

0959

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

ACC

10000/142/942

10000/142/942

DIRECTIVES
OCT. 1943 - JAN. 1944

~~15A9/207~~
HEADQUARTERS REGION
ALLIED MILITARY GOVERNMENT
APO 304.

TO : C.L.O., H.Q., A.C.C. (Rear)
FROM : R.L.O. Reg. 4.
SUBJECT : Report on Cases under Proclamation 2.
Art. 2 Sect. 40.
REFERENCE : R4/LE/Reg/G/3.
DATE : 28 March 44.

- See file 41 of 15A9 file 207.*
1. A directive of 15th Army Group of 18 Dec. 43. called for a report on Cases under the above section.
 2. Herewith is sent a copy of the report received from Foggia Province.
 3. Foggia Province is the only territory ever administered by this Region.
 4. The figures given differ from those rendered in our monthly returns, because as was pointed out at the time full returns from the province were not received by us at the end of each month in sufficient time to render a complete return for the month. There was therefore always a carry over to the subsequent month.

W.G.R. Oates Capt.
DARLO
for Colonel,
R.L.O. Region 4.

Ref. F/P 3016
21 March 944

SUBJECT : Report on directive on Proclamation 2, Art. 2, Sect.40
TO : R.L.O., Region 4 (through P.C.)
FROM : P.L.O., Foggia Province.

Reference your letter of 22 Dec. 43. (no reference number).

The directive of 15 Army Group of 18 Dec. 43 (above subject) was distributed to all CAOs in this province shortly after its receipt at this H.Q. The monthly summary court statistics, for this province disclose that in December 1943 there were 57 prosecutions and convictions for theft and possession of W.D. property, in January 1944, 85 prosecutions and convictions for the same offenses and in February 1944, 111.

It would therefore appear that CAOs have been making a determined effort to punish this type of offense. At the same time I believe they have, in accordance with the directive, ignored the type of case where a small quantity of cigarettes is found in possession of a civilian, where the circumstances indicate that they were probably given to him by a member of ~~xxxxx~~ the Allied Forces.

There are a large number of troops in this province and the traffic in WD property is still believed to be considerable. This H.Q. will continue to do all in its power to curb this traffic, and our AMG Courts will continue to award adequate punishments for this type of offence.

78..

Major, J.A.G.D.
Provincila Legal Officer.
Foggia Province.

HEADQUARTERS
ALLIED CONTROL COMMISSION
(SALERNO DETACHMENT)
LEGAL SUB-COMMISSION
APO 394

ACC/207/61

2 February 1944

TO : Hq. Main AMG, 8th Army.

Referring to your OA/239100A of 27 Jan 44, there is enclosed herewith the copy of the ICA/239100A order which was through error not forwarded to you with our AMG/207/56 of 24 Jan 44.

GERALD R. UFFORD,
Colonel,
Chief Legal Officer.

To Major White House

For you to file

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Subject: Inter-Provincial Legislation.

29 JAN 1944

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

OL/23/100A
27 Jan 44.

H.Q., A.M.G.
A.C.M.F.

1. Reference is made to your AMG/207/56 dated 24 January, 44, in connection with an order issued by the Podesta of Isernia to Comune of Prata Sannita.
2. It has already been clearly agreed with S.C.A.O. C.E.M. that the comune of Prata Sannita is inter-alia to be administered by him, and not by C.A.O. Isernia. Prata Sannita is accordingly not one of the communes dependant upon Isernia and it can only be presumed that the Carabinieri took the order there in error, and without the knowledge of the S.C.A.O.
3. May a copy of the order in question please be forwarded to this H.Q. as it was not enclosed with your letter under reference. On receipt the matter will be taken up with the Officers concerned and Carabinieri.

for *E. Beech*
Group Captain,
Officer Commanding,
H.Q., A.M.G. Eighth Army Main.

SUBJECT: Change of Legal Division Headquarters

A.M.C., H.Q.

A.C.S.F.

TO: SLD, AND HQ, 5th Army
 SLD, AND HQ, 8th Army
 HQLD AND HQ Region 3
 HQLD AND HQ Region 4

LSC/207/59

29th January 1944

Supplementing the memorandum of 25 Jan 44 (LSC/17) on the Reorganization of ACC/AND, this will inform you that the responsibilities of the Legal Division, AND HQ, 15th Army Group, have now been fully transferred to the Legal Sub-Commission, H.Q. A.C.C.

Existent policies as found in the directives and instructions issued from AND HQ, 15th Army Group, will be continued until explicitly revoked. Reports and communications previously addressed to AND HQ, 15th Army Group, will hereafter be addressed to the Chief Legal Officer, Legal Sub-Commission, H.Q. A.C.C.

Ward Hurd

Major, AUS,
 Chief Legal Officer.

73.

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207-
R.E.S.T.R.I.C.T.E.D

HEADQUARTERS FIFTH ARMY
ALLIED MILITARY GOVERNMENT
REGION 3, APO-464, U.S.A.

Amgot 3/6019/L1
16 October 1943

Subject : Policy Regarding Internment of Fascist Officials.

To : All S.C.A.O.'s.

1. I am directed to inform you of the following principles governing the treatment of Fascists in your province.
2. The security sections of tactical forces are responsible for ensuring the safety of all troops in their area and they may intern any civilian whose political behaviour or personal character justify the impression being formed that he or she constitutes a danger to security.
3. Although this power of internment may be exercised without reference to any other service department and is absolute, AMG must contact all security organizations to ensure that no persons who are serving as officials of the civil administration are interned without reference to the S.C.A.O. or C.A.C. under whom he serves. This liaison should enable cases for internment to be considered and avoid precipitate removal of essential officials with resultant disorganization in the civil administration. 74
4. The machinery for effecting internment is the responsibility of security sections only. All persons who are to be interned must be arrested by C.I.C. or F.S.S. and held and fed in internment camps constructed and administered by those sections and thereafter, if necessary, evacuated through their organization. Individuals will only be arrested by AMG when they are alleged to have committed some offence against Proclamations or national laws for which they will be brought to trial.

5. It is the policy of AMG to remove from office all strong supporters of and adherents to the former fascist party. No official who is known beyond doubt to have been

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5. It is the policy of AMG to remove from office all strong supporters of and adherents to the former fascist party. No official who is known beyond doubt to have been an ardent fascist should be allowed to continue in his office even if his removal and internment may to a certain extent disorganise the administration of his department. Less ardent Fascists may be allowed to remain in office under supervision until they can be suitably replaced.

R E S T R I C T E D

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6. It is proper and desirable that C.I.C. and F.S.S. should advise the S.C.A.O.s or C.A.C.s concerning public officials who, in the opinion of C.I.C. or F.S.S. should be removed from office. The final decision concerning removals from office rests entirely within the authority of AMG. In the event that officials of the security agencies press for removals of public officials, who, in the opinion of the S.C.A.O. should not be removed, and agreement on the subject cannot be reached, the matter should be referred by either or both parties to higher authority.

EDGAR EPSHINE HUME,
Colonel, G.S.C.
Commanding, AMG, Fifth Army

Distribution:
SCAO - Naples Province
SCAO - Avellino "
SCAO - Benevento "
SCAO - Salerno "
SCAO - Naples Town
Director of Public Safety

73

R E S T R I C T E D

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Colonel, G.S.C.
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SCAO - Naples Town
Director of Public Safety

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R E S T R I C T E D

SUBJECT: Inter-Provincial Legislation

ANG
HQ ACEF
CAF

ANG/207/56
24 Jan 44

SCAO HQ ANG EIGHTH ARMY

1. Enclosed herewith is a copy of an Order issued by the Podesta of ISERNIA which was sent to us by the SCAO with the French Expeditionary Force at PRATA SANITA.

2. The SCAO reports that the Order, purporting to apply to "Comuni dipendenti" on ISERNIA was sent to PRATA SANITA by the Carabinieri for local publication and enforcement, that this was done without prior consultation, and that it is not proposed to allow the Order to be enforced in PRATA SANITA.

3. To avoid confusion, it is most important that the rule stated in Paragraph 6 of ANG 15th ARMY GROUP Administrative Instruction No. 4 of 12 December 1943 (ANG/56/5) be carefully observed. That rule provides as follows:

"Where any instructions affecting both parts of a divided Province or Comune are required to be given to the Prefect or Podesta, or where military legislation is required in a divided Province or Comune, the SCAO or CAO, who is the proper officer to give such instructions or make such legislation, will BEFORE acting consult with the officer of the adjoining Region or Army area having jurisdiction over the remainder of the Province or Comune".

4. It would be desirable that officers in the area affected be reminded of the importance of strict observance of this directive.

Brigadier,
Deputy Chief Civil Affairs Officer.

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H.Q. CORPS EXPEDITIONNAIRE FRANCAIS
A.M.G. SECTION

14 January, 1944

SUBJECT: Order from 8th Army Territory

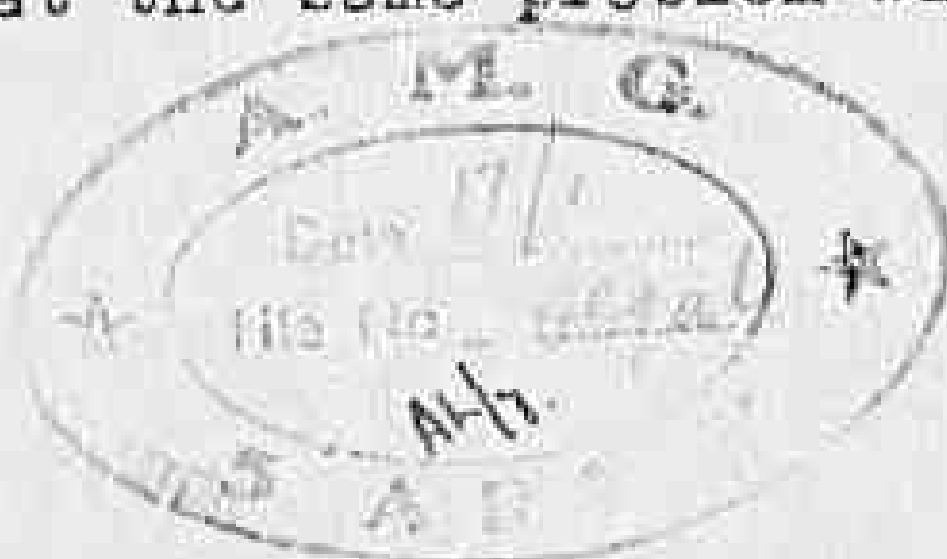
TO : S.C.A.O., A.M.G., 5th Army, Att. Chief Legal Officer.

1. Herewith is another order received through civilian channels from 8th Army Territory, apparently approved by A.M.G., 8th Army or some representative thereof.

2. This proclamation was received here at Prata Sannita from Isernia. It purports to apply in the "Comuni dipendenti" on Isernia. The officials here do not know what is meant by that expression. They say that they are dependant on Isernia only in that the Tribunale in which cases arising here are tried in at Isernia. But they infer from the fact that it was sent here by carabinieri that it was intended to apply here, although no letter accompanied it.

3. We have ordered the podesta to disregard this price list. Parts of it are definitely disapproved here.

4. It seems important that A.M.G., 8th Army should be required to stop putting out orders purporting to affect this territory without our previous knowledge and agreement. Not only is this the case in Campobasso province but it seems likely that the same problem will soon arise in Aquila degli Abruzzi.



Thomas J. Michie

THOMAS J. MICHIE, Major, A.C.
S.C.A.O., A.M.G., C.E.F.

Subject: Italian Provincial Legislation
C.L.O. AMG. HQ. 15th Army Group C.M.F.

With reference to your letter of
referring to this office's letter of
even number, I enclose the copy of a
letter dated 14th January 1944 from the
S.C.A.O. C.E.F. on this matter with
the notes referred to therein.

2. It is appreciated that action
on your letter will reference many other

yet has been taken by 8th Army on
this matter but their failure to
obtain the terms of para 6 of
ADMI Instruction 10 is as
you can see embarrassing.

SUBJECT:

Purchase of Foodstuffs by the Allied Forces in Italy

SCAO FIFTH ARMY
 SCAO EIGHTH ARMY
 RC/O REGION III
 RC/O REGION IV

HQ AMG
 15 ARMY GROUP
 COM

AMG/122/91
 20 Jan 44

1. The following is the substance of AFHQ Adv Adm Order No. 2 of 8 Jan 44:

"1. Owing to the shortage of foodstuffs available in occupied Italy for the civil population and the necessity for reducing to a minimum the shipping tonnage required for imports into Italy on civil account, it is necessary to issue the following orders:-

2. All purchases of foodstuffs are forbidden with the following exceptions:-

(a) Those made by the official purchasing agencies of the Allied Land, Air, Navy and Air Forces.

(b) The purchase of such fruit and vegetables as may be declared surplus from time to time by the Allied Force Local Resources (Italian) Board and released for sale to the Allied Forces.

3. Purchases under 2(a) above will be regulated by the Allied Forces Local Resources (Italian) Board.

4. Declared surpluses under 2(b) above will be advertised in the UNION JACK, STARS & STRIPES and official orders.

5. The following are specifically prohibited except as provided for under 2(a) above:-

- (a) Fish
- (b) Eggs
- (c) Poultry
- (d) Meat
- (e) Livestock Generally.

6. All restaurants and eating houses will be put out of bounds to all Officers and Men of the Allied Forces with the following exceptions:-

(a) Clubs, restaurants, etc, organized and controlled by the Allied Forces themselves.

These will have no right to make local purchases except as in 2(b)

(b) Cafes, etc, where no foodstuffs are sold.

7. This order will come into force as from the date of publication and will be reprinted in all newspapers. The Order will apply to the mainland of occupied Italy only at present."

8. Any AMG officer detecting a breach of the above quoted Adm Order will draw the

CONFIDENTIAL

1. The following is the substance of AMHQ Adv Adm Ech Adm Order No. 2 of 8 Jan 44 :

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(b) Cafes, etc, where no foodstuffs are sold.

7. This order will come into force as from the date of publication and will be reprinted in all newspapers. The Order will apply to the mainland of occupied Italy only at present."

2. Any AMG officer detecting a breach of the above quoted Adm Order will draw the attention of the Commanding Officer of the unit concerned to the Order and, failing satisfaction, will report the details to higher authority for necessary action.

