritti che abbiano ricoperto cariche o uffici nel partito fascista, nelle organizzazioni dipendenti di carattere corporativo, o comunque di carattere politico amministrativo, e che abbiano esercitata spiccata attività fascista, qualora uno di costoro fosse eletto sarà proclamato in sostituzione il candidato che avrà riportato il maggiore numero di voti

L' assemblea generale del collegio sarà formata da tutti gli iscritti nei due albi, ogni partecipante avrà diritto ad un voto anche se iscritto in entrambi gli albi.

Articolo VI.

FUNZIONI GIURISDIZIONALI DEL CONSIGLIO D' APPELLO.

Sino a che non sarà possibile la costituzione elettiva del Consiglio Superiore Forense a norma degli articoli 41, 42 e 43 della Legge del 1926, tutte le mansioni ad esso demandate dall' articolo 44 e da ogni altra

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disposizione della legge o del regolamento saranno esercitate dalla Corte di Appello del Distretto, la quale provvederà in camera di Consiglio, inteso il Pubblico Ministero.

Articolo VII.

ONORARI DEGLI AVVOCATI E PROCURATORI.

Gli onorari degli Avvocati ed i diritti spettanti ai Procuratori saranno liquidati in base alla legge 15 giugno 1942 N. 794. Per tutti i casi per i quali detta legge non provveda, il Consiglio fissera le norme per la liquidazione degli onorarii e dei compensi dovuti agli avvocati ed ai Procuratori legali anche in materia stragiudiziale. Tali norme dovranno essere riveduti ogni triennio, applicandosi, in quanto compatibili, i criteri della legge predetta.

Articolo VIII.

MASSIMO E MINIMO DEGLI ONORARI.

Le norme di cui al precedente articolo saranno stabilito prendendo a base il valore della controversia ed il grado dell' autorita chiamata a conoscerne, o l' entita dell' affare nelle materie stragiudiziali, fissandosi per ogni atto o serie di atti un massimo ed un minimo per quanto sia possibile in analogia con le disposizioni della legge od in Coordinazione con esse.

Nei giudizii penali si terra conto anche della loro durata.

Nei confronti del proprio cliente puo essere attribuito allo avvocato, anche nei casi regolati dalla legge del 1942, un onorario maggiore di quello da pagarsi dalla parte succumbente, tenuto conto del pregio e del risultato dell' opera prestata.

Articolo IX.

LIQUIDAZIONE DEGLI ONORARI IN CONTESTAZIONE.

Ove l' onorario, in seguito a contestazione, venga liquidato dall' autorita giudiziaria, questa, ogni qualvolta si discosti dal parere emesso dall Consiglio, dovra darne adeguata motivazione; in ogni caso pero dovra attenersi ai criteri fissati nei precedenti articoli e non potra liquidare una cifra inferiore ad una misura minima determinata dalla legge o dalle norme stabilite dal Consiglio, salvo in caso indicato al N 4 della legge 13 giugno 1942 N. 794.

Articolo X.

COSTITUZIONE DI COMMISSIONI PROVVISORIE.

Commissioni provvisorie nominate dal Governo Militare Alleato presso ogni circondario di Tribunale e Corte d' Appello avranno la temporanea rappresentanza delle classi e saranno autorizzate ad immettersi in possesso del patrimonio dei singoli sindacati abrogati da quest' Ordine e dei relativi uffici.

agli albi, per accertare

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saranno liquidati in base alla legge 13 giugno 1942 N. 794, per tutti i casi per i quali detta legge non provveda, il Consiglio fissera le norme per la liquidazione degli onorarii e dei compensi dovuti agli avvocati ed ai Procuratori legali anche in materia stragiudiziale. Tali norme dovranno essere rivedute ogni triennio, applicandosi, in quanto compatibili, i criteri della legge predetta.

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Le norme di cui al precedente articolo saranno stabilite prendendo a base il valore della controversia ed il grado dell' autorita chiamata a conoscerne, o l' entita dell' affare nelle materie stragiudiziali, fissandosi per ogni atto o serie di atti un massimo ed un minimo per quanto sia possibile in analogia con le disposizioni della legge ed in coordinazione con esse.

Nei giudizii penali si terra conto anche della loro durata.

Nei confronti del proprio cliente puo essere attribuito allo avvocato, anche nei casi regolati dalla legge del 1942, un onorario maggiore di quello da pagarsi dalla parte succumbente, tenuto conto del pregio e del risultato dell' opera prestata.

Articolo IX.

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Esse provvederanno ad una sommaria revisione degli albi, per accertarne la regolarita ed iscriveranno negli albi ordinarii tutti gli iscritti negli albi speciali di cui all' ultimo comma dell' abrogato articolo 3 della legge 27 novembre 1933 N. 1578.

Articolo XI.

CONVOCAZIONE DEI COLLEGI.

Dopo la revisione dell' albo e nel termine di un mese dalla loro nomina, le commissioni provvisorie di cui all' articolo precedente

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provvederanno alla convocazione dei collegi per la elezione del Consiglio a norma delle presenti disposizioni.

I Consiglieri che saranno eletti rimarranno in cariva sino al 31 dicembre 1947; non di meno alla fine del 1945 si procedera alla estrazione a sorte, a norma dell' art. 31 della legge del 1926 e nello anno 1946 si procedera alla parziale elezione come prescritto nel detto art. 31.

Articolo XII.

DATA DI ENTRATA IN VIGORE.

Quest' Ordine andra in vigore in ciascuna provincia del territorio occupato della Sicilia il 25 ottobre, 1943.

Li 10 ottobre, 1943.

PENTELL OF RODD, Maggiore-Generale,
Capo degli affari Civili.

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ALLIED MILITARY GOVERNMENT OF OCCUPIED TERRITORY

(SICILY).

GENERAL ORDER NO. 12.

REORGANISATION OF THE BAR ASSOCIATION.

WHEREAS by a Royal Decree of 27 November, 1933 No. 1578 (embodied in the law of 22 January, 1934 No.36) the profession of Avvocati and Procuratori was reorganised into Fascist Syndicates; and

WHEREAS the great majority of Avvocati and Procuratori in Sicily have requested that the Fascist Syndicates be abolished and that the liberal traditions of their profession be re-established as provided by this Order;

NOW, therefore, in pursuance of such request, I, FRANCIS BARON RENNELL OF RODD, Major-General, Chief Civil Affairs Officer, hereby ORDER as follows:-

Article 1.

ABROGATION OF EXISTING LAW.

The Royal Decree and Law of 27th November, 1933 No.1578 and the Law of 22nd January, 1934 regulating the activities of "Avvocati and Procuratori" are hereby abrogated. The provisions of the Law of 25th March, 1926 No.453 and of the Royal Decree of 26th August, 1926 are formally restored except for the amendments set out hereunder.

Article II.

EXAMINATIONS FOR AVVOCATI.

The examination for the nomination to the Bar Association which under the provisions of Article 13 of the Law of 1926 took place every two years at the seat of the Court of Appeal, will be held at a date fixed by the Council of the Association under the rules and regulations prescribed by the Law. There will be a written and an oral examination. The four subjects to be treated in writing will be:-

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Civil Law and Procedure;
Penal Law and Procedure;
Commercial Law;
Administrative Law.

The Board of Examiners will be composed of five members:-

(a) A Councillor of the Court of Cassation appointed by the First President of the Court of Appeal at the request of the Council of the Association, who sit as President;

(b) A Professor of Law of the University selected as above;

(c) The President of the Council of the Association;

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the law of 22 January, 1934 No.36) the profession of Avvocati and Procuratori was reorganised into Fascist Syndicates; and

WHEREAS the great majority of Avvocati and Procuratori in Sicily have requested that the Fascist Syndicates be abolished and that the liberal traditions of their profession be re-established as provided by this Order;

NOW, therefore, in pursuance of such request, I, FRANCIS BARON RENNELL OF RODD, Major-General, Chief Civil Affairs Officer, hereby ORDER as follows:-

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The examination for the nomination to the Bar Association which under the provisions of Article 13 of the Law of 1926 took place every two years at the seat of the Court of Appeal, will be held at a date fixed by the Council of the Association under the rules and regulations prescribed by the Law. There will be a written and an oral examination. The four subjects to be treated in writing will be:-

Civil Law and Procedure;
Penal Law and Procedure;
Commercial Law;
Administrative Law.

The Board of Examiners will be composed of five members:-

(a) A Councillor of the Court of Cassation appointed by the First President of the Court of Appeal at the request of the Council of the Association, who sit as President;

(b) A Professor of Law of the University selected as above;

(c) The President of the Council of the Association;

(d) Two members of the Association chosen from among the Avvocati.

Article III.

EXAMINATIONS FOR PROCURATORI.

The limitation of the number of "Procuratori" in each Court of Appeal district and the competitive examination for vacancies as provided by Articles 21, 22 and 23 of the Law of 1926 are hereby abrogated. An examination for the inscription on the List of Procuratori will take place as per Article 20 of the said Law every year and on its result will be determined the suitability of each

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candidate. This examination, of a more practical nature, will take place at the seat of the Court of Appeal at a date to be fixed by the Council of the Association and will be both written and oral. Written subjects will be:-

Civil Law and Procedure;
Penal Law and Procedure;
Commercial Law;
Administrative Law.

Oral subjects will also include financial legislation. The Board of examiners will be composed as set forth in Article II but the two members from the Association will be Procuratori.

Article IV.

QUALIFICATION WITHOUT EXAMINATION

"Procuratori Legali" having exercised their practices for five years will have the right to have their names inscribed on the list of the Avvocati without further examination and without having practised as avvocati for the appropriate number of years.

"Avvocati" having exercised their profession for two years will have the right to have their names inscribed on the list of the Procuratori Legali without further examination or period of practice, provided that they have complied with all requirements of the law.

Article V.

CREATION OF ASSOCIATION OF AVVOCATI AND PROCURATORI AND ESTABLISHMENT OF COUNCIL.

No other distinction will exist between Avvocati and Procuratori other than the inscription on a different list. They will form one association and their representation will be entrusted to one Council of seven, eleven or fifteen members as prescribed by the Law of 1926. All Avvocati and Procuratori will be eligible for election to the Council five years after their inscription in their respective lists, with the following exceptions :- Any person having held offices or exercised functions in the Fascist party or in corporative institutions or in organisations of a politico-administrative nature. If such person were elected by error, this election would be automatically cancelled and the candidate having received the second largest number of votes elected instead. The yearly general meeting will be constituted by all Avvocati and Procuratori pari passu.

Article VI.

ACTION OF COURT OF APPEAL

Until the Upper Council of the Association can be elected as provided in Articles 41, 42 and 43 of the Law of 1926, all its functions as set forth in Article 44 of the said law, will be exercised by the Court of Appeal of the District. Such decisions as may be necessary will be taken in the Council Chamber in the presence of the Procuratore Generale.

Article VII.

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of examiners will be composed as set forth in Article II but the two members from the Association will be Procuratori.

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Article VII.

HONORARIA AND FEES.

Avvocati's honoraria and Procuratori's fees will be calculated on the basis established by the Law of 13th June, 1942. In cases where the law does not provide, the Council will determine the amounts due in respect of legal and even extra-judicial services. Any regulation in this respect will have to be renewed every three years, bearing in mind as far as possible the text of the law.

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Article XXII.

SCALE OF REMUNERATIONS AND FEES.

All rules and regulations set out in accordance with the terms of the preceding article will take into consideration the amounts involved and the position occupied by Counsel in his profession. A maximum and minimum fee will be determined in accordance with the provisions of the Law of 1942. In penal procedure, the duration of the case will also be taken into account. In certain cases, even those covered by the provisions of the Law of 1942, the client may be summoned to pay a larger fee than the one for which the losing party is responsible, if the result or the amount concerned justify such increase in the view of the work actually entailed.

Article XXIII.

DISPUTES IN THE SCALE OF REMUNERATIONS AND FEES.

Any further disputes in respect of the said remunerations will be settled by the authority of first instance. The Court will have to give the reasons for its decision in writing in the event of an appeal and, taking into consideration the provisions of Article [illegible] shall not grant an amount inferior to the minimum fixed by the Council of the Association, except in the cases determined in Article [illegible] of June, 1942.

Article XXIV.

CONSTITUTION OF PROVISIONAL COMMITTEE.

Pursuant to the provisions of Article [illegible] appointed by the Allied Military Government [illegible] and Corte d'Appello will [illegible] and take over the offices and property of the [illegible] dissolved. The said Committees will undertake the revision of the existing lists of Avvocati and Procuratori [illegible] the nominations effected since the [illegible] of 1926.

Article XXV.

[illegible] Provisional Committee.

As soon as the revision of the lists is completed, the Provisional Committee will [illegible] to convoke the first general meeting for the election of the new Council in accordance with the provisions set out in the following Articles. The Council will remain in office until 31st December [illegible] at the end of the year 1945, the candidatures for the renewal of the Council will be examined and partial elections will be proceeded with at the end of 1946 as provided in Article 31 of the Law of 1926.

Article XXVI.

[illegible]

of the Law of 1942, the client may be allowed to pay a larger fee than the one for which the losing party is responsible, if the result or the amount concerned justify such increase in view of the work actually entailed.

ARTICLE [illegible]

[illegible] AND FEES.

Any further claims in respect of [illegible] concerning will be settled by the authorities of [illegible] will have to give the reasons for its decision to reduce the claim presented and, taking into consideration the principles [illegible] shall not grant an amount inferior to the minimum tariff in the Decree of the Association, except in the cases determined in Article [illegible] of 12 June, 1942.

ARTICLE [illegible]

[illegible] ASSOCIATION [illegible].

The Provisional Committee of the [illegible] Association appointed by the Allied Military Government [illegible] Avvocati and Corte d'Appello will represent the Association [illegible] over the offices and property of the [illegible] dissolved. The said Committees will [illegible] working lists of Avvocati and Procuratori [illegible] the nominations effected since the [illegible] 1925.

ARTICLE [illegible]

[illegible] ELECTIONS.

As soon as the [illegible] has been completed, the Provisional Committee will [illegible] to convoke the first general meeting for the election of the new Councils in accordance with the provisions set out hereabove. The members of the Council will remain in office until 31st December 1945. However, at the end of the year 1945, the candidatures for the renewal [illegible] of the members will be examined and partial elections will be [illegible] at the end of 1946 as provided in Article 31 of the Law of 1942.

ARTICLE [illegible]

[illegible] ENFORCEMENT.

This Order will become effective [illegible] Province of the Occupied Territory of Sicily on the [illegible] of the year 1943.

Dated: 10 October, 1943.

[illegible] WOOD, Major-General.
Chief Civil Affairs Officer.

NOTE: This General Order will not be published for [illegible]. It will appear in "Sicily Gazette" [illegible].

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Subject:- Italian Court Officials.

HQ etc.,
15 Army Group,
C.M.F.

Ref.No.A31/256/135
6 January 44.

M.G.I.C.G., Region III,
M.G.I.C.G., Region IV,
G.I.C., Eighth Army,
G.I.C., Fifth Army.

Please furnish this Headquarters with a list of all Magistrates (Presidents, Counsellors and Judges) and all officials of the Fascist Ministers who have been removed from office by the Allied Military Government, together with a brief statement of the reasons in each case.

[illegible]
Lt-Colonel, A.J.A.G.,
Chief Legal Officer.

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209 Legal 4 JAN 1944

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SUBJECT:- Trial of Italian Deserters

H.Q. 15 Army Group,
C.M.F.

8653/7/1063

To : Allied Control Commission

I am directed to forward the attached letter from the DCCAO and to say that in the opinion of the GOC-in-C 15 Army Group, it is a matter for the decision of the Allied Commander in Chief.

General Alexander himself is in agreement with Brigadier Lush.

3 Jan 44
JHM/JH

Brig. G.S.

Copy to : Brig. M.E. Lush,
Angot.

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

Subject:- Removal of Italian Judges.

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AMG Hq.,
15 Army Group,
C.M.F.

Ref. AMG/206/133
5 January 44.

Colonel C.R.Upjohn, K.C.,
Chief Legal Officer,
Legal Sub-Commission,
A.C.C., BRINDISI.

Dear

In the second paragraph of my letter of 1 January (AMG/206/107) I expressed our reluctance to report the reasons for removal of Italian judges in excessively strong terms, and I went, accordingly, to qualify my language.

2. We think it would be superfluous for us to state in the first instance the reasons which prompt us to remove each judge from office. If, however, when we give the Italian Government the names of those whom we have removed it is their feeling that an injustice has been done to any particular person they should feel free to call the grounds of their belief to our attention. We would then be entirely willing to look into the question with them, state our position, and, if we are persuaded that a wrong has been done, correct it.

Yours sincerely,

(Signed)

Major, A.U.S.,
Chief Legal Officer.

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

Subject:- Detached Section of Court of Appeal of Bari.

AFO No.,
15 Army Group,
C.M.F.

Ref. AJG/206/132
5 January 44.

Chief Legal Officer,
Legal Sub-Commission,
Allied Control Commission,
BRINDISI.

Further to our letter of 1 Jan to the R.C.L.O. of Region IV, AJG/206/113, a copy of which was sent to you, there is enclosed herewith the copy of a proposed Provincial Notice to be published in the Province of Foggia after appropriate action has been taken by the Italian Government.

2. You will notice that this order embraces all the terms of the Decree which it is considered that the Italian government should publish. There are some changes in this Decree as compared with the draft which you submitted to us recently. In Article One provision is made for the hearing of all appeals from the Foggia Courts, not merely of the appeals from judgements entered since 30 Sept 1943. The second paragraph of this Article has been omitted because of the fact that the Ingistratura del Lavoro is not permitted to exercise any powers in occupied territory. Articles 2 and 3 have not been altered. Article 4 makes slight changes in the procedure to be followed for the appointment of the officials of the Detached Section.

3. It would be much appreciated if you would submit this revised text to the Ministry of Justice. It's early enactment by the Italian government will make possible the immediate publication of the Provincial Notice and the consequent early hearing and disposition of pending appeals.

Major, A.J.G.,
Chief Legal Officer.

ALLIED MILITARY GOVERNMENT.

Province of Foggia

ORDER.

Whereas it has been deemed expedient that appeals from the decisions of the Italian Courts in the Province of Foggia, in both civil and criminal cases, should be heard without delay, and

Whereas a Decree has been enacted and published by the Italian Government authorizing the establishment of a detached section of the Court of Appeal of Bari for the purpose of hearing such appeals,

Now, therefore, the provisions of the said Decree are with the consent and approval of Clive M. Temperley, C.B.E., M.C., Lieutenant Colonel, Senior Civil Affairs Officer of the Province of Foggia, hereby adopted and published as under :

"Considering it advisable that penal and civil proceedings of appeals originating from the territorial district of the Tribunals of Foggia and Lucera, within the zone occupied by the Allied Forces, take place without further delay, it is ordered as follows :

Article One.

A detached section of the Court of Appeals with jurisdiction over the Tribunals of Foggia and Lucera, is established temporarily within the Province of Foggia in order to deal with civil and penal cases which are now or may hereafter be the subject of appeal.

Article Two.

One section of the Court of Appeal mentioned in Article One above will consist of a Counsellor of Cassation with the function of a President of Section of the Court of Appeal and of five Councillors of the Court of Appeal of whom two may be judges of the Tribunals upon whom functions of a

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

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Article Two.

One section of the Court of Appeal mentioned in Article One above will consist of a Counsellor of Cassation with the function of a President of Section of the Court of Appeal and of five Counsellors of the Court of Appeal of whom two may be Judges of the Tribunals upon whom functions of a superior grade may be conferred in accordance with the Italian judicial organic law.

Article Three.

A Deputy Procuratore Generale of Cassation with the functions of Advocate General will be attached to the office of the Pubblico Ministero. A Deputy Procuratore del Re may be attached to the same office.

...rticle Four.....

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Article Four.

The magistrates constituting the attached section of the Court of Appeal and of the Office of the Public Ministers will be appointed by the Senior Civil Affairs Officer of the Province of Foggia from those magistrates holding office or otherwise present within the district of the Court of Appeal of Bari or from other magistrates whose names may be submitted by the Prime Presidents of the Court of Appeal of Bari.

Lieutenant Colonel,
Senior Civil Affairs Officer,
Province of Foggia.

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

- 4 JAN 1944

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SUBJECT: Italian Courts

206-

A.G. H.Q. Eighth Army

G4/13

C.L.O., A.G. H.Q. 15 Army Group, C.M.F.

1 January, 1944.

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1. Responsive to your request of 9 Dec.43, Ref. AG/206/30, there is attached report for Campobasso Province within 8th Army Area.

2. In Chieti Province no courts were known to be open on 1 Dec. The Pretura at Vasto is undamaged. Details are unavailable as to condition of other court buildings in the Province on the date in question.

Edward J. Brooks

EDWARD J. BROOKS, Maj.,
G.I.A.O. AFHQ. H.Q. Eighth Army,
for O.C., Group Captain, A.C. H.Q.:
Eighth Army Main.

1 Enc.

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Ref: SRM No. 20
Campobasso, 30 Dec. 1943.

SUBJECT: Informations requested by the C.L.O., 15th Army Group

TO: EDWIN J.MERCER, Maior, S.L.O. AMG. Hq. Eight Army, for O.C. AMG. H.Q. Eight Army.

FROM : SHIRLEY R. MARSH, Capt. Legal Officer, AMG Reg. IV

In compliance with your communication of 27 December, '43, we herewith transmit the following informations:

1.- Places where the Italian Criminal Courts are open , and the kind of Courts: Pretura and Tribunale of Campobasso; Pretura of Montagano; Pretura of Riccia; Pretura and Tribunale of Larino;

2.- Places where Italian Civil Courts are open, and the kinds of Courts: Only the Pretura of Campobasso;

3.- The names of all Italian judges and officials functioning, their appointments and where they are located: TRIBUNALE OF CAMPOBASSO: President: MARCACCIO MICHELE, Giudice: MARTINO CARLO, Giudice PEPE MARCELL Giudice RUSSO GIOVANNI, Giudice CEFARATTI MARIO MICHELE, Giudice CASCELL ARDUINO. R.PROCURA: PROCURATORE DEL RE: FILIPPO LEONARDO, Sostituti: MARIANO GUIDO, IESULAURO OTTAVIO. PRETURE: Campobasso: DE LELLIS NICOLA, Pretore, EVANGELISTA ITALO, Pretore aggiunto. Riccia: ABRATE GIOVANNI, Pretore and LALLA ACHILLE, Vice-Pretore. Boiano: (not functioning) GENTILE PIE Vice-Pretore. Civitacampomarano: (?) PETRONE RAFFAELE, Pretore. Montagano CICCAGLIONE EDMONDO, Pretore, PETRONE DAMIANO, Vice-Pretore. Trivento: MICHELANGELO PASCASIO, Pretore, AURELIO FONZO, Vice-Pretore. Castropignano: (not functioning)

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4.- Particulars of Court premises destroyed or occupied by allied forces and alternative addresses in such cases where Courts are sitting. CAMPOBASSO: Palace of Justice occupied by the Allied Forces. Courts crammed in the Palace of the Government. BOIANO: Court building destroyed and also the Archives. CIVITACAMPOMARANO: Pretorship destroyed in part and in part destroyed also the archives.

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

herewith transmit the following:

1.- Places where the Italian Criminal Courts are open , and the kind of Courts: Pretura and Tribunale of Campobasso; Pretura of Montagano; Pretura of Riccia; Pretura and Tribunale of Larino;

2.- Places where Italian Civil Courts are open, and the kinds of Courts: Only the Pretura of Campobasso;

3.- The names of all Italian judges and officials functioning, their appointments and where they are located: TRIBUNALE OF CAMPOBASSO: President MARCACCIO MICHELE, Giudice: MARTINO CARLO, Giudice PEPE MARCELLO Giudice RUSSO GIOVANNI, Giudice CEFARATTI MARIO MICHELE, Giudice CASCELLA ARDUINO. R.PROCURA: PROCURATORE DEL RE: FILIPPO LEONARDO, Sostituti: MARIANO GUIDO, IESULAURO OTTAVIO. PRETURE: Campobasso: DE LELLIS NICOLA, Pretore, EVENGELISTA ITALO, Pretore aggiunto. Riccia: ABRATE GIOVANNI, Pretore and LALLA ACHILLE, Vice-Pretore. Boiano: (not functioning) GENTILE PIE Vice-Pretore. Civitacampomarano: (?) PETRONE RAFFAELE, Pretore.Montagano CICCAGLIONE EDMONDO, Pretore, PETRONE DAMIANO, Vice-Pretore. Trivento:MICHELANGELO PASCASIO, Pretore, AURELIO FONZO, Vice-Pretore. Castropignano: (not functioning)

4.- Particulars of Court premises destroyed or occupied by allied forces and alternative addresses in such cases where Courts are sitting. CAMPOBASSO: Palace of Justice occupied by the Allied Forces. Courts crammed in the Palace of the Government. BOIANO: Court building destroyed and also the Archives. CIVITACAMPOMARANO: Pretorship destroyed in part and in part destroyed also the archives.

5.- The foregoing informations is all that is obtainable to date. Our reports are not yet completed on certain outlying outline areas in this province.

Shirley R. Marsh

SHIRLEY R. MARSH, Capt.
LEGAL OFFICER, A.M.G., Reg. IV

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

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

Legal

2 JAN 1944

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AMG REGION IV ADVANCED
c/o HQ. AMG 15 ARMY GROUP

File 206

N.A. Part B

TO : HQ. AMG 15 Army Group

FROM : HQ. Region IV AMG, Advanced

SUBJECT: Italian Courts, Foggia Province

REF : T/274/Fogg

DATE : 2 January 1944

Forward herewith is a copy of the Report of the S.L.O., Foggia Province, Ref. No. 3040, on the above mentioned subject for transmission to Allied Control Commission as requested in your letter AMG/206/109 of 1 January 44.

For RCAO, Region IV

JOH

JOHN OLIVER HALL,
Major, F.A.

Copy also to Prov. C.C. 4/1/44 Part B

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(19)

Rif. 3040

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R. TRIBUNALE CIVILE E PENALE DI LUCERA

In reference with the letter dated Dec. ~~1st~~ 15th and signed by Major Levit, we acquaint you with as follows:

a) At Lucera there are now the following judicial offices:
1. Court of Assizes
2. Civil and criminal courts
3. Krown Attorney's Office
4. Pretura

From the Lucera Court depend the following Preture; and they are in each of the following Communes:
Apricena, Biccari, Castelunovo della Daunia, Rodi Garganico, S. Nicandro Garganico, Serracapriola, Torremaggiore, Troia, Vico del Gargano, Volturara Appula.

b) The Court, The Court of Assizes, Krown Attorney's Office and the Pretura are at the Justice Building at Lucera, Guglielmo Marconi street.

d) The buliding of the Lucera Court has been released by Allied Troops on Oct. the 25th.
At present are still occupied:
I. The Court of Assizes Hall
II. The Civil Court Hall (used as British church)
III. The criminal Court Hall, where each Saturday is acting the Allied Military Court.

ITALIAN COURTS

a) Place in which Italian Criminal Courts are now acting and kind of Court.
1) Court of Foggia, at Lucera town, Justice Building second floor.
2) Krown Attorney's Office, same as above.
3) Preture. in the respective Justice buildings at: Accadia, Ascoli Satriani, Bovino, Cerignola, Delicetp, Foggia, Manfredonia, Monte S. Angelo, Orsara di Puglia, Ortanova, S. Giovanni Rotondo, S. Marco in Lamis, San Severo, S. Agata di Puglia, Trinitapoli, Vieste.

b) Place in which Italian Civil Courts are acting now and kind of court.
The Court and depending "Preture" same as above for criminal courts.
c) Particular informations on the Court; buildings collapred or occupied by Allied Troops, and addresses of where the Courts are acting in dependence of above circumstances.
Justice building of Foggia, where there were the Court, the Krown Attorney's Office and the Pretura, has been destroyed and successively occupie by Allied Troops.
The Court and the Krown Attorney'Office has been transferred to Lucera at the Justice Buildings: second floor, Ruggiero Bonghi Square, as from the ministerial decree on Sept. the Ist. 1943.
The Pretura remained in Foggia, after have been in Ortanova, and is now at the Provincia Building, Twenty September Square.

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2. Civil and criminal courts
3. Krown Attorney's Office
4. Pretura

From the Lucera Court depend the following Preture;and they are in each of the following Communes:
Apricena,Biccari,Castelunovo della Daunia,Rodi Garganico,S.Nicandro Garganico,Serracapriola,Torremaggiore,Troia,Vico del Gargano,Voltura Appula.
b) The Court,The Court of Assizes,Krown Attorney's Office and the Pretura are at the Justice Building at Lucera,Guglielmo Marconi street.

c) The buliding of the Lucera Court has been released by Allied Troops on Oct. the 25th.
At present are still occupied:
I. The Court of Assizes Hall
II.The Civil Court Hall (used as British church)
III. The criminal Court Hall,where each Saturday is acting the Allied Military Court.

ITALIAN COURTS

a) Place in which Italian Criminal Courts are now acting and kind of Court.
1) Court of Foggia,at Lucera town,Justice Building second floor.
2) Krown Attorney's Office,same as above.
3) Preture. in the respective Justice buildings at:Accadia,Ascoli Satriani,Bovino,Cerignola,Delicetp,Foggia,Manfredonia,Monte S.Angelo, Orsara di Puglia,Ortanova,S.Giovanni Rotondo,S.Marco in Lamis,San Severo,S.Agata di Puglia,Trinitapoli,Vieste.

b) Place in which Italian Civil Courts are acting now and kind of court.
The Court and depending "Preture"same as above for criminal courts.;
c) Particular informations on the Court;buildings collapred or occupied by Allied Troops,and addresses of where the Courts are acting in dependence of above circumstances.
Justice building of Foggia,where there were the Court,the Krown Attorney's Office and the Pretura,has been destroyed and successively occupie by Allied Tropps.
The Court and the Krown Attorney'Office has been transferred to Lucera at the Justice Buildings:second floor,Ruggiero Bonghi Square,as from the ministerial decree on Sept. the Ist. 1943.
The Pretura remained in Foggia,after have been in Ortanova,and is now at the Provincia Building. Twenty September Square.
The building of San Severo Pretura has also been occupied by Allied Troops in the last days;and so the Pretura is now in a building in Municipio Square.

Received by hand
from Maj Levitt, SHQ.
Fog. Prov. 29 Dec 43
JBH

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

Ref. 3942

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Italian Courts.

Tribunale=Pr ura del Rel di Foggia and epending Preture at Ist.Dec.

a) Premisees where Criminal Courts are functioning and kind of court.
   I°) Tribunale of Foggia at Lucera+= Justice Building. 2nd Floor
   2°) Procura del Re,as Tribunale
   3°) Preture,in respective Justice Buildings at Accadia,Ascoli Satriano,Bovino,Cerignola,Deliceto,Foggia,Manfredonia,Monte S. Angelo,Orsara di Puglia,Ortanova,S.Giovanni Rotondo,S.Marco in Lamis,San Severo,S.Agata di Puglia,Trinitapoli,Vieste.

b) Premises where Civil Italian Courts are functioning and kind of Court Tribunale of Foggia and depending Preture,as im Criminal matter.

c) Names of all Italian Judges and officials,place where they are functioning and where are setting:

I° TRIBUNALE	Magistrati
Vela Beniamino	Presidente .Absent.(Ariano Irpino)
Durante Cesare	" Section.Absent.Bovino (he has presented request of temporary discharge)
Corvelli Francesco	Presidente Section.(at holidays)
Merla Giovanni	Judge absent. (at S.Giovanni Rotondo)
Pastore Savino	Judge.Lucera.Zuppetta 8
Maselli Vito	Judge.Lucera.Corso Garibaldi,62
Musicco Domenico	Judge.Lucera.Lombardi Street,8
Stallone Settimio	Judge " Giovanni Bovio,Street
D'Armiento Gaetano	Judge " Corso Umberto
Jannibelli Dott.Vincenzo	Judge.Dwelling at Lucera
Ricciardi Matteo	Judge.came back on IO/I2/43
Ricciardi G.Battista	Judge.Lucera.Came back on 9/12/43
Simone Annibale	Judge.Lucera.Came back on IO/I2/43
Straniero Ignazio	Judge.Absent (now im Bari)
Gentile Ugo	Judge.Absent (now at Pescasseroli)

CANCELLIERI

Ginese Gaetano	Chief Cancelliere.Lucera.Corso Garibaldi,62	
D'Orta Filippo	Cancelliere Section.Lucera Vico 4° alle Mura	
Parracino Tullio	Cancelliere Section	Lucera Via Regina Margherita
Volpe Rocco	Cancelliere	Lucera Corso Garibaldi,I4I
Frisoli G.Battista	Cancelliere	Lucera Corso Garibaldi,I4I
Saracemi Giulio Romeo	Cancelliere	Lucera Corso Garibaldi,I4I
Lezzi Aldo	Cancelliere	Lucera Piazza Mercato
Sannoner Luigi	Cancelliere	Lucera Via S.Domenico
Manduzio Nicandro	Cancelliere	Lucera Piazza Mercato
Chiecca Ciro	Cancelliere	Lucera I°Vico Cassella,9
Romano Dante	Cancelliere absent.	Now at Rimini

UFFICIALI GIUDIZIARI

Sansalone Renato	Lucera. Via Quaranta,72
Carbonara Andrea	absent (now im Bari)

USCIERI GIUDIZIARI

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b) Premises where Civil Italian Courts are functioning and kind of Court Tribunale of Foggia and depending Preture, as in Criminal matter.
c) Names of all Italian Judges and officials, place where they are functioning and where are setting:

I° TRIBUNALE

	Magistrati
Vela Beniamino	Presidente .Absent.(Ariano Irpino)
Durante Cesare	" Section.Absent.Bovino (he has presented request of temporary discharge)
Corvelli Francesco	Presidente Section.(at holidays)
Merla Giovanni	Judge absent. (at S.Giovanni Rotondo)
Pastore Savino	Judge.Lucera.Zuppetta 8
Maselli Vito	Judge.Lucera.Corso Garibaldi,62
Musisco Domenico	Judge.Lucera.Lombardi Street,8
Stallone Settimio	Judge " Giovanni Bovio,Street
D'Armiento Gaetano	Judge " Corso Umberto
Jannibelli Dott.Vincenzo	Judge.Dwelling at Lucera
Ricciardi Matteo	Judge.came back on IO/I2/43
Ricciardi G.Battista	Judge.Lucera.Came back on 9/12/43
Simone Annibale	Judge.Lucera.Came back on IO/I2/43
Straniero Ignazio	Judge.Absent (now in Bari)
Gentile Ugo	Judge.Absent (now at Pescasseroli)

CANCELLIERI

Ginese Gaetano	Chief Cancelliere.Lucera.Corso Garibaldi,62
D'Orta Filippo	Cancelliere Section.Lucera Vico 4° alle Mura
Parracino Tullio	Cancelliere Section Lucera Via Regina Margherita
Volpe Rocco	Cancelliere Lucera Corso Garibaldi,I4I
Frisoli G.Battista	Cancelliere Lucera Corso Garibaldi,I4I
Saracemi Giulio Romeo	Cancelliere Lucera Corso Garibaldi,I4I
Lezzi Aldo	Cancelliere Lucera Piazza Mercato
Sennoner Luigi	Cancelliere Lucera Via S.Domenico
Manduzio Nicandro	Cancelliere Lucera Piazza Mercato
Chieca Ciro	Cancelliere Lucera I°Vico Cassella,9
Romano Dante	Cancelliere absent. Now at Rimini

UFFICIALI GIUDIZIARI

Sansalone Renato	Lucera. Via Quaranta,72
Carbonara Andrea	absent (now in Bari)

USCIERI GIUDIZIARI

Romeo Michele	Chief Usciere Lucera Via Quaranta,N°70
Venetucci Michele	Usciere Lucera Piazza Santa Caterina(scuole)
Petrilli Federico	Usciere Lucera Piazza Santa Caterina(scuole)
De Santis Michele	Usciere Lucera Piazza Castello

PROCURA DEL RE.

MAGISTRATES

Rennis Raffaele, Procuratore del Re, Lucera, Via 4 Nov., 45
De Rossi Guido, Sostituto Procuratore del Re, Lucera
Cassano Michelino, sostituto Procuratore del Re. Lucera, Lombardi street, 8
Magerelli Ugo sostituto Procuratore del Re. appointed at Bari.