DISTRIBUTION:

SCAO FIFTH ARMY	40	RCAO REGION IV	40	File AME/19	1
SCAO EIGHTH ARMY	40	AMG HQ	2	All Heads of Divisions	2
RCAO REGION III	40	ACC HQ	2	War Diary	2

Colonel,
Chief Staff Officer.

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SUBJECT: Purchases of Foodstuffs by the Allied Forces in Italy

SCAO FIFTH ARMY
SCAO EIGHTH ARMY
RCAC REGION III
BCAC REGION IV

CONFIDENTIAL

HQ AMG
15 ARMY GROUP
CTF

MAC/122/91
20 Jan 44

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(a) Those made by the official purchasing agencies of the Allied Armies, Navies and Air Forces.

(b) The purchase of such fruit and vegetables as may be declared surplus from time to time by the Allied Force Local Resources (Italian) Board and released for sale to the Allied Forces.

3. Purchases under 2(a) above will be regulated by the Allied Forces Local Resources (Italian) Board.

4. Declared surpluses under 2(b) above will be advertised in the UNION JACK, STARS & STRIPES and official orders.

5. The following are specifically prohibited except as provided for under 2(a) above :-

- (a) Fish
- (b) Eggs
- (c) Poultry
- (d) Meat
- (e) Livestock Generally.

6. All restaurants and eating houses will be put out of bounds to all Officers and Men of the Allied Forces with the following exceptions :-

(a) Clubs, restaurants, etc., organized and controlled by the Allied Forces themselves.

These will have no right to make local purchases except as in 2(a)

(b) Cafes, etc., where no foodstuffs are sold.

7. This order will come into force as from the date of publication and will be reprinted in all newspapers. The Order will apply to the mainland of occupied Italy only at present."

2. Any AMF officer detecting a breach of the above quoted Adm Order will draw the

1. The following is the substance of letter from the Chief of the Italian Army, dated 10/10/44, regarding the shortage of foodstuffs available in occupied Italy for the civil population and the necessity for reducing to a minimum the shipping tonnage required for imports into Italy on civil account, it is necessary to issue the following orders :-
2. All purchases of foodstuffs are forbidden with the following exceptions :-
- (a) Those made by the official purchasing agencies of the Allied Armies, Navies and Air Forces.
- (b) The purchase of such fruit and vegetables as may be declared surplus from time to time by the Allied Force Local Resources (Italian) Board and released for sale to the Allied Forces.
3. Purchases under 2(a) above will be regulated by the Allied Forces Local Resources (Italian) Board.
4. Declared surpluses under 2(b) above will be advertised in the UNION JACK, STARS & STRIPES and official orders.
5. The following are specifically prohibited except as provided for under 2(c) above :-
- (a) Fish
 - (b) Eggs
 - (c) Poultry
 - (d) Meat
 - (e) Livestock Generally.
6. All restaurants and eating houses will be put out of bounds to all Officers and Men of the Allied Forces with the following exceptions :-
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- (b) Cafes, etc, where no foodstuffs are sold.
7. This order will come into force as from the date of publication and will be reprinted in all newspapers. The Order will apply to the mainland of occupied Italy only at present."
2. Any AGC officer detecting a breach of the above quoted Adm Order will draw the attention of the Commanding Officer of the unit concerned to the Order and, failing satisfaction, will report the details to higher authority for necessary action.

DISTRIBUTION:

SC/10 FIFTH ARMY 40 RC/10 REGION IV 40 File 13/19 1
 SC/10 EIGHTH ARMY 40 AGC HQ 2 All Heads of Divisions 2
 RC/10 REGION III 40 AGC HQ 2 War Diary 2

Colonel,
 Chief Staff Officer.

Legal
11 8 JAN 1944

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

207-53

SCB/pv
3/6042/L

12 January 1944

Subject: Instructions on Conformity with
Directive, Amgot, 3/6042/L, 12 November,
1943, and Amendment of same.

To : Headquarters, A.M.G., 15th Army Group,
C.M.F., A.P.O. U.S. Army, A.P.O. 777.

There is transmitted herewith, for your
information, a copy of a directive, promulgated
this date, which relates to the above subject.

For the Regional Civil Affairs Officer:

Douglas N. Bateson
DOUGLAS N. BATESON, 69
1st Lt., C.M.F.,
Actg Asst Adj Gen.

*Gen 207
17th
6-11*

HEADQUARTERS

GROUP 3, ALLIED MILITARY GOVERNMENT

A.P.O. 394, U.S. Army

SCB/SC
3/5042/L

11 January 1944

Subject: Amendment of Directive, AMGOT, 3/5042/L, 12 November, 1943, Entitled "Military Courts" and Instructions on Conformity with such Directive.

To : Senior Civil Affairs Officers, Provinces of Naples, Avellino, and Benevento.

1. The following Directive is issued for guidance and compliance.

2. Par. 13, Directive, AMGOT, 3/5042/L, 12 November, 1943, entitled "Military Courts", is amended by deleting its final sentence and substituting in its place the following:

"No Form 8 will be retained by Provincial Legal Officers. Instead, they will immediately transmit to this H.Q. all Forms 8 now in their custody. Hereafter, at the end of each week, they will immediately transmit to this H.Q. all Forms 8 then in their custody."

3. Some Summary Military Court Officers do not send "A copy of the Summary Military Court Record Book to the Provincial Legal Officer", as required by Par. 13 of said Directive, but instead employ other forms to enter and transmit the records of trials. Summary Military Court Officers will comply with Par. 13 of said Directive. The "consolidated return" required of each Provincial Legal Officer by the paragraph in question will consist of the copies of Summary Military Court Record Books submitted by all Summary Court Officers in the Province for the week in question. All documents prescribed by Par. 13 will be transmitted promptly by those responsible.

By order of Lieutenant Colonel Kraege:

AL
File Ref.

DNB

Subject: Amendment of Directive, Amgot, 3/6042/L, 12 November, 1943, Entitled "Military Courts" and Instructions on Conformity with such Directive.

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By order of Lieutenant Colonel Amago:

D. B.
DOUGLAS M. BATSON
1st Lt., C.M.P.
Actg. Asst. Adj. Gen.

AG
File 6-63

Segal (209) 207
18 JAN 1944 *51*

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

SCB/pv
3/6042/L

17 January 1944

Subject: Directive on Procedure by S.O.A.O.s
when notified of Action by R.C.A.O. on
Review.

To : Headquarters, A.M.G., 15th Army Group,
C.M.P., A.P.O. 777, U.S. Army.

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There is enclosed herewith, for your
information, a directive, promulgated this date,
which relates to the above subject. This directive
is promulgated in order to carry into effect par.
2 of your directive, A.M.G./209/156, 5 Jan. 44.

For the Regional Civil Affairs Officer:

67
Douglas N. Batson
DOUGLAS N. BATSON,
1st Lt., C.M.P.,
Actg Asst Adj Gen.

1 Incl -
Copy of Directive.

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

SSB/pv
3/6042/L

17 January, 1944

Subject: Directive on Procedure by S.C.A.C.s when notified of
Action of S.C.A.C. on Review.

To : Senior Civil Affairs Officers, Provinces of Naples,
Avellino and Benevento.

1. Hereafter, in all instances where the S.C.A.C.,
in the exercise of lawful authority, makes a decision on a
Petition to Review, or, on routine examination, under such
authority, orders a reversal or modification of a sentence,
such decision or order will be communicated to the S.C.A.C.
of the province in which the defendant was sentenced.

2. If the defendant is to be found within the
territorial jurisdiction of such S.C.A.C. at the time of
any such decision or order, the S.C.A.C. will cause the same
to be carried into effect. In the event a Petition to Review
is denied, he will cause the defendant to be notified of that
fact. In the event of a reversal or modification of a sentence,
he will notify the authority responsible for the custody of
the defendant, and direct appropriate action. If the defendant
has been removed from the territorial jurisdiction of the
S.C.A.C. will communicate such ruling to the authority with-
in whose territorial jurisdiction the defendant may then be
found for the appropriate action of such authority.

By order of Lieutenant Colonel BRADSHAW:

DMB
DOUGLAS M. BRADSHAW,
1st Lt., U.S.A.,
Actg Asst Adj Gen.

0982

WAS. ST. BY WTS
THE FIFTH ARMY
A.D.C. 454 U. S. ARMY

207
11 January, 1944.
208/C. 1/41

SUBJECT: Powers of Sentence of Summary Courts.

TO: See distribution.

1. Notwithstanding any previous or contrary instructions which may have been issued by any Headquarters, it has now been agreed with the Chief Legal Officer, AIG Hq, 15th Army Group, that a summary military court which has imposed upon an accused person a sentence of one year's imprisonment and a fine, may order that in default of the payment of the fine such person shall serve an additional period of imprisonment. This will have the effect of imprisoning him for a term in excess of one year where he cannot pay the fine imposed.

2. Although a summary court can in these circumstances sentence an accused to a period of imprisonment greater than one year, this power will not be abused. In cases where it appears that the court has imposed a fine, in addition to a period of imprisonment, which is out of all proportion to the financial standing of the accused and his ability to pay such fine, for the purpose only of sending him to prison for a long period, such sentence will be reduced upon an officio review.

3. Where a summary court does not consider that it has power to impose an adequate sentence of imprisonment upon an accused person in the event that he is found guilty of the offence with which he is charged without practising the artifice referred to above, the summary court should remand the accused for trial by a higher court.

By order of Colonel HUME:

DRH
D.A. 5. ~~DRH~~ Capt.
Capt, Scots Guards,
G-2 & 3.

DISTRIBUTION

63

TO: See distribution.

112
40

3. There a summary court does not consider that it has power to impose an adequate sentence of imprisonment upon an accused person in the event that he is found guilty of the offence with which he is charged without practising the artifice referred to above, the summary court should remand the accused for trial by a higher court.

By order of Colonel HURD:

J. H. H. H.
D. R. S. - R. C. G.
Capt. Scots Guards,
G-2 & 3.

DISTRIBUTION:

SCAG 2 Corps	(10)
" 10 Corps	(17)
" C.E.F.	(10)
C.L.C. 15 Army Group	(2)
R.C.L.O. Region 3	(2)
R.C.L.O. Region 4	(2)
File	(1)
Spares	(20)

五

HQ, AMG, 15th Army Group, Administrative Instruction No.

Powers of Regional and Provincial

Civil Affairs HQ's

This instruction amplifies the Memorandum on Administration dated 1 Jan 44 (AMG/53/5).

A. Exclusive Powers of HQ AMG, 15th Army Group

1. The responsibility of ~~of~~ formulating fundamental policy for the government of occupied territory and prescribing the basic procedures ^{for it} ~~for the administration of that territory~~ is vested in the C.C.A.O. and his staff. The A.M.G.O.T. Manual of September 1943, together with supplementary instructions, both ~~xxx~~ general and departmental, defines the principal allocations of responsibility. The Memorandum of 1 January in its second paragraph called attention to the types of problem, unfortunately increasingly frequent, in which final responsibility for action must be exercised at this HQ. rather than at the regional or Provincial level. Put in the most general terms possible, it may be said that any local decision which is likely to have appreciable effects, economic, political, or administrative, outside of the area of its direct enforcement, and which is not manifestly predetermined by a previously enunciated HQ policy, must, before it is put into effect, be reported to this HQ. The ~~accumulation~~ ^{issuance} of multiple directives will not bring about the smooth administration of this policy; that will only result if all officers exercise patient common sense in estimating the degree of influence which a local decision may have on distant communities and basic policies.

2. The responsibility of this HQ must, in certain matters, extend beyond the determination of policy to the definition of procedures by which that policy is to be put into effect. It is, for example, as important that the ~~activity~~

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HQ, AMG, 15th Army Group, Administrative Instruction No.

Powers of Regional and Provincial

Civil Affairs HQ's

This instruction amplifies the Memorandum on Administration dated 1 Jan 44 (AMG/53/5).

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1. The responsibility of ~~of~~ formulating fundamental policy for the government ^{for it} of occupied territory and prescribing the basic procedures ~~for the administration of that territory~~ is vested in the C.C.A.O. and his staff. The A.M.G.O.T. Manual of September 1943, together with supplementary instructions, both ~~xxx~~ general and departmental, defines the principal allocations of responsibility. The memorandum of 1 January in its second paragraph called attention to the types of problem, unfortunately increasingly frequent, in which final responsibility for action must be exercised at this HQ. rather than at the Regional or Provincial level. Put in the most general terms possible, it may be said that any local decision which is likely to have appreciable effects, economic, political, or administrative, outside of the area of its direct enforcement, and which is not manifestly predetermined by a previously enunciated HQ policy, must, before it is put into effect, be reported to this HQ. The ~~accumulation~~ ^{issuance} of multiple directives will not bring about the smooth administration of this policy; that will only result if all officers exercise patient common sense in estimating the degree of influence which a local decision may have on distant communities and basic policies.

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FORBES, JAMES, Assistant Vice Officer, Birmingham, Alabama

Powers of Regional and Provincial Civil Affairs Headquarters

A. Exclusive Powers of HQ AIG 15th Army Group

1. Basic Principle: The responsibility of formulating fundamental policy for the government of occupied territory and prescribing the basic procedures for the administration of that territory is vested in the C.C.A.O. and his staff. The A.M.S.C.T. Manual of September, 1943, together with supplementary administrative instructions, both General and Departmental, defines the principal allocations of responsibility.

2. Exclusive Powers: The control of certain ~~subject~~ matters, both in respect of policy and of the methods by which that policy is to be made effective, is vested exclusively in this ~~HC~~ ^{Finance} the following

[illegible]

- (a) A.M.P.A.
- (b) Accounting
- (c) The fixing of rates of Exchange
- (d) Currency problems
- (d) Educational policy
- (e) Labor policy
- (f) Alteration in price and wage scales

3x Other institutions and activities may from time to time be wholly excepted from the jurisdiction and control of Regional and Provincial HQ and in such cases will be separately notified.

B. Powers of Regional HQ.

1. General Principles: (a) The Regional HQ, under the R.C.A.C., will be responsible for the administration of military government in the Region. Action taken at Regional HQ will be within the framework of policies established by this HQ by proclamation, order, directive, or otherwise. Interpretations issued by this HQ of proclamations and orders will be binding upon each Region.

(b) When basic policy has not been established by this HQ in any subject matter, and the activity is not listed in Section A (2) ^{any the case with} above or excepted from the jurisdiction and control of Regional HQ by special instruction, the R.C.A.O., with the advice of his staff, may make decisions on that policy, unless:

personnel, repeal or suspension of Fascist laws.