SECRETARY'S Office

D'Elia Liberato, Chief Secretary, Lucera Via Vitagliani, I3
Metallo Vincenzo, Secretary. Lucera Corso Garibaldi, I4I.

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Simone Pasqua Secretary Lucera.4 Nov 45
Caccavelli Ettore Secretary Lucera
Del Vecchio Michele Secretary Lucera. Corso Garibaldi,141
Ricci Francesco Paolo. Absent Probably dwelling in Macerata.

USCIERI GIUDIZIARI

Romice Sergio Chief Usciere Lucera
Donadei Salvatore Usciere Lucera

P R E T U R E

Accadia
D'Ambrosio Luigi Pretore
Di Giesi Giuseppe Cancelliere

Ascoli Satriano
De Marco Francesco Pretore
Colafrancesco Gennaro Cancelliere
Coniglio Tommaso Ufficiale Giudiziario

Bovino.
Orofalo Angelo Pretore appointed
Scocca Angelo Cancelliere
Mastrangelo Gennaro Ufficiale Giudiziario

Cerignola
Di Staso Nicola Pretore applicato at the Justice Ministery Bari
Zangrilli Luigi Chief Cancelliere
Lo Pianc Aurelio Cancelliere Absent
Menga Giuseppe Cancelliere
Simone Francesco Ufficiale Giudiziario

Deliceto.
Orofalo Angelo Pretore Reggente
Pellicoro Francesco Cancelliere
Vicario Renato Ufficiale Giudiziario

F O G G I A
Ascolese Carlo Pretore
Perugini Gustavo Cancelliere
Natale Leonardo Cancelliere
Pecorella Carmine Cancelliere
Todisco Sergio Cancelliere
Criscuoli Giacomo Ufficiale Giudiziario
Galasso Carlo Luigi Ufficiale Giudiziario
Abruzzese Vincenzo Usciere Capo

Manfredonia
Perfetti Roberto Pretore
Maffuccini Alberto Cancelliere
De Francesco Franco Cancelliere
Ancona Gaetano Ufficiale Giudiziario

Monte S.Angelo
Perfetti Roberto Pretore appointed
Marino Giovanni Cancelliere

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D'Ambrosio Luigi	Pretore
Di Giesi Giuseppe	Cancelliere
Ascoli Satriano	
De Marco Francesco	Pretore
Colafrancesco Gennaro	Cancelliere
Coniglio Tommaso	Ufficiale Giudiziario
Bovino.	
Orofalo Angelo	Pretore appointed
Scocca Angelo	Cancelliere
Mastrangelo Gennaro	Ufficiale Giudiziario
Cerignola	
Di Staso Nicola	Pretore applicato at the Justice Ministery Bari
Zangrilli Luigi	Chief Cancelliere
Lo Piano Aurelio	Cancelliere Absent
Menga Giuseppe	Cancelliere
Simone Francesco	Ufficiale Giudiziario
Deliceto.	
Orofalo Angelo	Pretore Reggente
Pellicoro Francesco	Cancelliere
Vicario Renato	Ufficiale Giudiziario
F O G G I A	
Ascolese Carlo	Pretore
Perugini Gustavo	Cancelliere
Natale Leonardo	Cancelliere
Pecorella Carmine	Cancelliere
Todisco Sergio	Cancelliere
Criscuoli Giacomo	Ufficiale Giudiziario
Galasso Carlo Luigi	Ufficiale Giudiziario
Abruzzese Vincenzo	Usciere Capo
Manfredonia	
Perfetti Roberto	Pretore
Maffuccini Alberto	Cancelliere
De Francesco Franco	Cancelliere
Ancona Gaetano	Ufficiale Giudiziario
Monte S.Angelo	
Perfetti Roberto	Pretore appointed
Marino Giovanni	Cancelliere
Caivano	Cancelliere
Orsara di Puglia	
There is not Pretore titolare	
Paolino Rosario	Cancelliere
Gambatesa Paolo	Ufficiale Giudiziario
Ortanova	
Scolozzi Aldo	Pretore
Russo Francesco Paolo	Cancelliere
De Bernardinis Arturo	Ufficiale Giudiziario
S.GIOVANNI ROTONDO	
(There is not ,titular Pretore.A honorary Vice-Pretore is performing the functions. His name is:Napolitano Domenico)	
Antuofermo Nicola	Cancelliere
Campana Riccardo	Ufficiale Giudiziario

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S.Marco in Lamis.
Kuntze Federico — Pretore
Palladino Saverio — Cancelliere

S.Severo
Dini Ciacci-Manfredo — Pretore, allo stato esonerato
Ludovici Ruggiero — Cancelliere
De Michele Michele — Cancelliere
Caporusso ..... — Cancelliere
Santagata Vincenzo — Cancelliere
Cupaiuolo Carlo — Cancelliere
Giannuzzi Francesco — Ufficiale Giudiziario
Rogazzo Michele — Usciere Giudiziario

S.Agata di Puglia
Unprovided with titular Pretore.
Miranda Luigi. — Cancelliere
Viti Luciano — Ufficiale Giudiziario

Trinitapoli
Natale Rocco — Pretore
Rizzardi Nicola — Cancelliere
Simone Tommaso — Ufficiale Giudiziario

Vieste
Unprovided with titular Pretore. The Pretore of S.Marco in Lamis performs the functions.

d) PARTICULARS OF THE COURT.PREMISES DESTROYED OR OCCUPIED BY ALLIED FORCES AND ALTERNATIVE ADDRESSES IN SUCH CASES WHERE COURTS ARE SETTING.

Justice Building in Foggia,set of Tribunale,of Procura del Re and Pretura,has been disastered and afterwards occupied by Allied Forces The Tribunale and Procura del Re have been transferred in Lucera.at Justice Building - second floor - Ruggiero Bonghi square,as ministerial decree (1st. Sept.1943).
Pretura has stopped in Foggia,after having been in Ortanova,at Provincia Building. XX Semptember Squere.

The premises of Sansevero Pretura,have also been recently occupied by allied forces,and Pretura Office is sitting in the Premises Municipio Squere.

The Presidente functioning
Pastore

The Procuratore del Re
Remnis

Foggia im Lucera,18 th Dec. 1943

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

Caporusso	Cancelliere
Santagata Vincenzo	Cancelliere
Cupaiuolo Carlo	Cancelliere
Giannuzzi Francesco	Ufficiale Giudiziario
Rogazzo Michele	Usciere Giudiziario

S.Agata di Puglia

Unprovided with titular Pretore.

Miranda Luigi	Cancelliere
Viti Luciano	Ufficiale Giudiziario

Trikitapoli

Natale Rocco	Pretore
Rizzardi Nicola	Cancelliere
Simone Tommaso	Ufficiale Giudiziario

Vieste

Unprovided with titular Pretore. The Pretore of S.Marco in Lamis performs the functions.

d) PARTICULARS OF THE COURT.PREMISES DESTROYED OR OCCUPIED BY ALLIED FORCES AND ALTERNATIVE ADDRESSES IN SUCH CASES WHERE COURTS ARE SETTING.

Justice Building in Foggia,set of Tribunale,of Procura del Re and Pretura,has been disastred and afterwards occupied by Allied Forces The Tribunale and Procura del Re have beem transferred in Lucera.at Hustice Building - second floor - Ruggiero Bonghi square,as ministerial decree (1st. Sept.1943).

Pretura has stopped in Foggia,after having beem in Ortanova,at Provincia Building. XX Semptember Square.

The premises of Sansevero Pretura,have also beem recently occupied by allied forces,and Pretura Office is sitting in the Premises Municipio Square.

The Presidente functioning
Pastore

The Procuratore del Re
Rennis

Foggia in Lucera,18 th Dec. 1943

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

R.TRIBUNALE CIVILE AND PENALE OF LUCERA

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Presidenza

N° 415 di prot.
SUBJECT: Italian Courts. Lucera, 17th Dec. 1943

TO THE A.M.G.O.T. FOGGIA PROVINCE

With reference to your letter of 15th Dec. 1943, signed Mj. Levit, required data are hereby forwarded.

a) at Lucera there are following Ufficiale Giudiziari:
   I° Assize Courts
   2° Civil and Penal Tribunale
   3° Procura del Re
   4° Pretura

From Tribunale of Lucera following Pretura's Offices depend, which are sitting in the respective Communes:
I° Apricena. 2°Biccari. 3°Castelnuovo della Daunia. 4°Rodi Garganico. 5°S.Nicandro Garganico. 6°Serracapriola. 7°Torremaggiore. 8°Troia. 9°Vico del Gargano. 10°Volturara Appula.

b) The Tribunale, Assize Courts, The Procura del Re, and Pretura are sitting now in Lucera, at Justice Building, Guglielmo Marconi street.

c) Names of italian Judges and officials:

I°	Casilli Domenico.	Presidente. of Tribunale. Piazza Duomo
2°	Ventriglia Francesco.	Procuratore del Re. via Dummo
3°	Curzio Giuseppe	.Judge . Piazza Oberdan, 3
4°	Grossetti Carlo	.Judge now at Italian Army
5°	Ambrosio Emilio	.Judge . Luigi Zuppetta Street
6°	Perrelli Giuseppe	.Judge .Federico II Street.
7°	Gustapane Giuseppe	.Judge .Luigi Zuppetta Street
8°	Simone Giovanni	.Judge .S.Gaetano Square
9°	Turbacco Pasquale	.Chief Cancelliere. Federico II, 71
10°	Paternostro Ernesto	.Segretario Capo. Via Mezzogrugno, 7
11°	Miglio Tommaso	.Secretary Via Del Vecchio, 45
12°	La Cava Alfonso	.First Cancelliere. Via Scassa, 38
13°	Samma Scipione	.Segretarye. Frattarolo Street, 40
14°	Cerulli Franco	.Cancelliere. Via Garibaldi, 141
15°	Schiavone Raffaele	.Cancelliere. Via Belvedere, 4
16°	Forgione Daniele	.Secretary. Via Carpentieri, 62
17°	Trevisonne Mario	.Cancelliere. Via Cimino, 4
18°	Principe Giuseppe	.Secretary. Federico 2nd Street, 45
19°	Squadrilli Raffaele	.Cancelliere. I° Vico alle Mura
20°	Checchia Vittorio	.Ufficiale Giudiziario. Via S.Domenico
21°	De Nicola Giovanni	.Usciere. Via Mazzini, 13
22°	Marsiglia Gabriele	.Usciere R.Procura. Via Quaranta, 70

Pretura Apricena: Cehemano Giovanni, Pretore Reggente, Titolare at Pretura of Troia. Stellatelli Antonio. Cancelliere dirigente.
Pretura di Biccari. Guerrieri Alfredo. Pretore Reggente. Titolare at Pretura of Lucera. Foschi Vincenzo Cancelliere Dirigente.
Pretura Castelnuovo della Daunia. Feres Guerino, Vice-Pretore Honorary

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4° Pretura

From Tribunale of Lucera following Pretura's Offices depend, which are sitting in the respective Communes:
I° Apricena.2°Biccari.3°Castelnuovo della Daunia.4°Rodi Garganico.
5°S.Nicandro Garganico.6°Serracapriola.7°Torremaggiore.8°Troia.
9°Vico del Gargano.10°Volturara Appula.

b) The Tribunale, Assize Courts, The Procura del Re, and Pretura are sitting now in Lucera, at Justice Building, Guglielmo Marconi street.

c) Names of italian Judges and officials:

1°	Casilli Domenico.	President.of Tribunale.Piazza Duomo
2°	Ventriglia Francesco.	Procuratore del Re. via Dunmo
3°	Curzio Giuseppe	.Judge . Piazza Oberdan,3
4°	Grossetti Carlo	.Judge now at Italian Army
5°	Ambrosio Emilio	.Judge . Luigi Zuppetta Street
6°	Perrelli Giuseppe	.Judge .Federico II Street.
7°	Gustapane Giuseppe	.Judge .Luigi Zuppetta Street
8°	Simone Giovanni	.Judge .S.Gaetano Square
9°	Turbacco Pasquale	.Chief Cancelliere.Federico II,71
10°	Paternostro Ernesto	.Segretario Capo.Via Mezzogrugno,7
11°	Figlio Tommaso	.Secretary Via Del Vecchio,45
12°	La Cava Alfonso	.First Cancelliere.Via Scassa,38
13°	Samma Scipione	.Segretarye.Frattarolo Street,40
14°	Cerulli Franco	.Cancelliere. Via Garibaldi,141
15°	Schiavone Raffaele	.Cancelliere.Via Belvedere,4
16°	Forgione Daniele	.Secretary. Via Carpentieri,62
17°	Trevisonne Mario	.Cancelliere. Via Cimino,4
18°	Principe Giuseppe	.Secretary. Federico 2nd Street,45
19°	Squadrilli Raffaele	.Cancelliere. 1° Vico alle Mura
20°	Checchia Vittorio	.Ufficiale Giudiziario.Via S.Domenico
21°	De Nicola Giovanni	.Usciere.Via Mazzini,13
22°	Marsiglia Gabriele	.Usciere R.Procura. Via Quaranta,70

Pretura Apricena: Celentano Giovanni, Pretore Reggente, Titolare at Pretura of Troia. Stellatelli Antonio. Cancelliere dirigente.

Pretura di Biccari. Guerrieri Alfredo. Pretore Reggente. Titolare at Pretura of Lucera. Foschi Vincenzo Cancelliere Dirigente.

Pretura Castelnuovo della Daunia. Fares Guerino, Vice-Pretore Honorary Reggente. Bonghi Ernesto, Cancelliere Dirigente.

Pretura Lucera. Guerriero Alfredo, Pretore titolare. Pizzuto Gennaro, Cancelliere dirigente.

Pretura Rodi Garganico. Giuliano Arduino, Pretore titolare. Criscuoli Pasquale, Cancelliere dirigente. De Pasquale Vito clerk of Secretary.

Pretura S.Nicandro Garganico: Bosco Gaetano, pretore titolare, Stampamone Giuseppe, cancelliere dirigente. appointed at Sansevero Pretura.

Pretura Serracapriola: D'Addetta Vincenzo. Vice Pretore Onorario Reggente. Mazzei Vittorio. Cancelliere dirigente.

Pretura Torremaggiore: Scala Renato, Vice Pretore Onorario Reggente. Vasco Giuseppe, Cancelliere dirigente.

Pretura Troia: Celentano Giovanni Pretire Titolare. Commini Eustacchio cancelliere dirigente.

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Foglio N° 2

Pretura Vico del Gargano. D'Addetta Vincenzo.Vice Pretore Honorary . Trulli Mart[illegible]o.Cancelliere dirigente.
Pretura Volturara Appula.Guerriero Alfredo.Pretore reggente,titolare ~~della~~ Pretura of Lucera. Paternostro Pasquale,cancelliere titolare,appointed at Tribunale of Lucera.
d) The premises of Tribunale at Lucera have been left on 25th Oct. 1943,by allied forces and now they occupy:
The Rooms of assize courts
The room of civil section of Tribunale is destined to "British Church"
The Room of penal section,where each Saturday,hearings by Allied Forces are hold.

The Procuratore del Re
Francesco Ventriglia

The President of the Tribunale
Domenico Carilli

CORTI ITALIANE.

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TRIBUNALE-PROCURA DEL RE DI FOGGIA E PRETURE DIPENDENTI AL 1° DIC.194

a) LOCALI DOVE LE CORTI CRIMINALI ITALIANE SONO APERTE,E LA SPECIE DI CORTE.=
1°)Tribunale di Foggia in Lucera,Palazzo di Giustizia Piano II;
2°) Procura del Re,come il Tribunale.
3°) Preture,nei rispettivi Palazzi di Giustizia in:ACCADIA,ASCOLI SATRIANO,BOVINO,CERIGNOLA?DELICETO,FOGGIA,MANFREDONIA,MONTE S.ANGELO?ORSARA DI PUGLIA,ORTANOVA?S.GIOVANNI ROTONDO,S.MARCO IN LAMIS, SAN SEVERO,S.AGATA DI PUGLIA,TRINITAPOLI,VIESTE.

b) LOCALI DOVE LE CORTI CIVILI ITALIANE SONO APERTE E LA SPECIE DI CORTE.
Tribunale di Foggia,e Preture dipendenti,come in materia Criminale.

c) NOMINATIVI DI TUTTI I GIUDICI ITALIANI ED UFFICIALI FUNZIONARI,DOVE SONO FISSATI E DOVE SONO COLLOCATI.

1°) TRIBUNALE.

Magistrati:

Vela Beniamino — Presidente. Assente (Ariano Irpino)
Durante Cesare — Presidente Sezione.Assente (Bovino) (domanda di aspettativa)
CERVELLI FRANCESCO — Presidente Sez. In ferie.
Merla Giovanni — Giudice. Assente (S.Giovanni Rotondo)
Pastore Savino — Giudice.Lucera.Via Zuppetta,8
Maselli Vito — " " Corso Garibaldi,62
Musicco Domenico — " " Via Lombardi,8
Stallone Settimio — " " " G. Bovio
D'Armiento Gaetano — " " Corso Umberto
Iannibelli Dott.Vincenzo — " " Residente in Lucera
Micciardi Matteo — " " (rientrato il 10/12/43)
Micciardi G.Battista — " " (" " 9/12/43)
Simone Annibale — " " (" " 10/12/43)
Streniero Ignazio — " Assente. Bari
Gentile Ugo — " " (Pescasseroli)

CANCELLIERI

Ginese Gaetano — Cancelliere Capo.Lucera.Corso Garibaldi,62
D'Orta Filippo — " Cancelliere. Lucera.Vico 4° alle Mura
Perrucino Tullio — " " " Via Regina Margherita
Volpe Rocco — Cancelliere " Corso Garibaldi,141
Frisoli G.Battista — " " " " "
Sarracini Giulio Romeo — " " " " "
Lozzi Aldo — " " Piazza Mercato
Sammoner Luigi — " " Via S.Domenico
Manduzio Nicandro — " " Piazza Mercato
Chiesa Ciro — " " 1° Vico Cassella 9
Romano Dante — " Assente (Rimini)

UFFICIALI GIUDIZIARI

Sansalone Renato — Lucera - Via Quarnaro,72
Abruzzese Vincenzo — Lucera-Cane-

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CORTE.
Tribunale di Foggia,e Preture dipendenti,come in materia Criminale.

c) NOMINATIVI DI TUTTI I GIUDICI ITALIANI ED UFFICIALI FUNZIONARI,DOVE SONO FISSATI E DOVE SONO COLLOCATI.

I°) TRIBUNALE.

	Magistrati:
Vela Beniamino	Presidente. Assente (Ariano Irpino)
Durante Cesare	Presidente Sezione.Assente (Bovino) (domanda di aspettativa)
CERVELLI FRANCESCO	Presidente Sez. In ferie.
Merla Giovanni	Giudice. Assente (S.Giovanni Rotondo)
Pastore Savino	Giudice.Lucera.Via Zuppetta,8
Maselli Vito	" " Corso Garibaldi,62
Musicco Domenico	" " Via Lombardi,8
Stallone Settimio	" " " G. Bovio
D'Armiento Gaetano	" " Corso Umberto
Iannibelli Dott.Vincenzo	" " Residente in Lucera
Micciardi Matteo	" " (rientrato il 10/12/43)
Micciardi G.Battista	" " (" " 9/12/43)
Simone Annibale	" " (" " 10/12/43)
Straniero Ignazio	" Assente. Bari
Gentile Ugo	" " (Pescasseroli)

CANCELLIERI

Ginese Gaetano	Cancelliere Capo.	Lucera.Corso Garibaldi,62
D'Orta Filippo	"	Sezione. Lucera.Vico 4° alle Mura
Perrucino Tullio	"	" " Via Regina Margherita
Volpe Rocco	Cancelliere	" Corso Garibaldi,141
Frisoli G.Battista	"	" " " "
Saraceni Giulio Romeo	"	" " " "
Lezzi Aldo	"	" Piazza Mercato
Simmoner Luigi	"	" Via S.Domenico
Manduzio Nicandro	"	" Piazza Mercato
Chiesa Ciro	"	" 1° Vico Cassella 9
Romano Dante	"	Assente (Rimini)

UFFICIALI GIUDIZIARI

Sansalone Renato	Lucera = Via Quaranta,72
~~Abruzzese Vincenzo~~	~~Usciere Capo.~~
Carbonara Andrea	Assente (Bari)

USCIERI GIUDIZIARI

Romeo Michele	Usciere Capo.Lucera Via Quaranta 70
Venetucci Michele	" = Lucera Piazza S.Caterina (Scuole)
Petrilli Federico	" " " " " "
De Santis Michele	" " Castello

PROCURA DEL RE.

MAGISTRATI

Rennis Raffale,Procuratore del Re,Lucera Via 4 Novembre 45
De Rossi Guido.Sostituto Procuratore del Re. Lucera
Cassano Michelino " " " " " Via Lombardi,8
Magarelli Ugo " " " " Applicatp a Bari.

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SEGRETERIA

D'Elia Luberato, Segretario Capo. Lucera Via Vitagliani, 13
Metello Vincenzo, " Lucera Corso Garibaldi, 141
Simone Pasquale, " " Via 4 Novembre, 45
Caccavelli Ettore, " "
Del Vecchio Michele, " " Corso Garibaldi, 141
Ricci Francesco Paolo, Segretario assente (probabilmente residente a Macerata)

USCIERI GIUDIZIARI

Romice Sergio ..... Usciere Capo . Lucera
Donadei Salvatore..... " .... Lucera

PRETURE

Accadia: D'Ambrosio Luigi = Pretore
Di Giesi Giuseppe=Cancelliere
Ascoli Satriano: De Marco Francesco. Pretore
Colafrancesco Gennaro Cancelliere
Coniglio Tommaso Ufficiale Giudiziario
Bovino: Orofalo Antonio Pretore Applicato
Scocca Angelo Cancelliere
Mastrangelo Gennaro Ufficiale Giudiziario
Cerignola: Di Staso Nicola Pretore Applicato al Ministero di Giustizia in Bari
Zangrilli Luigi Cancelliere Capo
Lo Piano Aurelio " (assente)
Menga Giuseppe "
Simone Francesco Ufficiale giudiziario
Deliceto: Orofalo Angelo Pretore Reggente
Pellicoro Francesco Cancelliere
Vicario Renato Ufficiale Giudiziario
Foggia: Ascolese Carlo Pretore
Perugini Gustavo Cancelliere
Natale Leonardo "
Pecorella Carmine "
Todisco Sergio "
Criscuoli Giacomo Ufficiale Giudiziario
Galasso Carlo Luigi " "
Abruzzese Vincenzo Usciere Capo
Manfredonia: Perfetti Roberto Pretore
Maffuccimi Alberto Cancelliere
De Francesco Franco "
Ancona Gaetano Ufficiale giudiziario
MONTE S. ANGELO: Perfetti Roberto Pretore Applicato
Marino Giovanni Cancelliere
Caivano ..... "
Orsara di Puglia: Manca il Pretore titolare
Paolino Rosario Cancelliere

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Accadia:	D'Ambrosio Luigi	= Pretore
	Di Giesi Giuseppe	=Cancelliere
Ascoli Satriano:	De Marco Francesco.	Pretore
	Colafrancesco Gennaro	Cancelliere
	Coniglio Tommaso	Ufficiale Giudiziario
Bovino:	Orofalo Antonio	Pretore Applicato
	Scocca Angelo	Cancelliere
	Mastrangelo Gennaro	Ufficiale Giudiziario
Cerignola:	Di Staso Nicola	Pretore Applicato al Ministero di Giustizia in Bari
	Zangrilli Luigi	Cancelliere Capo
	Lo Piano Aurelio	" (assente)
	Menga Giuseppe	"
	Simone Francesco	Ufficiale giudiziario
Deliceto:	Orofalo Angelo	Pretore Reggente
	Pellicoro Francesco	Cancelliere
	Vicario Renato	Ufficiale Giudiziario
Foggia:	Ascolese Carlo	Pretore
	Perugini Gustavo	Cancelliere
	Natale Leonardo	"
	Pecorella Carmine	"
	Todisco Sergio	"
	Criscuoli Giacomo	Ufficiale Giudiziario
	Galasso Carlo Luigi	" "
	Abruzzese Vincenzo	Usciere Capo
Manfredonia:	Perfetti Roberto	Pretore
	Maffuccini Alberto	Cancelliere
	De Francesco Franco	"
	Ancona Gaetano	Ufficiale giudiziario
MONTE S.ANGELO:	Perfetti Roberto	Pretore Applicato
	Marino Giovanni	Cancelliere
	Caivano	"
Orsara di Puglia:	Manca il Pretore titolare	
	Paolino Rosario	Cancelliere
	Gambatesa Paolo	Ufficiale Giudiziario
Ortanova:	Scolozzi Aldo	Pretore
	Russo Francesco Paolo	Cancelliere
	De Bernardinis Arturo	Ufficiale Giudiziario
S.Giovanni Rotondo:	Manca il Pretore titolare.Regge l'Ufficio Napolitano Domenico,Vice Pretore Onorario	
	Antuofermo Nicola	Cancelliere
	Campana Riccardo	Ufficiale giudiziario
S.Marco in Lamis:	Kuntze Federico	Pretore
	Palladino Saverio	Cancelliere
San Severo:	Dini Ciacci-Manfredo	Pretore allo stato esonerato
	Ludovici Ruggiero	Cancelliere
	De Michele Michele	"
	Caporusso	"
	Santagata Vincenzo	"

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(continua S.Severo)

	Cupaiuolo Carlo	Cancelliere
	Giammuzzi Francesco	Ufficiale Giudiziario
	Rogazzo Michele	Usciere Giudiziario

S.Agata di Puglia: Manca il Pretore titolare

	Miranda Luigi	Cancelliere
	Viti Luciano	Ufficiale Giudiziario

Trinitapoli:

	Natale Rocco	Pretore
	Rizzardi Nicola	Cancelliere
	Simone Tommaso	Ufficiale Giudiziario

Vieste: Manca il Pretore Titolare.Regge l'Ufficio il Pretore di S.Marco in Lamis.

d) PARTICOLARI DELLA CORTE,LOCALI DISTRUTTI OD OCCUPATI DALLEFORZE ALLEATE E INDIRIZZI ALTERNATIVI IN QUEI CASI DOVE LE CORTI SIEDONO.
Il Palazzo di Giutizia in Foggia,sede del Tribunale,della Procura del Re e della Pretura è stato disastrato e successivamente occupat dalle forze alleate.
Il Tribunale e la Procura del Re si sono trasferiti in Lucera,Palazzo di Giutizia. Piano Secondo. sito in Piazza Ruggiero Bonghi, giusto decreto ministeriale I Settembre 1943.
La Pretura è rimasta in Foggia,dopo essere stata in Ortanova,prendendo sede nel Palazzo della Provincia. Piazza XX Settembre.
I locali della Pretura di Sansevero sono stati pure occupati dalle Forze Alleate,recentemente,e,l'ufficio di Pretura ha preso sede nei locali in Piazza Municipio.

Il Presidente funzionante
Pastore

Il Procuratore del Re
Rennis

Foggia in Lucera 18 Dic. 1943

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R.TRIBUNALE CIVILE E PENALE DI LUCERA

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PRESIDENZA

N° 415 di prot.
OGGETTO:CORTI ITALIANE

Lucera, 17 Dicembre 1943

Ill.mo Sig. Comandante dell'A.M.G.O.T.
LUCERA

In risposta alla nota del 15 Dic.1943 del Major W.H.Levit si forniscono qui di seguito le notizie richieste.

a) In Lucera vi sono i seguenti uffici giudiziari:
1° Corte d'Assisi
2° Tribunale Civile e Penale
3° Procura del Re
4° Pretura

Dal Tribunale di Lucera dipendono i seguenti Uffici di Pretura che hanno sede nei Comuni rispettivi:

1° Apricena, 2° Biccari, 3° Castelnuovo della Daunia, 4° Ro di Garganico, 5° S.Nicandro Garganico, 6° Serracapriola, 7° Torremaggiore, 8° Troia, 9° Vico Garganico, 10° Volturara Appula.

b) Il Tribunale, la Corte di Assisi, la Procura del Re e la Pretura sono situati in Lucera nel Palazzo di Giustizia, in Via Guglielmo Marconi.

c) Nominativi di tutti i giudici italiani ed ufficiali funzionari:

1° Casilli Domenico=Presidente del Tribunale Piazza Duomo
2° Ventriglia Francesco.Procuratore del Re.Via Duomo,9
3° Curzio Giuseppe =Giudice Piazza Oberdan,3
4° Grossetti Carlo = Giudice. In servizio alle armi
5° Ambrosio Emilio = Giudice. Via Luigi Zuppetta
6° Perrelli Giuseppe.Giudice. Via Federico II
7° Gustapane Giuseppe Giudice Via Luifi Zuppetta
8° Simone Giovanni = Giudice Piazza S.Gaetano
9° Turbacco Pasquale.Cancelliere Capo Via Federico II,71
10° Paternostro Ernesto.Segretario Capo.Via Mezzogrugno,7
11° Miglio Tommaso.Segretario . Via del Vecchio 45
12° La Cava Alfonso.1° Cancelliere,Via Scassa,38
13° Samma Scipione .Segretario.Via Fratterolo,40
14° Cerulli Franco .Cancelliere.Via Garibaldi,141
15°Schiavone Raffaele.Cancelliere,Via Belvedere,4
16° Forgione Daniele. Segretario. Via Carpentieri,62
17° Trevisonne Mario. Cancelliere. Via Cimino,4
18° Principe Giuseppe.Segretario. Via Federico II,45
19° Squadrilli Raffaele.Cancelliere,1° Vico alle Mura
20° Checchia Vittorio.Ufficiale Giudiziario,Via S.Domenico
21° De Nicola Giovanni.Usciere.Via Mazzini,13
22° Mersiglia Gabriele. Usciere R.Procura,Via Quaranta,70

Pretura di Apricena.Cehentano Giovanni,Pretore Reggente,titolare della
Pretura di Troia.Stellatelli Antonio - Cancelliere Dirigente.
Pretura di Biccari:Guerrieri Alfredo Pretore Reggente,titolare della

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4° Pretura

Del Tribunale di Lucera dipendono i seguenti Uffici di Pretura che hanno sede nei Comuni rispettivi:

1° Apricena,2° Biccari,3° Castelnuovo della Daunia,4° Rodi Garganico,5° S.Nicandro Garganico,6° Serracapriola,7° Torremaggiore, 8° Troia,9°Vico Garganico,10°Volturara Appula.

b) Il Tribunale,la Corte di Assisi,la Procura del Re e la Pretura sono situati in Lucera nel Palazzo di Giutizia,in Via Guglielmo Marconi.

c) Nominativi di tutti i giudici italiani ed ufficiali funzionari:

1° Casilli Domenico=Presidente del Tribunale Piazza Duomo
2° Ventriglia Francesco.Procuratore del Re.Via Duomo,9
3° Curzio Giuseppe =Giudice Piazza Oberdan,3
4° Grossetti Carlo = Giudice. In servizio alle armi
5° Ambrosio Emilio = Giudice. Via Luigi Zuppetta
6° Perrelli Giuseppe.Giudice. Via Federico II
7° Gustapane Giuseppe Giudice Via Luifi Zuppetta
8° Simone Giovanni = Giudice Piazza S.Gaetano
9° Turbacco Pasquale.Cancelliere Capo Via Federico II,71
10° Paternostro Ernesto.Segretario Capo.Via Mezzogrugno,7
11° Niglio Tommaso.Segretario . Via del Vecchio 45
12° La Cava Alfonso.1° Cancelliere,Via Scassa,38
13° Samma Scipione .Segretario.Via Fratterolo,40
14° Cerulli Franco .Cancelliere.Via Garibaldi,141
15°Schiavone Raffaele.Cancelliere,Via Belvedere,4
16° Forgione Daniele. Segretario. Via Carpentieri,62
17° Trevisonne Mario. Cancelliere. Via Cimino,4
18° Principe Giuseppe.Segretario. Via Federico II,45
19° Squadrilli Raffaele.Cancelliere,1° Vico alle Mura
20° Checchia Vittorio.Ufficiale Giudiziario,Via S.Domenico
21° De Nicola Giovanni.Usciere.Via Mazzini,13
22° Marsiglia Gabriele. Usciere R.Procura,Via Quaranta,70

Pretura di Apricena.Cehentano Giovanni,Pretore Reggente,titolare della
Pretura di Troia.Stellatelli Antonio - Cancelliere Dirigente.
Pretura di Biccari:Guerrieri Alfredo Pretore Reggente,titolare della
Pretura di Lucera: Foschi Vincenzo = Cancelliere Dirigente
Pretura Castelnuovo della Daunia: Fares Guerino,Vice Pretore Onorario Reggente.
Bonghi Ernesto,Cancelliere Dirigente
Pretura Lucera: Guerriero Alfredo,Pretore titolare.
Pizzuto Gennaro,Cancelliere dirigente.
Pretura Rodi Garganico: Giuliano Arduino. Pretore titolare.
Criscuoli Pasquale,Cancelliere Dirigente.
De Pasquale Vito,aiutante di cancelleria
Pretura S.Nicandro Garganico: Bosco Gaetano,Pretore titolare
Stampanone Giuseppe,cancelliere dirigente applicato alla Pretura di Sansevero
Pretura di Serracapriola:D'Addetta Vincenzo,Vice Pretore Onorario Reggente. Mazzei Vittorio,Cancelliere dirigente.

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Pretura di Torremaggiore: Scala Renato,Vice Pretore Onorario,Reggente.
Vasco Giuseppe,Cancelliere dirigente.

Pretura Troia:Celentano Giovanni,Pretore titolare.
Contini Eustacchio,Cancelliere dirigente.

Pretura Vico Garganico: D'Addetta Vincenzo,Vice Pretore onorario Reggente
Trulli Martino,Cancelliere dirigente.

Pretura Volturara Appula: Guerriero Alfredo,Pretore reggente,titolare della Pretura di Lucera.
Paternostro Pasquale,cancelliere titolare,applicato al Tribunale di Lucera.

d) I locali del Tribunale di Lucera sono stati rilasciati il 25 Ottobre c.a. dalle Forze Alleate ed attualmente sono occupati:
Le aule della Corte di Assise;
L'aula della Sezione Civile del Tribunale adibita a "British Church"".
L'aula della sezione penale,ove vengono tenute in ogni sabato le udienze dal Tribunale Militare Alleato.

IL PROCURATORE DEL RE
Francesco Ventriglia

IL PRESIDENTE DEL TRIBUNALE
Domenico Casilli

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ALLIED MILITARY GOVERNMENT
HEADQUARTERS, 5th ARMY
APO 464
LEGAL DIVISION

208/CA/10
29 December 1943

SUBJECT: Italian Courts

TO : Chief Legal Officer, AMG, Headquarters, 15 Army Group, APO 777, US Army

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1. With reference to letter AMG/206/30 dated 9 September 1943, I enclose report upon the Italian Courts under the subjects required by you.

2. As the compilation of this report had been commenced by me prior to the time when I ceased to act as Legal Officer of Region 3, in agreement with the present R.C.L.O. Region 3, this report has been completed to cover all the territory comprising NAPLES, BENEVENTO, AND AVELLINO Provinces including the areas there administered by AMG, 5th Army.

3. It is therefore requested that this report be accepted by you as the report acquired from 5th Army and Region 3 Headquarters, AMG.

Sgd. J. V. M. SHIELDS.

J.V.M. SHIELDS, Lt. Col.,
Senior Legal Officer
AMG, 5th Army

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C/ to RLO Reg 3 —

Secret

to supervise work of Lt Col

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

Subject: Instructions of Ministry of Justice.

AGI Br.,
15 Army Group,
G.A.F.

Ref. 17/Gen/114
5 January 44.

Chief Legal Officer,
Legal Sub-Commission,
Allied Control Commission,
BRINDISI.

Among the papers recently left with this office for transmittal to Italian officials in occupied areas after approval of their contents were three which I have not forwarded. Since my reasons for not doing so involve questions which may arise in the future an explanation of the grounds of my decision seems appropriate

Behind the communication dated 13 December addressed to the Direzione delle Carceri Giudiziarie at Lucera, concerning SERGIO Giovanni, and in the communication of 17 December to the same addressee concerning the application of the Royal Decree Law 153 of 6 Dec 43, as in the longer directive of 10 December to the Court of Appeals at Naples, there lies the entirely unfounded assumption that the organs and decrees of the Italian Government are effective in occupied territory. Unless the Minister of Justice is made fully aware of the fact that the law making powers in occupied territory is exclusively held by AFHQ, and unless he realizes that the orders to officials in that territory are AMG orders, there is bound to be confusion and difficulty.

We are fully aware of the necessity of collaboration with the Italian government and of the maintenance of close liaison with that Government through ACC. It will, for instance, be important that we give the same interpretation to the Fuga Increase Orders being published in 15th Army Group Areas as the Italian Government gives to its companion legislation. But it is misleading, to say the least, for the Minister of Justice to write, as he did in his letter of December 17, informing the Prison Officials of Lucera of the interpretation which they are to give to the Decree of 6 December.

It would be appreciated if you would make renewed efforts to make the Minister of Justice understand the terms upon

.....which....

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

which we are compelled to insist in dealing with all these problems.

Major, A.L.S.,
Chief Legal officer.

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

113

Subject:- Detached Section of Court of Appeal for Tripolitania.

H. Q.,
15 Army Group.
C.M.F.

Ref. AFC/2 6/ 113
1 January 44.

R.C.A.D.,
AFHQ, Region IV (Main).

Ref 112 + 111

Enclosed herewith is a copy of the English and Italian texts of a decree which the Italian Government is considering adopting, in an attempt to deal with the problem of disposing of appeals in the Tripolis area.

2. It is my view that the enactment by Italian authority of any such law for execution in occupied territory would be improper. It would seem advisable, however, for us to issue such an Order over the signature of the Provincial C.C.A.O., or of the R.C.A.O., if the jurisdiction of either of the Tribunali extends beyond the borders of the Province.

3. If the publication of such an Order would seem to you to be desirable I suggest that the second paragraph of Article One should be omitted and that Article 4 should be amended to exclude any reference to the participation of the Italian Government in the choice of necessary personnel. Doubtless we may find it useful to obtain their suggestions as to appointment, but the authority to choose being ours no inconsistent implication should be made.

4. I should appreciate it if you would let me have your views on this matter before any definite steps are taken.

[illegible]

Lionel Fox
Major, R.A.O.C.,
Chief Legal Officer.

Copy to:- S.A.O. Tripolis.
C.A.O. Legal Sub-Commission, A.C.C. (for information).

Translation

Considering it advisable that penal and civil proceedings of appeals originating from the territorial district of the Tribunals of Foggia and Lucera, within the zone controlled by the Allied Forces, take place without further delay, it is ordered as follows:

Art. 1

A detached Section of the Court of Appeal with jurisdiction over the Tribunals of Foggia and Lucera, is established temporarily at Foggia, in order to deal with civil and penal cases decided in the first instance by a judgement rendered subsequent to September 30, 1943.

The said Section functioning as Magistratura del Lavoro is also competent to decide all appeals against judgement of the judges of the first instance from the districts of the above stated Tribunals rendered subsequent to September 30, 1943.

The appeals against judgement rendered prior to this date will be decided in accordance with the former jurisdiction.

Art. 2

One Section of the Court of Appeal mentioned in Art. 1 above will consist of a Counseler of Cassation with the function of a President of Section of Court of Appeal and of 5 Counsellors of the Court of Appeal of whom two may be judges of Tribunals upon whom functions of a superior grade may be conferred in accordance with the Italian judicial organic law.

Art. 3

A Deputy Procurator General of Cassation with functions of Advocate General will be attached to the Office of the Publico Ministero. A Deputy Procuratore del Re may be attached to the same office.

Art. 4

The magistrates constituting the detached Section of the Court of Appeal and of the Office of the Publico Ministero will be appointed in agreement with the Italian Government by a Decree of the Chief Civil Affairs Officer from magistrates holding office or otherwise present within the district of the above mentioned Court or from magistrates residing in other localities within the occupied zone or if unavailable, from those designated by the Italian Government.

1[illegible]

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Ritenuta la opportunita che si svolgano senza ulteriore ritardo i processi in grado di appello sia penali che civili, relativi alle circoscrizioni territoriali dei Tribunali di Foggia e Lucera, compresi nella zona controllata dalle truppe dei governi alleati, si ordina quanto segue:

Art. 1

E' istituita temporaneamente in Foggia una Sezione Distaccata di Corte di Appello, avente giurisdizione sui Tribunali di Foggia e di Lucera, per la trattazione dei processi civili e penali decisi in primo grado con sentenza di data successiva al 30 settembre 1943.

La Sezione suddetta e competente a decidere anche quale Magistratura del Lavoro in appello delle decisioni dei giudici di primo grado delle circoscrizioni dei summenzionati Tribunali successive al 30 settembre 1943.

Gli appelli delle sentenze anteriori saranno decisi secondo la precedente giurisdizione.

Art. 2

Alla Sezione di Corte di Appello di cui all'art. 1 sono destinati un Consigliere di Cassazione con le funzioni di Presidente di Sezione di Corte di Appello e 5 Consiglieri di Corte di Appello di cui due possono essere giudici di Tribunale, a cui possano essere attribuite le funzioni del grado superiore secondo l'ordinamento giudiziario italiano.

Art. 3

All'Ufficio del Pubblico Ministero e destinato un Sostituto

Declassified E.O. 12356 Section 3.3/NND No. T85016

governi alleati, si ordina quanto segue:

Art. 1

E' istituita temporaneamente in Foggia una Sezione Distaccata di Corte di Appello, avente giurisdizione sui Tribunali di Foggia e di Lucera, per la trattazione dei processi civili e pena li decisi in primo grado con sentenza di data successiva al 30 settembre 1943.

La Sezione suddetta e competente a decidere anche quale Magistratura del Lavoro in appello delle decisioni dei giudici di primo grado delle circoscrizioni dei summenzionati Tribunali successive al 30 settembre 1943.

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Art. 3

All'Ufficio del Pubblico Ministero e destinato un Sostituto Procuratore Generale di Cassazione con le funzioni di Avvocato Generale e puo esservi addetto un Sostituto Procuratore del Re.

Art. 4

I Magistrati compnenti la Sezione Distaccata di Corte di Appello e quelle del Pubblico Ministero saranno nominati di intesa con il Governo Italiano con decreto del Capo degli Affari Civili per i Magistrati in servizio o comunque presenti nella circoscrizione della Corte suddetta d di un altra citta della zona occupata od in mancanza designati dal Governo Italiano.

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

0748

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

Subject:- Italian Courts, Region 3.

110

AG ( )
Legal Group,
C.M.F.

Ref. No/2/6/110
3 February 44.

Chief Legal Officer,
Legal Sub-Commission,
Allied Control Commission,
Bastia.

Referring to your AGC/L/723 of 4 December 1943, there are enclosed herewith reports on the present status of the Italian Courts in Region 3 and in the Province of Foggia. It is believed that these contain all of the information concerning the courts of these areas which you requested.

Major, A.U.S.,
Chief Legal Officer.

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0249

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

109

Subject:- Italian Courts, Foggia Province.

AFC H.Q.,
15 Army Group,
C.M.F.

Ref. AFC/206/Cdo/9
1 January 44.

A.M.G. Region IV, (Adv).

This will acknowledge the receipt of the copy of the Report of the S.I.O., Foggia Province sent to you on 23 December, ref. no. 3044.

If another copy of the report is available we should appreciate it if it could be sent to us for transmission to Allied Control Commission for the information of the C.A.C.

Major, A.U.S.,
Chief Legal Officer.

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

Ref.No. 3040 108

Copy to:
AMLO, AMG Region IV
23 Dec.1943

SUBJECT: Italian Courts.
TO : A.M.G. Region IV Adv.
FROM: A.M.G. Foggia Province

Reference your T/62/Legal,Fog. 9 Dec. 43. 30
Enclosed herewith is report requested by Hqs. A.M.G. 15 th Army Group in accordance with their letter 9 Dec.43 Ref.AMG/206/30, above subject.

Wm. H. Laist Major
for Lt.Col.
S.C.A.O. Foggia Province

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0751

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

107

Subject:- Italian Judiciary.

AFHQ,
15 Army Group,
G.M.L.F.

Ref. AG/206/107
1 January 44.

Chief Legal Officer,
Legal Sub-Commission,
Allied Control Commission,
BRINDISI.

Thank you for letting me see the letter from the Minister of Justice of 27 December concerning the above matter. I have noted your reply to the Minister's 3rd paragraph; my only observation is that I should not like the Minister to get the impression that defendants are, as a matter of right, entitled to have counsel appointed on their behalf in every Military Court case.

2. The Minister's suggestion in his first paragraph that AMG should report to him the reasons for the dismissal from office of judges in occupied territory is entirely unacceptable. We shall, however, be willing to keep the Ministry informed in due course, of the names of all judges whom we remove, the dates of their removal, and the names of their successors.

3. We cannot, of course, by any direct means prevent the Ministry from employing in unoccupied Italy those judges whom we have removed from office. It seems obvious, however, that such re-employment involves dangerous possibilities. In the first place it will give reason for scepticism concerning the good faith of the Italian Government's protestations of hostility to Fascism. Secondly, it will inevitably mean that a portion of the judiciary in unoccupied Italy will be unfriendly to the Allied Military Government of occupied Italy. The consequences may well be serious. It would seem advisable, far from accepting the Minister's rebuke, for him to be informed by A.C.C. that the re-employment of removed officials may be allowed only in very exceptional circumstances, and after the A.C.C. has consulted with AFHQ, 15th Army Group.

4. The Minister's suggestion that all appointments to vacancies should be made within the terms of the organic Italian law has considerable merit. Legal officers will be reminded of the terms of that law and will be instructed to follow its provisions whenever it is at all possible to do so.

5. I am sorry to say that I do not understand the Minister's reference in the last sub-paragraph of paragraph 2 to the ordinances of the Prefect. If I could be informed more specifically what type of action on our part would be of assistance to the Ministry we can, perhaps, meet his wishes.

Major, A.U.S.,
Chief Legal Officer.

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AGC/gaf

ALLIED CONTROL COMMISSION
Legal Subcommission

206

29 December 1943.

In reply
refer to: AGC/L/111.

SUBJECT: Magistrates, etc. Wanted by AMG.

TO : H.E. The Undersecretary of State
The Ministry of Pardon and Justice.

The questions raised in Your Excellency's Memorandum of the 27th instant are receiving attention. Meanwhile, regarding the points referred to under para. 3 it is necessary to emphasize that all offences committed against the Proclamations or General Orders or other orders of AMG as well as offences against Italian law are within the jurisdiction of Allied Military Courts. The fact that it has been found desirable to have offences generally tried by Italian Courts does not amount to a derogation of this jurisdiction, and whenever the Allied authorities find it expedient they can try any case or class of cases.

If such a case is tried by an Allied Military Tribunal the ordinary procedure laid down for those Tribunals must be followed. Whilst this procedure differs in some respects from Italian procedure, the basic principles would appear to be the same. It will assist to clarify the query concerning the difference between the two procedural systems in the matter of preventive custody if you will kindly illustrate what you mean by quoting a concrete case.

In this connection I should like to refer to that statement in your letter according to which Allied Military Tribunals are said to be held on the premises of a prison and without intervention of a defender. That is of course contrary to the rules governing the Allied Military Tribunals and it would be greatly appreciated if you could furnish us with details as to the Courts, names of the defendants, place and time of the trials at which such deficiencies have occurred. I shall at once cause an investigation to be initiated.

The remaining points of your letter will be dealt with in due course.

aep. 119

A. P. ALCORN, Major

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

In reply
refer to: 000/1/111.

SUBJECT: Magistrates, etc. Appointed by AMG.

TO : H.E. The Undersecretary of State
The Ministry of Pardon and Justice.

The questions raised in Your Excellency's Memorandum of the 27th instant are receiving attention. Meanwhile, regarding the points referred to under para. 3 it is necessary to emphasize that all offences committed against the Proclamations or General Orders or other orders of AMG as well as offences against Italian law are within the jurisdiction of Allied Military Courts. The fact that it has been found desirable to have offences generally tried by Italian Courts does not amount to a derogation of this jurisdiction, and whenever the Allied authorities find it expedient they can try any case or class of cases.

If such a case is tried by an Allied Military Tribunal the ordinary procedure laid down for these Tribunals must be followed. Whilst this procedure differs in some respects from Italian procedure, the basic principles would appear to be the same. It will assist to clarify the story concerning the difference between the two procedural systems in the matter of preventive custody if you will kindly illustrate what you mean by quoting a concrete case.

In this connection I should like to refer to that statement in your letter according to which Allied Military Tribunals are said to be held on the premises of a prison and without intervention of a defender. That is of course contrary to the rules governing the Allied Military Tribunals and it would be greatly appreciated if you could furnish us with details as to the Courts, names of the defendants, place and time of the trials at which such deficiencies have occurred. I shall at once cause an investigation to be initiated.

The remaining points of your letter will be dealt with in due course.

Aeq. 1 [illegible]

A. W. CHADWICK, Major
Legal Subcommission, AMG.

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

MINISTERO DI GRAZIA E GIUSTIZIA

Gabinetto

Protoc. N. .....
Risp. al foglio N. .....
del .....

Bari li 27 dicembre 1943.=

OGGETTO: Magistrati e funzionari dispensati dal servizio dell'AMGOT.

ALLA COMMISSIONE ALLEATA DI CONTROLLO
Sottocommissione legale
BRINDISI

^^^^^^^^^^^^^^

Viene segnalato a questo Ministero:

1°) - che l'AMGOT ha esonerato e va esonerando dalle funzioni nelle zone occupate magistrati, cancellieri e segretari giudiziali ed a causa dei loro precedenti fascisti ed a seguito di ricorsi di privati su questioni di carattere locale.

Poichè ci è richiesto che sorte subisca tale personale anche ai fini economici, venendo d'un tratto il personale stesso privato delle fonti di sostentamento si propone che nel caso il Comando Militare Alleato non ritenga autorizzarlo in altra sede della zona occupata, ne comunichi sollecitamente il nominativo, con un breve rapporto sulle cause dell'esonero, a questo Ministero, che si riserva, esaminate le cause suddette, di utilizzarlo nella zona libera o in quella liberata, quando ne verrà fatta consegna al Governo Italiano.

2°) - in conseguenza di tali esoneri l'AMGOT va nominando Avvocati e Procuratori liberi esercenti indipendentemente dal concorso dei requisiti previsti dalm nostro ordinamento giudiziario.

I pericoli di un reclutamento del genere sono troppo evidenti perchè vi sia bisogno di farli specificatamente presenti. Si propone pertanto, che, in caso di bisogno di sostituzione di magistrati o funzionari nella zona occupata, ne venga richiesta, tramite codesta Sottocommissione, a questo Ministero, che provvederà a mettere a disposizione del Comando Militare Alleato i magistrati ed i funzionari occorrenti, scegliendoli da quelli della zona libera o della zona liberata (quando ci sarà stata re-

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

Protoc. N. .....
Risp. al foglio N. .....
del .....

Bari li 27 dicembre 1943.=

OGGETTO: Magistrati e funzionari dispensati dal servizio dell'AMGOT.

ALLA COMMISSIONE ALLEATA DI CONTROLLO
Sottocommissione legale
B R I N D I S I

^^^^^^^^^^^^^

Viene segnalato a questo Ministero:

I°) - che l'AMGOT ha esonerato e va esonerando dalle funzioni nelle zone occupate magistrati, cancellieri e segretari giudiziali od a causa dei loro precedenti fascisti od a seguito di ricorsi di privati su questioni di carattere locale.

Poichè ci è richiesto che sorte subisca tale personale anche ai fini economici, venendo così di fatto il personale stesso privato delle fonti di sostentamento si propone che nel caso il Comando Militare Alleato non ritenga di utilizzarlo in altra sede della zona occupata, ne comunichi sollecitamente il nominativo, con un breve rapporto sulle cause dell'esonero, su quanto Ministero, che si riserva, esaminata la causa suddetta, di utilizzarlo nella zona libera o in quella liberata, quando ne verrà fatta consegna al Governo Italiano.

2°) - in conseguenza di tali esoneri l'AMGOT va nominando Avvocati e Procuratori liberi esercenti indipendentemente dal concorso dei requisiti previsti dal nostro ordinamento giudiziario.

I pericoli di un reclutamento del genere sono troppo evidenti perchè vi sia bisogno di farli specificatamente presenti. Si propone pertanto, che, in caso di bisogno di sostituzione di magistrati o funzionari nella zona occupata, se ne faccia richiesta, tramite codesta Sottocommissione, a questo Ministero, che provvederà a mettere a disposizione del Comando Militare Alleato i magistrati ed i funzionari occorrenti, scegliendoli da quelli della zona libera o della zona liberata (quando ci sarà stata restituita). Ove poi si volesse eccezionalmente ricorrere alla nomina di magistrati scegliendoli fra gli Avvocati e i Procuratori esercenti non della stessa sede sarebbe opportuno venissero tenuto presenti le disposizioni contenute nel nostro ordinamento giudiziario, e quando anche ciò fosse possibile, si limitasse la nomina a quella di Vice Pretore onorario, i quali possono sedere (non più di uno alla volta) anche nei Collegi di Tribunali.

Non senza considerare che nella zona controllata vi sono magistrati e funzionari che non hanno potuto raggiungere le sedi nella zona occupata dai tedeschi, e che gli stessi potrebbero ben

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LITOTIPIA POLO - BARI

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

essere utilizzati, obbligandoli a far conoscere la loro presenza nella zona controllata. Potrebbe anzi a riguardo emanarsi una ordinanza del genere di quella già pubblicata dai Prefetti della zona libera, il che sarebbe molto gradito a questo Ministero che avrebbe così la possibilità di conoscere quali e quanti magistrati e funzionari trovansi attualmente nella zona controllata, per non aver potuto raggiungere le loro sedi.

3°) - mentre si è riconosciuta la competenza della Autorità Giudiziaria Italiana per i reati contemplati nella legge italiana, in pratica avviene che frequentemente anche di questi si occupano le Autorità Militari Alleate con forme processuali molto diverse delle nostre, quali ad esempio le udienze tenute nei locali carcerari, la mancanza dell difensore, la scarcerazione a che quando il nostro codice impone la custodia preventiva. E' pertanto, sorto, nelle Autorità Italiane, il dubbio sulla natura e sulla sua definitività o meno del provvedimento

Si gradirebbe conoscere al riguardo il pensiero di codesta Commissione, esaminando se non sia il caso di mantenere con la distinzione della competenza nei sensi suddetti, distinte anche le forme processuali affidate all'osservanza dei magistrati italiani.

4°) - vari funzionari della zona liberata chiedono di essere collocati in aspettativa. Si gradirebbe che le relative istanze, tramite i Capi delle Corti, venissero inoltrate a questo Ministero per i provvedimenti di competenza.

IL SOTTOSEGRETARIO DI STATO
(de Santis)

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

MINISTRY OF PARDON AND JUST.

27 December 1943.

SUBJECT: Magistrates and Functionaries dismissed from service by AMGOT.

To the Allied Control Commission, Legal Subcommission, Brindisi.

This Ministry has been informed of the following:

(1) AMGOT has discharged and is discharging magistrates, recorders, and judicial secretaries from their employment in occupied territories because of their fascist past or on account of private complaints on questions of local character. Since we were asked what fate this personnel will suffer in the economic sense after having been deprived of the means of sustenance we propose if the AMG does not intend to use an official in another locality of the occupied territory, it should communicate at once his name with a brief statement as to the causes of dismissal to this Ministry which, having examined the above mentioned causes, reserves to itself the employment of such official in the free zone or in the liberated zone when transferred to the Italian Government.

(2) In consequence of these dismissals the AMGOT is appointing Avvocati and Procuratori exercising their free professions without regard to the competitive proceedings provided for by our judicial organic law.

The dangers of the said appointments are too plain to merit specific explanations. Therefore, it is suggested that if the need arises to replace a magistrate or functionary in the occupied zone, a request be filed with this Ministry through the Legal Subcommission, which will place at the disposal of the Allied Military Command the required magistrates and functionaries chosen from those in the free or liberated zone (when the latter is restored). Where by way of an exception a recourse should be taken to appointing avvocati and Procuratori from another locality to the offices of magistrate, it would be advisable to observe the rules contained in our judicial organic law, and if that should not be possible, such appointments should be limited to those of honorary Vice-Pretori, who are allowed to sit (one at a time) also on the Benches of Tribunali.

It should be considered that there are magistrates and functionaries in the controlled zone who have been unable to reach their seat of office in the German held zone and who could well be used, if they were ordered to report their presence in the controlled zone. In that respect some ordinance similar to that published by the Prefects of the free zone could be issued, which would be much appreciated by this Ministry and which would render it possible for the Ministry to learn how many and what classes of magistrates and functionaries are at present in the controlled zone because of being unable to reach their seats of office.

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

This Ministry has been informed of the following:

(1) AMGOT has discharged and is discharging magistrates, recorders, and judicial secretaries from their employment in occupied territories because of their fascist past or on account of private complaints on questions of local character. Since we were asked what fate this personnel will suffer in the economic sense after having been deprived of the means of sustenance we propose if the AMG does not intend to use an official in another locality of the occupied territory, it should communicate at once his name with a brief statement as to the causes of dismissal to this Ministry which, having examined the above mentioned causes, reserves to itself the employment of such official in the free zone or in the liberated zone when transferred to the Italian Government.

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(3) While the competence of the Italian Judicial Authorities to deal with crimes established by the Italian law has been recognized, it frequently happens in practice that the Allied Military Authorities take charge of these crimes and deal with them in procedural forms greatly differing from ours, e.g. hearings are held on the premises of the prisons, no defender is provided, release is effected in cases in which our code imposes preventive custody. Thus a doubt has arisen in the minds of the Italian authorities as to the nature and definite character of the above stated provision.

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

It would be appreciated if the Commission would express its view on this point after having considered the advisability of maintaining with the distinction of the competence along the lines indicated above, also a distinction of procedural forms which the Italian magistrates are obliged to observe.

4. Various funtionaries of the liberated zone have requested to be granted leave of absence. It would be appreciated if the respective applications be transmitted through the Heads of the Courts to this Ministry for necessary action.

THE UNDERSECRETARY OF STATE.

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

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

THE UNDERSECRETARY OF STATE.

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

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Subject:- Report on Italian Courts.

AMG Sec.,
15 Army Group,
A.P.O.

Ref. AMG/206/105
3 January 44.

S.A.C.O., 5 th AMG, Fifth Army.

Thank you for the detailed report on the Italian Courts in Region 3.

If by any chance you have an extra copy of your report we should like to have it for transmission to the A.C.C., Allied Control Commission.

Deputy C.M.O.,
Chief Legal Officer.

Copy to:- A.C.A.O., Region III.

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

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ALLIED MILITARY GOVERNMENT
HEADQUARTERS, 5th ARMY
APO 464
LEGAL DIVISION

206

208/CA/10
29 December 1943

SUBJECT: Italian Courts

TO : Chief Legal Officer, AMG, Headquarters, 15 Army Group, APO 777, US Army

36

1. With reference to letter AMG/206/30 dated 9 September 1943, I enclose report upon the Italian Courts under the subjects required by you.

2. As the compilation of this report had been commenced by me prior to the time when I ceased to act as Legal Officer of Region 3, in agreement with the present R.C.L.O. Region 3, this report has been completed to cover all the territory comprising NAPLES, BENEVENTO, AND AVELLINO Provinces including the areas there administered by AMG, 5th Army.

3. It is therefore requested that this report be accepted by you as the report required from 5th Army and Region 3 Headquarters, AMG.

J.V.M. Shields
Lt. Col.

J.V.M. SHIELDS, Lt. Col.,
Senior Legal Officer,
AMG, 5th Army

1

C/ to RCLO Reg 3

0763

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

206

103.

HEAD QUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommission

30 December 1943.

In reply
refer to: ACC/I/101.

See 97 pl

SUBJECT: Italian Deserters.

TO : Chief Legal Officers, Region 1 & 2.

Members of the Italian Armed Forces who deserted between 10 July and 8 September 1943, inclusive, shall not be punished for desertion except those who deserted to the German or other hostile army.

However, the foregoing does not preclude trial and punishment by an Italian Military Tribunal of those who so deserted between the dates above mentioned, for their failure to return to the Italian Armed Forces after 6 October 1943, provided they were given due and proper notice to return by that date. In such cases the deserters may be tried and punished for failure to return and not for the original desertion.

The Italian Commanders in your Region should be advised accordingly.

Colonel
Chief Legal Officer, ACC

113

Copy to AAI HQ 15th Army Gp.

0764

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

Legal 206

31 DEC 1943 JK.

102

AMG REGION IV ADVANCED
c/o HQ. AMG 15 ARMY GROUP

DEC 1943

TO : HQ. AMG 15 Army Group

FROM : HQ. AMG Region IV Advanced

SUBJECT: Release of civil prisoners at Lucera.

REF : T/648/Leg.

DATE : 28 December 1943

66

1. Reference your letter AMG/206/35, 13 Dec 43.

2. The information requested in the above mentioned letter is not available from Region IV personnel, as the matter referred to, i.e., Release of prisoners, occurred during Eighth Army spearhead administration. No report of this was left behind.

3. It is therefore, suggested that you write direct to Eighth Army, AMG, for the desired information.

For AMG Region IV :

JOHN OLIVER HALL,
Major, F.A.

PJC

112

0765

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Royal Decree Law of 6 Dec. '43 - File on 206 121

Art. 219 of the Law of Public Security is published
as following: Being the state of war persons charged with
crimes against the personality of the State
described in the first title of the second book of the
Penal Code and those of military Courts, persons
charged with crimes against public order, public
administration, and forgery, and those of
ordinary courts." 111

0746

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

Subject: Italian Army Jurisdiction over Crimea.

100

P. W. A. C. G.,
15 Army Group,
C. M. F.

AFHQ/206/

2h. Dec. 43

P. C. A. C. G.,
AFHQ,
Region III.

I refer to Colonel Rose's letter of 15th December regarding Italian Army jurisdiction over crimes.

2. I approve the action taken by Colonel Rose. If General Basso raises the question again he should be told that he has no authority to try such cases in Italian Military Tribunals in 15 Army Group area.

Brigadier,
Deputy Chief Civil Affairs Officer.

110

0767

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

99

HEADQUARTERS FIFTH ARMY
MILITARY GOVERNMENT SECTION
A.F.O; 464, U.S. ARMY

16 December 1943

SUBJECT: Italian Army Jursidiction Over Crimes.

TO : Brigadier M. Lush, Headquarters, Allied Military Government, 15th Army Group.

1. Pursuant to your request, I enclose herewith copy of a statement by General BASSO, asking for authority to prosecute EMILIO SCAGLIONE, and copies of Articles from the Italian Penal Code, under which General Basso would prosecute.

2. I have withheld permission for obvious reasons.

EDGAR ERSKINE HUME,
Colonel, G.S.C.,
Chief, Military Government Section,
Fifth Army.

H/z

98

The Articles signed EMILIO SCAGLIONE by the heading "The King of Sahara", published on the 4 and 5 of December, in the newspaper "Risorgimento" contstitute crimes according to the articles 27 and 278 of the Italian Penal Cpde, bearing in mind both the present code and the code existing before the fascist regime if one wishes to refer to it.

For these crimes, according to recent law, enacted by Marshall Badoglio, the authority belongs to the Military Tribunal.

I wish to know if in my capacity of of Commander of the Armed Forces, of the zone, and in my responsibility to the Italian Government with regard to public order, I may proceed in consequence and give opportune orders to the Military Procurator.

105

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

0769

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

Subject: Trial of Italian Deserters.

97

H.Q. A.M.G.,
15 Army Group,
C. M. F.

AMG/206/77

29. Dec. 43.

Headquarters,
15 Army Group.

It has come to my attention that the Italian military authorities have taken steps in portions of recently occupied territory under the control of AMG, 15th Army Group, to bring Court Martial proceedings against soldiers who deserted the Italian Army between 10 July and 8 September 1943.

2. In my opinion such proceedings should not be tolerated. Although some deserters may have abandoned their units for discreditable reasons, without doubt many did so because of their reluctance to participate further in resistance to the Allies. Some are said to have deserted in response to Allied appeals. The difficulties of ascertaining the motives of desertion are insurmountable and, accordingly, I suggest that no prosecution be made in respect of desertions which occurred between the date of the invasion of Sicily and the date of the Armistice.

Signed MSL

Brigadier,
Deputy Chief Civil Affairs Officer.

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

96

Subject:- Italian Courts, Provinces of Foggia.

AMG HQ.,
15 Army Group,
C.M.F.

Ref. AMG/206/4b
29 December 43.

Chief Legal Officer,
Legal Sub-Commission,
Allied Control Commission,
BRINDISI.

Enclosed herewith is a copy of a letter which we have just received from the R.C.A.O. Region IV.

The situation described in the letter would seem to make postponement of the normal operation of courts in the Foggia area inevitable.

Major, U.S.,
Chief Legal Officer.

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

Legal
28 DEC 1943

Copy 95

AMG REGION IV ADVANCED
( ) c/o HQ. AMG 15 ARMY GROUP

TO : AMG HQ., 15 Army Group, C.M.F.

FROM : HQ. Region IV AMG, Advanced

SUBJECT: Italian Courts - Foggia

REF : T/225/Fogg

DATE : 25 December 1943

1. Reference your letter AMG/206/75 of 15 Dec. 43.

2. The Tribunale building is earmarked for use by Naafi, and there is no chance of its being used by the courts unless very high authority so ordered.

3. That without similar orders, living space would not be available in Foggia for the numerous court officials as required to man the courts.

4. The bringing of witnesses and litigants into Foggia would create a problem due to the existing situation in that town.

5. The building was recently inspected and it is evident that it has sustained extensive damage as a result of the bombing and could not be used as a courthouse without repairs being made thereto.

6. The Tribunale courts are at present functioning in Lucera where there is an adequate courthouse and jail. The jail of Foggia is also not useable due to the bombing.

105

A. H. CHOVIL,
Major,
For R.C.A.O., Reg. IV

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

0772

94

Subject:- Italian Military Tribunals.

HG Hq.,
15 Army Group,
B.A.F.F.

Ref. HG/256/94
21 September 44.

93

To:- Hq. A.C.C.

My Chief Legal Officer, Lt.Col.Rowe, has shown me letter HG/256/93 of 17 Sep. received by him from your Chief Legal Officer, Colonel Upjohn, together with the copy letter enclosed therewith written by Lieut-General Taylor to Marshall House.

2. It would appear that there has been a misunderstanding between Colonel Upjohn and Colonel Rowe as to what was exactly agreed at their recent meeting in Brindisi when Italian Military Tribunals were discussed. Colonel Rowe's agreement was limited to a trial of the rules of procedure for Italian Military Tribunals in the forward areas.

3. The letter written by General Taylor to Marshall House states categorically that the C.C.S-in-C has agreed to the establishment of a Tribunal for the functioning of Italian Military Tribunals this is, of course, not so and I would ask that a letter be addressed to Marshall House explaining the situation.

HGR/Rowe.

Brigadier.
D.C.C.A.C.

104

93

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommission

APO/gmf

19 December 1945.

In reply
refer to: ACC/S/305.

SUBJECT: Italian Military Tribunals.

TO : Chief Legal Officer,
HQ ASC, 25th Army Group.

1. Further to our interview on Friday last it is confirmed that you will lay out the rules for the conduct of Italian Tribunals in your area.

2. Enclosed for information is a copy of the letter to Marshal Messe (or whatever name may suit to you before through inadvertence). This is now written upon the position was misunderstood after the last conference with you here.

3. In answer to para 2 of your letter Ref. AG/206/77 of 16 Dec 45 it is preferable not to publish any Bando - normally not in view of the way this Bando No. 2 is drawn to provide for jurisdiction over civilians under Article I thereof.

4. With reference to your para 4, a copy of the Rules are being sent to Army. It is thought that they have not yet really considered the matter.

A R Thackeray Major
for [illegible], Colonel

103

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

In reply
refer to: 300/1/303.

SUBJECT: Italian Military Tribunals.

TO : Chief Legal Officer,
HQ LOC, 15th Army Group.

1. Further to our interview on Friday last it is confirmed that you will try out the rules for the conduct of Italian Tribunals in your area.

2. Enclosed for information is a copy of the letter to Marshal Messe (of which copy was sent to you before through inadvertence). This letter was written when the position was misunderstood after the last conference with you here.

3. In answer to para 2 of your letter Ref 370/206/77 of 16 Dec 43 it is preferable not to publish any Rules - certainly not in view of the way this Rules Tro. I is drawn to provide for jurisdiction over civilians under Article 1 thereof.

4. With reference to your para 4, a copy of the Rules are being sent to AFHQ. It is thought that they have not yet really considered the matter.

for C.R. Thackeray Major
C.R. HEATH, Colonel
Chief Legal Officer, AFHQ

Enclosure:
Copy of letter to
Marshall Messe.

103

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0775

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

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Legal

22 DEC 1943

91

Subject:- Italian Military Tribunals.

206

AMG HQ.,
15 Army Group,
C.M.F.

Ref.AMG/206/87
20 December 43.

Liaison Officer,
AMG, 15 Army Group.

It is understood from Colonel Upjohn, C.L.O., A.C.C., that the B.G.S., Brigadier Martin, issued an instruction on the holding of Italian Military Tribunals in occupied territory.

2. Will you please ascertain if the above is correct and, if so, obtain and forward a copy of the instruction.

H.E.ROWE,
Lt.Colonel,
Chief Legal Officer.

HER/ES.

101

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

SECRET.

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
REGION 3
LEGAL OFFICE.

Amgot 3/6081/L
15 December 1943.

SUBJECT:- Prosecution of Italian Soldiers for Desertion before Italian Military Tribunals.

TO : C.L.O., A.M.G. H.Q., 15th Army Group, C.M.F.

1. A case has arisen within this territory of the arrest of an Italian Soldier for desertion. The warrant (for this arrest) was issued on 10th August 1943.

2. This particular case has raised the question of the arrest and trial of Italian soldiers for desertion, many of whom state that the cause of their desertion was their unwillingness to fight against the Allies.

3. I should be grateful to have a ruling as to whether the Military Governor wishes to allow these trials to proceed or whether they should be suspended until the termination of hostilities in Europe.

4. At the present juncture I have given only verbal instructions to the Procuratore of the Italian Military Tribunals not to try any cases of desertion. It would be impolitic in my opinion to allow Italian soldiers to be tried for desertion who deserted because they were unwilling to fight against the Allies, on the other hand, interference with the trial of other normal cases of desertion might have the effect of reducing the discipline in the Italian forces. It would be difficult to separate cases of desertion of soldiers who did not wish to fight the Allies from others.

0736

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5. I feel that as many of the I alian soldiers demobilised themselves spontaneously and the Italian Army at the time of the armistice when there was fighting taking place in Sicily and later in Italy was in most areas completely disorganised, it would be better to suspend arrest and trial of any Italian soldiers on a charge of desertion which occurred between 29th July 1943 and 9th September 1943.

J.V.M. Shields

J.V.M. Shields Lt. Col.,
Senior Legal Officer,
A.M.G., 5th Army.

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

88

Subject:- Pay of Italian Judges.

AMG HQ.,
15 Army Group,
C.M.F.

Ref. AMG/206/88
20 December 43.

Chief Legal Officer,
Legal Sub-Commission,
Allied Control Commission,
BRINDISI.

In accordance with your request I have raised the question with C.F.C. at this HQ as to whether Italian Judges appointed by A.M.G. are paid the salary of their own grade or of the grade of their appointment.

2. C.F.C. believes it to be the latter practice which prevails but he is communicating with Col. Monapace, who he states will know definitely.

3. As soon as an answer is received, I will let you know.

H.E.ROWE,
Lt.Colonel,
Chief Legal Officer.

HER/ES.

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87

Subject:- Italian Military Tribunals.

AMG HQ.,
15 Army Group,
C.M.F.

Ref.AMG/206/87
20 December 43.

Liaison Officer,
AMG, 15 Army Group.

It is understood from Colonel Upjohn, C.L.O., A.C.C., that the B.G.S., Brigadier Martin, issued an instruction on the holding of Italian Military Tribunals in occupied territory.

2. Will you please ascertain if the above is correct and, if so, obtain and forward a copy of the instruction.

H.E.ROWE,
Lt.Colonel,
Chief Legal Officer.

HER/ES.

206

86

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-ordination

GHQ/gmf

11 December 1943.

In reply
refer to: AC/J/305.

SUBJECT: Italian Courts

TO : Chief Legal Officer, 15th Army Group.