(iv) The subject matter involves a substantial change in Italian law or administrative procedure, other than of local application (e.g. modification of social insurance systems, agricultural control, tax structure, labor laws).

~~(v) The subject matter involves policy affecting institutions organized or operating on a national basis (e.g. banks, insurance companies).~~

(c) When procedures for the execution of policy have not been prescribed by this HQ the Regional HQ shall prescribe the procedure.

2. Personnel: Except for the purposes of exercising disciplinary powers and prescribing the technical procedures by which specialist officers are to execute HQ and Regional policies, R.C.A.O.'s will command all personnel assigned to their respective regions. R.C.A.O.'s will have the power to make recommendations for promotions and transfers to, ~~within~~ or from the Region. In case of recommendations for promotions of officers of different nationality to the R.C.A.O.'s the senior AMG officer in the Region of the nationality concerned will signify his concurrence.

The specialist assignments which oficers and EL/OR's have received from this HQ must be observed except in cases of emergency and then only for the duration of the emergency. Such emergency assignments will be notified forthwith to this HQ.

3. Communications: Communications isuing from this HQ which involve initial determinations of ~~major~~ or changes in fundamental policy will be directed to the R.C.A.O. and will be transmitted by him to the personnel in the Region. Communications on technical matters from heads of specialist divisions at this HQ to heads of corresponding divisions in Regions, when they do not involve matters of policy of the sort described in the preceding sentence, may be sent direct and vice versa. Divisional chiefs in Regions will keep R.C.A.O.'s informed of all matters.

Officers from this HQ may and will make frequent inspection trips within the Regions. On such occasions they will make their presence and their mission known to the R.C.A.O., if it is practicable to do so, and to the Provincial S.C.A.O. in the Province where the inspection is to take place.

C. Powers of Provincial S.C.A.O.'s

1. General Principles: (a) Except in cases of emergency, and except

penies).

(c) When procedures for the execution of policy have not been prescribed by this HQ the Regional HQ shall prescribe the procedure.

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The specialist assignments which oficers and EM/OR's have received from this HQ must be observed except in cases of emergency and then only for the duration of the emergency. Such emergency assignments will be notified forthwith to this HQ.

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C. Powers of Provincial S.C.A.O.'s

1. General Principles: (a) Except in cases of emergency, and except when inspection trips are made, there will be no direct communication between on official business between personnel at this HQ and Provincial staffs within the Regions. All such communications will be conducted through the Regional HQ.

(b) The ~~responsibilities and relationship~~ of the Provincial S.C.A.O. and the specialists on his staff to Regional HQ will ^{be parallel} ~~be parallel~~ the ~~responsibilities and~~ relationship of the R.C.A.O. and his staff to this HQ as they are defined in Section A of this administrative instruction. The R.C.A.O. may,

however, ~~engage the machinery of control~~ ^{engage the machinery of control} within very broad limits, ~~as~~ ^{as} ~~the~~ ^{the} ~~way~~ ^{way} ~~of control~~ ^{of control} as he sees fit. He ~~should~~ ^{should} ~~if~~ ^{if} ~~advising~~ ^{advising}.

Subject: Administration.

SCAO., AMG, 5 Army. (8)
SCAO., AMG, 8 Army. (8)
SCAO., AMG, Region III. (8)
SCAO., AMG, Region IV. (8)

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

AMG/53/5

1 Jan 44.

I have, during the last few weeks, tried to co-ordinate the efforts of the three administrative authorities governing that party of Italy not under German occupation, viz., Italian Government, AMG Rear, and AMG, 15 Army Group, in so far as decisions which affect the whole territory are concerned. A.F.H.Q. has now issued an instruction that no decisions which affect salaries and wages of civil servants, prices of basic commodities, wage rates, etc., are to be made without previous consultation with the three authorities concerned.

2. I wish the same principle to be applied within AMG, 15 Army Group. Unilateral decisions on matters which will affect other Regions, or commands, will not be made without reference to these H.Q. who will consult the other R.C.A.O.'s and S.C.A.O.'s and make the decision. As an example I should expect an R.C.A.O. to refer to these H.Q. before issuing orders on the following:-

- (a) Matters likely to affect occupied territory as a whole, as opposed to the specific region (e.g. price, wage and ration scales).
- (b) Matters involving some relationship with other Regions (e.g. inter-regional shipments, inter-regional supply movement, movement of refugees).
- (c) Matters which raise legal, political or ecclesiastical questions of a character which may require handling by this H.Q. or higher headquarters (e.g. policy as to internees and foreign nationals, matters affecting ecclesiastical personnel, repeal or suspension of Fascist Laws).
- (d) Matters involving a substantial change in Italian law or administrative procedure, other than of local application (e.g. modification of social insurance systems, agricultural control, tax structure, labour laws).
- (e) Matters involving policy affecting institutions organised or operating on a National basis (e.g. banks, insurance companies).

There will be other matters not on this list which I leave to the discretion of the R.C.A.O.'s and S.C.A.O.'s.

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There will be other matters not on this list which I leave to the discretion of the R.C.A.O.'s and S.C.A.O.'s.

3. This smacks of centralisation; but the need for co-ordination in administering even forward combat areas is so great that I believe that you will find this degree of centralisation a help rather than a hindrance.

4. An administrative instruction dealing with this question more fully will shortly be issued. The above is a general statement of policy.


Brigadier,
Deputy Chief Civil Affairs Officer.

(Drafted by Brig. M.S. Lush, absent on duty).

163545

Item you are curious, please.

for C.S.O.
13/12

७५

No venement other than to suggest
letter is lost in address, the HQ
concerned were then a 'theater' of a
service. The former system has become
very general both at home & abroad.

میں نے

10/10/20

62

would you care to h.v. a shell - medicine

3

92

14/211

C.S.O. -

I would suggest that this file go to JCAO for his direction, after which I shall be in a position to draft.

$$\frac{2}{2}$$

~~H. W. W. W.~~

87

CSO

No remembrance than to suggest
 entire is lost in address, can HQ
 cannot recover in a "recovery"
 series. The former system has become
 very general with various & advanced.

CSO measures
 14/12

C.S.O.

Would you can I p.v. a draft - division.

By 14/12

C.S.O.

I would suggest that this file go to Dec 10 for his directions,
 after which I shall be in a position to draft.

15/12

CSO

C.C.P.O.

Pl. see pp 2. This file and 12/17/0 letter
 at least of your case. I have discussed with C.S.O.
 who would like to discuss with you before putting up a
 draft division for arms under 15 Army group. R.M.S.

By 15/12

C.F.D.

-486

Please see minutes at 6 and pp. 1-5.

Have you any comments to make?

8 Dec. 53.

C.S.O.

It is agreed that AOTFA and Accounting will be centralized at A.C.C. HQ. Copies of correspondence relating to policy or questions of evident importance will be sent to this HQ. I would therefore suggest that a--b be deleted from Appendix A. A note should be added as per supra, & "Good and foreign exchange" should be substituted.

X: 1b. will need amendment.

9. XII.

C.F.D.

R. L.S.D.

Have you any comments on minutes at 6 and pp. 1-5?

C.F.D.

9 Dec. 53.

C.S.O.

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-X- 1 b. will need amendment.

9-xii.

af. C.F.O.

R. L. S. D.

Have you any comments on minutes at 6 and pp. 1-5?

C.S.O.

Agree with Legal that every facility should be given staff officers to operate, when operation is necessary, direct with some staff officers at lower Hq. We are on the phone several times daily with supply officers at the Army, Joggia, and Agulia & making arrangements that amount to orders.

WMSJ
12 Dec

8 Dec. 43.

C.F.O.

9 Dec. 43.

C. L. O.

Attached G.O. at pp. 1-5.

It is proposed to issue an Admin. Instruction on
 somewhat the same lines to Regions III & IV.

Para. 2 at S will be deleted and it is thought that

Appendix B could be omitted.

We want to keep it as short as we can.

2. Will you give your comments on para. 1 above
 and also on any other deletions or additions that
 you consider should be made.

3. G.O. will be circulated to other Divs. later.

J. C. SO.

File 2 Div. 4
 for C.S.O. 58

I agree memorandum generally but have the following comments:-

(a) I think Para 3 on communications is a nuisance if it is
 enforced. The only way of maintaining real contact between
 specialist services at different HQ is by direct communication,
 often in the form of a d.o. letter. This is what I do now and
 nobody has objected. It is in accordance with British Army
 procedure under which communications between specialist services
 is direct and it is the obligation of the staff officer to keep his own
 commander informed. (See C.R. 46.) As between Region and Province

6.
 4869

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J.C.S.O.

J.C.S.O. 2 Divs
J.C.S.O. 58

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nothing has changed. It is in accordance with British Army
procedure under which communications between specialist services
is direct and it is the obligation of the staff officer to keep his own
Commander informed. (See C.O. 46.) As between Regiments and Provinces
this might not work but I am sure it is the best method between
the HQ and Regiments.

(b) Appendix A needs considerable amplification. It only contains
matters connected with finance and property control. Col Apiston
told me that this was because other Divisions had not been ready
when the directive was issued to incorporate them reserved subjects.
I attach at first cover letter I had from Lt Col Shields which
is worthy of consideration.

(c) It is to be noted that the restrictions in para 1 (c) and appendix A are restrictions on policy decisions and "activities". I spoke to Col Upjohn about this and he thought that restrictions on Required Legislation should be co-incident with restrictions on policy decisions. I am afraid I do not agree as policy may have been laid down to Regins and yet they could not legislate in the in that case. I should like to discuss with other divisions and then with Col. A.D. before we finally decide on what powers of Required Legislation are to be allowed.

8 Dec 43.

W. J. P. W. L.
C. L. W.

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
APO 512

23 November 1943

GENERAL ORDER)

NUMBER 8)

RELATIONS WITH REGIONAL H.Q.

1. General Principles. The Regional Civil Affairs Officer (RCAO) shall be responsible to the CCAO for the administration of military government in his region. Generally speaking he will have full power of command and decision on all matters relating to government, subject to the following limitations:

(a) Action taken will be within the framework of policies established by AMG HQ by proclamation, order, directive or otherwise. Interpretations issued by AMG HQ of proclamations and orders will be binding upon each region. Questions of interpretation raising any point likely to affect other regions must be resolved by AMG HQ.

(b) Certain institutions or activities which by their nature must be dealt with on a uniform basis throughout occupied territory are specifically reserved from the scope of authority of the RCAO in Appendix A attached hereto and action in such cases will be directed from AMG HQ. AMG is one activity so reserved. Other activities so reserved will be separately notified from time to time hereafter.

(c) Matters on which policy has not been established and which do not affect an activity specifically reserved to AMG HQ will nevertheless be referred to AMG HQ when:

- (i) The subject matter is likely to affect occupied territory as a whole, as opposed to the special region (e.g. price, wage and ration scales.)
- (ii) The subject matter involves some relationship with other regions (e.g. inter-regional shipments, inter-regional supply movement, movement of refugees.)
- (iii) The subject matter involves legal, political or ecclesiastical questions of a character which may require handling by AMG HQ or higher headquarters (e.g. policy as to inmates and foreign nationals, matters affecting ecclesiastical personnel, repeal or suspension of Fascist laws.)
- (iv) The subject matter involves a substantial change in Italian law or administrative procedure, other than of local application (e.g. modification of social insurance systems, agricultural control, land structure, labor laws).
- (v) The subject matter involves policy affecting institutions organized or operating on a National basis (e.g. banks, insurance companies.)

(d) Appointments or removals of Prefects and other administrative officers of like rank will be subject to prior approval by AMG HQ. Appointments or removals of certain judicial, educational and other officials, some of whom are mentioned in Appendix B hereto and others to be separately notified, will also be subject to such prior approval. Appointments or removals of all officials

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(c) Matters on which policy has not been established and which do not affect an activity specifically reserved to AMG HQ will nevertheless be referred to AMG HQ when:

(i) The subject matter is likely to affect occupied territory as a whole, as opposed to the region or region (e.g. price, wage and ration scales.)

(ii) The subject matter involves some relationship with other regions (e.g. inter-regional shipments, inter-regional supply movement, movement of refugees.)

(iii) The subject matter raises legal, political or ecclesiastical questions of a character which may require handling by AMG HQ or higher headquarters (e.g. policy as to internecine and foreign nationals, matters affecting ecclesiastical personnel, repeal or suspension of Fascist laws.)

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2. Personnel. RCAOs will command all personnel assigned to their respective regions. RCAOs, together with the senior regional officer of the opposite nationality, will have the power to discipline personnel under their command and will make recommendations for promotions and transfers to or from the Region.

In the case of many officers and some civilians assigned to regions, the field of activity in which they are to be engaged will be specified. Any assignments of such specialist personnel must be observed except in cases of emergency and then only for the duration of the emergency.

- 2 -

3. Communications. Orders to personnel in regions, including specialist personnel, will be issued only by the RC&O. Communications on technical matters from a Sub-Commission or Division Chief to the specialist personnel in the regions must be sent through the RC&O.

Officers from JMC HQ may and will make frequent inspection trips within the regions. On such occasions they will make their presence and the nature of their mission known to the RC&O, or where impracticable, to the nearest SC&O. No orders or directives will be communicated by such officers to the specialists in the field; technical observations may, however, be so communicated from HQ personnel to specialists in the Regions or vice versa. If these are in written form copies will be furnished to the RC&O.

4. Procedure. For obvious reasons it will be desirable that procedure adopted by RC&Os, particularly in dealing with the Italian administration, shall be uniform as between the regions. In cases where uniform procedure has been or is hereafter prescribed by JMC HQ, such procedure will be binding uniformly on the staffs in each Region.

5. Proclamations and Orders. Proclamations and orders of a public nature which are published by posting up or publication in a newspaper are of three types, Proclamations, General Orders and Regional Orders. (See Appendix C hereto.)

(a) Proclamations. All proclamations are signed by the Military Governor and will only be issued on the authority of JMC HQ.

(b) General Orders. All General Orders are signed by the CC&O or his Deputy and will only be issued on the authority of JMC HQ.

(c) Regional Orders. RC&Os may publish within their Regions orders signed by the RC&O which shall be described as "Regional Order No."

6. General Uniformity. It is obviously impracticable to establish by specific category all of those matters which are in the authority of the RC&O and those which are reserved for JMC HQ. If the subject of any proposed action is not specifically dealt with herein or in memoranda supplemental hereto, it will be referred to JMC HQ when good judgement would indicate that uniformity of action is required or that a major matter of policy is involved.