1. I thank you for your letter enclosing an interesting letter from Lt. Col. Shields on the Courts of Assize.

2. I took the matter up with the Minister of Justice who is entirely in agreement as to the undesirability of R.D. No. 249, 1941 and who has already under consideration its repeal and the constitution of a new Court of Assize.

For various good reasons they are against reviving the old and cumbrous procedure under the law of 12 June 1874 but have invited us to lay out a new system in occupied territory on the lines discussed with them accordingly in conjunction with them we are working out a plan for a Court of Assize in occupied territory which I hope to let you have in a few days and which I hope you will put into a general order and try out.

If the experiment is successful, the Italian Government will adopt the new system in unoccupied territory.

3. I enclose a copy of General Order No. 12 published in Sicily. The Italian Government also like this in principle and if there is any

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

Letter No. AG 719.3(J).

SUBJECT: Italian Courts

TO : Chief Legal Officer, 15th Army Group.

1. I thank you for your letter enclosing an interesting letter from Lt. Col. Shields on the Courts of Assize.

2. I took the matter up with the Minister of Justice who is entirely in agreement as to the unsuitability of R.D. No. 249, 1951 and who has already under consideration the repeal and the constitution of a new Court of Assize.

For various good reasons they are against reviving the old and cumbrous procedure under the law of 12 June 1874 but have invited us to try out a new system in occupied territory on the lines discussed with them. Accordingly in conjunction with them we are working out a plan for a Court of Assize in occupied territory which I hope to let you have in a few days and which I hope you will put into a general order and try out.

If the experiment is successful, the Italian Government will adopt the new system in unoccupied territory.

3. I enclose a copy of General Order No. 12 published in Sicily. The Italian Government also like this in principle and if there is any call for it in your area will you please do the same. If your Italian Legal Advisory Committee do not, however, feel the need for a revision of the local avvocati-procuratori, it is not a matter to be forced on them.

4. I enclose a copy of a somewhat snubbing letter from Lt. Col. Todd on the matter of Italian Military Tribunals and my reply thereto. The same situation may be arising in your area.

[signature]

L. G. Merrill, Colonel
Chief Legal Officer, AGC.

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

85

ALLIED MILITARY GOVERNMENT OF OCCUPIED TERRITORY.

(SICILY)

GENERAL ORDER NO. 12.

REORGANISATION OF THE BAR ASSOCIATION.

WHEREAS by a Royal Decree of 27 November, 1933 No. 1578 (embodied in the law of 22 January, 1934 No. 36) the profession of Avvocati and Procuratori was reorganised into Fascist Syndicates; and

WHEREAS the great majority of Avvocati and Procuratori in Sicily have requested that the Fascist Syndicates be abolished and that the liberal traditions of their profession be re-established as provided by this Order;

NOW, therefore, in pursuance of such request, I, FRANCIS BARON RENNELL OF RODD, Major-General, Chief Civil Affairs Officer hereby ORDER as follows:-

Article I.

ABROGATION OF EXISTING LAW.

The Royal Decree and Law of 27th November, 1933 No. 1578 and the Law of 22nd January, 1934 regulating the activities of "Avvocati and Procuratori" are hereby abrogated. The provisions of the Law of 25th March, 1926 No. 453 and of the Royal Decree of 26th August, 1926 are formally restored except for the amendments set out hereunder.

Article II. 95

EXAMINATIONS FOR AVVOCATI.

The examination for the admission to the Bar Association which under the provisions of Article 15 of the Law of 1926 took place every two years at the seat of the Court of Appeal, will be held at a date fixed by the Council of the Association under the rules and regulations prescribed by the Law. There will be a written and an oral examination. The four subjects to be treated in writing will be:-

Civil Law and Procedure;
Penal Law and Procedure;
Commercial Law;
Administrative Law.

The Board of Examiners will be composed of five members:-

(a) A Councillor of the Court of Cassation appointed by the First President of the Court of Appeal at the request of the Council of the Association, who will sit as President;

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

REORGANISATION OF THE BAR ASSOCIATION.

WHEREAS by a Royal Decree of 27 November, 1933 No. 1578 (embodied in the law of 22 January, 1934 No. 36) the profession of Avvocati and Procuratori was reorganised into Fascist Syndicates; and

WHEREAS the great majority of Avvocati and Procuratori in Sicily have requested that the Fascist Syndicates be abolished and that the liberal traditions of their profession be re-established as provided by this Order;

NOW, therefore, in pursuance of such request, I, FRANCIS BARON RENNELL OF RODD, Major-General, Chief Civil Affairs Officer hereby ORDER as follows:-

Article I.

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The Royal Decree and Law of 27th November, 1933 No. 1578 and the Law of 22nd January, 1934 regulating the activities of "Avvocati and Procuratori" are hereby abrogated. The provisions of the Law of 25th March, 1926 No. 453 and of the Royal Decree of 26th August, 1926 are formally restored except for the amendments set out hereunder.

Article II. 93

EXAMINATIONS FOR AVVOCATI.

The examination for the admission to the Bar Association which under the provisions of Article 13 of the Law of 1926 took place every two years at the seat of the Court of Appeal, will be held at a date fixed by the Council of the Association under the rules and regulations prescribed by the Law. There will be a written and an oral examination. The four subjects to be treated in writing will be:-

Civil Law and Procedure;
Penal Law and Procedure;
Commercial Law;
Administrative Law.

The Board of Examiners will be composed of five members:-

(a) A Councillor of the Court of Cassation appointed by the First President of the Court of Appeal at the request of the Council of the Association, who will sit as President;
(b) A Professor of Law of the University selected as above;
(c) The President of the Council of the Association;
(d) Two members of the Association chosen from among the Avvocati.

Article III.

EXAMINATIONS FOR PROCURATORI.

The limitation of the number of "Procuratori" in each Court of Appeal district and the competitive examination for vacancies as provided by Articles 21, 22 and 23 of the Law of 1926 are hereby abrogated. An examination for the inscription on the List of Procuratori will take place as per Article 20 of the said Law every year and on its result will be

Declassified E.O. 12356 Section 3.3/NND No. T85016

determined the suitability of each candidate. This examination, of a more practical nature, will take place at the seat of the Court of Appeal at a date to be fixed by the Council of the Association and will be both written and oral. Written subjects will be:-

Civil Law and Procedure;
Penal Law and Procedure;
Commercial Law;
Administrative Law.

Oral subjects will also include financial legislation. The Board of Examiners will be composed as set forth in Article II but the two members from the Association will be Procuratori.

Article IV.

QUALIFICATION WITHOUT EXAMINATION.

"Procuratori Legali" having exercised their practice for five years will have the right to have their names inscribed on the list of the Avvocati without further examination and without having practised as avvocati for the appropriate number of years.

"Avvocati" having exercised their profession for two years will have the right to have their names inscribed on the list of the Procuratori Legali without further examination or period of practice, provided that they have complied with all requirements of the law.

Article V.

CREATION OF ASSOCIATION OF AVVOCATI AND PROCURATORI AND ESTABLISHMENT OF COUNCIL.

No other distinction will exist between Avvocati and Procuratori other than the inscription on a different list. They will form one association and their representation will be entrusted to one Council of seven, eleven or fifteen members as prescribed by the Law of 1926. All avvocati and Procuratori will be eligible for election to the Council five years after their inscription in their respective lists, with the following exceptions:- Any person having held offices or exercised functions in the Fascist party or in corporative institutions or in organizations of a politico-administrative nature. If such person were elected by error, this election would be automatically cancelled and the candidate having received the second largest number of votes elected instead. The yearly general meeting will be constituted by all Avvocati and Procuratori pari passu.

Article VI.

ACTION OF COURT OF APPEAL.

Until the Upper Council of the Association can be elected as provided in Articles 41, 42 and 43 of the Law of 1926, all its functions as set forth in Article 44 of the said law, will be exercised by the Court of Appeal of the District. Such decisions as may be necessary will be taken

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

Oral Subjects will also [illegible]
of Examiners will be composed as set forth in Article II but the two members from the Association will be Procuratori.

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"Procuratori Legali" having exercised their practice for five years will have the right to have their names inscribed on the list of the Avvocati without further examination and without having practised as avvocati for the appropriate number of years.

"Avvocati" having exercised their profession for two years will have the right to have their names inscribed on the list of the Procuratori Legali without further examination or period of practice, provided that they have complied with all requirements of the law.

Article V.

CREATION OF ASSOCIATION OF AVVOCATI AND PROCURATORI AND ESTABLISHMENT OF COUNCIL.

No other distinction will exist between Avvocati and Procuratori other than the inscription on a different list. They will form one association and their representation will be entrusted to one Council of seven, eleven or fifteen members as prescribed by the Law of 1926. All Avvocati and Procuratori will be eligible for election to the Council five years after their inscription in their respective lists, with the following exceptions:- Any person having held offices or exercised functions in the Fascist party or in corporative institutions or in organisations of a politico-administrative nature. If such person were elected by error, this election would be automatically cancelled and the candidate having received the second largest number of votes elected instead. The yearly general meeting will be constituted by all Avvocati and Procuratori pari passu.

Article VI.

ACTION OF COURT OF APPEAL.

Until the Upper Council of the Association can be elected as provided in Articles 41, 42 and 43 of the Law of 1926, all its functions as set forth in Article 44 of the said law, will be exercised by the Court of Appeal of the District. Such decisions as may be necessary will be taken in the Council Chamber in the presence of the Procuratore Generale.

Article VII.

HONORARI AND FEES.

Avvocati's honoraria and Procuratori's fees will be calculated on the basis established by the Law of 15th June, 1942. In cases where the law does not provide, the Council will determine the amounts due in respect of legal and even extra-judicial services. Any regulation in this respect will have to be renewed every three years, bearing in mind as far as possible the text of the law.

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Article VIII.

SCALE OF HONORARIA AND FEES.

All rules and regulations set out in accordance with the terms of the preceding article will take into consideration the amounts involved and the position occupied by Counsel in his profession. A maximum and minimum fee will be determined in accordance with the provisions of the Law of 1942. In penal procedure, the duration of the case will also be taken into account. In certain cases, even those covered by the provisions of the Law of 1942, the client may be requested to pay a larger fee than the one for which the losing party is responsible, if the result or the amount concerned justify such increase in view of the work actually entailed.

Article IX.

SETTLEMENT OF DISPUTES IN RESPECT OF HONORARIA AND FEES.

Any further dispute in respect of fees and honoraria will be settled by the authority of justice. The Court will have to give the reasons for its decision to reduce the fees claimed and, taking into consideration the provisions of Article VIII will not grant an amount inferior to the minimum fixed by the Council of the Association, except in the cases determined in Article 4 of the Law of 13 June, 1942.

Article X.

CONSTITUTION OF PROVISIONAL COMMITTEES.

Provisional Committees of Avvocati and Procuratori appointed by the Allied Military Government at each seat of a Tribunale and Corte d' Appello will represent the Association temporarily and take over the offices and property of the former syndicates hereby dissolved. The said Committees will undertake the revision of the existing lists of Avvocati and Procuratori and ascertain the regularity of the nominations effected since the Law of 27th November, 1933.

Article XI.

CONVENING OF GENERAL MEETING.

A month after the revision will have been completed, the Provisional Committee will take the necessary steps to convoke the first general meeting for the election of the new Council in accordance with the provisions set out heretofore. Members elected to the Council will remain in office until 31st December 1947. However, at the end of the year 1945 the candidatures for the vacancies left by outgoing members will be examined and partial elections will be proceeded with at the end of 1946 as provided

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minimum fee will be determined in accordance with the provisions of the Law of 1942. In penal procedure, the duration of the case will also be taken into account. In certain cases, even those covered by the provisions of the Law of 1942, the client may be requested to pay a larger fee than the one for which the losing party is responsible, if the result or the amount concerned justify such increase in view of the work actually entailed.

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Any further dispute in respect of fees and honoraria will be settled by the authority of justice. The Court will have to give the reasons for its decision to reduce the fees claimed and, taking into consideration the provisions of Article VIII will not grant an amount inferior to the minima fixed by the Council of the Association, except in the cases determined in Article 4 of the Law of 13 June, 1942.

Article X.

CONSTITUTION OF PROVISIONAL COMMITTEES.

Provisional Committees of Avvocati and Procuratori appointed by the Allied Military Government at each seat of a Tribunale and Corte d' Appello will represent the Association temporarily and take over the offices and property of the former syndicates hereby dissolved. The said Committees will undertake the revision of the existing lists of Avvocati and Procuratori and ascertain the regularity of the nominations effected since the Law of 27th November, 1933.

Article XI.

CONVENING OF GENERAL MEETING.

A month after the revision will have been completed, the Provisional Committee will take the necessary steps to convoke the first general meeting for the election of the new Council in accordance with the provisions set out heretofore. Members elected to the Council will remain in office until 31st December 1947. However, at the end of the year 1945 the candidatures for the vacancies left by outgoing members will be examined and partial elections will be proceeded with at the end of 1946 as provided in Article 31 of the Law of 1926.

Article XII.

EFFECTIVE DATE.

This Order will become operative throughout each Province of the Occupied Territory of Sicily on the 25th day of October, 1943.

Dated: 10 October, 1943.

RENNELL OF RODD, Major-General.
Chief Civil Affairs Officer.

NOTE: This General Order will not be printed for posting. It will appear in "Sicily Gazette" No. 4.

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

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

83

HQ ST SECTION

COPY

Subject: Disciplinary Measures for Italian Deserters.

To : General Officer Commanding 78 Corps, Italian Army.
(copies for inf. to HMAC Region 2; L.O. HQ)

20 Nov. 43.

1. I am informed that instructions have been issued to units under your command to institute courts martial to try cases of desertion prior to 8 Sep 43. I take the view that these deserters acted on the instructions issued to them by the Allied authorities by radio, leaflets and other means, and are consequently entitled to the protection of the Allied Military Government in the territories under its jurisdiction. It is moreover, my view, though this is a matter for ruling by the Legal Officers of the Administration, that soldiers who deserted at the invitation of the Allies have acquired, as far as we are concerned, civilian status, and consequently are excluded from your jurisdiction. I must therefore request you to cancel this instruction forthwith.

2. I am further informed that instructions have been issued to take severe disciplinary measures against men who deserted between the 8 Sep 43 and the 6 Oct 43, the date of the publication of the military proclamation of 23 Sep 43. These disciplinary measures are primarily in lieu of the court martial procedure which is banned under the armistice. Possibly the same considerations as are mentioned in paragraph 1 above, apply to these cases. While I cannot order you to cancel instructions of a disciplinary nature to units under your command, I am bound to say that I regard them as an infraction of the spirit of the armistice provision, and, if I am supported in my view by the Legal Officers of A.F.H.Q., I shall afford them protection by eliciting civilian status on their behalf. In the meantime I would suggest that these disciplinary instructions be modified.

93

(sgd) P. Todd. Lt. Col.

Senior Civil Affairs Officer, Calabria.

82

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommission

GHH/gmf

14 December 1943.

In reply
refer to: AAC/L/304.

SUBJECT: Discipline of Italian Deserters.

TO : Regional Chief Legal Officer, Region 2 (thru RCAO).

I have considered your letter 2201/11/29 dated 29 Nov. 43 enclosing copy of letter from Lt. Col. Rodd to G.O.C. XI Corps Italian Army, and have the following observations to make.

1. The Armistice terms did not ban any form of Italian Court Martial Procedure but of course such Courts Martial could, in occupied territory, only take place with the consent of the Allied Military Government. In fact Rules for the Regulation of Italian Courts Martial have now been circulated to you.

2. I have not seen the contents of the leaflets dropped nor heard the relevant radio appeals but subject to any particular statement that may have been made as to the effect of desertion the legal position is that deserters, in response to leaflets, etc., remain soldiers of the Italian Crown and ought not to be treated as of civilian status but as prisoners of war - possibly on parole.

92

In view of the status of co-belligerency granted to the Italians it is essential that all such deserters should be treated as members of the Italian Army and compellable to rejoin by the Italians.

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

SUBJECT: Discipline of Italian Deserters.

TO : Regional Chief Legal Officer, Region 2 (thru RCAO).

I have considered your letter 2301/11/29 dated 29 Nov. 43 enclosing copy of letter from Lt. Col. Rodd to G.O.C. 5I Corps Italian Army, and have the following observations to make.

1. The Armistice Terms did not ban any form of Italian Court Martial Procedure but of course such Courts Martial would, in occupied territory, only take place with the consent of the Allied Military Government. In fact Rules for the Regulation of Italian Courts Martial have now been circulated to you.

2. I have not seen the contents of the leaflets dropped nor heard the relevant radio appeals but subject to any particular statement that may have been made as to the effect of desertion the legal position is that deserters, in response to leaflets, etc., remain soldiers of the Italian Crown and ought not to be treated as of civilian status but as prisoners of war - possibly on parole.

In view of the status of co-belligerency granted to the Italians it is essential that all such deserters should be treated as members of the Italian Army and compellable to rejoin by the Italians.

3. It is of course entirely agreed that all Italian soldiers who deserted in response to our appeals must not be tried in respect of such desertion so that their position in effect is that, though compellable to rejoin, they cannot be punished for their desertion. In my view, the proper course is for the appropriate A.A.G. officer to give an order to G.O.C. 5I Army Corps and to any other military units within

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

your Region under the Rules for the Establishment of Italian Military Tribunals withdrawing all cases of desertion in response to Allied radio and leaflet appeals from the competence of Italian Military Tribunals. See Rule (a).

If you have copies of any leaflets which were distributed I should like to see one.

I wish to make it plain that the defence mentioned in para 3 is only available to those who deserted in response to our appeals which were made, of course, before and at the date of the Armistice. It should not be used as a cover for subsequent deserters in Allied occupied territory.

C. R. UPJOHN, Colonel
Chief Legal Officer, ACC.

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If you have a copy of any leaflets which were distributed I should like to see one.

I wish to make it plain that the defence mentioned in para 3 is only available to those who deserted in response to our appeals which were made, of course, before and at the date of the Armistice. It should not be used as a cover for subsequent deserters in Allied occupied territory.

G. R. URQUHI, Colonel
Chief Legal Officer, AOC.

91

Declassified E.O. 12356 Section 3.3/NND No. T85016

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

SECRET. 80

Subject:- Release of Civil Prisoners at LUCERA.

AMG H.Q.,
15 Army Group,
C.M.F.

Ref. AMG/206/80
20 December 43.

R.C.A.C., Region IV, (Adv). 79

Herewith translation of extract requested in your letter ref T/132/Legal of 15 December 43.

38 / 39 u/c

H.B.ROWE,
Lt. Colonel,
Chief Legal Officer. 91

HB/BS.

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

206 - 16 DEC 1943

AMG REGION IV ADVANCED
c/o Hq. AMG 15 ARMY GROUP

Legal File

TO : C.L.O., Hq. AMG 15 Army Group

FROM : Hq. Region IV AMG, Advanced

SUBJECT: Release of civil prisoners at Lucera

REF : T/15c/Legal

DATE : 15 December 43

Reference your letter, AMG/206/65, 13 Dec. 43, please send this Hq. a copy of the translation of extract from the letter referred to therein, which was apparently inadvertently omitted from the letter sent to us.

JOHN OLIVER HALL,
Major, F. A.
For R.C.A.O.

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

HEADQUARTERS
REGION 3
ALLIED MILITARY GOVERNMENT

AG - 013

Amgot 3/6053/L
11 December, 1943

SUBJECT: Italian Courts.
TO: See Distribution.

The Chief Civil Affairs Officer A.M.G. H.Q. 15th Army Group has called for a report upon the following matters:

(a) Places where Italian Criminal Courts are open, and the kinds of Courts;

(b) Places where Italian Civil Courts are open, and the kinds of Courts;

(c) The names of all Italian Judges and officials functioning, their appointments and where they are located;

(d) Particulars of Court premises destroyed or occupied by Allied Forces and alternative addresses in such cases where Courts are sitting.

These particulars will be as at 1st December 1943.

2. All S.C.A.O.'s are required to submit this information in respect to the courts within their provinces or areas to reach this office not later than 25th December 1943. These returns will be addressed for the attention of the Legal Officer 1/c Italian Courts at this Headquarters.

By order of Colonel HUME:

Paul Revere.

PAUL REVERE,
Major, A.G.D.,
Adjutant General.

DISTRIBUTION:

S.C.A.O. Naples Province	12
" Naples Town	5
" Benevento Province	12
" Avellino Province	12
" II Corps	12
" VI Corps	12
" X Corps	12
C.L.O. HQ. AMG. 15 Army Group	3
S.L.O. HQ. Region IV	3
Files	2
Spares	3

0797

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

Subject:- Italian Military Tribunals.

A HQ.,
15 Army Group,
C.M.F.

Ref.AMG/206/71.
16 December 1943.

Chief Legal Officer,
Legal Sub-Commission,
Allied Control Commission,
BRINDISI.

The above mentioned subject was discussed recently with you at Brindisi and you arranged to ascertain the experience of Region II in applying the Rules for conduct of Italian Military Tribunals drafted by you and then you were to reconsider same.

2. The Italian Military Tribunal at Naples now desires Bando No.1 to be published, and directions have been requested from this Headquarters by Region III.

3. It appears to me that a considerable amount of victimisation can take place under Bando No.1 and I would prefer to see Italian Military Tribunals confined more to dealing with disciplinary offences within the Italian Army. Sabotage and other similar offences should in my opinion be tried by Allied Military Courts.

4. The matter is further complicated as, under a recent directive received by signal from A.F.H.Q., the policy would appear to be that only offences by Italian soldiers who are NOT in a unit operating under our military orders will be dealt with by A.M.Courts.

5. I shall be obliged by hearing from you as soon as possible.

H.E.ROWE.
Lt.Colonel,
Chief Legal Officer.

HER/WS.

Copy to:- S.L.O., AMG. 5 Army.

0798

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

76

Subject:- Italian Courts - Information.

AMG HQ.,
15 Army Group,
C.M.F.

Ref.AMG/206/76
15 December 45.

Senior Legal Officer,
HQ. AMG., 8 Army.

67

Reference your GA/13/88 of 11 December, there is no information book available here in the nature of a basic handbook, but several copies of a very full pamphlet on Italian Courts have just been sent you.

2. If you require any further information, will you please let me know.

H.R.HOWE,
Lt.Colonel,
Chief Legal Officer.

HER/ES.

68

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

75

Subject:- Italian Courts - FOGGIA.

AMG HQ.,
13 Army Group,
C.M.F.

Ref.AMG/206/75
15 December 43.

HQ AMG.,
Region IV, (Adv).

Will you please state whether the buildings of the Tribunals at FOGGIA are still occupied by Allied Forces and, if so, (a) whether there is any chance of their being evacuated to permit the Courts to re-occupy them, and (b) where do the Tribunals Courts now function?

H.E.ROWE,
Lt.Colonel,
Chief Legal Officer.

HER/ES.

83

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

HEADQUARTERS
REGION 3
ALLIED MILITARY GOVERNMENT
LEGAL OFFICE

Amgot 3/6005/L
25 November 1943.

23 NOV 1943

To : C.L.O. AMG. H.Q., 15th Army Group C.M.F.

1. I enclose herewith a copy of Bando No. 1 signed by General Ambrosio regarding the extraordinary Military Tribunal together with the translation thereof.

2. The Liaison Officer with the Italian Forces, Peninsular Base Section Naples, submitted this Bando to AMG in order that it might be approved prior to its posting. I understand it has already been posted in some parts of occupied Italy but as you stated that General Alexander was anxious to consider the whole question of the publication of any proclamation by the Italian Army, I would be grateful if you will inform me whether authority for the posting of this Bando within this Region is to be granted.

J.V.M.Shields,
Lt. Colonel,
Senior Legal Officer.

TRANSLATION

6000 8 73
Barnett Filed

BAN N°. 1

RULES PERTAINING TO THE CONVOCATION OF
EXTRAORDINARY MILITARY TRIBUNAL OF WAR
INCREASE OF PENALTY IN SOME CASES OF MILITARY CRIMES

==========

WE CAVALIER OF THE GRAND CROSS
ARMY GENERAL VITTORIO AMBROSIO
CHIEF OF GENERAL STAFF

Seen Art. 1 of the Ban of the supreme Commander of the FF.AA. Sept 30th, 1943 N° 187 which gives to the chief of Staff power of publishing bans;
Seen Arts. 17,20,283,284;
Seen Art. 14 of the order Military Judiciary of Peace and the Arts. 84,85, 86,87,88 of the Judiciary Order of was approved with Royal Decree of Sept. 9th, 1941
Seen Art. 4 of the Royal Decree Jul. 29th, 1943 N°668

WE ORDER

Art. 1 -- The Extraordinary Military Tribunals of War, in the district declared as "Zone of Operation" in addition to what is established in Art. 283 (General Military Penal Code) are competent to know the following crimes, when committed by member of the armed forces;

a) Harm to Military operation (Art. 52 General Military Penal Code)
b) Intelligence and correspondence with the enemy in the hypotesis provided for in par. 1 and 2 of Art. 54 General Military Penal Code
c) To abandon command, in the hypotesis provided for in par. 1 and 2 of Art.84 General Military Penal Code. 83
d) Surrender due to revolt or other crimes (Art. 109 General Military Penal Code)
e) Instigation to surrender (Art. 109 General Military Penal Code.)
f) Manifestation of cowardice (Art.110 General Military Penal Code.)
g) Commander that doesn't hold his place of combat, in the hypotesis provided for in Art. 120 General Military Penal Code.)
h) Disobedience (Art. 173,47, " " " ")
i) Revolt (Art. 174 General Military Penal Code and
Art. 47 " " " ")
l) Mutiny (Art. 175 and 47 Gen." " ")
m) Insubordination with violence (Art. 186 General Military Penal Code.Art.47 General Military Penal Code.)
n) Insubordination with threat and injury (Art. 189 General Military

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

Seen Art. 1 of the Ban of the supreme Commander of the FF.AA. Sept 30th, 1943 N° 127 which gives to the chief of Staff power of publishing bans;
Seen Arts. 17,20,283,284;
Seen Art. 14 of the order Military Judiciary of Peace and the Arts. 84,85, 86,87,88 of the Judiciary Order of was approved with Royal Decree of Sept. 9th, 1941
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a) Harm to Military operation (Art. 52 General Military Penal Code)
b) Intelligence and correspondence with the enemy in the hypotesis provided for in par. 1 and 2 of Art. 54 General Military Penal Code
c) To abandon command, in the hypotesis provided for in par. 1 and 2 of Art. 94 General Military Penal Code.
d) Surrender due to revolt or other crimes (Art. 105 General Military Penal Code)
e) Instigation to surrender (Art. 109 General Military Penal Code.)
f) Manifestation of cowardice (Art. 110 General Military Penal Code.)
g) Commander that doesn't hold his place of combat, in the hypotesis provided for in Art. 120 General Military Penal Code.)
h) Disobedience (Art. 173,47, " " " ")
i) Revolt (Art. 174 General Military Penal Code and
Art. 47 " " " ")
l) Mutiny (Art. 175 and 47 Gen." " ")
m) Insubordination with violence (Art. 186 General Military Penal Code. Art. 47 General Military Penal Code.)
n) Insubordination with threat and injury (Art. 189 General Military Penal Procedure, Art. 47 General Military Penal Code.)
o) Manifestation and seditious clamour (Art. 185 Penal Code Military Procedure., art. 47 General Military Penal Code.)

The above mentioned Tribunals may be convoked also to try the following crimes when committed by civilians:

a) Destruction or sabotage of military works or anything pertaining to Army (Art. 158 General Military Penal Code.)
b) Aid to the enemy in his political purposes (Art. 58 General Military Penal Code.)
c) Aid for informations to spies or others enemy's agents (Art. 62 General Military Penal Code.)

§3

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

For all crimes punishable with death and for those listed in this Article, the Extraordinary Tribunal of war may be convoked even when the defendant has not been arrested in the act of committing the crime.

Art. 2 -- For the convocation and constitution of the Extraordinary Military Tribunals of war, and for the procedure that they must follow, this rules were put forth; nevertheless such Tribunals may be convoked by order of the commanders of garrison whose grade is that of general, that in the case that in the military Garrison territory doesn't exist a Division Command, or larger Unit.

When the defendant belongs to the Air Corp, the competent Squadron's Command, will request the Army Corp, competent for territory, the convocation of Extraordinary Military Tribunal.

Analogously will procede, the Navy Commands, except the hypotesis in which the competence of the Tribunals on board has been provided for.

Art. 3 -- The penalties provided by the Art. 183 General Military Penal Code in regard to the crime of Manifestation and seditious clamours are increased to no less than 5 years and no more than 15 years of military reclusion.

The penalties provided for all crimes in Art. 1 are increased by from a third, to a half.

Art. 4 -- The Enlisted man dispersed from his Unit in dependence of the circumstances that befell after Sept. 8th, 1943 that does not present himself to the Military Italian Authority as soon as possible, and in all cases, not later than 5 days from the date in which the territory where he finds himself has been occupied by Italian Forces and Anglo-American, He will be considered a disertor and punished with the penalties provided for in Art. 146 General Military Penal Code increased from a third to a half.

Art. 5 -- By determination of the Highest ranking Officer, in grade and seniority, present on the act, will be put immediately to death, any Enlisted Man caught in the act of committing one of the following crimes:

a) Abandon of the Corp to combat against the State (Art. 50 General Military Penal Code.)
b) Aid to the enemy (Art. 51 General Military Penal Code.)
c) Intelligence and correspondence with the enemy when it has produced damages to the Armed Forces of the State (Art. 54 1st part General Military Penal Code.)
d) Military Espionage (Art. 59 General Military Penal Code.)

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

Garrison territory doesn't exist a Division Command, or larger Unit.

When the defendant belongs to the Air Corp, the competent Squadron's Command, will request the Army Corp, competent for territory, the convocation of Extraordinary Military Tribunal.

Analogously will procede, the Navy Commands, except the hypotesis in which the competence of the Tribunals on board has been provided for.

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a) Abandon of the Corp to combat against the State (Art. 50 General Military Penal Code.)
b) Aid to the enemy (Art. 51 General Military Penal Code.)
c) Intelligence and correspondence with the enemy when it has produced damages to the Armed Forces of the State (Art. 54 1st part General Military Penal Code.)
d) Military Espionage (Art. 59 General Military Penal Code.)
e) Abandon of Command during combat or in the presence of the enemy (Art. 94 1st part General Military Penal Code.)
f) Surrender (Art. 103 General Military Penal Code.)
g) Arbitrary manifestation to surrender (Art. 103 General Military Penal Code.)
h) Abandon of post during combat (Art. 119 General Military Penal Code)
i) Commander who doesn't hold his combat post, when such is done with fraud (Art. 120 General Military Penal Code.)
l) Desertion to the enemy (Art. 143 General Military Penal Code.)
m) Desertion in presence of the enemy (Art. 144 General Military Penal Code.)

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n) Looting (Art. 185 General Military Penal Code.

Art. 6 -- The present Ban enter immediatly in effect.
The publication will be made by Radio-broadcast, printing in news papers, and by posting of bills.

Signed AMBROSIO

Supreme Command, Oct. 4th, 1943

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0804

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

C.C.A.G.

Italian Courts.

Please see letter from Col Upjohn dated 3 Dec
ref paragraph 2, and correspondence which he enclosed and
which is at pp of this file.

2. The question of communications between Italian
Court Officials in occupied territory and those in non-
occupied territory arises and I shall be obliged by your
ruling on policy.

3. I am strongly in favour of allowing communications
between Italian legal officials in the above circumstances,
provided the channels of this H.Q. and A.C.C. are preserved.
You will note Col Upjohn is of the same opinion.

4. If we do not allow communications as above, difficulties
will arise as to the operation of the Italian legal system. For
instance the legal officials at Foggia look for technical guidance
to Bari, and if we prevent any communication between the two
Foggia officials will probably sit down and do nothing.

5. There is no objection in principle which I can see to the
foregoing provided we lay down the rule that any instructions
are approved by us and that all appointments remain /over

0807

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

in our hands, so far as occupied Territory is concerned.

A. Harriman
C.A.O.

5 Dec. 43.

I agree provided that it is made clear that nothing in such communication shall be held to diminish the powers (eg. power to transfer cases from Italian to Allied Courts) from time to time Prof. H and Orders.

Devonshire.

6/12/43.

ALLIED CONTROL COMMISSION

3 December 1943.

Dear Bob,

1. I enclose a translation of a letter addressed to us and I shall be glad if you will take the necessary action to permit DeVivio to leave occupied territory for his medical.

It appears from the letter that DeVivio has been corresponding direct with unoccupied territory but I gather you "tolerate" this on the ground of difficulty of stopping it and as the Minister of Justice in this (as well as in other matters) seems to be doing his best to use the proper channels and to carry out the spirit of our agreement, I do not think we should complain of every technical agreement - I hope you agree.

2. I also enclose letters (together with translations for your file)

(a) addressed by the Minister to the 1st President of the Court of Appeal in Naples and to the Procuratore Generale of Naples relating to inquiries into fascists

(b) addressed by the Minister to the 1st President of the Court of Appeal in Naples and to the Procuratore Generale of Naples asking for lists of judges and officials.

(c) to the President of the Tribunal of Avellino and Benevento relating to Tocco and Alfonso.

I shall be glad if you will pass these letters on to the proper quarters the answers being returned through yourself and this Commission.

Personally I see no objection to such correspondence by the Minister even with occupied territory as it shows initiative and a desire to get a move on and provided they are the proper channels I am all for en-

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

occupied territory for his medical.

/ It appears from the letter that De Vivo has been corresponding direct with unoccupied territory but I gather you "tolerate" this on the ground of difficulty of stopping it and as the Minister of Justice in this (as well as in other matters) seems to be doing his best to use the proper channels and to carry out the spirit of our agreement, I do not think we should complain of every technical agreement - I hope you agree.

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I shall be glad if you will pass these letters on to the proper quarters the answers being returned through yourself and this Commission.

Personally I see no objection to such correspondence by the Minister even with occupied territory as it shows initiative and a desire to get a move on and provided they use the proper channels I am all for encouraging this sort of thing and I hope you agree.

I sent you a signal yesterday about some mail bags or proclamations and so forth awaiting your collection. We have no transport available (P.S. Capt. Brown who will take this back has just arrived to collect them).

3. I wrote you from Palermo letters (1) re Italian Military Tribunals (2) re Regional set up and powers of RCAOs and they were dispatching

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to you copies of letters of authority and delegation, etc.

4. I hope you have received a signal re the British Seamen Case, and that it is disposed of so far as we are jointly concerned.

5. Discriminatory Laws. These are still under consideration. I shall write you further hereon in due course.

6. Military Zone regulations have been passed into Region II as requested.

Yours sincerely,

Gerald Upjohn

G. R. UPJOHN

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

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

Yours sincerely,

Gerald Hyatt

U. S. Attorney

- 2 -

6. Military Zone regulations have been eased into Region II as requested.

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

SUBJECT: Information book.

C.L.O. A.M.G. - 15 Army Group.

13 DEC 1943

A.M.G. H.Q. Eighth Army.
OA/13/88
11 Dec.43.

1. Is there available any book, booklet or other available A.M.G information on Italy similar to the three books issued at Chrea on Sicily.

2. Undersigned would particularly request any such information regarding Italian Courts.

EDWIN J. MERCER Maj. Ord.
Senior Legal Officer
A.M.G. Eighth Army.

0813

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

Subject:- Release of Civil Prisoners at Lucera.

66

AMG HQ.,
15 Army Group,
C.M.F.

Ref.AMG/206/66
13 December 43.

HQ. AMG.,
Region IV, (Advance)

Herewith translation of extract from letter of 25 Nov to A.C.C. from Italian Ministry of Justice.

2. A.C.C. have been informed that no explanation of the Releases is proposed to be made by this HQ. but your report on the cases referred to in the above communication is requested for information here.

H.E.ROWE,
Lt.Colonel,
Chief Legal Officer,
for Chief Civil Affairs Officer.

HER/ES.

38

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

Subject:- Assizes - Foggia.

64

G Hq.,
15 Army Group,
C.M.F.

Ref.AMG/206/64
13 December 43.

HQ AMG.,
Region IV, (ADV).

26

Reference letter FP 3065 of 30 November from S.C.A.O. Foggia Province, it is quite in order for the Procuratore Generale and the Presidente of the Corte d'Assisi at Bari to proceed to Foggia to hold an Assize, and the necessary passes should be issued and arrangements made by you.

T.S. ROSS,
Lt.Colonel,
Chief Legal Officer,
for Chief Civil Affairs Officer.

Hqrs/23.

Copy to:- Legal Sub-Commission,
Allied Control Commission.

75

0515

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

Subject:- Arrested persons at LUCERA - Release.

63

AMG Hq.,
15 Army Group,
C.M.F.

Ref.AMG/206/63
13 December 43.

Chief Legal Officer,
Legal Sub-Commission,
Allied Control Commission.

Reference your letter ACC/L/303 of 9 December, and enclosure, I am directed to state that the Allied Military Government is not prepared to give any explanation to the Italian Government of its actions in releasing the persons referred to in your communication, or to hold itself responsible to confer with any official before taking action to effect releases.

2. For your own information, an enquiry is being made into the releases in question.

H.E.ROWE,
Lt.Colonel,
Chief Legal Officer,
for Chief Civil Affairs Officer.

HER/ES.

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C.L.A.O.

Italian Lands

This very excellent memorandum on Italian Lands has been prepared by Major Hammond and Major Maclean and I have received a supply of copies which I should like to distribute so that we align our procedure with that of Allied Palermo.

2. The memorandum is chiefly one giving information but appendix B contains Temporary Amendments to Italian procedure which need your approval before the memo. can go out. These amendments were found very useful in Sicily and I should like to use them in our territory now.

9 Dec 43.

H. Macmillan
C.L.O.

A most interesting memorandum which I should like to read at my leisure – in the meantime I attach some suggested amendments in Appendix B.

10/xii/43.

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M E M O R A N D U M

- on -

ITALIAN COURTS AND LEGAL SET-UP

FOR INFORMATION OF LEGAL OFFICERS

PART I .. .. ITALIAN COURTS

PART II . .. . PROBLEMS ARISING FROM MILITARY OCCUPATION

APPENDIX "A" .. .. URGENT AMENDMENTS TO PROCEDURE

APPENDIX "B" .. .. PROVISIONAL AND CONDITIONAL FREEDOM OF PRISONERS.

APPENDIX "C" .. .. GROUNDS OF APPEAL UNDER ITALIAN LAW

APPENDIX "D" .. .. GLOSSARY OF LEGAL TERMS

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PART I

1. Attention is directed to General Administrative Instruction No. 7 (Ref. "AMGOT Plans, Proclamations and Instructions" - Sept. 1943 - p. 131 - paras 15 to 25 incl.). Succinctly, these instructions object the following immediate steps to be taken for re-establishing law and order in the departments of Italian Justice:

IMMEDIATE STEPS

(a) Courts with criminal jurisdiction only to be expeditiously reopened under supervision of AMG with primary object of relieving congestion in jails; and in following order of priority:

(i) Pretura
(ii) Tribunale
(iii) Corte d'Appello (Criminal Chamber)
(iv) Corte d'Assisi.

(b) Obtain particulars of trustworthy judicial officials suitable for continuing duties of reorganisation of criminal justice. (Vide: AMGOT letter 4001/L dated 19th August 1943 and Italian Legal Advisory Committee).

(c) Apply to Finance Division for continuance of payment of salaries of above.

(d) Consider situation arising out of impossibility of reestablishing courts under (a) within a reasonable delay and desirability of taking action under Proclamation No. 4, Art. II, Sec. 3 providing for exercise of necessary jurisdiction by Allied Military Courts.

(e) Before reopening Civil courts, await approval of AMG Hq.

(f) Establish list of persons awaiting trial and particularly note those cases which it is undesirable to try before Italian Courts. (Vide: Directions to all SIOs - AMGOT/4018/L dated 7th Sept. 43).

2. Pretura (986 in Italy)

(a) Jurisdiction - Civil and criminal. Original and Appellate.

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(c) Courts with criminal jurisdiction only to be expeditiously reopened under supervision of AMG with primary object of relieving congestion in jails; and in following order of priority:

(i) Pretura
(ii) Tribunale
(iii) Corte d'Appello (Criminal Chamber)
(iv) Corte d'Assisi.

(b) Obtain particulars of trustworthy judicial officials suitable for continuing duties of dispensation of criminal justice. (Vide: AMGOT letter 4001/L dated 19th August 1943 re Italian Legal Advisory Committee).

(c) Apply to Finance Division for continuance of payment of salaries of above.

(d) Consider situation arising out of impossibility of reestablishing courts under (a) within a reasonable delay and desirability of taking action under Proclamation No. 4, Art. II, Sec. 3 providing for exercise of necessary jurisdiction by Allied Military Courts.

(e) Before reopening Civil courts, await approval of AMG Hq.

(f) Establish list of persons awaiting trial and particularly note those cases which it is undesirable to try before Italian Courts. (Vide: Directions to all SLOs - AMGOT/4018/L dated 7th Sept. 43).

2. Pretura (986 in Italy)

Criminal And Civil Courts & Personnel.

(a) Jurisdiction - Civil and criminal. Original and Appellate.

(b) Bench - Single qualified regular magistrate sitting alone. Title "Pretore." Comparable to stipendiary magistrates Court. District termed a "mandamento" within the judicial framework of Royal Court of Appeal. There are assistant and honorary "pretori."

(c) Competence

(i) Criminal offences punishable with a maximum of 3 years imprisonment and/or maxi-

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mus fine of L. 10,000. Appeals to Tribu - nals. Exclusive jurisdiction in following matters up to L. 10,000: (1) Finance and customs offences punishable by fine only; (2) Steam offences.
Exercises powers of criminal investigation (or examining magistrate) within his jurisdiction and may pronounce sentence in summary cases by means of decree ("decreto"), i.e. without a formal instruction.

(ii) Civil: Possesses both original and appellate jurisdiction in cases involving not more than L. 10,000 and hears appeals from the Communal Conciliation Court.
Original jurisdiction, regardless of value, in possessory actions; fixing boundaries and distances; evictions; master and servant; co-tenancy. Appeal lies to Tribunals.
All cases coming within competence of the Pretura listed in AMGOT letter 4001/L dated 19th August, 1943 addressed to President of Court of Appeal, Palermo extending jurisdiction to urgent procedure.

(iii) Criminal and civil matters affected by temporary modifications to procedure as published under the authority of the Allied Command from time to time.

3. Tribunals: (142 in Italy).

(a) Jurisdiction - Civil and criminal. Original and Appellate.

(b) Bench - President and two judges = "Collegio".

Each Tribunals composed of several chambers or sections is within the judicial district of a court of appeal to which the judges are attached for administrative purposes.
Comparable to English County Courts. May be composed of one or more sections each with a President.

(c) Competence:

(i) All criminal offences except those coming within the jurisdiction of the "Pretore" and within that of the Court of Assize (infra) e.g. imprisonment up to eight years and/or fine exceeding L. 10,000.

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(ii) Civil: Possesses both original and appellate jurisdiction in cases involving not more than L. 10,000 and hears appeals from the Communal Conciliation Court.
Original jurisdiction, regardless of value, in possessory actions; fixing boundaries and distances; evictions; master and servant; co-tenancy. Appeal lies to Tribunali.
All cases coming within competence of the Pretura listed in AMGOT letter 400/1/L dated 19th August, 1943 addressed to President of Court of Appeal, Palermo extending jurisdiction to urgent procedure.

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Comparable to English County Courts. May be composed of one or more sections each with a President.

(c) Competence:

(i) All criminal offences except those coming within the jurisdiction of the "Pretore" and within that of the Court of Assize (infra) e.g. imprisonment up to eight years and/or fine exceeding L. 10,000.

(ii) Original civil jurisdiction includes claims arising out of corporation matters, taxes and customs and excise, status and capacity of persons, actions for deceit; and in all cases where the value of the subject matter is indeterminate. Appeal to Court of Appeal (Corte d'Appello).

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4. Corte d'Appello (Court of Appeal).

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(a) Jurisdiction: Center of regional judicial organization including the aforementioned tribunals and the Court of Assize (vide infra). Hears appeals from Preture and Tribunali. Jurisdiction of special Labor Section suspended during period of AMGOT administration by substitution of provincial labor offices with full powers of arbitration, organization and mediation. Possesses original jurisdiction in matrimonial causes and makes orders for enforcement of Decrees of Ecclesiastical Courts of Vatican and abroad = "deliberations." Also a special section for trying juvenile cases (in this connection vide AMGOT letter 4034/L dated 31 Aug. 43). In certain matters calling for urgent procedure, jurisdiction is extended under terms of AMGOT letter 4001/L dated 19th Aug. 43.

(b) Bench - Three magistrates consisting of a President and two counsellors, in each of the different sections, or chambers.
There are eighteen regular Courts of Appeal and six detached sections of appeal in Italy. (For appeals see appendix "C").

5. Court of Assize.

(a) Jurisdiction - Exclusive in criminal matters involving capital punishment, life sentences, ("ergastolo") and imprisonment for not less than 12 years. Sits on circuit at Tribunals within the judicial district of the Court of Appeal of which it forms a section.

(b) Bench - composed of

(i) A President of a section of the Court of Appeal as President.

(ii) A counsellor of Court of Appeal, or president of a section of a Tribunals; and,

(iii) Five assessors from the panel of jurors.

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The magistrates and assessors together constitute the bench = "collegio." The former advise on technical questions and the "collegio" determines questions of both fact and law, fixes penalties, and pronounces sentence.
There is no appeal against the degree of punishment inflicted by the Court of Assize.

The Magistrates and Judiciary.

6. The Magistrates (Presidents, counsellors and judges) in Italian Courts are state servants, selected normally by competitive examination from candidates holding academic legal diplomas and presented for appointment by the King on recommendation of the Minister of Justice. Under the pre-fascist sy-

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6. The magistrates (Presidents, counsellors and judges) in Italian Courts are state servants, selected normally by competitive examination from candidates holding academic legal diplomas and presented for appointment by the King on recommendation of the Minister of Justice. Under the pre-fascist system they served a probationary period of three years before confirmation in office when for all practical purposes they were considered irremovable - a principle reversed under the fascist regime when judges could be transferred for "incompatibility of political opinion."

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Magistrates fall into the following promotional classes in order of rank:

(a) Judicial Auditor;
(b) Judicial assistant;
(c) Judge;
(d) Praetor (Pretore);
(e) Counsellor of Court of Appeal;
(f) First president of Court of Appeal, etc.

The Public Ministry.

7. The office of the public ministry (Pubblico Ministero) is a department of state representing the executive power in judicial jurisdiction and lies midway between the judicial and administrative systems. It is independent of both and responsible solely to the Minister of Justice, whilst its judicial functions are comparable to that of the Director of Public Prosecutions in Britain or the Attorney General's office in U.S. It also fulfills supervisory duties over a wide field including the safeguarding of state interests in the administration of justice, the work of the police in the suppression of crime, the work of the officials charged with keeping criminal records, prison services, defense of poor persons, the control of the various branches of the legal profession and questions relating to the incapacitated persons. The officers have the right of audience and intervention in all cases both civil and criminal where public interest or safety of the state are involved.
The principal officers of this department attached to the Courts of Justice are as follows:

Procurators.

(a) Procurator General or Deputy before the Court of Appeal and Assize or deputy (Sostituto del Procuratore Generale)
(b) Procuratore del Re' (King's Procurator) or deputy (Sostituto) before Tribunal.

EXAMINING MAGISTRATE

8. The examining magistrates or "Giudice istruttore" is a judicial officer attached to the Criminal Chamber at the seat of each Court of Appeal and is charged with the formal investigation of offences (including examination of accused and witnesses) coming within the jurisdiction of the Courts of Assize and Tribunali. Where there is a prima facie case to go to trial, this official prepares the papers ("instruction") for submission to the public prosecutor and puts in motion the necessary procedure for setting the case down for trial, and ascertaining if third parties are affected thereby (intervener by civil party). During the course of investigation by examining Magistrate, the accused's defender has a right of audience, but cannot interfere with the investigations, other than by recording his observations on legal points.

Legal Practitioners.

9.

(a) Italian lawyers practicing in and out of Courts are

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Legal Practitioners.

9.

(a) Italian lawyers practicing in and out of Courts are the following:

(i) Avvocato = barrister, advocate.
(ii) Procuratore = solicitor, attorney.
(iii) Patrocinatore = legal practitioner in summary courts.
(iv) Notaio = Notary combining the functions of notary public official conveyancer and counsellor at law (non-litigious).

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To (i) and (ii) is applied the general term of "avvocature", the functions of which are now combined to all intents and purposes into one professional body by an Ordinance of AMG dated 25th October, 1943 q.v. which established unified control of the two branches.

Avvocati. (b) The Avvocato performs the function of counsel in judicial matters and assumes the defence of accused persons before the criminal courts.

and

Procuratori. (c) The Procuratore is charged with the procedure and representation of the party or litigant before the court by virtue of a power of attorney from his clients. The services of a Procuratore may be either voluntary or obligatory. Before the Tribunals and higher courts the services of a Procuratore are obligatory (poor persons being allotted counsel from a panel).

(d) The two professions may be exercised simultaneously by the same person having the necessary professional qualifications. The legal status of both branches is regulated by statute, and they are regarded as essential collaborators in the machinery of the administration of justice, e.g. quasi official. The role of the "avvocato" is to intervene between the interested party and the judge in order to (i) clarify the situation; (ii) bring out the facts and truths to be taken into consideration in determining judgment.
In civil matters all enrolled advocates may plead before all Courts of Appeal, Tribunals and Preture in the Kingdom, but the "Procuratori" can only appear before the section of the Court of Appeal of the judicial district in which he is licensed to practice, or before the Tribunal or Preture of the district to which he is appointed.
In penal matters before the courts of appeal, Assizes and Tribunals the defense is reserved to the "avvocati" whilst either "avvocati" or "procuratore" may represent the interests of the intervening civil party.

A "procuratore" may defend an accused before the Tribunal and Section of the Court to which he is especially assigned.

"Patrocinatore." There is a class of "unofficial" legal practitioners called "patrocinatori" who are granted right of audience before the lower courts, e.g. Preture and Conciliatori - communal conciliation magistrates.

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Notaries and Court Bailiffs. The Notaio = notary, occupies an important place amongst the branches of the legal profession in Italy. He is nominated to office, after public examination, on a restrictive basis by Royal decree on recommendation of the Minister of Justice, as and when vacancies in any particular

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judicial district occur.
As a transitory measure to meet the actual situation AMG has agreed to the reorganization of the profession on the basis of a council for a district of one or more Tribunali (vide AMGOT letter 4004/L dated 16th October 1943).

"UFFICIALE GIUDIZARIO"

The Notary is appointed as a public official for the purposes of

(a) recording deeds, contracts, declarations and testements;
(b) attributing authenticity and public faith to these acts;
(c) depositing the originals in the archives of his office;
(d) issuing certified copies and extracts to interested parties;
(e) investing such acts with executory force; and
(f) carrying out the formalities of official registration where provided for by law.

The Court Usher and Bailiff attached to every tribunal (including that of the Communal Conciliation Magistrate), performs the following duties:

(a) Keeps order in Court and calls on the cases.
(b) Serves summonses, citations, notifications and levies execution.
(c) Has the right of drawing up all necessary documents in connection with those functions.

The "Ufficiali giudiziari" are nominated by Decree of the Minister of Justice to Pretori, Tribunali, Corti d'Appello, but the "Uscieri degli Uffici di Conciliatori" is appointed by the President of the Tribunal.

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PART II

PROBLEMS ARISING OUT OF MILITARY OCCUPATION

1) Reopening of Courts.

As stated in the introduction, the first problem is to work out ways and means of reopening the local courts. Conditions will vary according to the provinces, but the following suggestions should be of use:

a) Preture. Each province may contain between ten and twenty preture.

If the preture are opened, it will be advisable not to close them. The competence of this court is limited enough to prevent any serious miscarriage of justice taking place.

Furthermore, supervision should be organised at once on the lines set out in paragraph 6, infra.

If, on the contrary, some or all of the Preture are closed, it is recommended to reopen them as soon as practicable. In many cases, especially in bombed areas the difficulty will be the lack of personnel and the absence of competent magistrates. When Pretore is unavailable, Vice Pretore can automatically act; if both are out of reach there will exist in the town a number of "Pretore or Vice Pretore onorario" and retired Pretori; all are qualified to sit in Court and can be legally designated by CAOs to take up the Pretore's place.

b) Tribunals. Generally two and no more than four tribunali are likely to be found in each province. As they are composed of a number of chambers, civil and criminal, and judges are interchangeable; it is likely that LOs or CAOs will find little difficulty in collecting three of them to form a college for at least one criminal chamber. As far as the "Pubblico Ministero" is concerned, the "Procuratore" or the senior "Sostituto" should be the official with whom closest liaison must be kept. All arrests are notified to his office, all local criminal records are in his hands, all penal procedure is initiated by his office. The control of the activities of the Police, the Investigating Magistrate (Giudice Istruttore) and the Courts themselves (Preture e Tribunali) can more easily be effected through the PM's departments.

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c) Corte d'Appello. One for four to sixteen Tribunali dispersed over a number of provinces. The reopening of this court will be the responsibility of the Regional CLO and special instructions on policy, personnel, etc. will have to be issued to him. At the seat of the Court of Appeal should be formed the "Italian Legal Advisory

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Committee to the CLO", composed of four to eight members. These should include at once the First President or the next Senior President, the Procuratore Generale or the Senior Sostituto, the Presidente del Tribunale" and the "Procuratore del Re". At a later date when conditions and reorganisation will allow the "President of the Bar Association" and the "President of the Notarial Council" should also become members. If there are more than one Corte d'Appello in a Region, sub-Committees of the Central Organisation should be formed by local SLO to act on the same lines and keep constant liaison with it.
The main functions of the committee should be as follows:

(i) to reopen the Criminal and Civil Chambers of the Court of Assise as soon as instructed to do so by CLO.

(ii) to reorganise the judicial personnel in their district in accordance with CLO's directives and to supervise their activities.

(iii) to advise the CLO as to the necessary modifications to Italian procedure which may be required at an early date.

(iv) to ensure that Procedure remains uniform throughout the judicial district of the Court of Appeal and that mandate are put in force at the same time by every Court affected by them.

(v) to advise CLO on any points of Italian law.

d) Corte di Assisi. The system under which the Courts of Assise function in Italy is set forth in Part I. The Organisation of Circuits is the responsibility of the Court of Appeal(Procuratore Generale and Presidents of Sessions).

It should be one of the first problems discussed with the " Legal Advisory Committee."

e) Cancellieri. To each type of Court is attached the "Cancelleria" at the head of which is the "Capo Cancelliere" with a numerous staff. Their functions are similar to those of Master and the Registrar in British or American Courts.

No Court can work without its "Cancellieri" and it is therefore most important that this office should be in position to resume its activities forthwith. The question of personnel will seldom arise as there exist invariably "Primi Cancellieri", "Cancellieri Aiutanti" "Ufficiali Giudiziari Usiere" who can carry on with their work or start work as the case may be. The probable problem will be to find new offices and to transfer the archives if the former premises have been destroyed. Suggestions as to this point are con-

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f) Conciliatori. The most inferior form of jurisdiction without criminal competence. They should never stop their functions and ought to be a help in sifting smaller cases before they are brought before the Pretore.

2) Congestion of Jails.

From past experience, there appears to exist no happy medium as far as this problem is concerned. Either the prisons are completely empty(all prisoners having been released by troops) or full to capacity and overcapacity with serious food shortage resulting.

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There are three ways of releasing prisoners without transgressing existing instructions or infringing the provisions of Italian law.

(a) by setting up a special commission to deal with political and similar prisoners(confino; sentences of the Tribunale Speciale or even the Tribunale Militare).

(b) by instructing Procuratore del Re' to grant as many provisional liberties to the seriousness of the offences may warrant. The list of such freed prisoners to be submitted for refund to SIC.

(c) by giving similar directions to Procuratore Generale in regard to granting conditional liberty to already sentenced offenders. For further information see Appendix A.

3) Transport and Communications (lack of).

This material difficulty is certainly the most universal; so far as the Legal Division is concerned it affects, especially in devastated areas, the following:

(a) Judicial personnel, who cannot be brought from their temporary homes, where they have taken refuge, to their offices.

(b) Process servers, who have no means to serve summons or citati ns outside the very small radius of the town they live in.

(c) Prisoners, removed to jails outside the battle area cannot be brought before the competent courts.

(d) Judges on Circuits, for the same reason cannot proceed with their duties.

(e) Archives, generally transferred to safer areas at times from the seat of the Court.

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There exist no remedies to this pre lem and they depend entirely on local conditions. Some suggestions based on previous experience are summed up hereunder:

(a) Requisitioning of cars and motorcycles or even bicycles for judicial personnel and process servers can sometimes be achieved in areas where the armed forces have not remained too long.

(b) When good liaison exists between the local army units and SCAOs, lorries and trucks may from time to time be obtained to remove prisoners and archives.

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(b) When good liaison exists between the local army units and SCAOs, lorries and trucks may from time to time be obtained to remove prisoners and archives.

(c) General passes for judicial officials should be obtained for them as soon as possible from the competent authorities to enable them to travel by rail or road whenever such services function.

(d) Facilities should be granted to Judges on Circuit or Pretori to travel with the regular courier.

(e) As the services of the Post Office will no doubt be disrupted for a certain amount of time, CAOs should be instructed to accept judicial correspondence from the local courts to be forwarded to HQ for distribution to proper quarters and vice versa.

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4) Salaries and Indemnities.

This matter should be investigated at once with available judicial personnel and Finance Officer. All salaries and indemnities should be maintained. FOs will give necessary instructions to the Treasury Department of the local branch of the Banca d'Italia or its agents and, if required, supply the necessary funds.

5) Dual Competence of Allied and Civil Courts under Proclamation and Italian Legislation.

There again Local conditions will determine the policy. At the start Allied Courts will try all Proclamation offences until such time as the Civil Courts are in a position to relieve them of some of their burden. As soon as possible C.L.C. and Advisory Committee should decide which type of offences under either legislation will be reserved to the Allied Courts in any event. It is suggested that all offences against Allied personnel and property and possibly black market crimes should always be tried by Allied Courts. Most of the others would come within the competence of the local courts when they are in a position to administer adequate justice. As soon as a decision has been reached, it should be notified to all S.L.Os and C. of C. Os by means of an order or at least a directive.
In areas, if any, where Allied Military Forces are established, but still under the control of Italian authorities, the latter should be urged to issue the requisite decrees to protect our personnel, material and L. of C.

6) Supervision of Civil Courts.

The physical presence of L. Os. at each session of the Courts being an impossibility, the best way of ensuring efficient supervision is by way of the Advisory Committee or one of its members (preferably the Procurator). Whoever is given the function will report weekly to the C.L.C. on the activities of all the Courts. He must be made responsible for any miscarriage of justice which he may fail to notify. At lower levels Protocol should be kept direct to L.Os or C.A.Os. on the functioning of their Court. Powers of reviewing sentences of Civil Courts being vested in Allied authorities, it must be ensured that all prisoners are given adequate facilities to forward their pleas to them. General instructions to that effect must be given to the Governors of the Prisons by the Italian authorities.

The policy to be followed by Civil Courts, within the scope of existing or amended Italian legislation should be the subject matter of regular discussions at the meetings of the Advisory Committee.

7) Urgent Temporary Legislation.

The proclamations published by order of the Allied authorities, they

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7) Urgent Temporary Legislation.

Though always published by order of the Allied authorities, they may originate from two sources:

(a) Allied Requirement;
(b) Local Needs.

They should never affect organic legislation or the substance of any Italian decrees but only procedure.

It is open to that Italian Judicial authorities will from time to time require from the Allied authorities that certain steps be taken in order to prevent injustice or unnecessary hardship.

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Many of these have been already published in Sicily and should meet at least some of the contingencies C.L.Os and T.L.Os. are likely to encounter in their respective functions:-

See Appendix "B"

8) Appointment of Judicial Personnel.

Again local conditions will prevail. In regions extensively affected by operations, judicial personnel will be dispersed all over the country without any means of transport enabling them to join their posts. A list of vacancies should be compiled by the Advisory Committee at the earliest possible time together with the names of possible candidates. These should be examined promptly by our Security Staff who unfortunately will know extremely little about them. In any case a start must be made with competent officials even if their political past is not what it ought to have been. They cannot do much harm while they function under the general supervision of their colleagues and will eventually be removed by the Italians themselves. In the meantime they will have served a useful purpose. Furthermore the percentage of violent Fascists in the judicial personnel is very small.

9) Bar Association, Council of Notaries:

In Sicily the Fascist legislation affecting these bodies has been abrogated. They have been re-organised under the provisions of the former democratic statute governing these associations, with slight modifications by Allied Organisations. This reorganisation, which appears to be popular throughout Sicily and to meet the desiderata of the legal classes is embodied in the attached Orders(12c). C.L.Os. should conform to these if and when they decide to proceed with such reorganisation.

10) Buildings-(under Transport).

In most towns the Palace of Justice and the Prefettura will have been destroyed or damaged. Pretori can always find in the Municipio or the Prefettura as they require little space.
No definite directions can be given as to the transfer of the Higher Courts to suitable premises; it will depend entirely on local conditions. In certain cases the seat of a Tribunale or a Court of App. l can even be transferred to another town. (Messina to Catania for instance).

11) Protection of Archives.

This should be entrusted entirely to Italian authorities (Police and Carabinieri). In all probability as mentioned

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11) Protection of Archives.

This should be entrusted entirely to Italian authorities (Police and Carabinieri). In all probability as mentioned in Para. 5, archives will be dispersed all over the Province, generally in small out of the way towns where the risk of bombing is minimised. Criminal records of individuals and files of pending cases should be made available to the Courts as soon as they re-open. It will need serious pressure on the transport officer to obtain adequate vehicles and labour to achieve this.

1 NOVEMBER 1943 G.C.H. and A.P.T.

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APPENDIX "A"

SUBJECT:-RELEASE AND MITIGATION OF SENTENCE OF OFFENDERS SENTENCED BY OR AWAITING TRIAL IN ITALIAN COURTS.

TO : All S.L.Os. (through S.C.A.Os.)

1. This letter is in clarification and amplification of previous directives on the above subject.

2. Three kinds of liberation exist under the Italian Law: provisional liberty-before trial or pending appeal; conditional liberty-after serving one half of the sentence of three quarters in the case of previous offenders; and Grazia(pardon), which includes reduction of sentence.

3. Provisional liberty is granted by the Procuratore del Re or by a judge or court, according to the nature of the proceeding. The power has been extended by order of the Allied Military Government to cases in which provisional liberty is not permitted under the Italian Penal Code.

4. Conditional liberty is granted by the Ministry of the Interior at Rome upon recommendation of the Pretore, if imprisonment in a mandamental jail otherwise of the Giudice Istruttore of the Tribunale of the place of confinement. By order of the Allied Military Government, the S.C.A.O. of the place of confinement has power to order release on conditional liberty even in cases not permitted under the Italian law, after receiving the opinion of the competent Italian authority. He may exercise his power by a commission of suitable officers appointed by him, which may include one Italian official.

5. Pardon in the Italian law is granted by the King through the Ministry of Pardon and Justice at Rome on application of the prisoner and recommendation of the Procuratore del RE of the place of conviction. In AMGOT, the power resides in the Military Governor. In view of the broad power of conditional liberation, there should be little occasion for exercise of the power of pardon. An application which has been processed by the Procuratore del RE for pardon may be determined as one for conditional liberty.

6. Where information necessary or desirable for consideration of an application is not available within the Province and it is possible to obtain it from an authority within territory under Allied or friendly control, it should be requested, together with formal opinion if appropriate.

7. Petitions for commutation of fines imposed by Italian Courts before occupation will not be entertained by the Allied Military Government. Competent Italian authority may be instructed to permit payments in instalments or to extend time for payments.

8. In considering applications for conditional liberty the following information may be useful. Before the war less than ¼ or 1/5 of the applications were granted. After the war and before the occupation it was the practice to grant every application where the prisoner was eligible, unless a political or war offence was involved.

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4. Conditional liberty is granted by the Ministry of the Interior at Rome upon recommendation of the Prefect, if imprisonment is in a fundamental jail otherwise of the Giudice Istruttore of the Tribunale of the place of confinement. By order of the Allied Military Government, the S.C.A.O. of the place of confinement has power to order release on conditional liberty even in cases not permitted under the Italian law, after receiving the opinion of the competent Italian authority. He may exercise this power by a commission of suitable officers appointed by him, which may include one Italian official.

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9. General amnesties granted before occupation, the application of which becomes appropriate from time to time in particular cases, should be treated as still in effect.

10. The methods of liberation discussed above should not be confused with the power to suspend a sentence at the time of judgment, under Articles 163, 164, - 168 of the Code of Penal Procedure. That power still exists.

11. The labour and responsibility of handling the matters discussed herein should be imposed on the competent Italian authorities to the maximum possible extent.

12. This instruction is issued under the status of AMG as of this date and is subject to any changes which may take place in that status.

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APPENDIX "B"

SUBJECT : TEMPORARY AMENDMENTS TO ITALIAN PENAL PROCEDURE.

TO : THE PRESIDENT OF THE COURT OF APPEAL, PALERMO AMGOT/1001/L.

FROM : THE CHIEF LEGAL OFFICER, AMGOT, H.Q. 19th Aug. 1943.

1. I have studied with interest your memorandum of 13th August, and on the result of your recommendation, I agree that notwithstanding the provisions of the Italian Penal Code and Code of Penal Procedure, the following forms of procedure will be adopted to meet present emergencies:-

(a) The legal delay between date of service and date of trial to be reduced to 5 days.

(b) Articles 462 and 465 of the Code of Penal Procedure to be modified so that whenever witnesses or injured parties are absent or cannot be served by reason of the state of war, the Court may have power to dispense with their presence and to order that the evidence given by them before the committing magistrate should be read instead.

(c) Article 459 (requiring joint trial of join defendants) and Article 411 (permitting postponing trial) to be amended to permit separate trial of joint defendants now in custody when it is impossible to produce all the joint defendants.

(d) The Court and Prosecution to have the right to grant provisional liberty even in cases set forth in Article 253 of the Code of Penal Procedure, whenever the offence is not serious or the circumstances in which the accused been committed do not justify the continuous detention of the accused.

(e) If in any case before it the Court is of the opinion that the minimum sentence for the offence charged is excessive under the circumstances of the particular case, it will forward the record to the Chief Legal Officer of AMGOT with its recommendations.

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Temporary Amendments to Civil and Penal Procedure.

ART I. The Procuratore della Legge shall have the right to order that an accused whether under arrest or at liberty be brought before the Court without further investigation, as set forth in Articles 502 to 505 of the C.P.P. and he shall not be bound by the provisions specified in Article 502 in connection with legal delays.

ART II The course of prescription in regard to the entries to be effected in the mortgage register is suspended from July 10th until further notice.

ART III The course of prescription in civil, penal and financial actions already started on July 10th is hereby suspended and legal terms extended until further notice.
All other terms in connection with cases of the competence of the Corte di Cassazione, Council of State, Court of Accounts and the High Court of Public Water Supply or any other Court sitting outside Sicily, are hereby suspended until new regulations have been instituted to reorganise such procedure.

ART IV Civil actions already on the roll for which a date of hearing has been fixed after 1st October, 1943 or adjourned to a specific date after October 1st by order of the Court will follow their normal course. The judge will determine if one or both parties are not represented or their legal representatives have failed to appear, that the hearing be adjourned and the parties duly notified of the new date of hearing.

ART V. Civil actions already on the roll for which no date of hearing is fixed or for which a previous adjournment was granted, before October 1st, will be heard in successive sittings starting from October 1st as soon as the Court Register will have been able to notify the parties' legal representatives (3) of the exact date, or, in their absence, the parties personally.

ART VI. Copies of the original summons will have to be served again at the request of the most diligent party, when the date fixed for the hearing of the case fell due after 15th April, 1943 and the civil action therein referred to was not already on the roll.

ART VII. In all actions, civil or penal, when service of summons may legally be effected by post, a duplicate service will be made by judicial process server three days after the date of the posting of the first service.

ART VIII. In civil actions when the absence of one or both parties is due to the fact that no summons can be served on them, or if

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by the provisions specified in Article 502 in connection with legal delays.

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ART VIII. In civil actions when the absence of one or both parties is due to the fact that no summons can be served on them, or if appearance cannot be entered owing to the present new conditions, a special curator may be appointed to represent the absent party or parties under the provisions of Articles 78, 79 and 80 of the Code of Civil Procedure, whenever such absence would be prejudicial to the party or parties concerned.

ART IX. In all cases where the law provides that judicial decisions or other notices be published in the official Gazette or the official Bulletin of the Province, such publication will be made in the local newspaper two days in succession.

ART X. All newly appointed officials will take the following oath:-
"I swear to observe the Law and to fulfil my duties with conscience."

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APPENDIX "C"

NOTES ON GROUNDS OF APPEAL

The following is a resume in outline only of the grounds of appeal from the lower to the higher courts in ascending with the Supreme Court of Italy, the Court of Cassation-"Corte di Cassazione".

The appeal against a judgment and opposition against a condemnation by default constitute the two main heads of grounds of appeal in Italian Law.

PENAL APPEALS.

1. Preture to Tribunale.

(i) In all cases of sentence of detention or of fine exceeding L. 2,000, or when the accused is declared to be an habitual or professional delinquent.

(ii) In cases of acquittal for reasons of insufficient proof or of judicial pardon, if the charge is one punishable by reclusion. (Appeal by Public Minister).

(iii) The representative of the Public Minister may likewise enter an appeal in all cases when he considers that the minimum penalty imposed by law for any specific crime has not been pronounced.

2. Tribunale to Corte d'Appello.

(i) Appeals in second instance from Preture.

(ii) On same grounds as (ii) above.

(iii) On same grounds as (iii) above.

(iv) By the Procuratore del RE or Procuratore General at Court of Appeal on same grounds as above.

3. Corte d'Appello and Corte d'Assise to Corte di Cassazione.

Recourse to the Court of Cassation lies in the following cases:

(i) Disregard of or error in application of the penal laws or other juridical rules of which account must be taken in applying penal laws.

(ii) Exercise by the judge of some power reserved by law to the legislative or administrative departments of State.

(iii) Disregard of regulations of the Code involving nullity, inadmissibility or prescription.

Before all courts the accused may appeal against a sentence or judgment fixing the amount of damages awarded or expenses ordered to be reimbursed to third parties; likewise intervening third parties ("parte civile") and the party civilly responsible for payment of any fine imposed upon the accused may impugn the jud-

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COURT OF CASSATION

The Corte di Cassazione, the Supreme Court of Italy, has its seat in Rome, a fact which under present circumstances renders it impossible for the Italian Courts functioning under AMG to have recourse to its permanent jurisdiction or be regulated by its normal attributions. Appeals to the Supreme Court are suspended therefore for the time being.

Jurisdiction.

Over all Courts both Criminal and Civil and Administrative Tribunals. Only exception is the Senate sitting as a judicial assembly to judge members of the legislature.

Composition.

First President, 11 Sectional presidents and 87 Counsellors. Sectional Sessions are composed of benches of 7 judges and a plenary Session of all Sections.

Competence.

1. Decides only on points of law and not points of fact.

2. Maintains exact observance and uniformity of interpretation of the law.

3. Determines jurisdictional limits and resolves conflicts of competency.

4. Hears appeals in civil matters delivered in second instance by the Courts of Appeal, Tribunals and Prefect, and in the case of judgments against which there is no appeal to the ordinary courts, or judgments upheld by a rehearing of the same court when the second sentence is contested in the same grounds as the first. In the latter case the session is a plenary one.

5. Hears appeals on first instance from the Courts of Assize on points of law, procedure and jurisdiction, but not on amount of sentence.

Judgment.

The Court does not pronounce a judgment in the ordinary sense of the term but orders, and directs the judge and interprets the law to the lower courts.

When the Court of Cassation admits revision, annuls a judgment or sentence or condemnation, the following procedure is adopted:

(1) If a judgment is quashed, the Court of Cassation sends back the case to the judge who decided it and he then pronounces the sentence of annulment.

(2) If it is a sentence of a Court of Appeal which is quashed, the case is sent back to another Section of the same Court or to another neighbouring Court.

(3) If it is that of a Court of Assize, Tribunals or Prefect, the judgment is sent back to another Court or judge of the same rank or another section of the same Court for pronouncement.

The same principle applies to the decisions of examining magistrates.