By Command of Brigadier General McSHANE

OFFICIAL:

Acting Chief of Staff

E. L. Clough
E. L. CLOUGH,
Lt. Col., A.S.C.,
Actg. Adjutant General

DISTRIBUTION:

3 Incls:-

Incl 1 - Appendix A

Incl 2 - Appendix B

Incl 3 - Appendix C

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4. Procedure. For obvious reasons it will be desirable that procedure adopted by RGAOs, particularly in dealing with the Italian administration, shall be uniform as between the regions. In cases where uniform procedure has been or is hereafter prescribed by JIG HQ, such procedure will be binding uniformly on the staffs in each Region.

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By Command of Brigadier General McSHEP.

OFFICIAL:

Acting Chief of Staff

T. L. CLOUGH,
Lt. Col., A.C.F.,
Actg. Adjutant General

DISTRIBUTION:

3 Incls:-

Incl 1 - Appendix A
Incl 2 - Appendix B
Incl 3 - Appendix C

41
(AS) A C.C.-8 (Hq. AMB 22 Nov 45)

48 I
APPENDIX A

ACTIVITIES TO BE DEALT WITH BY AIC HQ.

1. The following activities will be dealt with under specific instructions from Headquarters until further notice:

- (a) A.M.F.A.
- (b) The fixing of rates of exchange.
- (c) Accounting.
- (d) Foreign exchange.
- (e) Freezing controls.
- (f) Matters relating to currency problems.
- (g) Matters falling within the jurisdiction of the shipping sub-commission.
- (h) Control and operation of semi-statutal or privately owned industries controlled by the Property Controller where the activities of the industry extend to more than one Region.
- (i) The sale of any captured enemy war material or stores.

APPENDIX B

SPECIFIC LIMITATIONS ON THE POWERS OF RCAOSPublic Safety

1. No public official in this field having jurisdiction over more than one province will be appointed without the prior approval of AMG HQ. No Brigadier General or higher ranking officer of the GCR may be appointed or removed without the prior approval of AMG HQ. Except as stated above, any public official in this field may be removed by the RCAO without prior approval.

Industry and Commerce

2. No plant shall be rendered substantially less effective by cannibalization except upon prior approval of AMG HQ.
3. No goods in transit or in storage in warehouses or at other points pending their removal to their eventual destination shall be consumed unless prior authority is received from AMG HQ.
4. Prices of rationed articles and prices of other basic or generally used articles or commodities which are likely to affect prices in other regions must be approved by AMG HQ.

Communications

5. General. The rates charged for utility services shall not be altered except after prior approval from AMG HQ.

6. Internal Transportation. No action will be taken in any Region with reference to railroads under the control of the Allied Forces except in accordance with AFHQ Administrative Memorandum No. 76 of 9 Nov. 1943.

7. Postal.

- (a) No change shall be made in any censorship regulations pertaining to civilian mail without prior approval of AMG HQ.
- (b) No change in postal rates or postage stamp requirements will be made without prior approval from AMG HQ.
- (c) No substantial extension of postal services will be made without prior approval from AMG HQ.

8. Telecommunications.

- (a) No new construction of telecommunication facilities will be made without approval of AMG HQ.
- (b) No equipment or supplies in stock will be utilized without approval of AMG HQ except for routine maintenance and repairs and reconstruction of telecommunication facilities necessary to meet Allied military and essential civilian requirements in the Region, including such telecommunication facilities and services as may be necessary for the initial operation of the Italian Government.
- (c) No telecommunication supplies, materials or equipment will be shipped from one region to another without AMG HQ approval.
- (d) Release of inter-urban telecommunication facilities for restriction-

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 Appx B, 6-0-8 HQ, AMG-2 Nov 43

485

53

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(c) No telecommunication supplies, materials or equipment will be shipped from one region to another without AMG HQ approval.

(d) Release of inter-urban telecommunication facilities for restricted civilian use will be made only after AMG HQ has procured IHC approval.

Property Control

9. The following will be treated as matters of policy, and no action by Regional chiefs will be taken except in accordance with instructions from AMG HQ.

(a) Classes of property to be taken into custody, (e.g. U.S., British, Greek, French, etc., Italian Government, Fascist Party, "Parastatal," etc.).

(b) Methods of disposal, recording and accounting for properties taken into custody, e.g. bank balances, Fascist funds, real estate, etc.

- (c) Industrial concerns (whether Allied or otherwise) whose activities extend beyond a single region (e.g. AGP, NNIO, etc.)

10. The Regional C.P. shall have delegated to him all general powers of the D.P.C. with respect to properties in his Region, except that he shall not without the authority of the D.P.C.,

- (a) In the case of real property raise money on the security of any property for its maintenance beyond the limit of 40,000 lire;
- (b) in the case of commercial enterprises, etc., (i) contract any loans other than temporary advances obtained in the normal way of business, (ii) pledge any of the assets of the company or concern (iii) close down any business in his custody;
- (c) borrow or expend monies for the reparation of damage due to faits de guerre;
- (d) enter into any legal contract or execute a deed necessary for the exercise of any of the powers of the D.P.C., except for the purposes laid down in General Administrative Instructions No. 10, para 22 (a) to (c).

Labor.

11. Any announcement of labor policy affecting hours of work or collective bargaining or changing substantially conditions of work will be submitted to AMG HQ before it is published.

12. No change in the Italian law on the subject of wages, regulations and inspection measures and methods; supply, registration and distribution of manpower; industrial and labor relations; employee and employer organizations; hours of work; or absorption of demobilized soldiers in the economy will be made without the prior approval of AMG HQ.

Public Works & Utilities.

13. Materials which may be from time to time declared critical by this Sub-Commission will not be used for ordinary maintenance without prior authority from AMG HQ.

14. All contracts for public works or utility construction or services are subject to prior approval by AMG HQ, except where the contracts do not exceed 100,000 lire and only involve the use of local materials.

15. Engineering, structural or building material or contractors' plants shall not be moved out of the Region in which they are located without the approval of AMG HQ.

16. No person shall be appointed to or removed from any of the following offices without the prior approval of AMG HQ.

- (a) Compartmental Chiefs of A.A.S.S. (Public Highways).
- (b) Compartmental Chiefs of the Provveditorato alle opere pubbliche.

Education.

17. The following subjects are reserved from the scope of authority of the

- (c) loans other than temporary advances obtained in the normal way of business, (ii) pledge any of the assets of the company or concern (iii) close down any business in his custody;
- (d) borrow or expend monies for the reparation of damage due to faits de guerre;
- (e) enter into any legal contract or execute a deed necessary for the exercise of any of the powers of the D.P.C., except for the purposes laid down in General Administrative Instructions No.10, para 22 (a) to (c).

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- (b) Compartmental Chiefs of the Provveditorato alle opere pubbliche.

Education.

17. The following subjects are reserved from the scope of authority of the R.C.A.O. and action thereon will be directed from AMG HQ.

- (a) The procedure for the appointment or removal of all school personnel.
- (b) Conditions under which schools and universities will be opened or closed.
- (c) The establishment of school programs, text books and school organization.
- (d) Alterations in the existing types of schools.
- (e) Appointment or removal, in all universities and institutions of similar rank, of

- (i) Rectors and heads,
- (ii) Presidi of faculties
- (iii) Titular professors, all members of the Lenatus Academicus, and personnel of equivalent rank.

- 3 -

(APPX. B, 60-6 HQ.ABS, 25 Nov 46)

48K

(f) The establishment or abolition of chairs in universities or other institutions of similar rank (to be specified later).

18. All inter-Regional allocation of seeds, seed potatoes, artificial fertilizers, insecticides, fungicides, and farm machinery shall be made by AMG HQ.

19. Production goals for agriculture, forestry or fisheries will not be established without prior approval by AMG HQ.

20. No alteration in producer prices or in the quantities refundable by producers for consumption of seed will be made with respect to controlled commodities, except after prior approval by AMG HQ.

21. No Italian governmental agency or quasi-governmental agency in this field will be substantially altered or abolished without the prior approval of AMG HQ.

22. No appointment or removal of the Chiefs of the Ispettorato Agrario Compartimentale or Provinciale will be made without the prior approval of AMG HQ.

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(APP 3, G.O.-3, HQ AFM, 23 Nov 45)

APPENDIX C

1. AFM HQ will be responsible for the preparation and printing of all Proclamations and General Orders and for their distribution to Regions who will be responsible for the actual publication thereof.

If any RCAC considers that any matter should be dealt with by Proclamation or General Order he will submit a report in writing to AFM HQ.

2. Regional orders will make it plain in the body of the Order over what territory such Regional Order is applicable. All such Orders will be numbered consecutively and 6 copies thereof sent to AFM HQ on the day of publication.

3. Region No. 1 shall publish from time to time further numbers of the Sicily Gazette which shall contain copies of all Proclamations, General Orders and Regional Orders published in Sicily subsequently to those contained in Sicily Gazettes No. 1, 2 and 3.

4. All Regions (except Region No. 1) shall from time to time publish Gazettes which shall be entitled

"Italy Gazette

Region No. "

Such Gazettes shall be numbered consecutively starting with No. 2 and shall contain copies of all Proclamations, General Orders and Regional Orders published in the Region subsequent to those published in Italy Gazette No. 1 now being printed.

53

SUBJECT:- Political Activities.

CONFIDENTIAL.

H.S., A.M.C.,
15 Army Group,
C.M.F.

AMC/30/75

11th January 1944

The following new political directive to the C. in C. has been received from A.F.H.Q. defining the revised policy of the Combined Chiefs of Staff:

1. Within your discretion, the Italian people may be permitted to participate in such political activities (other than Fascist) as do not lead to rioting and disorder.
2. These will include the right of peaceful assembly, attendance at meetings of political committees, publication and distribution of political works and such other activities of similar nature as you may determine to be advisable.
3. Upon their release, political prisoners shall be cautioned that political activity on their part which gives rise to or tends to give rise to rioting or disorder will not be tolerated."

Although paragraphs 1 and 2 of this directive call for a substantial modification of policies which have heretofore been observed in the enforcement of the provisions of Section 1, Article IV, and Section 2, Article 5, of Proclamation No. 11, these provisions are not abrogated by the directive, nor will a General Order be issued altering the methods of control.

3. The directive, however, requires a greater liberalism in the enforcement of Proclamation No. 11 than has heretofore been considered appropriate. Permits for particular meetings may hereafter be granted with more freedom and continuing permits to trustworthy groups may be issued more freely than they have been in the past. Discretion to deny permits may still, of course, be exercised when there is reason to believe that the proposed meeting will lead to disorder.

4. With regard to the publication of newspapers a programme of control is presently being formulated by the Allied Publication Board and a directive on the licensing procedure will be issued shortly.

It is to be noted that the instructions of paragraph 3 in

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4. With regard to the publication of newspapers a programme of control is presently being formulated by the Allied Publication Board and a directive on the licensing procedure will be issued shortly.

5. You will be careful to see that the instructions of paragraph 3 in the directive of the Combined Chiefs of Staff are carried out in all cases in which persons imprisoned by the Fascist government are released.

DISTRIBUTION:-

S.C.A.O. 5 Army (30)
S.C.A.O. 8 Army (30)
E.C.A.O. Region III (40)
E.C.A.O. Region IV Adv (20)
E.C.A.O. Region IV Main (20)
A.M.F.A. (1) 2. & S. (1)

A.C.C. Brindisi (1)
A.M.C. H.Q. (1)
C.S.I. (b) 15 Army Group (1)
Finance (1)
Medical (1)
Legal (1)
Public Safety (1)
Property Custodian (1)

Deputy Chief Civil Affairs Officer.

[Signature]
Brigadier,

[Signature]

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

208/CA/35
30 December 1943

SUBJECT: AMG, 15 Army Group Administrative Instruction No. 1
TO : Chief Legal Officer, AMG, 15 Army Group, APO 777,
US Army

1. As I have been unable to obtain a copy of
Administrative Instruction No. 1 issued by 15 Army Group,
I should be grateful if a copy could be provided for
this Division.

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

51

Handed to Lt. Col. Shields
4/1/44 *PAB*

Significance of Military Control

[illegible]

Editorial Board

2007. 11/27/2006
67. 11/27/2006

A sufficient number of cases have now come before military courts in 25 Army Group areas to make certain techniques obsolete.

2

[illegible]

Paragraph 5(e) of the rules of procedure states that "in general multiplicity of charges issued on the same set of facts will be avoided". This is frequently misunderstood with the consequence that essentially identical issues become conflated. Technicalities are avoided, and the record becomes confused. The wide power of amendment possessed by Military Courts and the type of multiple charges described in paragraph 5(e) entirely unnecessary in any but a very few cases.

There appears to be little consistency in the imposition of fines into terms of imprisonment for management of the mine. Although it is in no way controlling for trial history, courts the provision of Italian law by which a day's imprisonment is equal to the equivalent of a \$20 fine should be kept in mind. The ability of the defendant to pay should be the controlling factor, but the varying number of defendants in hardly an variable as regards sentences would indicate.

to the leniency of AIG courts in who citing cases has been
afforded conceded upon. The various consequences of these

2. Military Courts in 15 Army Group areas to make certain tendencies evident.

3. All officers who sit as military courts must keep in mind the directive of 1 October in which it was stated that suspended sentences will be imposed only when it is desirable, having regard to the special circumstances of the case, and in the case of other circumstances of the accused or such as the facts and the accused has acted without which military courts are imposing a minor sentence. The frequency with which military courts are imposing suspended sentences is not being carried out. It must be remembered that the suspended sentence is a device for the exceptional case. Therefore to say it should never be used because the court is in doubt as to the defendant's guilt or innocence.

4. The frequency of suspended sentences is being under review. It is suggested that a review be made of the number of suspended sentences imposed. This is an important factor in the case of the violation of a written order as in that of the violation of the types of oral orders mentioned in the directive of 1 September (see para 3). As there is a high percentage of suspended sentences in the case of the violation of a written order, it is suggested that a review be made of the number of suspended sentences imposed in the case of the violation of a written order.

5. Paragraph 5(e) of the rules of procedure states that "in general multiplicity of charges based on the same act or facts will be avoided". The rule is frequently observed but on the one hand it is not always observed. This is an important factor in the case of the violation of a written order as in that of the violation of the types of oral orders mentioned in the directive of 1 September (see para 3). As there is a high percentage of suspended sentences in the case of the violation of a written order, it is suggested that a review be made of the number of suspended sentences imposed in the case of the violation of a written order.