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APPENDIX "D"

VOCABULARY OF USUAL TERMS IN ITALIAN LEGAL PROCEDURE.
(Second Edition)

- A -

ABBANDONO	Abandon of domestic domicile - grounds for judicial separation.
ABITUALITA	Condition of habitual delinquent.
ABORTO	Abortion.
ABRASIONE	Erasure.
ACCATTONAGGIO	Mendacity.
ACCERTAMENTO	Ve ication (of identity).
ACCOMANDITA	Form of commercial undertaking lying between a corporation and a partnership. (Vide: Societa).
ACCOMPAGNAMENTO	(Vide: Mandato d' accompagnamento).
ADEMPIMENTO	Redemption of a charge or mortgage or execution of a contract.
AFFISSIONE	Bill posting.
AFFITTATORE	Lessor, landlord.
AFFITTO	Letting.
AFFITTUARIO	Tenant.
AGEVOLAZIONE COLPOSA or DOLOSA	Act of facilitating a criminal act. (Accessory before the fact).
AMMENDA	Fine imposed as the result of a misdemeanour such as breaking town or traffic regulations, for which no imprisonment sentence can be inflicted (contravvenzione).
AMMONITO	Admonition.
AMMONIZIONE	Police measure - restricted freedom.
AMNISTA	Am ty - Grant of pardon to a class of offenders or for certain types of crime.
ANNONARIO	Food control laws; eg. reato annonario = offense against rationing laws.

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ABORTO	Abortion.
ABRASIONE	Erasure.
ACCATTONAGGIO	Mendacity.
ACCERTAMENTO	Ve[illegible]fication (of identity).
ACCOMANDITA	Form of commercial undertaking lying between a corporation and a partnership. (Vide: Societa).
ACCOMPAGNAMENTO	(Vide: Mandato d' accompagnamento).
ADEMPIMENTO	Redemption of a charge or mortgage or execution of a contract.
AFFISSIONE	Bill posting.
AFFITTATORE	Lessor, landlord.
AFFITTO	Letting.
AFFITTUARIO	Tenant.
AGEVOLAZIONE COLPOSA or DOLOSA	Act of facilitating a criminal act. (Accessory before the fact).
AMMENDA	Fine imposed as the result of a misdemeanour, such as breaking town or traffic regulations, for which no imprisonment sentence can be inflicted (contravvenzione).
AMMONITO	Admonition.
AMMONIZIONE	Police measure - restricted freedom.
AMNISTA	Amnesty - Grant of pardon to a class of offenders or for certain types of crime.
ANNONARIO	Food control laws; eg. reato annonario = offense against rationing laws.
ANTICRESI	Pledge by debtor to creditor of enjoyment of immovable property to satisfy debt = antichrese (Fr.)
APOLIDO	Person without nationality (e.g. heimatlose) and as such subject to Italian jurisdiction.
APPALTO	Letting out work under contract.
APPELLO	Appeal - Corte d' Appello.
APPOSIZIONE DEI SIGILLI	Affixing the seals of the Court.

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ARRESTO	Arrest or sentence to short imprisonment.
ARROLAMENTO	Recruiting or enrolment of Italian Citizens in foreign forces.
ASSAGIO	Sample.
ASSICURAZIONE	Assurance. E.g. ... contro i danni = against loss; ..... sulla vita = .. on life.
ASSOLUZIONE	Acquittal.
ASTA PUBBLICA	Public auction.
ATTENTATO	Criminal attempt.
ATTO D'ACCUSA	Charge.
ATTO PUBBLICO	Public and authentic deed or document emanating from a Court or Notary.
ATTI GIUDIZIARI	Judicial acts.
ATTI PROCESSUALI	Acts of procedure.
AUDIZIONE	Hearing.
AVVELENAMENTO	Poisoning, corrupt food etc.
AVVISO	Notice.
AVVOCATI	Barristers, only concerned in pleading before Court.
AZIONE CIVI	Suit for civil damages which can be joined to the criminal proceedings.
AZIONE PENALE	Criminal prosecution.

BANCAROTTA	Fraudulent bankruptcy. Vide:"Fallimento" - Arts. 694 and 856 et seq. Com. Code.
BANDO	Proclamation. Also banishment, exile.
BARRATTERIA	Cheating, charlatanism, chicanery.

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ASSOLUZIONE	Acquittal.
ASTA PUBBLICA	Public auction.
ATTENTATO	Criminal attempt.
ATTO D'ACCUSA	Charge.
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BANDO	Proclamation. Also banishment, exile.
BARRATTERIA	Cheating, charlatanism, chicanery.
BENEFICIO D'INVENTARIO	Acceptance of deceased's estate.
BENESTARE	Approbation.
BENI	Property in general e.g. beni immobili e immobili.
BESTEMMIA	Blasphemy - an offence under Art. 724 of C.P.
BIGAMO	Person who has remarried.
BOLLO, CARTA DA	Stamped paper.

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BORSEGGIO	Larceny - pickpocket.
BREVETTO	Patent.
BUONA CONDOTTA, CAUZIONE DI	Caution for good conduct
BUONA FEDE	Bona fides.
BUONO	Bond. E.G. Buono del tesoro = treasury bond.

- C -

CALCE, IN CALCE	A foot of a page.
CALUNNIA	Act of falsely inculpating an innocent person.
CAMBIALE	Bill, Lettre de change. E.G. Scadenza della cambiale = date of maturity of bill.
CANCELLARIA	Registrar's Office.
CANCELLIERE	Registrar of Court who takes evidence in long hand. All Courts and magistrates have a registrar or a clerk in attendance.
CAPARRA	Deposit to guarantee conclusion of a contract. E.G. Caparra confirmatoria or caparra penitenziale = deposit to be forfeited in case of non-execution.
CAPOVERSO	Paragraph.
CASELLARIO GIUDIZIALE	Individual criminal record files.
CAUTELA	Surety, caution money.
CHIROGRAFO	Note of hand or promissory note. (For formalities required - Com. Code 1325.)
CHIUSURA	Closure e.g. chiusura del dibattimento = closure of enquiry, proceedings or debate.
CITAZIONE	Summons to appear before Court as a witness (not to be confused with the warrant "di comparizione" dealing with persons having to appear before the "giudice istruttore" or examining magistrate before the trial).
CITTADINANZA	Citizenship.

(SEE PAGE 15 FOR CEDICOLO & CEDOLA)

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CALCE, IN CALCE	A foot of a page.
CALUNNIA.	Act of falsely inculpating an innocent person.
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CAPOVERSO	Paragraph.
CASELLARIO GIUDIZIALE	Individual criminal record files.
CAUTELA.	Surety, caution money.
CHIROGRAFO	(SEE PAGE 15 FOR CELTICO & CETO) 611 Note of hand or promissory note. (For formalities required - Com. Code 1325.)
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CITTADINANZA	Citizenship.
CLAUSOLA	Clause, proviso.
COLLAZIONE	Comparison of documents - checking.
COLLOCAMENTO, PERICOLOSO	Displacing of objects to danger of public.
COLONO. COLONIA.	Contractor and contract between landlord and tenant for agricultural land.
COMMESSO	Clerk, employee in office.

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COMMISSIONE PROVINCIALE	Commission composed of Prefect, Questore, Procuratore del Re, Capo Carabinieri, Capo Milizia who decide that a person be sentenced to ammonizione or confino.
COMPARIZIONE:	Comparition, to appear.
COMPARSA	Appearance, to enter as appearance.
COMPETENZA:	Competence, jurisdiction. Eg Competenza per materia, or Competenza per territorio.
COMPUTO (delle pene)	Method of reckoning duration of penal sentences; fixation of legal limitations.
Complesso, nel	In Toto
Conciliatore	Communal conciliation Magistrate
CONCORSO	Complicity
CONDANNA	Sentence of condemnation.
CONFINO	Police measure without trial or appeal; generally political offence.
CONGIUNZIONE CARNALE	Carnal knowledge. Rape, vider violenza carnale, ratto.
CONIUGI	Spouses
Connessione	Connection, used when a number of crimes committed by the same individual are within the competence of different courts or if a number of persons are connected with the same crime, but not in the same degree.
CONNOTATI	Description of a person's physionomy and characteristics for identification purposes.
CONSAPEVOLE	Cognisant. of consequences of fatto.
CONSEGNA	Seizure by Bailiff (Ufficiale giudiziario)
CONSERVATORE	Registrar of transcriptions and charges on property.
CONSIGLIO di SAVVEGLIANZA	Prison Overseers.
CONSORZIO	Consortium, syndicate, association.

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COMPETENZA:	Competence, jurisdiction. Eg Competenza per materia, or Competenza per territorio.
COMPUTO (delle pene)	Method of reckoning duration of penal sentences; fixation of legal limitations.
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Conciliatore	Communal conciliation Magistrate
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CONNOTATI	Description of a person's physiognomy and characteristics for identification purposes.
CONSAPEVOLE	Cognisant. eg consapevole del fatto.
CONSEGNA	Seizure by bailiff (Ufficiale giudiziario)
CONSERVATORE	Registrar of transactions in and charges on property.
CONSIGLIO DI SORVEGLIANZA	Prison Overseers.
CONSORZIO	Consortium, syndicate, association.
CONSULTA MUNICIPALE	Municipal Council
CONSUETUDINE	Custom, routine.
CONSULENTI TECNICI	Technical advisors.
CONTAGGIO VENEREO delitto di	Offence of transmitting venereal disease.
CONTRAVVENZIONE	Misdemeanor or petty offence.

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CONTUMACE	Contumacy. Sentenza in contumacia = sentence by default.
COPIA	Copy e.g. Copie e estratti = copies and extracts.
COPIA AUTENTICA	Authentic or certified copy delivered by a court, registrar or notary.
COPRIFUOCO	Curfew blackout.
CORREDO	Trousseau
COSTRIZIONE	Duress, constraint. eg. Costrizione alla prostituzione.
COTTIMO	Terms of piece workers contract of employment. eg tariffa di cottimo = piece worker's scale.
CROLLO	Offence occasioned by causing the collapse of a building (crollo colposo, doloso.
CURATORE	Trustee, official receiver, guardian.
CUSTODE	Custody, custodianship of pledged or sequestered property. Sequestrator.
CUSTODIA	Guardianship.
DANNEGGIAMENTO	Damage to private or public property-movables and immovables.
DANNI	Ordinary damages.
DECADENZA	Loss of legal rights, expiration of time limits.
DECRETO-LEGGE	Decree-law.
DELIBAZIONE	Homologation by court of appeal of Ecclesiastical judgments in matrimonial causes, eg exequatur of foreign judgments.
DELITTI	Crimes punished by felonies or misdemeanours.
DEMANIO PUBBLICO	State commons or property.
DENUNCIA	Information given by a person to the judicial authorities that a criminal offence has come to his or her notice.
DETURPAMENTO	Disfigurement eg destruction or defacement of objects of natural beauty.
DEPERIBILE	Perishable goods.
DIBATTIMENTO	Debate; the proceedings of a criminal trial before the Court.

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COSTRIZIONE	Duress, constraint. eg. Costrizione alla prostituzione.
COTTIMO	Terms of piece workers contract of employment. eg tariffe di cottimo = piece worker's scale.
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DECADENZA	Loss of legal rights, expiration of time limits.
DECRETO-LEGGE	Decree-law.
DELIBAZIONE	Homologation by court of appeal of Ecclesiastical Documents in matrimonial causes, eg execution of foreign fragments.
DELITTI	Offences equated to felonies or misdemeanours.
DEMANIO PUBBLICO	State dominion or property.
DENUNCIA	Information given by a person to the judicial authorities that a criminal offence has come to his or her notice.
DETURPAMENTO	Disfigurement eg destruction or defacement of objects of natural beauty.
DERRATE	Perishable goods.
DIBATTIMENTO	Debate; the proceedings of a criminal trial before the Court.
DIFFAMAZIONE	Defamation. (vide ingiuria)
DIMORA	Sojourn, stay whereas eg domum habitualis domicile.
Dimorante	Residing at.
DILAZIONE	Delays, adjournment.
DIRETTISSIMA	Proceedings taken by procurators in cases of flagrante delicto- accused committed for trial without further investigation.

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DISCIPLINA	Control excised by the provisions of the penal code over the commission of offenses. eg. generally, means of correction.
DISTURBO	Disturbances.
DITTA	Business house
DIVIETO	Prohibition
DOCUMENTO	A public or private writing to which the State attributes value as a means of proof.
DOLO	Dol, fraud.
DOLOSO	Fraudulent. eg. fallimento doloso = fraudulent bankruptcy.
DOMICILIO ELETTO	Choice of jurisdictional domicile.
DOTE	Marital dot

-E-

ECCEZIONE DI INCOMPETENZA	Exception of incompetence; challenge as to competence of court or magistrate.
ELEMENTI COSTITUTIVI	Elements of a crime.
ELENCO	List
EMANCIPATO	Emancipated minor
ENFITEUSI	A lease of property in perpetuity or for a term of years in return for a canon (canone) rent, and conferring upon the lessee many of the rights of ownership.
ENTI COLLETTIVI	Collectivities, associations.
ERARIO	Public treasury.
EREDITA GIACENTE	Vacant estate
ERGASTOLO	Reclusion or imprisonment for life.
ESCUSSIONE	Interrogatory. Audition of witnesses.
ESPERIMENTO	Reconstitution of a crime.
ESPROPRIAZIONE	Expropriation.
ESTINZIONE	Extinction of penal offenses.

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DOCUMENTO	A public or private writing to which the State attributes value as a means of proof.
DOLO	Dol, fraud.
DOLOSO	Fraudulent. e.g. fallimento doloso = fraudulent bankruptcy.
DOMICILIO ELETTO	Choice of jurisdictional domicile.
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-E-

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ERARIO	Public treasury.
EREDITA' GIACENTE	Vacant estate
ERGASTOLO	Reclusion or imprisonment for life.
ESCUSSIONE	Interrogatory. Audition of witnesses.
ESPERIMENTO	Reconstitution of a crime.
ESPROPRIAZIONE	Expropriation.
ESTINZIONE	Extinction of penal offenses.
ESTORSIONE	Extortion
EVIZIONE	Eviction

-F-

FALLIMENTO	Insolvency, declaration of
FALSO	False declaration; errors of identity.
FAVOREGGIAMENTO	Act of facilitating the escape of a criminal (accessory after).
FIDEIUSSORI	Bailors, persons who stand as security for bail.

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FIGLIO — Child-generic term including both sexes.

FITTO — Location, letting eg fitto di casa = letting of house. Fitto di podere = location of farm.

FLAGRANZA — "Flagrante delicto".

FORO — Competent jurisdiction.

FURTO — Theft or larceny.

- G -

GARANZIA — Guarantee

GIRATO — Endorsement of a cheque or bill of exchange. (vide Girante)

GIUDICE ISTRUTTORE — Examining magistrate, member of the Ministro Publico

GIURAMENTO — Oath

GIURI D'ONORE — Court of honour recognised by Penal Code.

GRAZIA — Pardon or grazia giudiziale = judicial pardon.

GRIMALDELLI — Instruments used to force open doors or windows.

GODIMENTO — Enjoyment.

Guasto — Damage, destruction.

- I -

IDONEITA' — Suitability. (idoneo, adequate, apt) Suitable.

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IMPUGNATIVE — Opposition or refutation by defence of a statement of facts.

IMPUTATO — Accused.

INADEMPIMENTO — Non execution, unfulfillment.

INCHIESTA — Sede ep. il publico incanto = public auction.

INDAGINE — Investigation, enquiry.

INDOLE DEL REATO — Nature of the offence.

INDUGIO — Delay

Indulto — Indult, pardon to an individual (vid. amnistia)

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GARANZIA. — Guarantee.

GIRANTO — Endorser of a cheque or bill of exchange. (vide Girante)

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GRAZIA — Pardon or grazia giudiziale = judicial pardon.

GRIMALDELLI — Instruments used to force open doors or windows.

GODIMENTO — Enjoyment.

Guasto — Damage, destruction.

IDONEITA' — Suitability, (idonee, adequate, apt) Suitable.

LE' GIUSTIFICHE — Opposition or refutation by defence of a plaintiff's statement of facts.

IMPUTATO — Accused.

INADEMPIMENTO — Non execution, unfulfillment.

INCANTO — Sale or il pubblico incanto = public auction.

INDAGINE — Investigation, enquiry.

INDOLE DEL REATO — Nature of the offence.

INDUGIO — Delay

Indulto — Indult, pardon to an individual (vide amnistia)

INFAMIA DI DIRITTO — Infamia or infamicida per causa di onori = for reasons of family honor.

INGANNO — Error, forgery.

INGIUNZIONE — Injunction

INGIURIA — Insult as distinct from diffamazione = defamation.

INIZIATIVA D'UFFICIO — Action started officially by the State in criminal matters.

INOPPUGNABILITA' — Unappealable, without recourse.

INTERVENTO — Intervener or interventi di terzi in causa = intervention of third parties.

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INVITO A E[illegible]IRE	Summons to produce an object (an exhibit) in connection with examination. Step taken by magistrate before ordering a perquisition.
IPOTECA	Mortgage.
IRRETRATTILITA'	Is used in cases when penal action is started cannot be legally withdrawn, even by mutual consent.
ISTANZA	Petition; memorandum by the defence, instance.
ISTRUZIONE FORMALE or SOMMARIA	Examination either summary or complete of persons and facts connected with a criminal case by an examining Magistrate(Pretore, Giudice Istruttore, or Procuratore del Re.)

-L-

LATITANZA	Status of a person who voluntarily avoids answering a summons or warrant issued by a magistrate's.
LEGGE E[illegible]TE	Legitimation of bastards.
LESIONI	attack on person causing bodily harm. ed. Lesioni personali colpose.
LETTERA DI [illegible]ITA	Carrier's note.
LIBIDINE	Lust.
LICENZIA[illegible]TO	Dismissal, discharge.
LIMITAZIONE	Offense against the liberty of the person as to unjustly limitation of personal liberty.
LUTTO VEDOVILE	Widow's period of mourning (vide norme annex).
MALATTIA CRITICA	VENEREAL DISEASE.

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even by mutual consent.

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ISTRUZIONE FORMALE or SOMMARIA	Examination either summary or complete of persons and facts connected with a criminal case by an examining Magistrate(Pretore, Giudice Istruttore, or Procuratore del Re.)
LATITANZA	-L- Status of a person who voluntarily avoids answering a summons or warrant issued by a magistrate.
LEGITTIMAZIONE	Legitimation of bastards.
LESIONI	Attack on person causing bodily harm. ex. Lesioni personali colpose.
LETTERA DI VETTURA	Carrier's note.
LIBELLO	Libel.
LICENZIA [illegible]	Dismissal, discharge.
LIBERTA'LIBERTA'	Offences against the liberty of the person or illegitimate limitation of personal liberty.
LUTTO VEDUVILE	Widow's period of mourning (vide norme moves).
MALATTIA CELTICA	VENEREAL DISEASE.
MALLEVADORIA or MALLEVERIA	Caution, bail security for lease.
MALVAGITA'	Intention to cause harm,eg. brutalita = malicious act Warrant, & Summons.
MANDATO	
MEDIANTE	By means of
MERETRICIO	The exercise of the trade of Keeper of a house of prostitution.

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MESSERIA — (French Metayer) see definition for MEZZADRIA.

MESTIERI GIROVAGHI — Trade exercised by wandering individuals without a known domicile.

MEZZADRIA — Contract for the division of products from an estate between landlor and tenant.

MEZZAIOLO — Rural tenant.

MEZZI — Legal means.

MILLANTATO — Act of promising to procure some favour from or mediation by a public official in exchange for payment or reward. Millantato del patrocinatore = offer by an advocate to use influence with a judge to favour his client's case.

MINACCIA — Threat

MINORI/MINORENNI — Minors betwee 14 & 18 years.

MOBILI — Movables

MULTA — Fine as imposed by the Courts (pretore or Tribunale in lieu of a sentence or) imprisonment or in addition to the sentence.

MUTUO — Loan of money or consumables goods free of interest.

NOCUMENTO — Damage, prejudice, tort.

NOLEGGIO — Charter, hiring. eg contratto di noleggio= charter party.

NORME — Rules of court, of procedure, administrative regulations, also Regole.

NORME PROCESSUALI — Rules of proceedings.

NOTAIO — Notary, receives all deeds for transfer of real estate; he keeps the original and

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MILLANTATO	Act of promising to procure some favour from or mediation by a public official in exchange for payment or reward. Millantato del patrocinatore = offer by an advocate to use influence with a judge to favour his client's case.
MINACCIA	Threat
MINORI/MINORENNI	Minors betwee 14 & 18 years.
MOBILI	Movables
MULTA	Fine as imposed by the Courts (pretura or Tribunale in lieu of a sentence or) imprisonment or in addition to the sentence.
MUTUO	Loan of money or consumables goods free of interest.

-N-

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NOCUMENTO	Damage, prejudice, tort.
NOLEGGIO	Charter, hiring. eg contratto di noleggio= charter party.
NORME	Rules of court, of procedure, administrative regulations, also Regole,
NORME PROCESSUALI	Rules of proceedings.
NOTAIO	Notery, receives all deeds for transfer of real estate; he keeps the original and delivers a copy to the parties (certified); acts as a official liquidator of estates; receives and drafts wills and other official deeds. Appointed by state, he is submitted to the supervision of the Minister of Justice.
NOVAZIONE	The substitution of a new debt or obligation for an existing one.
NOZZE NUOVE	Remarriage-widow forbidden to remarry until expiration of 300 days after preceding marriage has ceased to exist (civil code article 89)

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-O-

OBBLIGAZIONE CIVILE Civil liability resulting from Commission of crime.

OBLAZIONE Admission of a minor offense or petty misdemeanor by payment of fine before trial or judgment.

OZIOSO IDLE, person without visible means of support.

-P-

PARIFICAZIONE To give equal status.

PATROCINATORE Local advisers practising in lower courts not called to the bar, no degree. Generic term for all classes of defenders before the court.

PATROCINIO Defense of a cause, as patrocinio gratuito= defense of poor persons.

PATTO Agreement, pact

PECULATO Peculation

PEGNO Pledge, guarantee.

PERITI Experts

PERIZIA Expert's report.

PIGIONE Rent or contract of location.

PIGNORAMENTO Attachment and seizure of property by bailiff to secure a debt.

POLIZIA GIUDIZIARIA Police, I/C of criminal investigations.

POTERI Powers, as i pieni poteri= full powers.

PRATICA, cartella Pile of documents.

PRATICANTE Articled clerk, learner as praticante avvocato.

PRESCRIZIONE Extinction of a right or cause of action by lapse of a period of time fixed by law. --

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PATTO	Agreement, pact
PECULATO	Peculation
PEGNO	Pledge, guarantee.
PERITI	Experts
PERIZIA	Expert's report.
PIGIONE	Rent or contract of location.
PIGNORAMENTO	Attachment and seizure of property by bailiff to secure a debt.
POLIZIA GIUDIZIARIA	Police/. I/C of criminal investigations.
POTERI	Powers, eg i pieni poteri= full powers.
PRATICA, dossier	File of documents.
PRATICANTE	Articled clerk, learner eg praticante avvocato.
PRESCRIZIONE	Extinction of a right or cause of actionby lapse of a period of time fixed by law. -- Statute of limitations.
PRETERINTENZIONALITA	Commission of a crime more serious than that intended by the delinquent.
PROCEDIMENTO	Proceedings in general.
PROCESSO VERBALE	A report of the circumstances of the commission of an offence or of action taken by a public official-police, judicial or administrative officer - in the course of his duties.

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PROCURATORE GENERALE	The Attorney Generalcorte Di Appello
PROCURATORE del RE.	The Crown Attorney. Tribunale.
PROCURATORI	Do the same court work as a solictor; preparing case, lodging documents, attending to all proceedings.
PROLE	Children, progeniture.
PROSIOLTO	An accused who has been acquitted.
PROSCIOGLIMENTO	Acquittal, decision of court or judge releasing or absolving accused of penalties even if sentenced.
PROVVEDIMENTI	Provisions of the Code(or the law), judicial measures generally.
PUBBLICO MINISTERO	Office of the Crown Attorney; by extension, the State Prosecutor, whoever he may be, in whatever court.
PUNTERUOLO	A pointed arm or instrument used to cause injury.
PUPILLO	Ward or minor in guardianship.

-Q-

QUERELA	Complaint in justice eg. querela di falso=complaint for fraud. In the case of certain offenses prosecution need be set in motion by a private person by means of "querela" proceedings.

- R -

RADUNATA	Seditious meeting
RAGIONE	Rights
RAGGIRO	Impostor, trickster.
RAPINA	Robbery and burglary.

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PROSCIOGLIMENTO	Acquittal, decision of court or judge releasing or absolving accused of penalties even if sentenced.
PROVVEDIMENTI	Provisions of the Code(of the law), judicial measures generally.
PUBBLICO MINISTERO	Office of the Crown Attorney; by extension, the State Prosecutor, whoever he may be, in whatever court.
PUNTERUOLO	A pointed arm or instrument used to cause injury.
PUPILLO	Ward or minor in guardianship.

-Q-

QUERELA	Complaint in justice eg. querela di falso=complaint for fraud. In the case of certain offenses prosecution need be set in motion by a private person by means of "querela" proceedings.

- R -

RADUNATA	Seditious meeting
RAGIONE	Rights
RAGGIRO	Impostor, trickster.
RAPINA	Robbery and burglary.
RAPPORTO	Report by public officials that a criminal offence has come to their notice.
RAPPRESENTAZIONE	Order of succession to a deceased's estate.
RATTO	Abduction eg. ratto a fine di libidine= carrying of with intention of sexual intercourse.

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

REATI	Crimes in general.
RECIDEVA	Repetition of an offence.
RECLUSIONE	Imprisonment with hard labor for a period.
REFERTO	Obligatory report of commission of an offence to judicial police, pretore o procuratore del Re.
REGRESSO	Rights of holder of a bill against drawer, accepter, endorser.
REVISIONE	Review
REVOCA	Revocation
RICHIESTA	Petition by complainant requesting that punal proceedings be started against a person.
RICUSAZIONE	Challenge (to judges, jurors)
RIDUZIONE	Reduction of amount of seized goods.
RIFUSIONE	Reimbursement eg. rifusione delle spese= Reimbursement of expenses.
RIGETTO	Rejection
RILASCIARE	Deliver eg. rilasciare un documento= deliver a document.
RILASCIO	Release, eg rilascio di beni mobili= release of seized movables (vide pignoramento)
RIMOZIONE	To remove. Removal, eg rimozione di sigilli = removal of seals.
RINUNCIA	Abandonment of proceedings by individuals.
RINVIO A GIUDIZIO	Commitment to trial before court made by the examining magistrate.
RINVIO	also adjourn.

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

procuratore del Re.

REGRESSO	Rights of holder of a bill against drawer, acceptor, endorser.
REVISIONE	Review
REVOCA	Revocation
RICHIESTA	Petition by complainant requesting that penal proceedings be started against a person.
RICUSAZIONE	Challenge (to judge, jurors)
RIDUZIONE	Reduction of amount of seized goods.
RIFUSIONE	Reimbursement eg. Rifusione delle spese= Reimbursement of expenses.
RIGETTO	Rejection
RILASCIARE	Deliver eg. rilasciare un documento= deliver a document.
RILASCIO	Release, eg rilascio di beni mobili= release of seized movables (vide pignoramento)
RIMOZIONE	To remove. Removal, eg rimozione di stato = removal of scale.
RINUNCIA	Abandonment of proceedings by individuals.
RINVIO A GIUDIZIO	Commitment to trial before court made by the examining magistrate.
RINVIO	also " adjournment ".
RIPARAZIONE SECONDARIA	Damages claimed by victim of a judicial error. Del denaro compensation for damages
REPARTO	Section, division, department.
RIPORTARE UNA CONDANNA	Receive a sentence.

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RIPROPORRE	To reopen an action
RISARCIMENTO	Compensation
RISCATTO	Stipulation in which vendor reserves right of repurchase, eg. patto di riscatto .
RISSA	Brawl.
RUBA	Larceny, Rapine.

- S -

SABOTAGGIO	Sabotage of public edifices(vide danneggiamento)
SACCHEGGIO	Looting; plunder, pillage.
SAGGIO	Printer's proof.
SANATORIA	Regularization of a finding of nullity by an examining magistrate.
SCADENZA	Date of maturity of bill of exchange.
SCIOGLIMENTO	Dissolution, annulment
SCIOPERO	Strike.
SCRITTURA	Vide documento.
SIGILLO	Official cachet or stamp.
SENTENZE IN CONTUMACIA	Penal sentences given by default.
SEQUESTRO	Seizure, judicial sequestration.
SERRATA	Lock out
SERVITU'	Easement, servitude.

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

RISSA	Brawl.
RUBA	Larceny, Rapine.

- S -

SABOTAGGIO	Sabotage of public edifices(vide danneggiamento)
SACCHEGGIO	Looting; plunder, pillage.
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SCADENZA	Date of maturity of bill of exchange.
SCIOGLI DATO	Dissolution, annulment
SCIOPERO	Strike.
SCRITTURA	Vide documento.
SEGNO	Official cachet or stamp.
SENTENZE IN CONTUMACIA	Penal sentences given by default.
SEQUESTRO	Seizure, judicial sequestration.
SERRATA	Lock out'
SERVITU	Easement, servitude.
SFRUTTAMENTO	Living on immoral earnings of a prostitute.
SIGILLO	Seal
SIMULAZIONE	A public official using his position to further private interests (vide calunnia).
SISTEMAZIONE	Organisation-eg sistemazione della difesa= organisation of the defense.
SOCCIDA	Agricultural partnership for raising & grazing of cattle.

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SOCIETA'	Corporation ex. Societa per azione= Share corporation; Societa' a responsabilita limitata=private limited liability company. Societa in nome collettivo=registered partnership.
SOCIO	Partner, associate.
SOPPRESSIONE	Illegal suppression of a document or human body.
SPESE PROCESSUALI	Costs in the case
SPETTARE, SPETTANTE	Concerning, belonging to, within the competence of.
SPIONAGGIO	Espionage.
STAMPA	Press, newspaper.
STIPENDI	Salaries.
STRADE	Roadways.
STRANIERO	Alien, foreigner.
STUPRO Reato con	Theft with violence.
SUCCESSIONE	DECEASED'S estate. ex. apertura della successione = probate and administration.

- T-

TERMINI	Delays, legal and judicial.
TERZO, IN	Overleaf
TERZI, DIRITTI DI	Rights of third parties.
TESTIMONIANZA	Testimony ex. Testimonianze falsa=false testimony.
TESTIMONIO	Witnesses.
TITOLO ESECUTIVO	Deed containing an executory clause.
TRATTO	Draught or a bill of exchange (vide assegno)

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

	human body.
SPESE PROCESSUALI	Costs in the case
SPETTARE, SPETTANTE	Concerning, belonging to, within the competence of.
SPIONNAGGIO	Espionage.
STAMPA	Press, newspaper.
STIPENDIO	Salaries.
STRAGE	Massacre.
STRANIERO	Alien, foreigner.
STRAPPO Furto con	Theft with violence.
SUCCESSIONE	DECEASED'S estate. eg. apertura della successione = probate and administration.

- T-

TERMINI	Delays, legal and judicial.
TERGO, IN	Overleaf
TERZI, DIRITTI DI	Rights of third parties.
TESTI O FALSA	Testimony ca. Testimonianza falsa=false testimony.
TESTIMONIO	Witnesses.
TITOLO ESECUTIVO	Deed conteining an executory clause.
TRAENTE	Drawer of a bill of exchange (vide girante)
TRASCRIZIONE	Entering in public registers of particulars of transactions in regard to property, and mortgages.
TRATT. DEL E DONNE	White slavery.
TRATTENIMENTI PUBBLICI	Public amusements.
TRUFFA	Embezzlement, fr ud.
TURPILOQUI	Obscene language.

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

TUTELA	Safeguarding eg. tutela dei diritii pubblici = safeguarding of public laws. (vide tutore)
TUTORE	Guardian, curator.

- U -

UBRIACHEZZA	Drunkenness, eg. ubriaco abituale habitual drunkard.
UCCIDERE	Murder
UDIENZA	Audience
UFFICIALE GIUDIZIARIO	Court bailiff and usher
USCIERI DI CONCILIAZIONE	Usher in conciliation court.
USUFRUTTO	Usufruct, -the enjoyment of a thing or of the fruit or product of property whilst the title thereto remains in another.
VENDITA AL INCANTO	Sale by public auction
VENDITA A SALE DI PREZZO	Sale by instalments.
VENEREO	Venereal (vide contagio venereo)
VIDIMAZIONE	Legislation
VIGENTE	In force, eg. la vigente legge=the law in force.
VILIPENDIO	Treating with contempt the Italian Crown, government or parliament, nation, flag, armed forces of the state or judiciary.
VINCOLO	Bond, obligation, lien.
VIOLENZA CARNALE	Rape.
VISTO CHE	In consideration that, in view of, whereas.

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

UBRIACHEZZA	Drunkenness; ca. [illegible] drunkard.
UCCIDERI	Murder
UDIENZA	Audiance
UFFICIALE GIUDIZIARIO	Court bailiff and usher
USCIERI DI CONCILIAZIONE	Usher in conciliation court.
USUFRUTTO	Usufruct, -the enjoyment of a thing or of the fruit or product of property whilst the title thereto remains in another.
VENDITA AL INCANTO	Sale by public auction
VENDITA A SALE DI PREZZO	Sale by instalments.
VENERIO	Venereal (vide conteggio venereo)
VIDIMAZIONE	Legislation
VIGENTE	In force, eg. la vigente legge=the law in force.
VILIPENDIO	Treating with contempt the Italian Crown, Government or parliament, nation, flag, armed forces of the state or judiciery.
VINCOLO	Bond, obligation, lien.
VIOLENZA CARNALE	Rape.
VISTO CHE	In consideration that, in view of, whereas.
VITALIZIO	Assegno Vitelicio= life annuity.

ADDITIONS TO PAGE 3

- C -

CELTICO	Venereal eg. Malattia celtica=sifilide.
CETO	Class or profession eg. il ceto degli avvocati= the bar.

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

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
A.P.O. 512
LEGAL SUB-COMMISSION

AMG/4001/L

Subject: Memorandum on Italian Courts

To: R.C.L.Os (through RCAOs) 3rd December 1943

The enclosed memoranda are forwarded to you for distribution to Legal Officers in the field.

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

DISTRIBUTION:

Region I	5
Region II	25
AMG.HQ 15 Army Group	10
5 Army }	10
8 Army } (through AMG., ..	10
Region III } 15 Army Group). ..	20
Region IV }	20
M.G.School, Tizzi Ouzou	10

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

C.C.A.O.

Relations with Italian Ministry of Justice.

Please see pp. 39 and 40. I am of opinion that no explanation of our action is necessary or desirable. Do you concur?

2. I propose to ascertain from S.C.A.O., Foggia, what were the circumstances of release and why the releases were made. If the releases were on account of political convictions, I think we might then enquire why they were opposed.

Italian Assizes - Foggia.

3. Ref page 27. I think that we should arrange for the Procuratore and Presidente to go from Bari to Foggia to hold an assize as there are 27 persons awaiting trial. I have been holding this up pending evacuation decisions. Do you concur?

53

H.C. Hughes-Hallett
C.M.O.

11 Dec 43.

1. I agree with your 1 - 2 - 3. Advise Acc 3.

12/XII/43

Legal

10 DEC 1943

206

4U

B

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommission

LS/gmf

9 December 1943.

In reply
refer to: LSC/S/305.

TO : HQ AAI, XV Army Group.

SUBJECT : Arrested Persons at Lucca. Release.

Enclosed for your information an extract of the letter of 25 November 1943 written by the Procuratore Generale del Re in Pari to the Minister of Justice and forwarded by the letter to this Subcommission.

51

G. P. WRAGG, Colonel
Chief Legal Officer, ACC.

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

9 December 1943.

In reply
refer to: ACC/A/365.

TO : HQ AAC, XV Army Group.

SUBJECT : Arrested Persons at Rumeno. Release.

Enclosed for your information an extract of the letter of 25 November 1943 written by the Procuratore Generale del Re in Bari to the Minister of Justice and forwarded by the latter to this Subcommission.

51

G. R. UPHOLM, Colonel
Chief Legal Officer, ACC.

- 1 -

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

89

TRANSLATION

E X T R A C T

FROM A LETTER FROM THE PUBLIC OFFICE OF THE COURT OF APPEAL, BARI

No. 12426 of prot. Div. 1 Bari, 25 Nov. 1943.

SUBJECT: Relations in Judicial Matters with British Authorities.

TO THE MINISTRY OF JUSTICE

ROME.

.....

On the 15th Oct. 1943 the British Military Command acting contrary to verbal and written advice of the Procuratore del Re of Foggia ordered the release of the following persons detained in the prisons of Lucera on account of the well known events of Montelcone di Puglia:

(1) CERRACCHIA Pasquale - (2) GRIECO Lucia - (3) COLANGELO Veneranda - (4) DE PACHA Giuseppina - (5) LA TORRE Rosaria - (6) LA TORRE Pasquale (7) PUCCI Pasquale - (8) PERUZZA Linda - (9) VENDITTO Carmel - (10) SALVAGNO Rosaria - (11) VESCHINI Teresa - (12) VESCHINI Angela - (13) VESCHINI Antonia - (14) VESCHINI Philomena - (15) MACCIO Rosa - (16) ZAMBRI Rocco - (17) ZAMBRI Arcadio - (18) VESCHINI Giuseppina.

On Oct. 22, 1943 the British Command ordered the release of LA TORRE Vincenzo, detained in the prison of Sovino and accused of having taken part in the well known events of Montelcone di Puglia. The Procuratore del Re has not been requested to give his opinion.

50

Declassified E.O. 12356 Section 3.3/NND No. T85016

PROCESS: Relations in Judicial Matters with British Authorities.

TO THE MINISTRY OF JUSTICE

P.M. 1B

.....

On the 15th Oct. 1943 the British Military Command acting contrary to verbal and written advice of the Procuratore del Re of Foggia ordered the release of the following persons detained in the prisons of Lucera on account of the well known events of Montelesne di Puglia:

(1) CORTACCHIA Pasquale - (2) CIRICO Lucia - (3) COLACCHIO Veneranda - (4) DE PAOLA Giuseppina - (5) DI MARIA Rosaria - (6) DI MARIA Pasquale (7) FUCCI Pasquale - (8) VERDEA Lucia - (9) GUGLIERO Carmel - (10) SALVANO Rosaria - (11) VESCOVI Teresa - (12) VISCONTI Angela - (13) VESCONTI Antonia - (14) VISCONTI Filomena - (15) VIGLIO Rosa - (16) ZACCHI Rocco - (17) ZANFEI Ernesto - (18) ZACCHI Giuseppina.

On Oct. 22, 1943 the British Command ordered the release of DI MARIA Vincenza, detained in the prison of Bovino and accused of having taken part in the well known events of Montelesne di Puglia. The Procuratore del Re was not been requested to give his opinion.

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

10 DEC 1943

Legal

38

B

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommission

AGO/gm2

-206-

9 December 1943.

In reply
refer to: AGO/1.0/L.

TO : Chief Legal Officer,
HQ AAC, IV Army Group.

SUBJECT: Italian Courts, Foggia.

For your information, the Italian Ministry of Justice reports that notification was received from the Procuratore del Re in Foggia, dated the 4th inst. that "the prohibition issued by the Anglo-American Command to hold Penal and Civil hearings at the Tribunals of Foggia is still in effect."

There may be nothing in this but is it not possible to open the Court?

YJ

Gerald Lyon
Colonel.
Chief Legal Officer.

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

In reply
refer to: AGO/ACG/L.

TO : Chief Legal Officer,
Hq AAC, XV Army Group.

SUBJECT: Italian Courts, Foggia.

For your information, the Italian Ministry of Justice reports that notification was received from the Procuratore del Re in Foggia, dated the 4th inst. that "the prohibition issued by the Anglo-American Command to hold Penal and Civil hearings at the Tribunals of Foggia is still in effect."

There may be nothing in this but is it not possible to open the Court?

Yrs Gerald Lyon
Colonel.
Chief Legal Officer.

- 1 -

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

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

Subject:- Transmittal of Documents.

OC HQ.,
15 Army Group,
C.M.F.

10 December 43.

AMG/206/37

Senior Legal Officer,
Hq. AMG. 5th Army.

Herewith three documents for transmission to Procuratore Militare del Re, Naples, subject to your approval as to contents.

2. The documents have been received through A.C.C. and it has been agreed that communications between Court Officials in occupied and non-occupied territory, on proper business, will be allowed.

H.B.Rowe,
Lt.Colonel,
Chief Legal Officer.

HBR/EJ.

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

Subject:- Corte D'Assisi.

36

A.C.R.O.
15 Army Group,
C.M.F.

Ref. ACRO/206/36.
2 December 43.

Chief Legal Officer,
Legal Sub-Commission,
Allied Control Commission,
REGGIO.

Herewith copy letter Angot/3/6064/L of 2 Dec with copy of memorandum referred to therein, which have been received from Senior Legal Officer, AFHQ & Army.

2. You will no doubt consider the recommendation made in the above memo in connection with the matter of re-organisation of Italian Courts.

H.R. HOWE,
Lt.Colonel,
Chief Legal Officer.

HRH/ZES.

Copy to:- S.L.O. AFHQ & Army.

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

Type 1 Copy

35

HEADQUARTERS
REGION 3
ALLIED MILITARY GOVERNMENT
LEGAL OFFICE

Amgot 3/6064/L.
2 December, 1943.

Subject : Corte D'Assisi

To : C.L.O. AMG 15th Army Group.

I attach a copy of a memorandum prepared by my legal officer at Salerno on the Corte D'Assise and the proposed reversion to the old system of criminal trials in Italy.

2. This memorandum may be of help in considering alterations to laws and procedure which I understand is being undertaken on a Nation wide basis.

J. V. M. Shields

J.V.M. Shields, Lt. Col.,
Senior Legal Officer,
A.M.G., 5th Army.

Copy to 6012.

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34

ALLIED MILITARY GOVERNMENT

Salerno Province

20 November, 1943

TO: Lt.Col. J.V.M. Shields, G L O , Region 3

1. In proposing to form a new list of assessors I have been subjected to considerable pressure on the part of local lawyers and judicial personnel to request the abrogation of Royal Decree n.249 dated 23 March, 1931 under which the Assessor system was established and the return to Law n.1937, enacted 8 June, 1874, as amended, which, read in connection with Articles 438-476 of the Code of Penal Procedure , would re-establish the jury system. Although I shall not yield to such pressure, it appears that the problem is worth presenting.

2. Under Royal Decree n.249 (1931), alleged to be a law of peculiarly Fascist origin and theory, the Court of Assise has a president, a counseller, and five assessors, selected from a list submitted by the Podesta's of each commune. The lists are examined by the president of the Court of Appeal and those finally confirmed are approved by royal

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

20 November, 1943

To: Lt.Col. J.V.H. Shields, G L C , Region 3

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2. Under Royal Decree n.249 (1931), alleged to be a law of peculiarly Fascist origin and theory, the Court of Assize has a president, a counsellor, and five assessors, selected from a list submitted by the Podesta's of each Commune. The lists are examined by the president of the Court of Appeal and those finally confirmed are approved by royal decree and serve for two years. Excluded from the list, quite properly, are judges, lawyers, procura-

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

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tori, officers and soldiers on active service, and all police personnel . The chief peculiarity of this Court of Assize is that the assessors decide questions of law and fact on an equal basis with the president and the counsellor . Italian jurists regard this arrangement as bad in theory and worse in practice . In theory the assessors are not qualified to decide questions of law. In practice they are overwhelmed by the president and counsellor on questions of both law and fact. Indeed, it is said that the Fascists were about to abolish procedure and constitution of the Court of Assize as outlined above. The judges used to prevail against even the most ardent Fascist assessors, and, by informal arrangement, all assessors were active Fascists.

3. Under the law of 12 June, 1874, the Court of Assize was constituted by a president and 10 jurors . The jurors were selected by a thorough, but cumbersome, procedure. A list was made up by a Communal Commission in each town and was examined by the Pretore and the Podesta. A re-examination was made by a Giunta or committee, of the Provincial Council . These conducting each successive examina-

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

this Court of Assize is that the assessors decide questions of law and fact on an equal basis with the president and the counsellor . Italian jurists regard this arrangement as bad in theory and worse in practice . In theory the assessors are not qualified to decide questions of law. In practice they are overwhelmed by the president and counsellor on questions of both law and fact. Indeed, it is said that the Fascists were about to abolish procedure and constitution of the Court of Assize as outlined above. The judges used to prevail against even the most ardent Fascist assessors, and,by informal arrangement, all assessors were active Fascists.

3. Under the law of 12 June, 1874, the Court of Assize was constituted by a president and 10 jurors . The jurors were selected by a thorough, but cumbersome, procedure. A list was made up by a Communal Commission in each town and was examined by the Pretore and the Podestà. A re-examination was made by a Giunta or committee, of the Provincial Council . Those conducting each successive examination were entitled to strike names from the list, but had no power to add names . The names thus

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approved , were written on cards and placed under seal in a box kept at the offices of the fribunale.

4. When the Court of Assize was opened, the president,the procurators, and defense counsel drew the names of 12 jurors from the box in open court. Prosecution and defense each had 6 preemptory challenges. Of the 12 jurors, two were substitutes ,and failure to have 10 voting jurors deprived the court of jurisdiction .

5. After hearing the case, the jury voted by secret ballot in a closed room, but in the presence of the President,Chancellor, the Procurators and the defense counsel . The jurors were required to answer, in most cases, three questions framed by the courts

1) was a crime committed ?

2) Did the accused commit it, or was he involved in it ?

3) Was the accused guilty ?

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6. None of this questions were discussed by the jurors, although each could ask for further instructions . Other questions relating to defenses

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

sealed in a box kept at the offices of the Tribunale.

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5. After hearing the case, the jury voted by secret ballot in a closed room, but in the presence of the President, Chancellor, the Procuratore and the defense counsel. The jurors were required to answer, in most cases, three questions framed by the court:

1) Was a crime committed ?

2) Did the accused commit it, or was he involved in it ?

3) Was the accused guilty ?

6. None of this questions were discussed by the jurors, although each could ask for further instructions. Other questions relating to defenses or to aggravating or mitigating circumstances were also framed by the Court in such a way that the answer was "Yes" or "No". Each question was resol-

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

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ved by majority vote and blank or illegible ballots were resolved in favor of the accused. In case of a tie, the accused was acquitted .

7. When the vote was completed, the verdict was announced in open court and the President pronounced the sentence accordingly . Appeal could be taken to the Court of Cassation by either side on points of law only.

When the accused was absent, no jury was drawn .The case was heard by the President and two judges . A revocable conviction and sentence were rendered to ~~keep~~ keep the statute of limitations from running against the nation .

The above is in no way a proposal for reform. It is a proposal to return to an older conservative, and well-considered law .

43

John P. Barden

John P. Barden, 2nd Lt.,

Legal Officer

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

7. When the vote was completed, the verdict was announced in open court and the President pronounced the sentence accordingly . Appeal could be taken to the Court of Cassation by either side on points of law only.

When the accused was absent, no jury was drawn .The case was heard by the President and two judges . A revocable conviction and sentence were rendered to ~~keep~~ the statute of limitations from running against the action .

The above is in no way a proposal for reform. It is a proposal to return to an older conservative, and well-considered law .

John P. Barden

John P. Barden, 2nd Lt.,

Legal Officer

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

0898

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

Subject:- Italian Courts.

AMG HQ.,
15 Army Group,
C.M.F.

Ref. AMG/206/30
9 December 43.

HQ. AMG., 8 Army Main,
5 Army,
Region III,
Region IV (Adv HQ)(for Foggia Prov)

A report is requested with replies to the following :-

(a) Places where Italian Criminal Courts are open, and the kinds of Courts;

(b) Places where Italian Civil Courts are open, and the kinds of Courts;

(c) The names of all Italian judges and officials functioning, their appointments and where they are located;

(d) Particulars of Court premises destroyed or occupied by Allied Forces and alternative addresses in such cases where Courts are sitting.

2. The above particulars, as at 1 Dec, are required to reach this HQ not later than 30 Dec.

H.E.ROWE,
Lt.Colonel,
Chief Legal Officer.

HER/ES.

Copy to:- A.C.C., Legal Sub-Commission. } for Chief Legal Officer

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ALLIED CONTROL COMMISSION
Legal Subcommission grw/gmf

26

4 December 1945.

SUBJECT: Italian Courts

REFERENCE: A00/1/303.

Dear Rowe

With a view to entering into longer term policy discussions with the Government I shall be glad to hear from you at your convenience how the reopening of Italian Courts in your area is getting on.

Can you let me know:

(1) What Criminal Courts are open or opening.

(2) What Civil Courts are open or opening.

(3) Whether the Court of Appeal at Naples is functioning.

(4) Whether any assises are being held.

(5) If destruction or occupation of premises has caused removal, where such courts are temporarily located.

40

I should also like to know the names of judges and officials who are acting and whether you have appointed a 1st President of the Court of Appeal and if so ~~whom~~ who.

I appreciate that this information may take a little time to prepare and there is no immediate hurry but I should be very grateful if you would start collecting the necessary facts for me so that we can put the Government in the picture as much as possible.

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

SUBJECT: Italian Courts

REFERENCE: L/C/I/303.

Dear Rowe

With a view to entering into longer term policy discussions with the Government I shall be glad to hear from you at your convenience how the reopening of Italian Courts in your area is getting on.

Can you let me know:

(1) What Criminal Courts are open or opening.

(2) What Civil Courts are open or opening.

(3) Whether the Court of Appeal at Naples is functioning.

(4) Whether any assizes are being held.

(5) If destruction or occupation of premises has caused removal, where such courts are temporarily located.

40

I should also like to know the names of judges and officials who are acting and whether you have appointed a 1st President of the Court of Appeal and if so whether them.

I appreciate that this information may take a little time to prepare and there is no immediate hurry but I should be very grateful if you would start collecting the necessary facts for me so that we can put the Government in the picture as much as possible.

I hope you suffered no ill effects from the raid. We are all going about like condemned men here!

Yours sincerely

G. R. Upjohn

G. R. UPJOHN

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

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

28

Subject:- Premises of Fraetura, Foggia Town.

C.M.G.,
15 Army Group,
C.M.F.

Ref. AMG/206/2.8
5 December 43.

To:- Adv.H.Q. AMG., Region 4.

Herewith copy of translation of letter No. 151 written by Procurator-General, Bari, to Italian Minister of Justice on the above subject and dated 24 Nov 43. The Court of Appeal, Bari, has under its normal jurisdiction the Fraetura at Foggia and I see no objection to the report having been made.

2. Will you please request C.C.A.C., Foggia, to let this Headquarters have a report (with extra copy for A.C.C.) as to the accuracy or otherwise of the statements made in the above enclosed letter.

H.E.HOWE,
Lt.Colonel,
Chief Legal Officer.

HEH/23.

Copy to R.C.L.O.

28

Declassified E.O. 12356 Section 3.3/NND No. T85016

1067 Hb = W 05 1/1 28A

ALLIED CONTROL COMMISSION
Legal Subcommission

art/emf

30 November 1945.

TO: Lt. Col. H. E. Rowe,
Chief Legal Officer
AAC XVth Army Group.

SUBJECT: Transmittal of Documents.

Dear Colonel

1. Herewith please find original and translation of the letter referring to the matter of damage to the Ortunova Pretura which we discussed at yesterday's meeting.

2. In addition please find attached the original and translation of communication received this morning from the Italian Ministry of Justice concerning Judge CURZIO of Lucera which would appear to have been initiated by an AMG officer in the Lucera area. Perhaps you will 36 kindly refer this matter to the right quarter.

3. Enclosed also a copy of a signal as arranged by phone this morning re: British seaman stabbing case.

TO: Lt. Col. H. E. Rowe,
Chief Legal Officer
AAI XVth Army Group.

SUBJECT: Transmittal of Documents.

Dear Colonel

1. Herewith please find original and translation of the letter referring to the matter of damage to the Ortanova Pretura which we discussed at yesterday's meeting.

2. In addition please find attached the original and translation of communication received this morning from the Italian Ministry of Justice concerning Judge CUEZZO of Lucera which would appear to have been initiated by an AAI officer in the Lucera area. Perhaps you will kindly refer this matter to the right quarter.

3. Enclosed also a copy of a signal as arranged by phone this morning re: British seaman stabbing case.

Yours very truly,

A. R. THACKRAH

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

PROCURA GENERALE DEL RE IMPERATORE PRESSO LA CORTE DI APPELLO DI

B A R I

N.12449 di prot.Div.I^ Bari, li 24 Novembre 1943

OGGETTO-Locali della Pretura di Foggia in Ortanova

AL MINISTERO DI GRAZIA E GIUSTIZIA

P.C.151

Per opportuna notizia comunico a codesto Ministero che il quindici ottobre la Polizia Inglese in Otanova occupò i locali assegnati dal Comune alla Pretura di Foggia colà trasferita temporaneamente.

Rientrato la Pretura nel possesso dei locali il Pretore ha proceduto alle seguenti constatazioni:

" L'anno millenovecentoquarantre, il giorno 29 del mese di ot-
"bre in Ortanova. Noi Pretore Cav.Carlo ASCOLESE con l'assisten-
"za del Cancelliere sottoscritto, avendo appreso che i militari
"inglesi avevano da pochi minuti lasciata la stanza ove ha sede
"provvisoria la pretura di Foggia, come dal nostro precedente
"verbale del 15/10/1943, ci siamo recati in detta stanza ed abbia-
"mo constatato: tutti i mobili sono stati rimossi dal loro posto;
"scassinata la scrivania del Cancelliere dirigente da esportato
"tutto quanto essa conteneva; scassinata anche la cartellaia da
cui sono stati tolti stampati, copertine, carta, carbone, carta
"uso bollo ecc.- Mancano dei mobili, tutte le sedie e poltrona
delle scrivanie e del Gabinetto pretorile, cinque sedie, la macchi-
na da scrivere, i sottomani degli scrittoi, tutti i calamai, le

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

N.12449 di prot.Div.I° Bari, li 24 Novembre 1943

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AL MINISTERO DI GRAZIA E GIUSTIZIA

P.M.151

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"uso bollo ecc.- Mancano dei mobili, tutte le sedie e poltrona
delle scrivanie e del Gabinetto pretorile, cinque sedie, la macchi
na da scrivere, i sottomani degli scrittoi, tutti i calamai, le
"penne ecc.

Dall'esame dei registri risultano mancanti: il registro cronologico e i registrini di udienza dei giudici civili, nonché le pandette di quasi tutti i registri.

E' stato invitato il Pretore ad inviare all'A.M.G.O.T. un elenco delle cose asportate.

IL PROCURATORE GENERALE DEL RE IMPERATORE(Ludovico Denza)

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

286

T R A N S L A T I O N

Office of the Procurator General of the King Emperor at the Court of Appeal of Bari.

N. 12149 of prot. Div. I. Bari, 24 Nov. 1943.

SUBJECT: Premises of the Pretura of Foggia at Ortanova.

TO: The Minister of Justice.

R.V. 15.

For your information I am reporting to you that on the 15th day of October the English Military Police occupied the premises assigned by the commune to the Pretura of Foggia which has been moved there temporarily at Ortanova.

When the Pretor reentered the possession of the premises he noted the following:

"The year of 1943, the 29th day of October at OTTAVIVA. We, the Pretor Cav. Carlo Ascolese, assisted by the undersigned chancellor, having learned that a few minutes ago the English troops had left the room serving for a provisional seat of the Pretura of Foggia, as per our preceding record of 15 Oct. 1943, we entered the said room and have noted: all the furniture has been moved from its place; the writing desk of the head chancellor has been smashed and its entire contents removed; stationary cupboard has also been smashed and the forms, stationery, envelopes, carbon paper, stamps, etc. removed. Furniture, all chairs and the armchair of the writing desks and of the Pretor's cabinet, five chairs, a typewriter, the blotters from the writing desks, all inkstands, pens, etc. are missing.

The examination of the registers reveals the following to be missing: The chronologic registry and the small registers of hearings of the civil judges as well as indexes of nearly all registers."

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

SUBJECT: Premisses of the Preture of Foggia at Ortanova.

TO: The Minister of Justice.

P.V. 151

For your information I am reporting to you that on the 15th day of October the English Military Police/occupied the premises assigned by the commune to the Preture of Foggia which has been moved there temporarily. at Ortanova

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The examination of the registers reveals the following to be missing: The chronologic registry and the small registers of hearings of the civil judges as well as indexes of nearly all registers."

The Pretor was directed to send a list of the missing objects to the ACC'OT.

The Procurator General
of the King Emperor (Ludovico Denna).

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

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

SUBJECT: Corte d'Appiani.

4 DEC 1943

AMG.HQ.Eighth Army.
OA/13/
1 Dec.43.

27

AMG.HQ. 15 Army Gp.

1. A copy of letter ref.FP/3065 dated 30 Nov.43 from S.C.A.O., Foggia Province on above subject is forwarded through this HQ for your attention.

Major AUS,
AMG.HQ.Eighth Army.

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

Ref. FP. 3065.

30 TH NOV. 43.

26

SUBJECT: Corte d'Assisi

TO AMG.HQ MAIN SUB ARMY.

FROM S.C.A.O. FOGGIA PROVINCE (LEGAL DIV).

The Tribunale Courts are not functioning in Foggia Province. Records furnished these HQs. disclose that there are twenty seven prisoners in jail awaiting trial by the Corte d'Assisi, and in order for this court to function, it is necessary for the Procuratore Generale and the Presidente of the Court to come here from Bari, and sit with the local judges.

It is therefore requested that action be initiated with the proper authorities in Bari that this court may be opened at the earliest possible date.

(Signed) W.H.Levitt,
Major,
for Lt.Colonel
S.C.A.O. FOGGIA PROVINCE.

34

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

SUBJECT: Carte d'Assisi.

AMG.HQ. 15 Army Group.

AMG.HQ.Eighth Army. 25

OA/13/

1 Dec.43.

1. A copy of letter ref.FP/3065 dated 30 Nov.43 from S.C.A.O.,Foggia Province on above subject is forwarded through this HQ for your attention.

Major AUS,
AMG.HQ.Eighth Army. 33

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

Ref. FP; 3065. 24

30 TH. NOV. 43.

SUBJECT: Corte d'Assisi.

TO: AMG HQ. Main 8th. Army.

FROM: S.C.A.O. FOGGIA PROVINCE(LEGAL DIV.).

The Tribunale Courts are now functioning in Foggia Province. Records furnished these HQs. disclose that there are twenty seven prisoners in jail awaiting trial by the Corte dAssisi, and in order for this court to function , it is necessary for the Procuratore Generale and the Presidente of the Court to come here from Bari, and sit with the local judges.

It is therefore requested that action be initiated with the proper authorities in Bari that this court may be opened at the earliest possible date.

Wm. H. Lent
MAJOR.
for Lt. Colonel.
S.C.A.O. FOGGIA PROVINCE.

32.

369-1

23

HEADQUARTERS
BRANCH 1, ALLIED MILITARY GOVERNMENT
APO 464, U.S. Army

20 November 1943

Subject : Transfer of Black Market and other Italian Law Offenses to Italian Courts.

To : U.S.A.C.'s (for legal officers)

1. You are hereby authorized and directed hereafter to refer to the Italian Courts for adjudication and disposition all charges of violations of Italian law (including Black Market laws) committed by one civilian against another civilian, whether or not the alleged offense also constitutes a violation of one of our proclamations.

2. If the offense charged constitutes a violation of an order of the Allied Military Government or the Allied Forces fixing prices for commodities, or if the material which is the subject of the offense is property of the Allied Forces or of the Allied Military Government, or if the interests of the Allied Forces or of the Allied Military Government are directly affected (as distinguished from the general indirect effect which all Black Market and other Italian law violations have), Allied Military Courts will continue to exercise jurisdiction. This type of case however will be exceptional; and the intent is to relieve our Military Courts of the burden of trying cases which the Italian Courts, now that they are functioning in every part of the region in criminal cases, are, subject to our supervision, competent to handle in view of their familiarity with Italian law.

31

By order of Colonel KING:

Paul Revere.

PAUL REVERE,
Major, AGD,
Adjutant General.

Distribution:
S.C.A.O. - Naples Province
" Benevento "
" Avellino "
" Salerno "

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

Subject : Handling of cases against the Penal Code and Offenses to Italian Courts.

To : C.C.I.S.'s (for Legal Officers)

1. You are hereby authorized and directed hereafter to refer to the Italian Courts for adjudication and disposition all charges of violations of Italian law (including Black Market laws) committed by any civilian against another civilian, whether or not the alleged offense also constitutes a violation of one of our proclamations.

2. If the offense charged constitutes a violation of an order of the Allied Military Government or the Allied Forces fixing prices for commodities, or if the material which is the subject of the offense is property of the Allied Forces or of the Allied Military Government, or if the interests of the Allied Forces or of the Allied Military Government are directly affected (as distinguished from the general indirect effect which all Black Market and other Italian law violations have), Allied Military Courts will continue to exercise jurisdiction. This type of case however will be exceptional and the intent is to relieve our Military Courts of the burden of trying cases which the Italian Courts, now that they are functioning in every part of the region in criminal cases, are subject to our supervision, competent to handle in view of their familiarity with Italian law.

By order of Colonel [illegible]:

Paul Revere

PAUL REVERE,
Major, AGD,
Adjutant General.

Distribution:
C.C.I.S. Naples Province
" Benevento "
" Avellino "
" Salerno "
" II Corps
" VI Corps
" X Corps
Public Safety Division
G.C.A.C. HQ., AFHQ., 15th Army Group
G.C.A.C. HQ., MTO., Section IV.

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

0914

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

206

Legal

18 DEC 1943

22

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
APO. 512
LEGAL SUB-COMMISSION

AMG/4086/L

1st December, 1943.

SUBJECT: Italian Military Tribunals.

TO : Lieut.Colonel H.E. Rowe.

Dear Colonel,

16

Thank you for your letter AMG/206/16 dated 25th November, 1943.

Your references to subparas. do not coincide with mine but your references are of course easily followed.

Even if you think that the control to be exercised is more than can be managed, surely it is better to maintain the power of such control and with your large surplus of legal officers now available in Regions 3 and 4, I should have thought that in fact a legal officer could be struck off as officer i/c Italian Tribunals.

I am strongly in favour of keeping in the provision dealing with offences triable by civil courts. We have already had trouble in Region 2 and a very tight control should be maintained here.

Some of the amendments are very fascist and also pro-German so we have excluded them all.

Yours

Richard H. Gibson 3rd
Sl Col. USA

NOTE: Colonel Upjohn left before this letter was ready for his signature.

TRANSLATION

P.M. 152 25 November 1943.

SUPREME COMMAND
Office of Sundry Affairs

Prot. N. 2069/AG/2

TO THE ALLIED CONTROL COMMISSION
BRINDISI

SUBJECT: Competence of the Italian Military Tribunal of Naples.

The Command of our Armed Forces of Campania has informed us that while the Anglo-American Command of XV Army Group has authorised the Italian Military Tribunal of Naples to complete cases left in abeyance at the time of the Armistice, it maintains that the court itself is incompetent in reference to offences committed by civilian and military personnel within the limits of its jurisdiction.

According to this Command, if the exclusion of the competence may be admitted as to the offences committed by civilians, such exclusion does not appear to be justified as to offences committed by Italian military personnel.

So long as this personnel retains its military character they should be kept under the discipline of the Italian Armed Forces and therefore also under the special jurisdictions instituted for their members.

If the civil powers of the Italian military authorities might have been somewhat curtailed in consequence of the occupation, it seems nevertheless advisable that these authorities should keep the military powers in view of the presence of Italian troops in occupied territory.

Italian military personnel, because they are recognised as such even if they are in Italian occupied territory, should be put exclusively under the jurisdiction of the competent Italian military court.

We would be glad to know the views of the Commission on this matter.

THE MINISTRY OF ITALY
CHIEF OF GENERAL STAFF

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

SUPREME COMMAND
Office of Sunday Affairs

Prot. N. 206h/AW/I

TO THE ALLIED CONTROL COMMISSION
RAIDOSI

SUBJECT: Competence of the Italian Military Tribunal of Naples.

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We would be glad to know the views of the Commission on this matter.

THE MARSHAL OF ITALY
CHIEF OF GENERAL STAFF

Giovanni Messe

Returned with thanks. He had received above. We were to await reply to my letter of 30/11 before taking action

30/11

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

0917

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

19

C.C.A.O.

C.L.O. recommends

setting up Italian Court of Appeal (Bari Court) at Foggia. Pending decision on evacuation of Foggia ? Suggest no delay ?

175 (28/x/43.

Yes 18

29/x M.

0918

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

SECRET.

AFHQ.,
15 Army Group,
C.M.F.

20

Ref.A.3/206/20.
30 November 43.

Colonel G.Upjohn,
Deputy Chief Legal Officer,
Legal Sub-Commission,
H.Q. Allied Military Government, Palermo.

Dear

Bari Court of Appeal.

I duly received your letter of 25 November on the above subject. I have discussed the question of the establishment of a section of the Bari Court of Appeal at Foggia with Major Thackrah and later with C.C. A.G. As you no doubt know, the evacuation of civilians from Foggia town is under consideration and until a decision is reached the proposal will have to wait in abeyance. I have a note to bring up the subject again in two weeks' time.

Italian Legislation.

2. I was very pleased to note your remarks about the review of fascist and discriminatory legislation. The legal situation at present is obscure and I shall be very interested to receive a copy of the memorandum to which you refer. Meanwhile, I have given instructions that if any objectionable laws come to light in any of our territories, I am to be informed so that I can let you know of them.

Merchant Seamen.

3. I have discussed with Major Thackrah the case of the two seamen under arrest at Bari. He asked my advice and I told him that I thought (a) it would be very bad policy to allow trial by an Italian Court, (b) that an Allied Military Court had no jurisdiction at present in unoccupied territory, (c) that the men should be tried for the offence, and (d) that under one of the Merchant Shipping Acts I was fairly certain trial could take place at a British Court outside the territory (e.g. Malta, and that this would probably be the easiest course. The subject of the trial of British Merchant Seamen must be cleared up, and, although I have no doubt that legally an Allied Military Court in occupied territory has power to deal with cases occurring within such territory, Rennell tells me that different views were expressed to him when he was last in London. There is also the question of imprisonment which I discussed some time ago with Colonel Pollock and we agreed that instructions ought to be obtained. Major Thackrah is dealing with the Bari case and I told him that whilst the above represented my views, he should get definite instructions from you. (At this stage of writing this letter Major Thackrah has just telephoned and told me that a signal has come to him from C-in-C, Mediterranean, that the seamen should be sent for trial at Malta under Merchant Shipping Act I have mentioned. I have not yet received a copy of the signal but shall do so later as I understand it is repeated here. I have advised Major Thackrah to obtain your concurrence to C-in-C's request

.....by signal

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

by signal repeated here and then I will assist him to take the necessary action if he cannot get up here again at once.)

Yours

(88)

Copy to file 209.

0920

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

C.C.A.O.

Bari Court of appeal

Please see letter of 24 hor at fo 17 from Colonel Upjohn, ref para 1.

2. I agree the suggestion to set up the section of the Bari Court of appeal at Foggia provided the question of accomodation can be solved.

3. Have you any wishes in the matter?

24 hor 43.

H. Hilldrop Lt Col
C.L.O.

Pending final decision and actual initiation of evacuation of Foggia area, this proposal must remain in abeyance BV. 15/ Dec 43 says.

29/11/43

206

17

ALLIED CONTROL COMMISSION
Legal Subcommission

24 November 1943.

SUBJECT: Italian Courts in XV Army Group Area.

My dear Rowe,

1. The Italian Government is very anxious to set up a section of the Bari Court of Appeal at Foggia because at present advocates, parties and witnesses have to go to Bari which means passing from occupied to unoccupied territory and gives rise to difficulties of passes and permits. It seems to me a very good idea and unless you have a reason to the contrary may I tell them to carry on with the establishment of their court at Foggia?

2. The Italian Government are also preparing a complete memorandum on the repeal of fascist and discriminatory legislation. Col. Shields has written to you (copy to us) about certain discriminatory laws causing difficulties in Naples. I am sure that it will be better to deal with the matter as a whole rather than piece meal and I suggest that when we receive this memorandum in a day or two we let you have it and that we incorporate the operative parts in a Proclamation No. 15.

3. Thank you for your letter. I hope to be able to get over to see you but I am only here for a day or two and may have to forego that pleasure. If I can not do so, I will brief Major Trachtah fully on points on which I wish you to be advised.

Yours sincerely,

Gerald Hyde

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

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Yours sincerely,

Gerald Hyde

P.S. Military Courts

I understand from the Italian Govt that the a/m Courts are sitting at Avellino and/or Naples and possibly at Martina Franca. Please pass this on to Shields who I expect he knows all about them

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

Subject:- Italian Military Tribunals.

SECRET. 16

To:-

Colonel C.Upjohn.
Legal Sub-Commission,
Headquarters, Allied Military Government,
PALERMO.

AFHQ,
15 Army Group,
C.M.F.

Ref.AMG/206/16.
25 November 43.

15

Reference your letter of 16 Nov on the above subject and draft enclosed by you, I have now had an opportunity of considering the same. I have also discussed the draft with Shields as the problem of these Tribunals has arisen in Naples. I have the following observations to make.

2. Rule (c) requires copies of charges to be delivered to the Military Governor in all cases and also sets up proceedure for notifying delay in trials, Rule (f) gives power to the Military Governor to appoint Allied Officers to sit in Italian Military Tribunals, and rule (i) (iii) provides that no offence triable by an Italian civil Court shall be heard by an Italian Military tribunal without authority from the Military Governor. In my opinion this constitutes a much closer control of such tribunals than the Legal Divisions in the field can manage, and also, I think, it is undesirable to have too close a control. We are concerned about charges against persons of the descriptions mentioned in para (b) of the draft but, beyond such persons, I see no reason to exercise actual control, provided we reserve the power to step in and take action if necessary. If the Military Tribunal interferes with the province of the Italian civil Courts, the latter can and, no doubt, will complain and administrative action can then be taken. I see no objection to having power for our officers to sit on these Tribunals but the power should not be exercised unless it is absolutely necessary in an exceptional case.

3. For the same reasons I have advanced above, I do not think we can be concerned over reviewing the proceedings in every case which is brought before an Italian Military Tribunal as is provided for by Rule (j), although it may be well to reserve a power to call for the record and review the proceedings if we so desire.

4. With regard to rule (e), I would prefer not to alter Italian law, if it can be avoided. Do you know if the amendments referred to are very "Fascist"?

5. Will you kindly re-consider the rules in the light of my comments and then let me hear further.

H.E.ROWE,
Lt.Colonel.

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

Reference your letter of 16 Nov on the above subject and draft enclosed by you, I have now had an opportunity of considering the same. I have also discussed the draft with Shields as the problem of these Tribunals has arisen in Naples. I have the following observations to make.

2. Rule (c) requires copies of charges to be delivered to the Military Governor in all cases and also sets up procedure for notifying delay in trials, Rule (f) gives power to the Military Governor to appoint Allied Officers to sit in Italian Military Tribunals, and rule (i) (iii) provides that no offence triable by an Italian civil Court shall be heard by an Italian Military tribunal without authority from the Military Governor. In my opinion this constitutes a much closer control of such tribunals than the Legal Divisions in the Field can manage, and also, I think, it is undesirable to have too close a control. We are concerned about charges against persons of the descriptions mentioned in para (b) of the draft but, beyond such persons, I see no reason to exercise actual control, provided we reserve the power to step in and take action if necessary. If the Military Tribunal interferes with the province of the Italian civil Courts, the latter can and, no doubt, will complain and administrative action can then be taken. I see no objection to having power for our officers to sit on these Tribunals but the power should not be exercised unless it is absolutely necessary in an exceptional case.

3. For the same reasons I have advanced above, I do not think we can be concerned over reviewing the proceedings in every case which is brought before an Italian Military Tribunal as is provided for by Rule (j), although it may be well to reserve a power to call for the record and review the proceedings if we so desire.

4. With regard to rule (e), I would prefer not to alter Italian law, if it can be avoided. Do you know if the amendments referred to are very "Fascist"?

5. Will you kindly re-consider the rules in the light of my comments and then let me hear further.

H.E.TOWL,
Lt.Colonel,
Chief Legal Officer.

HER/ES.

16.15.15a

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

0925

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

15

SECRET equals British Secret

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
A.P.O. 512
LEGAL SUB-COMMISSION

Subject:- Italian Military Tribunals

18th Novr. 1943

Dear Rowe

Following our conversation in relation to the above I now enclose a revised draft of rules to which I take it you will give the necessary circulation in 15 Army Gp A.M.G. area.