6. There appears to be little consistency in the conversion of fines into terms of imprisonment for non-payment of the fine. Although it is in no way controlling for military courts the provision of the law by which a day's imprisonment is made the equivalent of a 20 fine should be kept in mind. The ability of the defendant to pay should be the controlling factor, but the earning power of defendants is hardly as variable as recent sentences would indicate.

7. The frequency of suspended sentences in cases where cutting cases has been advisedly not imposed upon. The serious consequences of these offences, no matter how frequently they may be committed, make some punishment of the very greatest importance. Suspended punishment is the best remedy available to meet this increasingly serious situation. In any case where a suspended sentence is being placed with any frequency it will be desirable for special notices to be posted, over the signature of the J.C.M., regarding the reputation that the offender is punishable by death.

10/10/43

Ward J.W. H.B.

Ward J.W. H.B.
Chief Legal Officer.

SECRET.

HEADQUARTERS,
ARMED MILITARY GOVERNMENT,
15 ARMY GROUP.

AYG/56/8.22 December 43.

AYG 15 Army Group Administrative Instruction
No. 6.

INSTRUCTIONS TO S.C.A.O.'s AND C.A.O.'s
ON PROPERTY CONTROL.

1. Upon arrival in any provincial capital or any city of substantial population or importance you will direct the Prefect or Podesta to prepare and submit to you promptly, in duplicate, a list of all property owned by British or American Governments or their Nationals, or by enemy Governments or their Nationals. The list will be typewritten in duplicate on the form made available herewith. You will simultaneously instruct the Prefect or Podesta to cause a "Notice" signed by you to be posted in a conspicuous place on properties owned by the British or American Governments or their Nationals, and enemy state property. (This shall not include property of the Italian Government). A supply of such Notices is herewith made available.
2. Upon receipt of the lists you will retain one copy and forward the other through channels to the Controller of Property, AMG, 15 Army Group. It is recognised that you will not have time personally to undertake the posting or listing of properties, nor provide close supervision, and that these should be the responsibility of the Italian officials upon whom you must rely. If any property so listed appears to you to have substantial value or is culturally or otherwise of an unusual nature, you will personally inspect it as soon as opportunity permits and submit a report through channels to the Controller of Property, AMG 15 Army Group. If property consists of perishable commodities and no representative of the owner is present to protect or dispose of the same, you will direct the Prefect or Podesta to cause it to be sold for the owner's account at public sale. If such property consists of food or articles which may be required by the Army, or Civil Supply Division, opportunity should be afforded them to purchase or requisition it.
3. If any branch of the Armed Forces desires to occupy any premises which have been posted you will consent to such occupancy but will request that an officer of the occupying unit furnish you an inventory, in duplicate, of the property, a proper requisition order, and agrees to notify you when the occupancy ceases. The inventory should be checked by the Italian official as quickly as possible after occupancy ceases and discrepancies noted. The original inventory, requisition order, and list of discrepancies will be submitted to Controller of Property. If a caretaker for the property is available, arrangements should be made with the military unit desiring occupancy to permit the caretaker to remain if consistent with military security. You will endeavour to allocate properties to military personnel who will cause a

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4. If property is occupied by the Armed Forces prior to posting, the occupant should be advised that its protection is the responsibility of AMG.

/JG.


Brigadier,
Deputy Chief Civil Affairs Officer.

Distribution...../

DISTRIBUTION:

S.C.A.O., AMG, 5th Army
 S.C.A.O., AMG, 8th Army
 R.C.A.O., AMG, Region III.
 R.C.A.O., AMG, Region IV (Adv).
 R.C.A.O., AMG, Region IV (Main).
 R.Q., A.M.C.
 M.C.S., A.T.H.Q.
 H.Q., A.C.C., BRINDISI.
 P.A. to C.G.S., 15 Army Group.
 G.S.I(b), 15 Army Group.
 Finance Division.
 Public Health Division.
 Economics & Supply Division.
 Public Safety Division.
 Legal Division.
 Property Controller.
 A/Q.
 File.

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SECRET

HEADQUARTERS,
ALLIED MILITARY GOVERNMENT,
15 ARMY GROUP

+++++

AMG/567.

22 December 43.

AMG, 15 ARMY GROUP ADMINISTRATIVE INSTRUCTION No. 5.CONTROLLER OF PROPERTY.

The duties of the Controller of Property H.Q., AMG, 15 Army Group, shall be divided as follows:-

- (a) Army Areas: Duties and responsibilities of the Controller of Property in Army areas under the control of C.C.A.O., AMG, 15 Army Group.
- (b) Regional Areas: Duties and responsibilities of the Controller of Property in areas covered by Regions under the control of C.C.A.O., AMG, 15th Army Group.

I

ARMY AREAS.1. DUTIES.

- (a) Prepare directives and instructions for issuance through channels to the C.C.A.O.'s operating in the field on all matters affecting property control.
- (b) Advise and make recommendations to C.C.A.O. on all matters affecting property control.
- (c) Keep and maintain a central registry of all property taken under control.
- (d) Exercise personal supervision and control over properties which in the opinion of the C.C.A.O. or Controller of Property require special attention.

2. SCOPE OF PROPERTY.

- (a) Controller of Property will be responsible for the control of:-
 - (i) Property owned by the Government of the United States or by any of the British Commonwealth of Nations, or of the nationals thereof, sequestered by the Italian Government.
 - (ii) Enemy state property (not including state property of Italian Government), not in custody of some other Branch of the armed forces.
 - (iii) Such abandoned property or property belonging to absentee owners of which no representative can be found in the occupied territory, as the C.C.A.O. shall direct or as the Controller

(a) Army Areas: Duties and responsibilities of the Controller of Property in Army areas under the control of C.C.A.O., AMG, 15 Army Group.

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- (ii) Enemy state property (not including state property of Italian Government), not in custody of some other Branch of the armed forces.
- (iii) Such abandoned property or property belonging to absentees owners of which no representative can be found in the occupied territory, as the C.C.A.O. shall direct or as the Controller of Property considers necessary.
- (b) The Controller of Property shall also take into his control when directed to do so by the C.C.A.O.:-
 - (i) Any property the control of which is in the opinion of the C.C.A.O. essential to the needs of Allied Forces or the inhabitants of occupied territory.
 - (ii) The property of any person, company, institution or body whose activities are deemed by the C.C.A.O. to be prejudicial to the safety of Allied Forces, public order, or the fulfilment of war aims.

(iii)...../

-2-

(iii) Property owned by any government or any of the nationals of any Government allied with the governments of the United States and British Commonwealth of Nations in the common prosecution of the war.

3. PROCEDURE IN EXECUTING DUTIES.

Operating through C.A.O's in the field under instructions issued to them by H.Q., A.M.C., 15 Army Group, the Controller of Property shall:-

- (a) Procure lists of allied and enemy state properties together with valuation and other minimum information.
- (b) Have necessary notices posted.
- (c) Obtain lists and reports.
- (d) Make periodical inspection.

4. PERFORMANCE OF DUTIES.

(a) Upon receipt of the necessary information from C.A.O's, the Controller of Property shall maintain proper records of property taken into his control in such form as to facilitate the transfer of such records to any successor echelon of control. Such reports and records shall be classified and segregated as between or among provinces and the following classes of property:-

- (i) Residential or farm properties.
- (ii) Commercial and business undertakings.
- (iii) Bank deposits, credits and intangible assets.

The Controller of Property shall not be responsible for obtaining or preparing detailed inventories, but his records shall show the general physical condition of the property, and whether occupied by armed forces. The Controller of Property shall, so quickly as possible, take personal supervision of property which requires control, care and maintenance.

The Controller of Property shall arrange with Public Safety Division for the proper guarding and protection of property and shall arrange for the posting of notices as additional protection.

5. PREPARATION AND APPROVAL OF NOTICES.

All notices shall be approved by the Legal Division prior to submission to the C.G.I.O. for approval.

II

REGIONAL AREAS.

When territories previously under the control of 15 Army Group are transferred to C.G.I.O., 15 Army Group, the Controller

- (b) Have necessary notices posted.
- (c) Obtain lists and reports.
- (d) Make periodical inspection.

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(a) Upon receipt of the necessary information from C.C.A.O's, the Controller of Property shall maintain proper records of property taken into his control in such form as to facilitate the transfer of such records to any successor echelon of control. Such reports and records shall be classified and segregated as between or among provinces and the following classes of property:-

- (i) Residential or farm properties.
- (ii) Commercial and business undertakings.
- (iii) Bank deposits, credits and intangible assets.

The Controller of Property shall not be responsible for obtaining or preparing detailed inventories, but his records shall show the general physical condition of the property, and whether occupied by armed forces. The Controller of Property shall, so quickly as possible, take personal supervision of property which requires control, care and maintenance.

The Controller of Property shall arrange with Public Safety Division for the proper guarding and protection of property and shall arrange for the posting of notices as additional protection.

5. PREPARATION AND APPROVAL OF NOTICES.

All notices shall be approved by the Legal Division prior to submission to the C.C.A.O. for approval.

II

REGIONAL AREAS.

When territories previously under the control of 15 Army Group pass to 13th Regions under the control of C.C.A.O., 15 Army Group, the Controller of Property shall:-

1. DUTIES.

- (a) Prepare directives and instructions for issuance through channels to Regional Controllers of Property on all matters affecting property control.
- (b) Advise and make recommendations to C.C.A.O. on all matters involving policy determinations affecting property control.

(c)...../

-3-

- (c) Exercise personal supervision over property control activities in the Regions to the extent necessary to assure uniformity of policy and records.

2. PERFORMANCE OF DUTIES.

In the performance of his duties the Controller of Property shall be guided by General Administrative Instruction No. 10, A.M.G. Manual, so far as the same is not inconsistent herewith, and by the Proclamations and Orders made by or under the authority of the Military Governor. Any reference to any state property or para-statal undertakings does not apply to property of the Italian Government or the para-statal undertakings thereof.

/30.

Deputy Chief Civil Affairs Officer.

DISTRIBUTION:

S.C.A.O., AMG, 5th Army
S.C.A.O., AMG, 8th Army
R.C.A.O., AMG, Region III.
R.C.A.O., AMG, Region IV (Adv)
R.C.A.O., AMG, Region IV (Main)
HQ, A.M.G.
K.C.S., A.F.H.Q.
H.Q., A.C.C., BRINDISI.
P.A. to C.C.S., 15 Army Group.
G.S.I(b), 15 Army Group.
Finance Division.
Public Health Division.
Economics & Supply Division.
Public Safety Division.
Legal Division.
Property Controller.
A/O.
File.

(30)
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47

Subject:- Delegation of powers.

42
AMG 2.,
15 Army Group,
C.M.F.

Ref. AMG/211/39
19 December 43.

S.L.O.,
Hq. AMB., 5 Army.

Dear

Thank you for your letter 208/CA of 14 Dec. You will now have received Administrative Instructions nos. 3 and 4 which clear the air considerably.

2. I am present working on the instructions as to powers of R.G.A.Os and you will receive this shortly, I hope. Meanwhile the original Sicily directive as to R.G.A.Os powers stands good for provinces.

Yours

H. D. ROBE,
Lt. Colonel,
Chief Legal Officer.

HRR/RS.

Copy to File-207,
File-205.

SUBJECT: Wrongful Possession of Allied Forces Property.

H.Q. 15 Army Group,
D.L.O.

W.L.O., AG 5 Army.
W.L.O., AG 8 Army.
R.C.L.O., AG Region III.
R.C.L.O., AG Region IV (Main)

AG/205/110.
18. Dec. 45.

Proclamation 2 Art. 2, Section 40
Charges for wrongful Possession of Allied Forces
Property.

A large number of cases of charges for wrongful possession of Allied Forces Property is occurring. The situation is that members of the Forces are parting with the issues of cigarettes and other commodities purchased or received as rations from Army sources, and these commodities come into the possession of Italian civilians and are sold and dealt in at high profit.

2. It has been decided that the large scale traffic which is occurring is obnoxious, as the commodities mentioned were never intended for the Italian civilian population.

3. Allied Military Courts will convict persons proved to be in possession of the above-mentioned commodities, unless such persons can produce proper official authority for the possession. The possession itself is sufficient prima facie evidence to require the accused to account for it.

4. Prosecutions will not, however, be brought for the ordinary small case where a civilian has a packet or two of cigarettes, probably given to him by a member of the Forces. The cases which will be prosecuted are those where possession of large quantities shows definite commercial traffic which must be put an end to.

5. You are requested to put into practice in your area or Region the above procedure and to report in due course to this H.Q. the results which are obtained and with any recommendations for its continuance or amendment.

[Signature]
Lieut. Colonel,
Chief Legal Officer.

/R.C.

Copy to: Public Safety Division.
File AG/207.

[Signature]
for AG/207.

SUBJECT: Communications.

207

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

All Heads of Divisions.

AM/18/51.
14 Dec. 43.

Until further notice all official correspondence to
H.Q., A.M.C., will continue to be despatched to PALERMO.

All cables will be addressed :

" SEARS FOR PANGO and KILCOV "

/s/c.

P. Perry Smith
Lt. Col.
Colonel,
Chief Staff Officer.

DISTRIBUTION:

Finance.
Public Health.
Public Safety.
Economics & Supply.
Legal.
A.M.C.
Property Controller.
M.
G.
Camp.

44

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
15 ARMY GROUP

SECRET

AME/56/5.

10 December 1943.

AME 15 ARMY GROUP ADMINISTRATIVE INSTRUCTION No. 4

Responsibilities in Provinces and Communes
Divided by Army Boundaries.

1. With the establishment of Regions in the immediate rear of Army boundaries it becomes necessary to make provision for the indirect government of Provinces and Communes where part of the Province or Commune is in one Region or Army area, and the remainder is in another Region or Army area.
2. The boundaries of Army areas are fixed, wherever possible, to coincide with the boundaries of Italian administrative Provinces or Communes, but military requirements often make this impossible. AMG must, therefore, be organized in such a manner that the wishes of the C.G. or G.O.C. in an Army area are fully met and also in such a manner that the division of authority between Army areas does not hinder the functions of Italian local government in divided Provinces and Communes.

3. Where a Province or Commune is partly in one Region or Army area and partly in another Region or Army area, the Prefect or Podesta of that Province or Commune will be allowed to exercise his administration over the whole Province or Commune from the usual place of government, or, if such place is not in occupied territory, from the most convenient place for the purpose.

4. All instructions to Prefects or Podestas will be given by the S.C.A.O. or C.A.O. (as the case may be) of the place where the seat of government is located.

5. Where any military legislation of the Allied Military Government is required to be made in divided Provinces or Communes, such legislation will be made over the head of the S.C.A.O. or C.A.O. (as the case may require) of the place where the seat of government is located.

6. Where any instructions affecting both parts of a divided Province or Commune are required to be given to the Prefect or Podesta, or where military legislation is required in a divided Province or Commune, the S.C.A.O. or C.A.O., who is the proper officer to give such instructions or make such legislation, will RESOLVE acting consult with the officer of the adjoining Region or Army area having jurisdiction over the remainder of the Province or Commune. If any difference of opinion arises it will be referred by both officers concerned to their Provincial, regional, or Army Headquarters (as the case may be) and, in default of settlement to this Headquarters.

7. It is essential that close liaison takes place between officers of different Headquarters whose jurisdictional areas are contiguous and that higher Headquarters of those officers be kept informed of matters of joint decision. Provided that the subject matter is one on which each officer concerned could make his own decision if the Province or Commune were wholly with-

1. When the establishment of boundaries becomes necessary to make provision for the indirect government of Provinces and Communes where part of the Province or Comune is in one Region or Army area, and the remainder is in another Region or Army area.
2. The boundaries of Army areas are fixed, wherever possible, to coincide with the boundaries of Italian administrative Provinces or Communes, but military requirements often make this impossible. At most, therefore, be organized in such a manner that the wishes of the C.G. or G.O.C. in an Army area are fully met and also in such a manner that the division of authority between Army areas does not hinder the functions of Italian local government in divided Provinces and Communes.
3. Where a Province or Comune is partly in one Region or Army area and partly in another Region or Army area, the Prefect or Podesta of that Province or Comune will be allowed to exercise his administration over the whole Province or Comune from the usual place of government, or, if such place is not in occupied territory, from the most convenient place for the purpose.
4. All instructions to Prefects or Podestas will be given by the S.C.A.O. or C.A.O. (as the case may be) of the place where the seat of government is located.
5. Where any military legislation of the Allied Military Government is required to be made in divided Provinces or Communes, such legislation will be made over the head of the S.C.A.O. or C.A.O. (as the case may require) of the place where the seat of government is located.
6. Where any instructions affecting both parts of a divided Province or Comune are required to be given to the Prefect or Podesta, or where military legislation is required in a divided Province or Comune, the S.C.A.O. or C.A.O., who is the proper officer to give such instructions or make such legislation, will REFUSE acting consult with the officer of the adjoining Region or Army area having jurisdiction over the remainder of the Province or Comune. If any difference of opinion arises it will be referred by both officers concerned to their Provincial, Regional, or Army Headquarters (as the case may be) and, in default of settlement to this Headquarters.
7. It is essential that close liaison takes place between officers of different Headquarters whose jurisdictional areas are contiguous and that higher Headquarters of these officers be kept informed of matters of joint decision. Provided that the subject matter is one on which each officer concerned could make his own decision if the Province or Comune were wholly within his own jurisdictional area, there is no need to make prior reference to higher Headquarters before agreeing action, merely because the Province or Comune is divided.
8. The Comune of BENEVENTO will be considered as inclusive to the 5th Army and exclusive to the 15th Army for the purposes of para. 5 of E.O. 4.2.5. 15 Army Group Administrative Instruction No. 3.

/EAO.

DISTRIBUTION/ Over.....

Colonel, for:
Major-General,
Chief Civil Affairs Officer.

DISTRIBUTION:

S.C.A.O. AM. 5 Army (20)
 S.C.A.O. AM. 8 Army (20)
 R.C.A.O. AM. Region III (20)
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 R.C.A.O. AM. Region IV Main. (10)
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 File (1)
 File 455/60 (1)

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
15 ARMY GROUP

SECRET.

AMG/56/4.

11. December. 1943.

HQ. AMG. 15 ARMY GROUP ADMINISTRATIVE
INSTRUCTION No. 3.

ORGANISATION OF AMG, 5TH ARMY & AMG, REGION III.

1. No definition of command and administrative responsibilities has as yet been made with respect to AMG, 5th Army and AMG, Region III.
2. In view of recent developments the position can now be clarified.
3. A Global War Establishment for British personnel and a Regimental Table of Organization for American personnel is in process of completion by Military Government Section, Allied Force Headquarters. As soon as these are approved British and American personnel will be posted and assigned as of appropriate dates.
4. Without prejudice to the dates upon which such postings and assignments will be made effective, AMG 5th Army and AMG Region III will operate as separate units of Military Government as from 12. Dec. 43.
5. AMG, Region III will administer those parts of the Provinces of AVELLINO, BENEVENTO and NAPLES (including the city of Naples) South of rear 5th Army boundary. All territory in 5th Army area will be administered by AMG, 5th Army subject to any operational orders that may be given by the Commanding General, 5th Army.
6. AMG, 5th Army and AMG, Region III will each report direct to AMG, 15 Army Group.
7. AMG, 5th Army is under command of Colonel EDGAR ERSKINE HULE, S.O.A.O. AMG, 5th Army; Chief of Staff and Deputy S.O.A.O., Colonel J.O.K. SHILEY.
8. AMG, Region III is under command of Lieut. Colonel KARL A. KRUEGE, R.O.A.O.; Chief of Staff and Deputy R.O.A.O., Lieut. Colonel The LORD FORRESTER.
9. Colonel EDGAR ERSKINE HULE in his personal capacity will continue to direct political policy vis a vis Italians where appropriate in Region III (and Region IV where it affects 5th Army). Colonel HULE will also serve as Chief Liaison Officer between the Commanding General, 5th Army and the Regions concerned.

Colonel, for.

1. No definition of command and administrative responsibilities has as yet been made with respect to AMG, 5th Army and AMG, Region III.
2. In view of recent developments the position can now be clarified.
3. A Global War Establishment for British personnel and a Regimental Table of Organization for American personnel is in process of completion by Military Government Section, Allied Force Headquarters. As soon as these are approved British and American personnel will be posted and assigned as of appropriate dates.
4. Without prejudice to the dates upon which such postings and assignments will be made effective, AMG 5th Army and AMG Region III will operate as separate units of Military Government as from 12.Dec.43.
5. AMG, Region III will administer those parts of the Provinces of AVELLINO, BENEVENTO and NAPLES (including the city of Naples) South of rear 5th Army boundary. All territory in 5th Army area will be administered by AMG, 5th Army subject to any operational orders that may be given by the Commanding General, 5th Army.
6. AMG, 5th Army and AMG, Region III will each report direct to AMG, 15 Army Group.
7. AMG, 5th Army is under command of Colonel EDGAR ERSKINE HUME, S.C.A.O. AMG, 5th Army; Chief of Staff and Deputy S.C.A.O., Colonel J.O.K. ASHLEY.
8. AMG, Region III is under command of Lieut. Colonel KARL A. KRUESE, R.C.A.O.; Chief of Staff and Deputy R.C.A.O., Lieut. Colonel The LORD FORESTER.
9. Colonel EDGAR ERSKINE HUME in his personal capacity will continue to direct political policy vis a vis Italians where appropriate in Region III (and Region IV where it affects 5th Army). Colonel HUME will also serve as Chief Liaison Officer between the Commanding General, 5th Army and the Regions concerned.

/R.C.

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S.C.A.O. AMG. 5 Army	(6)	Finance Division	(1)
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R.C.A.O. AMG. Region III	(6)	Economics & Supply Division	(1)
R.C.A.O. AMG. " IV Adv.	(3)	Public Safety Division	(1)
R.C.A.O. AMG. " IV Main	(3)	Legal Division	(1)
H.Q. AMG. PALERMO	(6)	Property Controller	(1)
H.Q.S., A.T.H.Q.	(2)	File	(1)
A.C.C., ERINDISI.	(2)	File AMG/60	(1)
P.A. Co. C.G.S., 15 Army Grp.	(1)		
G.S.I(b), 15 Army Group	(1)		

Colonel, for,
Major-General,
Chief Civil Affairs Officer.

11 DEC 1943

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
APO 512
LEGAL SUB-COMMISSION

AMG/4105/L

9 December 1943

Subject: Reorganization of AMG.

To : Lt. Colonel Rowe. AMG 15TH Army Group.

At the request of Colonel Upjohn I am enclosing herewith a copy of Chief of Staff General Order No. 8 which covers all Sub-Commissions under decentralization with the legal sub-commission directive attached.

R. H. Wilmer
R. H. WILMER
LT. COL.
Acting Deputy Chief Legal Officer

Incl.

Chief of Staff General Order No. 8.

D.C.S.O. Please see page 31. If we issue a General administrative instruction on the lines of the one at p. 36, I should like a legal instruction on the lines of the one at p. 31 to be sent also. What is his present position?

12/12

W.D. CLO.

C.L.O.

File is going round Division for comments on what they require - I will chase it up.

GB. 12/12

1034

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
APO 512

23 November 1943

GENERAL ORDER)
NUMBER :
8)

RELATIONS WITH REGIONAL H.Q.

1. General Principles. The Regional Civil Affairs Officer (RCAO) shall be responsible to the CCAO for the administration of military government in his region. Generally speaking he will have full power of command and decision on all matters relating to government, subject to the following limitations:

(a) Action taken will be within the framework of policies established by AMG HQ by proclamation, order, directive or otherwise. Interpretations issued by AMG HQ of proclamations and orders will be binding upon each region. Questions of interpretation raising any point likely to affect other regions must be resolved by AMG HQ.

(b) Certain institutions or activities which by their nature must be dealt with on a uniform basis throughout occupied territory are specifically reserved from the scope of authority of the RCAO in Appendix A attached hereto and action in such cases will be directed from AMG HQ. AMGA is one activity so reserved. Other activities so reserved will be separately notified from time to time hereafter.

(c) Matters on which policy has not been established and which do not affect an activity specifically reserved to AMG HQ will nevertheless be referred to AMG HQ when:

- (i) The subject matter is likely to affect occupied territory as a whole, as opposed to the specific region (e.g. price, wage and ration scales.)
- (ii) The subject matter involves some relationship with other regions (e.g. inter-regional shipments, inter-regional supply movement, movement of refugees.)
- (iii) The subject matter raises legal, political or ecclesiastical questions of a character which may require handling by AMG HQ or higher headquarters (e.g. policy as to internees and foreign nationals, matters affecting ecclesiastical personnel, repeal or suspension of Fascist laws.)
- (iv) The subject matter involves a substantial change in Italian law or administrative procedure, other than of local application (e.g. modification of social insurance systems, agricultural control, tax structure, labor laws).
- (v) The subject matter involves policy affecting institutions organized or operating on a National basis (e.g. banks, insurance companies.)

(d) Appointments or removals of Prefects and other administrative officers of like rank will be subject to prior approval by AMG HQ. Appointments or removals of certain judicial, educational and other officials, some of whom are mentioned in Appendix B hereto and others to be separately notified, will also be subject to such prior approval. Appointments or removals of all officials

1. General Principles. The Regional Civil Affairs Officer (RCAO) shall be responsible to the CCAO for the administration of military government in his region. Generally speaking he will have full power of command and decision on all matters relating to government, subject to the following limitations:

(a) Action taken will be within the framework of policies established by AMG HQ by proclamation, order, directive or otherwise. Interpretations issued by AMG HQ of proclamations and orders will be binding upon each region. Questions of interpretation raising any point likely to affect other regions must be resolved by AMG HQ.

(b) Certain institutions or activities which by their nature must be dealt with on a uniform basis throughout occupied territory are specifically reserved from the scope of authority of the RCAO in Appendix A attached hereto and action in such cases will be directed from AMG HQ. AMFI is one activity so reserved. Other activities so reserved will be separately notified from time to time hereafter.

(c) Matters on which policy has not been established and which do not affect an activity specifically reserved to AMG HQ will nevertheless be referred to AMG HQ when:

- (i) The subject matter is likely to affect occupied territory as a whole, as opposed to the specific region (e.g. price, wage and ration scales.)
- (ii) The subject matter involves some relationship with other regions (e.g. inter-regional shipments, inter-regional supply movement, movement of refugees.)
- (iii) The subject matter raises legal, political or ecclesiastical questions of a character which may require handling by AMG HQ or higher headquarters (e.g. policy as to internment and foreign nationals, matters affecting ecclesiastical personnel, repeal or suspension of Fascist Laws.)
- (iv) The subject matter involves a substantial change in Italian law or administrative procedure, other than of local application (e.g. modification of social insurance systems, agricultural control, tax structure, labor laws).
- (v) The subject matter involves policy affecting institutions organized or operating on a National basis (e.g. banks, insurance companies.)

(d) Appointments or removals of Prefects and other administrative officers of like rank will be subject to prior approval by AMG HQ. Appointments or removals of certain judicial, educational and other officials, some of whom are mentioned in Appendix B hereto and others to be separately notified, will also be subject to such prior approval. Appointments or removals of all officials will be reported to AMG HQ.

2. Personnel. RCAOs will command all personnel assigned to their respective regions. RCAOs, together with the senior regional officer of the opposite nationality, will have the power to discipline personnel under their command and will make recommendations for promotions and transfers to or from the region.

In the case of many officers and some AM/ORS assigned to regions, the field of activity in which they are to be engaged will be specified. Any assignments of such specialist personnel must be observed except in cases of emergency and then only for the duration of the emergency.

- 2 -

3. Communications. Orders to personnel in the regions, including specialist personnel, will be issued only by the RCAG. Communications on technical matters from a Sub-Commission or Division Chief AG HQ to the specialist personnel in the regions must be sent through the RCAG.

Officers from AG HQ may and will make frequent inspection trips within the regions. On such occasions they will make their presence and the nature of their mission known to the RCAG, or where impracticable, to the nearest SOAG. No orders or directives will be communicated by such officers to the specialists in the field; technical observations may, however, be so communicated from HQ personnel to specialists in the Regions or vice versa. If these are in written form, copies will be furnished to the RCAG.

4. Procedure. For obvious reasons it will be desirable that procedure adopted by RCAGs, particularly in dealing with the Italian Administration, shall be uniform as between the regions. In cases where uniform procedure has been or is hereafter prescribed by AG HQ, such procedure will be binding uniformly on the staffs in each Region.

5. Proclamations and Orders. Proclamations and orders of a public nature which are published by posting up or publication in a newspaper are of three types, Proclamations, General Orders and Regional Orders. (See Appendix C hereto.)