Yrs
Gerald Hyperion

Lt. Col. H. E. Rowe,
Chief Legal Officer,
15 Army Group.

P.S. ~~With~~ The question of permitting Military Tribunals to sit has also arisen in Region II. Will you please obtain from G.O.C in C 15 Army Gp an authorisation delegating this power under the enclosed Rules to Regional C.A.O with power to subdelegate to a judicial officer not below the rank of Major.

SECRET equals British SECRET

15H

Rules for the Establishment of Italian Military Tribunals

Italian Military Tribunals may be established in accordance with the Military Penal Code of War dated 20 February 1941 in areas occupied by the Allied Forces upon the following terms and conditions :-

(a) Italian Military Tribunals may try cases in respect of offences whether committed before or after the commencement of occupation.

(b) No ordinary civilians, ex Prisoners of War, members of the Police Forces, Carabinieri or Civilians employed by the Military, Naval or Air Force Authorities shall be charged before any Italian Military Courts without the consent of the Military Governor.

(c) Back

(d) The Military Governor may at any time withdraw a case from the Italian Military Tribunal and may order that such case shall be heard and determined by such Tribunal as he may direct.

(e) Italian Military Tribunals will follow the procedure set forth in Book 4 of the "Military Penal Code for War". Any amendment affecting this procedure as may have been from time to time promulgated in various decrees issued after the date of publication of the Code will not be enforced.

(f) The Military Governor may appoint one or more officers of the Allied Forces to sit on any Italian Military Tribunal.

(g) Until it is possible to constitute the Tribunale Supremo Militare all appeals from an Italian Military Tribunal shall be addressed to the Military Governor who may set aside any conviction or suspend, reduce or commute the sentence or order a new trial.

(h) The Italian Military Tribunal shall within 7 days of the imposition of sentence forward to the Military Governor the record of every trial and the Military Governor may set aside any conviction or suspend, reduce or commute the sentence or order a new trial.

(i) (i) Where the offence charged is also an offence against any Proclamation or Order issued or to be issued by the Military Governor or under his authority, OR

(ii) is also an offence against the laws and usages of war, OR

(iii) ~~is also an offence triable under the provisions of the Italian Penal Code~~, then in such cases the name and rank of the accused, the offence with which he is charged and short particulars of the facts supporting such charge shall be submitted to the Military Governor at least 14 days before the date fixed for trial.

(j) Back

(k) No sentence of death imposed by an Italian Military Tribunal shall be executed until confirmed in writing by the Military Governor

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Forces, Carabinieri or Civilians employed by the [illegible] Force Authorities shall be charged before any Italian Military Courts without the consent of the Military Governor.

(c) Back

(d) The Military Governor may at any time withdraw a case from the Italian Military Tribunal and may order that such case shall be heard and determined by such Tribunal as he may direct.

(e) Italian Military Tribunals will follow the procedure set forth in Book 4 of the "Military Penal Code for War". Any amendment affecting this procedure as may have been from time to time promulgated in various Decrees issued after the date of publication of the Code will not be enforced.

(f) The Military Governor may appoint one or more officers of the Allied Forces to sit on any Italian Military Tribunal.

(g) Until it is possible to constitute the Tribunale Supremo Militare all appeals from an Italian Military Tribunal shall be addressed to the Military Governor who may set aside any conviction or suspend, reduce or commute the sentence or order a new trial.

(h) The Italian Military Tribunal shall within 7 days of the imposition of sentence forward to the Military Governor the record of every trial and the Military Governor may set aside any conviction or suspend, reduce or commute the sentence or order a new trial.

(i) (i) Where the offence charged is also an offence against any Proclamation or Order issued or to be issued by the Military Governor or under his authority, OR

(ii) is also an offence against the laws and usages of war, OR

(iii) is also an offence triable under the provisions of the Italian Penal Code, then in such cases the name and rank of the accused, the offence with which he is charged and short particulars of the facts supporting such charge shall be submitted to the Military Governor at least 14 days before the date fixed for trial.

(j) Back

(j) No sentence of death imposed by an Italian Military Tribunal shall be executed until confirmed in writing by the Military Governor or by a specified officer not below the rank of Brigadier General or Brigadier to whom he may have delegated such power in writing. The confirmation of the Italian Unit Commander as set forth in Article 291 of the Military Penal Code for War will not be required.

(k) The Military Governor may at any time appoint an officer or officers of the Allied Forces to execute all or any of the above mentioned powers.

(l) The Military Governor may at any time repeal, suspend or amend any of these rules.

SECRET equals British SECRET

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(L) If any person is arrested by any Italian military authority for the purpose of being tried before a military Tribunal then within 5 days of such arrest charges shall be served on such person and a copy thereof shall be transmitted to the military Governor. If such person is not brought to Trial within 28 days from the date of service of such charges a report setting forth the reasons for such delay shall be transmitted to the military Governor.

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0924

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

5. MAJOR CRIMES COURTS.

Major Mercer stated that Italian Tribunals and Assizes were being re-opened as fast as he could arrange this and that some were already hearing cases. In [illegible] he had summoned all the Italian advocates and at his request they had appointed a committee of three as an Italian legal advisory Committee. Major Mercer exercised no direct control over the Italian Courts as he had not the time but his instruction to the Committee was that any person who had been convicted by an Italian Court and who claimed that he had not been fairly tried owing to political feeling, or who claimed that he had been convicted under an Italian law which was discriminatory, could appeal to the Committee, who would submit a report to Major Mercer for action. If they felt the appeal was justified. I informed Major Mercer that I thought this was a proper and interesting experiment and that I would like to know how the procedure worked. He had had no cases sent to him by the Italian Committee as yet. With regard to personnel, Major Mercer reported that there were sufficient Italian judicial officers including judges and that they were all cleared by Field Security before sitting. (File AMG/206).

6. ITALIAN CIVIL COURTS.

Major Mercer desired to know what the policy was with regard to the re-opening of civil courts. I instructed him that civil courts could be re-opened as soon as conditions justified, providing that the re-opening of such courts would not be allowed to affect any existing restrictions. (File AMG/206).

7. ITALIAN JAILS.

Major Mercer reported that he had heard that conditions in Italian jails were not good in Sth Army area and he did not know what action had been taken as to screening persons who were found in jail on First occupation. He had not thought that this was the responsibility of the Legal Department. I stated that I would discuss this with Italian [illegible] and obtain a directive on the subject. (File AMG/206).

8. ITALIAN LAW.

Major Mercer had come across an Italian law of Fascist nature which were discriminatory and which required repeal. (File AMG/206).

0930

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

ALLIED MILITARY GOVERNMENT

13

SUBJECT: Italian Military Tribunals.

TO: S. S. O.

FILE No. AMG/206/13.

A.M.G.O.T. H.Q. SICILY

17. November. 1943.

Please see Folio 12 of this file.

2. In view of the direction which was contained in the signal from A.M.G. PALERMO at Folio 12B I do not understand what further directive is needed. Do you agree?

3. The letter at Folio 12 is headed as from the Legal Officer but appears to have been signed by Col. Hume's adjutant. You will note that it is addressed direct to A.F.H.Q. and this appears to me to be improper. In view of the fact that Col. Hume's Adjutant signed the letter I think it would be better if any comments were sent by you.

H. E. ROWE,
Lieut. Colonel,
Chief Legal Officer.

HER/JC.

0931

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

HEADQUARTERS
REGION 3
ALLIED MILITARY GOVERNMENT
LEGAL OFFICE

Amgot 3/6005/L.
6 November, 1943

AF HQ
Adv. Adm Echelon
C.M.F.

With reference to your letter 62/1 Q dated 2nd November 1943 I attach copies of signals regarding the reestablishment of Italian Military Tribunals.

(1) Dispatched to 15th Army Group by AMG Region III through 5th Army, dated 15th October 1943.

(2) Reply received from CG Island Base Section, Palermo from the Chief Legal Officer AMGOT there dated 30th October 1943.

2. It will be appreciated that as far as AMG is concerned Italian Military Tribunals could reopen on the authority of the above noted signal but as they were an integral part of the Italian Army and staffed by Italian Army Officers it is a question to be considered in the reorganisation of the Italian Army just when or under what conditions they should be reopened. AMG recommended their reopening in which Fifth Army Judge Advocate concurred and the attached signals are sent to you to clarify the position to day so that a decision as to their reopening may be reached.

3. It is not considered that this decision should rest with the Italian Government in areas where it does not as yet have any control but is a matter to be decided in relation to the general policy of the reestablishment of the Italian Army under the aegis of the Allied Forces.

4. When these courts are reopened AMG would supervise the trial of civilians by Military Tribunals.

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

By command of Col. HUME

Paul Revere

Paul Revere
Major AGD
Adjutant General.

Copy to :- 15th. Army Group for AMG.,with copy referred to 62/ 1 Q

C.G. Peninsular Base Section,
British Liaison Officer to
Italian Command, NAPLES.

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

HEADQUARTERS
REGION 3
ALLIED MILITARY GOVERNMENT

OUTGOING MESSAGE

DATE 15 OCT. 1943

TO:
FIFTEEN ARMY GROUP FOR AMGOT SICILY

FROM: FIFTH ARMY

CLASSIFICATION: CONFIDENTIAL
PRECEDENCE: ROUTINE
APPROVED

DOUGLAS N. BATSON
1st LT. CMP.
ACTG ASST. ADJT. GENERAL

FROM AMG IS POLICY TO ALLOW ITALIAN MILITARY TRIBUNALS TO FUNCTION IN OCCUPIED TERRITORY IN VIEW STATE OF WAR RECOMMEND IMMEDIATE REESTABLISHMENT HERE UNDER SUPERVISION FOR TRIAL ALL PRE OCCUPATIONAL CASES NOW PENDING AND CONTINUATION OF TRIBUNAL FOR TRIAL ALL COMPETENT CASES NO OTHER COURTS HAVE COMPETENT JURISDICTION SUCH CASES UNLESS VARIED BY PROCLAMATION JA CONCURS.

HUME

DISTRIBUTION:
Personnel Section - 1
Confirmation Copy - 1
File - 1

0934

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

M/C # 881

HEADQUARTERS FIFTH ARMY

Incoming message

Fror : 1BS
Ref. No. B-102

Precedence : Routine Time date Group: 261645A
Classification Confidential Time date Recd: 281655A

TO : CG Fifth Army

ITALIAN MILITARY TRIBUNALS PAREN FROM SEARS FOR AMGOT FROM CHANLER TO FIFTH ARMY FOR AMGOT FOR HUME REPEATED EIGHTH ARMY FOR BENSON CITE AMGOT 502 PAREN MAY BE PERMITTED TO FUNCTION IN OCCUPIED TERRITORY UNDER CLOSE SUPERVISION FOR TRIAL OF PENDING PREOCCUPATIONAL CASES NOT INVOLVING ACTS FAVOURABLE TO ALLIED FORCES AND FOR CURRENT CASES

Recd 30 Ott. 1943
14.00 hrs

17

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

Subject:- Italian Military Tribunals SECRET

A.F.H.Q. Adv. Adm. Echelon,
C.M.F.
62/1 Q.

2 Nov. '43.

Chief of Allied
Military Mission, BRINDISI.

Copy to :- A.M.G. No. III Region.
British Liaison Officer to
Italian Command, NAPLES.
C.G., Peninsular Base Section.

I attach a Memorandum on Italian Military Tribunals, prepared by the Chief Legal Officer, A.M.G. Region III.

I have been asked to give a rulingin favour of the establishment of these Military Tribunals. It is my understanding that Italian offenders, other than those who commit hostile acts against the Allied Forces, are to be tried by Italian Courts. I do not feel it to be within my province to say whether these Military Tribunals are the correct form of Court to deal with certain cases. The decision presumably rests with the Italian Government and would be communicated to A.M.G. Region III by you, with a copy to myself for information.

Major-General,
Deputy Chief Administrative Officer.

BHR/emb.

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

Subject: Prisons.

AMG/206/11.

Memorandum to: Public Safety Div. 16.Nov.43.

S.L.O. 8th Army area reported to me that he has no knowledge of what action is or has been taken with regard to investigating the case of prisoners in Italian jails. This work in Palermo was undertaken partly by Public Safety and partly by Legal Division.

2. Have you any knowledge of what the situation is?

H. E. ROWE,
Lieut. Colonel,
Chief Legal Officer.

HER/JG.

0937

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

HEADQUARTERS
ALLIED MILITARY GOVERNMENT

1 : NOV 1943

AMG/4001/2/L. 10th November, 1943.

Subject:- Circular re Italian Courts of 27th October, 1943.

To:- C.L.O. 15 Army Group.

1. This Division is very grateful for the information contained in your AMG/2067/9 dated 6th November. It was not officially available at the date of publication.

2. The fact that the area referred to in the circular is divided into six instead of three would tend toprove that the difficulties foreseen in that document are likely to be increased considerably; the six divisions referred to being:

5th Army,
8th Army,
Region 2,
Region 3,
Region 4, (?)
Italian Government.

for WILLIAM C. CHANLER, Lt. Col. F.A.
Chief Legal Officer

P.S. Kindest regards

0938

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

Subject: It ian Courts.

9

H.Q. AMG.,
15 Army Group,
C. M. F.

Chief Legal Officer,
H.Q. AMG.,
PALERMO.

AMG/206/9.
6. Nov. 43.

7

Reference your circular AMGOT/4001/2/L dated 27.October.1943.

2. The following inaccuracies therein are brought to your notice:-

(a) VENEVENTO and AVELLINO mentioned in para.2 are in 5th Army area.

(b) BARI, TRANI, LECCE, BRINDISI and TARANTO, mentioned in para.4 are in no Region but are in the Province of APULIA, subject only to the Italian Government.

H. E. ROWE,
Lieut. Colonel,
Chief Legal Officer.

HER/JC.

13

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

HEADQUARTERS
REGION 3
ALLIED MILITARY GOVENMENT
LEGAL OFFICE

Amgot 3/6058/L
31 October, 1943

Subject : Reopening of Courts for Civil Cases.

To : First Pretore of Praetura of Naples.

With reference to the meeting which was held yesterday, I am directed to authorise you to reopen forthwith the Tribunale court in Naples for the trial of all civil cases and for the discharge of all administrative business consequent thereon.

2. In reopening courts for this competence you will be subject to supervision by the Allied Military Government and you will ensure that no political bias or extraneous conditions affect any judgements issued by the courts. Any questions which arise in the operation of the courts will be referred to Lieutenant Sabatino in his office at the Tribunale Building.

3. I would point out that by General Order No. 3 which became effective upon the 30th day of October 1943 all banks, financial institutions closed by article I of Proclamation 5 were reopened and the moratorium imposed by article 2 of that proclamation was terminated. Article 3 of the said Proclamation remains in effect until further notice. Accordingly no transfers of land by judicial order will be effected..Transfers of or charges on land which are considered by the court to be urgent will be submitted for authorisation by the Regional Civil Affairs Officer.

Lt. Colonel
Regional Legal Officer

98.

HEADQUARTERS
REGION 3
ALLIED MILITARY GOVERNMENT
LEGAL OFFICE

Amgot 3/6058/L
31 October, 1943

Subject : Reopening of Italian Courts for disposal of Civil cases.

To : S.C.A.O., Naples Province.

With the termination of the moratorium and the reopening of the banks and financial institutions which has been effected throughout the Province of Naples by General Order No. 3 it is now timeous to authorise the Tribunale at S. Maria Capua Vetere and the Praetura courts in your province to reopen for the trial of Civil cases.

2. It should be pointed put that the operation of these courts in civil matters will be under the supervision of the Allied Military Government and C.A.O.'S should by frequent meetings with court officials keep themselves informed as to the lists of cases disposed of and pending before the Courts in their administrative district. No returns of civil list cases are required by this HQ. but your Legal Officer must satify himself that no injustces are being practised by any judges who will be informed that no political bias or extraneous conditions must be allowed to affect their Judgements.

3. As the terms of Article 3 of Proclamation No. 5 still remains in effect no transfers of land outside the specifications in that article will be effected by judicial order. Transfers of or charges on land which are considered by a court to be urgent will be submitted for authorisation by the Regional Civil Affairs Officer.

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

31 October, 1943

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With the termination of the moratorium and the reopening of the banks and financial institutions which has been effected throughout the Province of Naples by General Order No. 3 it is now timeous to authorise the Tribunale at S. Maria Capua Vetere and the Praetura courts in your province to reopen for the trial of Civil cases.

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3. As the terms of Article 3 of Proclamation No. 5 still remains in effect no transfers of land outside the specifications in that article will be effected by judicial order. Transfers of or charges on land which are considered by a court to be urgent will be submitted for authorisation by the Regional Civil Affairs Officer.

4. The Tribunale at S. Maria Capua Vetere and the Praeture Courts throughtout the province before reopening for civil cases must have already satisfied the conditions for the reopening of courts for criminal competence prescribed in the letter on that subject issued by this HQ. dated 17/10/1943.

By order of Colonel HUME:

Jean Hall 31/10

Paul Revere,
Major, ADG
Adjutant General

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

file in "Matters Urgent"

8

Problems likely to be faced by legal officers in a newly occupied zone

1. Composition of courts.

(a) See Procurateur del Re of nearest tribunals and give him instructions to grant an early provisional liberation as the seriousness of the crime may warrant. List to be submitted to S.C.

(b) See nearest Procurateurs Generals at Court of Appeal and give similar instructions on Conditional Liberty for criminals with good prison record having served the greater part of their sentence.

2. Reopening of Courts.

(a) The cashier in the "Parquet", in every commune in Alsace to Sheath, Vice Prefects or retired Prefect will always be available and have competence.

(b) Tribunals. If Judges are away (minimum required three), which is unlikely, the First Prefect or a Conseiller can sit - Tribunalcia can be opened by senior clerk.

(c) Cours d' Assize. Instruct the senior Presidents of Cours" to that effect.

3. Urgent Legislation.

Form a committee of senior Judicial officials at the seat of the Court of Appeals to recommend urgent amendments to Procedure, if C.C approves necessary publicity must be given.

(a) in newspapers, if in existence.
(b) by posting in official buildings, (mairies, Gendarmes, and Courts.

4. Transport.

10

This is required for:

(a) Judicial personnel.
(b) Process servers to deliver summons.
(c) Arrested persons from prison to Court.

5. Salaries and Indemnities.

Arrangements should be made with S.C. to continue existing salaries to all personnel in function.

6. Appointment of officials.

List of vacancies to be compiled as soon as possible by committee and urgent temporary appointments can be effected in accordance with Italian Law.

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

instructive or additional figure for criminal. The good record having served the greater part of their sentence.

2. Records of Courts.

(a) The number in the "ruolum", in every instance if Pretore is absent, Vice Pretore or retired Pretori will always be available and have competence.

(b) Tribunals. If judges are away (planned required there), which is unlikely, the first Pretore or a Consigliere can sit - Cancelleria can be opened by senior clerk.

(c) Corso di Assolle. Instruct the senior "Presidente di Sezione" to that effect.

3. Urgent legislation.

Form a committee of senior judicial officials at the seat of the Court of Appeals to recommend urgent amendments to Procedure, if CinC approves necessary publicity will be given.

(a) In newspapers, if in existence.
(b) By posting in official buildings, (Prefettura, Municipio, and Courts.)

4. Transport.

This is required for:

(a) Judicial personnel.
(b) Prisoner servers to deliver summons.
(c) Arrested persons from Prison to Court.

5. Salaries and Indemnities.

Arrangements should be made with A.C. to continue existing salaries to all personnel in Courts.

6. Appointment of officials.

List of vacancies to be compiled as soon as possible by committee and urgent temporary appointments can be effected in accordance with Italian Law.

7. Suspension of Courts.

Weekly reports on cases tried and sentences given to be submitted weekly to SIB/a direct or through AMG when dealing with minor courts.

8. Competence.

Agree with committee as to which offences will be tried by Allied Courts exclusively, and those reserved to Italian Courts.

9. Buildings.

New premises will have to be found, when existing one has been destroyed. Pretura can hold sessions in Municipio or Prefettura.

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0944

ITALIAN COURTS

Courts Conciliatore - Civil competence only up to 500 Lit.
Pretura - Civil and Penal up to 1500 Lit. and 3 years.
Tribunale - Civil all cases over 1500 Lit. (Appeal from Pretura
Penal up to 8 years. (" " "
Corte di Appello - Appeal from Tribunale.
Corte di Cassazione - All courts on points of law (quash)
Corte di Assisi - Penal only, all crimes for which sentence must exceed
(no jury, but 8 years up to death penalty.
5 assessors)

Bench (Corte) (Tribunale) Conciliatori, Pretori, Giudici (Tribunale) Consiliere (Appeal and Cassation.

Prosecution (Ministero Pubblico) Procuratore Generale, (Appeal) Avvocato Generale, Procuratore del Re, (Tribunale) Sostituto del Procuratore, Pretore (dual capacity)

Have been suppressed: Tribunale Militare, Commissione Provinciale, Tribunale Speciale) - military political offences.

All Courts have a Registry office - Cancelleria - The Capo Cancelliere acts as a sort of master - His office receives reports, makes sessions by order of Court, cites witnesses, keeps all records, supplies copies to Lawyers etc. etc.

Lawyers - Avvocati Barristers - Procuratori--the nearest approach to solicitors, but conveyancing which is reserved to the Notaio.

Uscieri and Ufficiali Giudiziari are process servers.

Procedure - Criminal Courts:

(1) Complaint or Petition to the Police or the Procuratore del Re. Denuncia o querela (Procesco Verbale) alla Polizia o il Procuratore.

(2) Arrest by police or summons to appear in Court.
4 forms of warrant---mandato - Cattura, arresto, accompagnamento, compariscione according to degree of gravity of offence.

(3) Investigation by Magistrate - giudice Istruttore - appointed by Procura del Re. Istruzione sommaria - smaller offences in principle 30 days maximum. Istruzione formale - greater offences in principle 120 days.

(4) Accused sent by Giudice Istruttore after approval of Procura for trial before competent Court.

Trial - Processo

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

Bench (Corte) (Tribunale) Conciliatori, Pretori, Giudici (Tribunale) Consigliere (Appeal and Cassation.

Prosecution (Ministero Pubblico) Procuratore Generale, (Appeal) Avvocato Generale, Procuratore del Re, (Tribunale) Sostituto del Procuratore, Pretore (dual capacity)

Have been suppressed: Tribunale Militare, Commissione Provinciale, Tribunale Speciale) - military political offences.

All Courts have a Registry office - Cancelleria - The Capo Cancelliere acts as a sort of master - the office receives indictments, issues summons by order of Court, cites witnesses, keeps all records, supplies copies to lawyers etc. etc.

Lawyers - Avvocati Barristers - Procuratori--the nearest approach to solicitors, her conveyancing which is reserved to the Notaio.

Notaio and Ufficiali Giudiziari are process servers.

Procedure - Criminal Courts.

(1) Complaint or petition to the police or the Procuratore del Re. Denuncia o querela (Processo Verbale) alla Polizia o il Procuratore.

(2) Arrest by police or summons to appear in Court.
4 forms of warrant--- Mandato - Cattura, arresto, accompagnamento, comparizione secondo to degree of gravity of offence.

(3) Investigations by Magistrate - giudice Istruttore - appointed by Procura del Re. Istruzione sommaria - smaller offences in principle 60 days maximum. Istruzione formale - graver offences in principle 120 days.

(4) Accused sent by Giudice Istruttore after approval of Procura for trial before competent Court.

Trial - Processo

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

(Amgot 15-A 6)

20

1 NOV 1943

AMGOT/4001/2/L.

Sub :- Italian Courts.

AMGOT H.Q. SICILY
27 October, 1943.

To:- R.C.A.Os. Regions II, III and IV for attention of R.S.L.Os.

Your attention is drawn to the following:-

1. There exists a discrepancy between the administrative boundaries of Regions II and II and those of the Court of Appeal Districts of Napoli, Caltanzaro and Bari.

2. The Court of Appeal District of Napoli with its detached Section of Potenza is responsible for the supervision of 16 Tribunali and over 90 preture. These are situated as follows:-

Napoli, Benevento, Avellino, San Angelo di Lombardi, Larino, Salerno, Ariano, S. Maria Capua Vetere are all in Region III.

Potenza, Matera, Lagonegro and Melfi are in Region II.

Isernia and Campobasso are in Region IV.

Furthermore Isernia is still in enemy hands.

3. In all probability it will be possible to reopen or maintain open the following courts immediately:-

Potenza, Matera, Melfi and Lagonegro under S.L.O.Region II.

Napoli, Salerno, Avellino and San Angelo under S.L.O. Region III.

The functioning of the others must depend exclusively on military necessity and local conditions.

Benevento, Santa Maria Capua and Campobasso are reported to be to all intents and purposes destroyed.

4. Steps should be taken at once to co-ordinate the activities of S.L.Os. in Regions II and III, bearing in mind that Region II is also responsible for the seven tribunali under the Court of Appeal of Bari (Bari, Foggia, Lucera and Trani) and the detached section of Lecce (Lecce, Brindisi and Taranto).

5. As S.L.O. in Region II has followed, as far as possible, the directives and general instructions in force in Region I, it is suggested that S.L.Os of Region III and IV should conform to the set-up already in existence in that Region bearing in mind however that instructions in regard to Procedure and personnel affecting the local courts should always come from the seat of the Court of Appeal on which they depend.

[illegible] arrangements in connection with Tribunali situated in

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2. The Court of Appeal District of Napoli with its detached Section of Potenza is responsible for the supervision of 16 Tribunali and over 90 preture. These are situated as follows:-

Napoli, Benevento, Avellino, San Angelo di Lombardi, Larino, Salerno, Ariano, S. Maria Capua Vetere are all in Region III.

Potenza, Matera, Lagonegro and Melfi are in Region II.

Isernia and Campobasso are in Region IV.

Furthermore Isernia is still in enemy hands.

3. In all probability it will be possible to reopen or maintain open the following courts immediately:-

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6. Temporary arrangements in connection with Tribunali situated in Regions II and IV, but under the Judicial control of the C.A.Napoli (Region III) should be worked out at an early date to prevent considerable difficulties when it will become possible to bring the existing Italian Judicial System back to normality.

G.G.HANNAFORD, Major,
Legal Division.

P.S. If the Province of Salerno is also under Region II, difficulties will be increased.

Distribution: Region II - (4); Region III - (4); Region IV - (4); AMGOT 15 Army Group-(2); File - (1); Float - (1); Spares - (10)

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CONFIDENTIAL

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1640. File 266 — AMGOT Liaison

21 OCT 1943

68

AMGOT/4064/L
AMGOT HQ. SICILY
16th October 1943.

Subject:- Notarial Councils

To:- All S.L.Cs. (through S.C.A.Cs)

1. A draft order in regard to the creation of Notarial Councils is forwarded herewith for necessary action.

2. Please take the required steps to fill in Article II with the names of five or seven notaries as the case may be, selected by each district and issue the order once completed in the form set out in the draft.

3. There are 13 Notarial Districts in Sicily as follows :-

Notarial District	Responsibility
Palermo (1), Termini, Ciaresa (1)	S.C.A.O. Palermo
Catania (1), Caltagirone (1)	S.C.A.O. Catania
Caltanissetta and Enna	S.C.A.O. Caltanissetta.
Nicosia (1)	S.C.A.O. Caltanissetta.
Ragusa and Modica	S.C.A.O. Ragusa.
Messina (1), Patti (1)	S.C.A.O. Messina
Agrigento (1), Sciacca (1)	S.C.A.O. Agrigento
Siracusa (1)	S.C.A.O. Siracusa
Trapani (1)	S.C.A.O. Trapani

4. The names of the senior or most qualified notary in each district whom you should consult as to the appointment of the other members to the Council are enumerated hereunder :-

Palermo (7 members)	-	Dott. Salvatore Stella.
Termini (5 members)	-	" Ignazio Candioto.
Agrigento (7 members)	-	" Oreste Sciascia.
Sciacca (5 members)	-	" Salvatore Scaglione.
Catania (7 members)	-	" Mirone Eusebio.
Caltagirone (5 members)		" Periconio Libertini.
Messina (7 members)	-	" Filippo Chiofato.
Patti (5 members)	-	" Francesco Ricca.
Caltanissetta - Enna (5 members)	-	" Rosario Raimondi.
Nicosia (5 members)	-	" Salvatore Bentempo
Ragusa - Modica (5 members)	-	" Giuseppe Cavalieri.
Siracusa (7 members)	-	" Giuseppe Montoforte

6

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Caltanissetta and Enna	S.C.A.O. Caltanissetta.
Nicosia (1)	S.C.A.O. Caltanissetta.
Ragusa and Modica	S.C.A.O. Ragusa
Messina (1), Patti (1)	S.C.A.O. Messina
Agrigento (1), Sciacca (1)	S.C.A.O. Agrigento
Siracusa (1)	S.C.A.O. Siracusa
Trapani (1)	S.C.A.O. Trapani

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Caltagirone (5 members)		" Pericenio Libertini.
Messina (7 members)	-	" Filippo Chiofato.
Patti (5 members)	-	" Francesco Ricca.
Caltanissetta - Enna (5 members)	-	" Rosario Raimondi.
Nicosia (5 members)	-	" Salvatore Bontempo
Ragusa - Modica (5 members)	-	" Giuseppe Cavalieri.
Siracusa (7 members)	-	" Giuseppe Monteforte
Trapani (5 members)	-	" Giuseppe Triolo

6

5. Please report to this H.Q. as soon as the order has been issued.

Wm. C. CHANLER,
Lt. Col. (AUS),
Chief Legal Officer.

22 OCT 43

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

ALLIED MILITARY GOVERNMENT OF OCCUPIED TERRITORY

ORDER NO. _____

5A

CREATION OF A NOTARIAL COUNCIL FOR THE
DISTRICT OF _____

WHEREAS the Statutes of the Fascist Syndicates of Notaries was approved by Royal Decree of 4 June 1942 (embodying the Law of 27 May 1940 suppressing Notarial Councils)

WHEREAS such syndicates have ceased to function.

AND WHEREAS the notaries of the District of _____ have expressed the wish to reorganize their associations on lines more in harmony with their ancient traditions

THEREFORE, I, Senior Civil Affairs Officer, in pursuance of powers conferred in me, hereby order as follows :-

ARTICLE I. A Council of Notaries for the Notarial District of _____ is hereby created.

ARTICLE II. It will be composed of the notaries hereinafter designated:-

5

ARTICLE III. The seat of the Notarial Council will be at _____

ARTICLE IV. The functions of the Council will be :-

(a) To submit to the Allied Military Government any amendments to the Laws regulating the functions of notaries as may be considered desirable or necessary in the interests of the public or the profession of notaries;

[illegible] activities of all

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

Notarial Councils)

WHEREAS such syndicates have ceased to function.

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ARTICLE II. It will be composed of the notaries hereinafter designated.-

5

ARTICLE III. The seat of the Notarial Council will be at _____

ARTICLE IV. The functions of the Council will be :-

(a) To submit to the Allied Military Government any amendments to the Laws regulating the functions of notaries as may be considered desirable or necessary in the interests of the public or the profession of notaries;

(b) To supervise the professional activities of all notaries in the Notarial District of _____ and whenever possible to arbitrate in disputes between notaries and their clients;

(c) To propose candidates for the offices now vacant in the notarial District of _____;

(d) To exercise the powers and observe the regulations conferred and imposed upon the Notarial Councils by the Law of 16th February 1913;

(e) To organise elections for a new Council as soon as the general meeting of the notaries of the District

/of _____ can be convened.

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

of ._____ can be convened, and,

(f) To advise the Allied Military Government and its Legal officers on any points of notarial law on which it or they may from time to time require information.

ARTICLE V. The Council will commence its functions from the date of this Order.

Lieut. Colonel,
Senior Civil Affairs Officer.

Dated 1943

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

0954

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

I.C.O. AL/206 206 0

LEGRAM OUT.

TO: SEARS FOR AMGOT

FROM: FILPOT FROM AMGOT

Orig's No. FA 32 15.Oct

FOR McSHERRY FROM RENNELL (.) MOST SECRET (.) IN VIEW OF ITALIAN DECLARATION OF WAR AND POSSIBILITY HANDING OVER NOMINAL ADMINISTRATION OCCUPIED TERRITORIES YOU WILL DOUBTLESS CONSIDER ADVISABILITY OF SUBSTANTIAL MODIFICATION JUDICIAL AND ADMINISTRATIVE REGIME SICILY INVOLVED BY RECENT ORDERS SIGNED BY ME PENDING CLARIFICATION (.) REFER MY MINUTE TO CLO ON SIGNED ORDERS

If this message is liable to be intercepted it should be sent in CIPHER. IMMEDIATE.

.....Colonel.

TOO : 1700
THI:
TOR :

0955

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

Subject: Italian Courts. CONFIDENTIAL.

C. S. O. AL/21/55.

C. L. O. 11. Oct. 43.

I sign the two orders and initial the modification to Italian procedure somewhat unwillingly since there are impending constitutional changes here which will affect the whole of AMGOT structure and jurisdiction.

Should the Italian Government declare war on Germany and should, as is then likely, the occupied territories be handed back to the King's jurisdiction, there will be many major changes which will have to be brought into being by him at the instance of the Allies. But I would then like to see all such changes made by him and made ipso facto valid for all Italy.

I want, therefore, the issue of the orders, etc. held up until you receive a telegram from me.

This need not affect the issue of the order of appointment of the officials to the national council.

Adv AMGOT Hq.,
15 Army Group,
C. M. F.
/JC.

Major-General,
Chief Civil Affairs Officer.

Noted 11/10.

0956

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

Subject:- Italian Courts. AMGOT/4001/L

To: C.L.O. 5th Oct. 1943

1. There are at present four documents awaitingofficial signature, which should be published, if agreed upon, with as little delay as possible. They are :-

The Order reorganzing the Bar Association.

New temporary amendments to Italian Procedure.

Appointments of Judicial Officials.

Constitution of notarial Councils

The relations between Property Controller and Notaries has been determined by C.S.O's instructions to all S.C.A.Os.

2. The fact that none of these has been promulgated as yet, is creating the same form of disorganiztion which existed in August and which this H.Q. has strived hard to prevent.

Thus to meet urgent local contingencies, Syracusa had to adopt amendments to Procedure which would not be valid in any other province; Catania has appointed a new Procuratore Generale and Enna has dismissed the Presidente del Tribunale. In other provinces other modifications have taken place of which this H.Q. is not completely aware.

3. In order to avoid further discrepancies between Region 1 and Region II this Division has forwarded unofficially to Major Howe a copy of the proposed orders, indicating to him that these were not yet in force, but asking him to bear in mind the general policy set out in these documents whenever he would have to issue instructions in these matters.

4. If the signature of these orders and instructions are to be again delayed, could not general instructions on the lines expounded therein be forwarded to all provinces in order to avoid further inconsistencies in the present judicial set up.

C.L.O. See letter forwarded

5. The D.C.L.O. has generally approved the various drafts.

G. G. Hampson

Major.
Legal Division.

2

C.C.A.O.

If you approve, will you sign the two documents marked for signature. I certify they are in correct form. The other documents are submitted for information and general approval.

7 Oct. 43

W.S.C. H. Col.
C.L.O.

0957

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

21 OCT 1943 AMGOT/375/...

Subject: Re-establishment of Prefects Council and ... Provincial G... tas

15 October 1943

To : All S.C.A.O.s

1. Several requests for authority to re-establish the Prefect's Council and the Provincial Giunta have been received by these Headquarters.

2. You are advised that each S.C.A.O. may authorize or direct the re-establishment of these bodies, or either of them, if he considers it wise in his particular province to do so.

3. However, as in the case of other important political posts, prominent Fascists will not be permitted to serve.

4. In accordance with General Administrative Instructions No. 19 (AMGOT/4037/L) dated 21 Sept. 1943, the functions of these bodies, if re-established, will be purely advisory and not legislative.

CHARLES M. SPOFFORD
Colonel, G.S.C.,
Chief Staff Officer

Distribution:

Agrigento	6	AMGOT 8th Army	5	Divisions:	
Caltanissetta	5	R.C.A.O. Region II	6	Finance	5
Catania	6	AMGOT 5th Army / Region III	10	Public Safety	4
Enna	4	File 235 and 375		Legal	1
Palermo	35	Float	1	Public Health	1
Ragusa	6	MGS., AFHQ	12	Public Relations	1
Siracusa	10	Spares	10	Controller of Prop.	1
Trapani	6			Trans. Com. & Util.	1
Messina	8			Labor	1
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AMGOT Liaison	1			Agriculture	1
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0958