(a) Proclamations. All proclamations are signed by the Military Governor and will carry the authority of AG HQ.

(b) General Orders. All General Orders are signed by the OCAG or his Deputy and will carry the authority of AG HQ.

(c) Regional Orders. RCAGs may publish within their Regions orders signed by the RCAG which shall be described as "Regional Order No.".

6. General Uniformity. It is obviously impracticable to establish by specific category all of these matters which are within the authority of the RCAG and those which are reserved for AG HQ. If the subject of any proposed action is not specifically dealt with herein or in memoranda supplemental hereto, it will be referred to AG HQ when good judgment would indicate that uniformity of action is required or that a matter of policy is involved.

By Command of Brigadier General MCSTERN:

OFFICIAL:

Acting Chief of Staff

R. E. Clough
Lt. Col., A.S.D.
Actg. Adjutant General

DISTRIBUTION:

"1"

3 Incls:-
Incl 1 - Appendix A
Incl 2 - Appendix B

4. Procedure. For obvious reasons it will be desirable that procedure adopted by RGOs, particularly in dealing with the Italian administration, shall be uniform as between the regions. In cases where uniform procedure has been or is hereafter prescribed by AMH HQ, such procedure will be binding uniformly on the staffs in each Region.

5. Proclamations and Orders. Proclamations and orders of a public nature which are published by passing up or publication in a newspaper are of three types, Proclamations, General Orders and Regional Orders. (See Appendix C hereto.)

(a) Proclamations. All proclamations are signed by the Military Governor and will carry the assent on the authority of AMH HQ.

(b) General Orders. All General Orders are signed by the CCAO or his Deputy and will carry the assent on the authority of AMH HQ.

(c) Regional Orders. RGOs may publish within their Regions orders signed by the RGO which shall be described as "Regional Order No.".

6. General Uniformity. It is obviously impracticable to establish by specific category all of those matters which are within the authority of the RGO and those which are reserved for AMH HQ. If the subject of any proposed action is not specifically dealt with herein or in memoranda supplemental hereto, it will be referred to AMH HQ when good judgment would indicate that uniformity of action is required or that a matter of policy is involved.

By Command of Brigadier General McSHERRY:

OFFICIAL:

E. V. Cloud
E. L. CLOUD,

Lt. Col., M.S.D.,

Actg. Adjutant General

Acting Chief of Staff

DISTRIBUTION:

"2"

3 Incls:-

Incl 1 - Appendix A

Incl 2 - Appendix B

Incl 3 - Appendix C

35
(A.C. A. G.C.-3 Hq. AUG 23 Nov 45)

APPENDIX A

ACTIVITIES TO BE DEALT WITH BY JAG-HQ.

1. The following activities will be dealt with under specific instructions from Headquarters until further notice:

- (a) A.M.P.A.
- (b) The fixing of rates of exchange.
- (c) Accounting.
- (d) Foreign exchange.
- (e) Freezing controls.
- (f) Matters relating to currency problems.
- (g) Matters falling within the jurisdiction of the shipping sub-commission.
- (h) Control and operation of semi-statal or privately owned industries controlled by the Property Controller where the activities of the industry extend to more than one region.
- (i) The sale of any captured enemy war material or stores.

344
(Appx. B, G.O.-8 Hq. AMG 23 Nov 43)

APPENDIX B

SPECIFIC LIMITATIONS ON THE POWERS OF ROACS

Public Safety

1. No public official in this field having jurisdiction over more than one province will be appointed without the prior approval of AMG HQ. No Brigadier General or higher ranking officer of the CGRA may be appointed or removed without the prior approval of AMG HQ. Except as stated above, any public official in this field may be removed by the ROAO without prior approval.

Industry and Commerce

2. No plant shall be rendered substantially less effective by cannibalization except upon prior approval of AMG HQ.
3. No goods in transit or in storage in warehouses or at other points pending their removal to their eventual destination shall be consumed unless prior authority is received from AMG HQ.
4. Prices of rationed articles and prices of other basic or generally used articles or commodities which are likely to affect prices in other regions must be approved by AMG HQ.

Communications

5. General. The rates charged for utility services shall not be altered except after prior approval from AMG HQ.
6. Internal Transportation. No action will be taken in any Region with reference to railroads under the control of the Allied Forces except in accordance with AMG Administrative Memorandum No. 76 of 9 Nov. 1943.
7. Postal.
 - (a) No change shall be made in any censorship regulations pertaining to civilian mail without prior approval of AMG HQ.
 - (b) No change in postal rates or postage stamp requirements will be made without prior approval from AMG HQ.
 - (c) No substantial extension of postal services will be made without prior approval from AMG HQ.
8. Telecommunications.
 - (a) No new construction of telecommunication facilities will be made without approval of AMG HQ.
 - (b) No equipment or supplies in stock will be utilized without approval of AMG HQ except for routine maintenance and repairs and reconstruction of telecommunication facilities necessary to meet Allied Military and essential civilian requirements in the Region, including such telecommunication facilities and services as may be necessary for the initial operation of the Italian Government.
 - (c) No telecommunication supplies, materials or equipment will be shipped from one region to another without AMG HQ approval.

this field may be removed by the RCMO without prior approval.

Industry and Commerce

2. No plant shall be rendered substantially less effective by cannibalization except upon prior approval of AMG HQ.
3. No goods in transit or in storage in warehouses or at other points pending their removal to their eventual destination shall be consumed unless prior authority is received from AMG HQ.
4. Prices of rationed articles and prices of other basic or generally used articles or commodities which are likely to affect prices in other regions must be approved by AMG HQ.

Communications

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 - (a) No change shall be made in any censorship regulations pertaining to civilian mail without prior approval of AMG HQ.
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8. Telecommunications.
 - (a) No new construction of telecommunication facilities will be made without approval of AMG HQ.
 - (b) No equipment or supplies in stock will be utilized without approval of AMG HQ except for routine maintenance and repairs and reconstruction of telecommunication facilities necessary to meet Allied military and essential civilian requirements in the Region, including such telecommunication facilities and services as may be necessary for the initial operation of the Italian Government.
 - (c) No telecommunication supplies, materials or equipment will be shipped from one region to another without AMG HQ approval.
 - (d) Release of inter-urban telecommunication facilities for restricted civilian use will be made only after AMG HQ has procured LMC approval.

Property Control

9. The following will be treated as matters of policy, and no action by Regional chiefs will be taken except in accordance with instructions from AMG HQ.
 - (a) Classes of property to be taken into custody, (e.g. U.S., British, Greek, French, etc., Italian Government, Fascist Party, "Parastatal," etc.).
 - (b) Methods of disposal, recording and accounting for properties taken into custody, e.g. bank balances, Fascist funds, real estate, etc.

(Appx. B, G.O.-6, R.A.M.O. 25 Nov 45)

- 2 -

(c) Industrial concerns (whether Allied or otherwise) whose activities extend beyond a single region (e.g. AGIP, IMIO, etc.)

10. The Regional C.P. shall have delegated to him all general powers of the D.P.C. with respect to properties in his Region, except that he shall not without the authority of the D.P.C.,

- Changed by demerit*
- (a) In the case of real property raised money on the security of any property for its maintenance beyond the limit of 40,000 lire;
 - (b) in the case of commercial enterprises, etc., (i) contract any loans other than temporary advances obtained in the normal way of business, (ii) pledge any of the assets of the company or concern (iii) close down any business in his custody;
 - (c) borrow or expend monies for the reparation of damage due to faits de Guerre;
 - (d) enter into any legal contract or execute a deed necessary for the exercise of any of the powers of the D.P.C., except for the purposes laid down in General Administrative Instructions No. 10, para 22 (a) to (c).

Labor.

11. Any announcement of labor policy affecting hours of work or collective bargaining or changing substantially conditions of work will be submitted to AMG HQ before it is published.

12. No change in the Italian law on the subject of wages, regulations and inspection measures and methods; supply, registration and distribution of manpower; industrial and labor relations; employee and employer organizations; hours of work; or absorption of demobilized soldiers in the economy will be made without the prior approval of AMG HQ.

Public Works & Utilities.

13. Materials which may be from time to time declared critical by this Sub-Commission will not be used for ordinary maintenance without prior authority from AMG HQ.

14. All contracts for public works or utility construction or services are subject to prior approval by AMG HQ, except where the contracts do not exceed 100,000 lire and only involve the use of local materials.

15. Engineering, structural or building material or contractors' plants shall not be moved out of the Region in which they are located without the approval of AMG HQ.

16. No person shall be appointed to or removed from any of the following offices without the prior approval of AMG HQ.

- (a) Componential Chiefs of A.A.S.S. (Public Highways).
- (b) Componential Chiefs of the Provveditorato alle opere pubbliche.

Education.

the same of authority of the

- (c) loans other than temporary advances obtained in the normal way of business, (ii) pledge any of the assets of the company or concern (iii) close down any business in his custody;
- (d) borrow or expend monies for the reparation of damage due to faits de guerre;
- (e) enter into any legal contract or execute a deed necessary for the exercise of any of the powers of the D.P.C., except for the purposes laid down in General Administrative Instructions No.10, para 22 (a) to (e).

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16. No person shall be appointed to or removed from any of the following offices without the prior approval of AMG HQ.

- (a) Compartmental Chiefs of A.A.S.S. (Public Highways).
- (b) Compartmental Chiefs of the Provveditorato alle opere pubbliche.

Education.

17. The following subjects are reserved from the scope of authority of the R.C.A.O. and action thereon will be directed from AMG HQ.

- (a) The procedure for the appointment or removal of all school personnel.
- (b) Conditions under which schools and universities will be opened or closed.
- (c) The establishment of school programs, text books and school organization.
- (d) Alterations in the existing types of schools.
- (e) Appointment or removal, in all universities and institutions of similar rank, of

- (i) Rectors and heads,
- (ii) Presidi of faculties
- (iii) Titular professors, all members of the Istituti Accademici, and personnel of equivalent rank.

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- 3 - (Copy B, CO-8 Header 23 Nov 46)

(f) The establishment or abolition of chairs in universities or other institutions of similar rank (to be specified later).

18. All inter-Regional allocation of seeds, seed potatoes, artificial fertilizers, insecticides, fungicides, and farm machinery shall be made by AMG HQ.

19. Production goals for agriculture, forestry or fisheries will not be established without prior approval by AMG HQ.

20. No alteration in producer prices or in the quantities retainable by producers for consumption or seed will be made with respect to controlled commodities, except after prior approval by AMG HQ.

21. No Italian governmental agency or quasi-governmental agency in this field will be substantially altered or abolished without the prior approval of AMG HQ.

22. No appointment or removal of the Chiefs of the Ispettorato Agrario Compartimentale or Provinciale will be made without the prior approval of AMG HQ.

APPENDIX C

1. AMC HQ will be responsible for the preparation and printing of all Proclamations and General Orders and for their distribution to Regions who will be responsible for the actual publication thereof.

If any RC&O considers that any matter should be dealt with by Proclamation or General Order he will submit a report in writing to AMC HQ.

2. Regional orders will make it plain in the body of the Order over what territory such Regional Order is applicable. All such Orders will be numbered consecutively and 6 copies thereof sent to AMC HQ on the day of publication.

3. Region No. 1 shall publish from time to time further numbers of the Sicily Gazette which shall contain copies of all Proclamations, General Orders and Regional Orders published in Sicily subsequently to those contained in Sicily Gazettes No. 1, 2 and 3.

4. All Regions (except Region No. 1) shall from time to time publish Gazettes which shall be entitled

"Italy Gazette
Region No. "

Such Gazettes shall be numbered consecutively starting with No. 2 and shall contain copies of all Proclamations, General Orders and Regional Orders published in the Region subsequent to those published in Italy Gazette No. 1 now being printed.

HEADQUARTERS
ALLIED MILITARY GOVERNMENT

LFG 512

30 November 1943

SUBJECT: Powers of R.C.L.C.s

TO : R.C.L.C.s, Regions I & II

1. Attention is invited to General Order No. 8 of 23 November 1943 entitled "Relations with Regional HQ" and, in particular, to Paragraph 6 thereof, to which this directive is supplemental.

MILITARY COURTS

2. The R.C.L.C. shall have the authority and is responsible for the establishment of Superior and Summary Military Courts in his region. He will request AMG HQ to appoint a General Military Court whenever necessary.

3. Reviews of the decisions of Allied Military Courts will be in accordance with Proclamation No. 14 as it amends Proclamation No. 4 which provides for reviews substantially in the following manner:

Any person convicted by a Military Court may, within thirty days after imposition of sentence, file with the trial court or forward to the R.C.L.C. a petition addressed to the C.C.L.C. submitting reasons why the conviction should be set aside or the sentence should be modified.

Every record of trial by an Allied Military Court shall be transmitted to the R.C.L.C. for examination and file. The record in any case may on the recommendation of the R.C.L.C., and shall, in the event of the sentence exceeding two years imprisonment or a fine of L. 50,000, be reviewed by the C.C.L.C. or by an officer of the Allied Military Government not below the rank of Lieutenant Colonel who may be appointed by the Chief Civil Affairs Officer for that purpose. Where there has been no petition of appeal as above provided and the sentence does not exceed two years imprisonment or a fine of L. 50,000 the R.C.L.C. shall review the case and may appoint a judicial officer not below the rank of Major for that purpose. Confirmation of death sentences remains as heretofore.

4. By Proclamation No. 14 referred to above the R.C.L.C. may order an Allied Military Court to sit in camera. The R.C.L.C. may also perform the functions previously assigned to the C.L.C. in connection with the detention of suspects. See Proclamation 2, Article VII, Section 2.

ITALIAN COURTS AND PERSONNEL

5. The R.C.L.C. may remove Italian Judges and Officials connected with the Italian Courts and on a temporary basis may fill existing vacancies. He

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1. Attention is invited to General Order No. 3 of 25 November 1943 entitled "Relations with Regional HQ" and, in particular, to Paragraph 6 thereof, to which this directive is supplemental.

MILITARY COURTS

2. The R.C.A.O. shall have the authority and is responsible for the establishment of Superior and Summary Military Courts in his region. He will request AMG HQ to appoint a General Military Court whenever necessary.

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ITALIAN COURTS AND PERSONNEL

5. The R.C.A.O. may remove Italian Judges and Officials connected with the Italian Courts and on a temporary basis may fill existing vacancies. He may appoint Notaries when vacancies occur, upon the recommendation of the Notarial Council of the district in which such vacancies exist. For the purpose of securing assistance and advice on Italian legal and judicial matters, he may appoint a Central Committee of Italian Citizens. The R.C.A.O. will report in detail to AMG HQ on any such removal or temporary appointment.

6. The R.C.A.O. may review any sentence of an Italian Court when a petition is presented by or on behalf of the sentenced person. Cases tried by the Court or Assizes will be reviewed by AMG HQ.

7. The opening and functioning of all Italian Courts, criminal, civil, is the responsibility of the R.C.A.O. This provision has no reference to the Court of Cassation.

ITALIAN MILITARY TRIBUNALS

8. The R.C.M.C. acting on the advice of the R.C.L.C. will be responsible for providing Italian Military Tribunals to function within his region in accordance with the Directive issued in that regard.

PRISONERS

9. The R.C.M.C. shall be responsible for investigating the circumstances of all prisoners held in jail without trial and for investigating all cases of complaint by prisoners that they have been unjustly condemned for their political views. The R.C.M.C. shall forward to AMH his recommendations for release of all such prisoners and any pending receipt of orders thereon. Great provision of conditional liberty or release on parole, after consultation with the appropriate Italian Judicial Official. Investigation will also be made of persons charged with crime and never brought to trial because of political connections and report made to AMH.

ITALIAN LEGISLATION AND LAWS

10. The R.C.M.C. shall not attempt to or amend any laws on the ground that they are discriminatory or of a fascist nature and this matter is reserved to AMH. The R.C.M.C. may, however, temporarily amend rules of procedure for the more expeditious hearing of trials in accordance with directives already issued.

GENERAL

11. AMH HQ retain the power to issue orders and directives binding upon regions, to assign, attach, relieve or replace regional legal personnel, and to review decisions of Allied Military Courts in accordance with Paragraph 2 above.

12. The Regional Chief Legal Officer will not issue directives or render opinions dealing with matters of general legal policy without previous reference to AMH HQ. He will not fix penalties for prescribed offenses but it is his duty to secure reasonable uniformity of sentence commensurate with the prevalence of any particular type of crime in his region, and commensurate with the particular crime itself.

By command of Brigadier General McCarthy:

OFFICIAL:

E. L. McCarthy
E. L. McCarthy
Lt. Col., USA
Actg. Adjutant General

E. L. McCarthy
Brigadier
Acting Chief of Staff

status of all prisoners held in jail without trial and for investigating the cases of compliance by prisoners that they have been unjustly condemned for their political views. The R.C.A.C. shall forward to AUC HQ his recommendations for release of all such prisoners and may pending receipt of orders thereon grant provisional or conditional liberty or release on parole, after consultation with the appropriate Italian Judicial Official. Investigation will also be made of persons charged with crime and never brought to trial because of political connections and report made to AUC HQ.

ITALIAN LEGISLATION AND LAWS

10. The R.C.A.C. shall not abrogate or amend any laws on the ground that they are discriminatory or of a fascist nature and this matter is reserved to AUC HQ. The R.C.A.C. may, however, temporarily amend rules of procedure for the more expeditious hearing of trials in accordance with directives already issued.

GENERAL

11. AUC HQ retains the power to issue orders and directives binding upon regions, to assign, attach, relieve or replace regional legal personnel, and to review decisions of Allied Military Courts in accordance with Paragraph 2 above.

12. The Regional Chief Legal Officer will not issue directives or render opinions dealing with matters of general legal policy without previous reference to AUC HQ. He will not fix penalties for prescribed offenses but it is his duty to secure reasonable uniformity of sentences commensurate with the prevalence of any particular type of crime in his region, and commensurate with the particular crime itself.

By command of Brigadier General McSherry:

OFFICIAL:

E. J. McSherry
E. J. McSherry
Lt. Col., AGH
Actg. Assistant General

E. A. L. McSherry
Brigadier
Acting Chief of Staff

DRAFT

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
15 ARMY GROUP

SECRET

AMG/56/

11 December 43.

15 ARMY GROUP AMT ADMINISTRATIVE INSTRUCTION No. 4.

Responsibilities in Provinces and Communes
divided by Army boundaries.

1. With the establishment of Regions in the immediate rear of Army boundaries it becomes necessary to make provision for the indirect government of Provinces and Communes where part of the Province or Commune is in one Region or Army area, and the remainder is in another Region or Army area.
2. The boundaries of Army areas are fixed, wherever possible, to coincide with the boundaries of Italian administrative provinces or communes, but military requirements often make this impossible. AMG must, therefore, be organized in such a manner that the wishes of the C.G. or G.C.O. in an Army area are fully met and also in such a manner that the division of authority between Army areas does not hinder the functions of Italian local government in divided provinces and communes.
3. Where a Province or Commune is partly in one Region or Army area and partly in another Region or Army area, the Prefect or Podesta of that Province or Commune will be allowed to exercise his administration over the whole Province or Commune from the usual place of government, or, if such place is not in occupied territory, from the most convenient place for the purpose.
4. All instructions to Prefects or Podestas will be given by the S.C.A.O. or C.A.O. (as the case may be) of the place where the seat of government is located.
5. Where any military legislation of the Allied Military Government is required to be made in divided Provinces or Communes, such legislation will be

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4. All instructions to Prefects or Podesta's will be given by the S.C.A.O. or C.A.O. (as the case may be) of the place where the seat of government is located.
5. Where any military legislation of the Allied Military Government is required to be made in divided Provinces or Communes, such legislation will be made over the hand of the S.C.A.O. or C.A.O. (as the case may require) of the place where the seat of government is located.
6. Where any instructions are required to be given for military legislation made in a divided Province or Commune, the S.C.A.O. or C.A.O., who is the proper officer to give such instructions or make such legislation, will BEFORE acting consult with the officer of the adjoining Region or Army area having jurisdiction over the remainder of the Province or Commune. If any difference of opinion arises it will be referred by both officers concerned to their Provincial, Regional, or Army Headquarters (as the case may be) and, in default of settlement to this Headquarters.
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7. It is essential that close liaison takes place between officers of different Headquarters whose jurisdictional areas are contiguous and that higher Headquarters of those officers be kept informed of matters of joint decision. Provided that the subject matter is one on which an Officer concerned could make his own decision if the Province or Commune were wholly within his own jurisdictional area, there is no need to make prior reference to higher Headquarters because the Province or Commune is divided. ~~He will~~ ^{be given a preliminary opinion, usually} job and then reports.

8. Notwithstanding Rear 5th Army boundary, the Commune of BENEVE TO will be considered as inclusive to AR 5 Army and exclusive AMG Region III.

/RAG.

Colonel, for,
Major-General,
Chief Civil Affairs Officer.

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SECRET

HEADQUARTERS,
ALLIED MILITARY GOVERNMENT,
15 ARMY GROUP

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AIG/56/2.

10. December.43.

15 Army Group AMG Administrative Instruction No.2.ADMINISTRATION OF AREAS UNDER
H.Q. AMG. 15 ARMY GROUP.

1. Since the issue of Administrative Instruction No.1 of 17. Nov.43, certain alterations in boundaries and in jurisdiction have taken place. These are summarised in the following paragraphs.

2. With effect from 0600 hrs. 1. December.43 the boundary between 8th Army and No.2 District was established along the Northern boundary of FOGGIA Province to its junction with the provincial boundary of BENEVENTO, thence West along the Northern boundary of BENEVENTO Province to the inter-army boundary at point H.550100.

3. Effective 0600 hrs. 25. November.43, 5th Army Rear Boundary was established as follows:-

Inclusive Fifth Army coast at M.005605 thence East along TIENTOLA road to M.135637, thence MARCELLINO N.1455 to CASSALUCE N.1666 to MARCIANISE N.2470 to ADDILONTI N.3270. Thence exclusive Fifth Army along Highway Number Seven to BENEVENTO thence North East along PIETRELLICIA road to inter-army boundary.

4. With effect from 0001 hrs. 1. December.43, the AMG administration of the Province of BOGGIA was handed over by AMG, 8th Army to AMG, Region IV. In view of this hand-over, R.C.A.O. Region IV has established a small advance H.Q. at TRANI (c/o 151 Sub-Area) on the Eastern side of Italy. Region IV Main H.Q. remains at NAPLES.

/JC.

E. H. H. H.
Colonel, AMG,
Major-General,
Chief Civil Affairs Officer.

DISTRIBUTION: S.O.A.O., AMG, 5th Army.
S.O.A.O., AMG, 8th Army.

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ADMINISTRATION OF AREAS UNDER
H.Q. AMG, 15 ARMY GROUP.

1. Since the issue of Administrative Instruction No. 1 of 17 Nov. 43, certain alterations in boundaries and in jurisdiction have taken place. These are summarised in the following paragraphs.

2. With effect from 0600 hrs. 1 December 43 the boundary between 8th Army and No. 2 District was established along the northern boundary of PUGLIA Province to its junction with the provincial boundary of BENEVENTO, thence West along the Northern boundary of BENEVENTO Province to the inter-army boundary at point H.550100.

3. Effective 0600 hrs. 25 November 43, 5th Army Rear Boundary was established as follows:-

Inclusive Fifth Army coast at N. 005603 thence East along TRIVITOLI road to N. 135637, thence MARCELLINO N. 1155 to CASSALUCE N. 1666 to MARCIANISE N. 2470 to MADDALONI N. 3270. Thence exclusive Fifth Army along Highway Number Seven to BENEVENTO thence North East along PIETRELICIA road to inter-army boundary.

4. With effect from 0001 hrs. 4 December 43, the AMG administration of the Province of PUGLIA was handed over by AMG, 8th Army to AMG, Region IV. In view of this hand-over, R.C.A.O. Region IV has established a small advance H.Q. at TRANI (c/o 151 Sub-area) on the Eastern side of Italy. Region IV Main B.Q. remains at NAPLES.

/JG.

By Order of
Colonel, for,
Major-General,
Chief Civil Affairs Officer.

DISTRIBUTION:

S.C.A.O., AMG, 5th Army.
S.C.A.O., AMG, 8th Army.
R.C.A.O., AMG, Region III.
R.C.A.O., AMG, Region IV Adv.
" " " Main.
H.Q. AMG, PALERMO.
H.Q.S., A.F.H.Q.
A.O.C., Brindisi.
P.A. to C.E.S., 15 Army Group
G.S.I(b), 15 Army Group.
Finance Division.
Public Health Division.
Economics & Supply Division.
Public Safety Division.
Legal Division.
Property Controller
'A/Q'
File.

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HEADQUARTERS
ALLIED MILITARY GOVERNMENT
A.P.O. 512
LEGAL SUB-COMMISSION

ANG/4109/L

Subject:- Office of Director of Special Prosecutions.

To :- R.C.L.Os (thru RCACs) Regions I and II. 6th December 1943.

1. In order to achieve uniformity in prosecution and, as far as possible, uniformity in the imposition of punishments for all crimes deemed directly to affect special interests of the Allied Military Government, there has been established within the Legal Sub-Commission, this Headquarters, the Office of the Director of Special Prosecutions, Legal Sub-Commission.

2. The function of the office of the Director of Special Prosecutions is to supervise and, whenever necessary, to assist in or conduct all prosecutions, within the occupied territory, of crimes within the category described in paragraph 1.

3. Crimes within the category described in paragraph 1 are :-

(a) All criminal acts of any kind or nature whatsoever, that are committed with the purpose or intent of aiding or assisting the enemies of the United Nations or of interfering with the operations of the Allied Forces.

(b) All criminal acts which tend to bring about a substantial interference with the operations of the Allied Forces within the occupied territory, irrespective of the specific intent with which they are committed.

(c) All acts of organized or mass violence or terrorism which are organized or mass resistance or opposition to the Allied Military Government or other lawfully constituted government or its representatives or agents.

(d) Violation of Article V of Proclamation No. 7 of July 1943.

(e) All violations of applicable laws, decrees, Proclamations, orders and regulations (hereinafter referred to as "black market cases") which constitute :-

(i) diversion of essential commodities from legal channels by hoarding; transportation or sale through other than legal means;

(ii) an unlawful purchase or sale of such commodities at prices in excess of legally prescribed maximums.

1. In order to achieve uniformity in prosecution and, as far as possible, uniformity in the imposition of punishments for all crimes deemed directly to affect special interests of the Allied Military Government, there has been established within the Legal Sub-Commission, this Headquarters, the Office of the Director of Special Prosecutions, Legal Sub-Commission.
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 - (b) All criminal acts which tend to bring about a substantial interference with the operations of the Allied Forces within the occupied territory, irrespective of the specific interest with which they are committed.
 - (c) All acts of organized or mass violence or terrorism or organized or mass resistance or opposition to the Allied Military Government or other lawfully constituted government or its representatives or agents.
 - (d) Violation of Article 7 of Proclamation No. 7 of July 1945.
 - (e) All violations of applicable laws, decrees, Proclamations, orders and regulations (hereinafter referred to as "black market cases") which constitute :-
 - (i) a diversion of essential commodities from legal channels by hoarding, transportation or sale through other than legal means;
 - (ii) an unlawful purchase or sale of such commodities at prices in excess of legally prescribed maximums.
 - (f) All other substantial violations which in the judgment of the C.A.G., Legal Officer or C.A.P.O. having jurisdiction thereof are of such nature or extent as to fall within the category described in paragraph 1.
4. Whenever cases of the kinds mentioned in paragraph 3, sub-para. (a), (b), (c), (d) and (f), or under black market cases arise, it shall be the duty of the C.A.G., C.A.P.O. or Legal Officer having jurisdiction :-
 - (a) to report the case immediately through Regional Headquarters to the Director of Special Prosecutions;
 - (b) whenever practicable in view of existing communication and transportation difficulties, to withhold prosecution of the offenders until advice is received from the Director of Special Prosecutions through Regional Headquarters to proceed with the prosecution.

- (c) To give all such cases special preferred and expeditious treatment, including to the maximum extent possible special investigative attention to make certain that all available evidence of the offense has been secured and all available individuals involved in the offense have been discovered and apprehended.

5. It shall be the duty of each Regional Headquarters to forward as soon as practicable all reports of the type described in paragraph 4 hereof to the Director of Special Prosecutions and, in any event, to render such assistance to the investigation and prosecution of offenses so reported as the Regional Chief Legal Officer deems necessary.

Where, however, in view of the nature of the case so reported and the state of transportation and communication facilities, it is not deemed practicable to withhold prosecution until advice is received from the Director of Special Prosecutions, it shall be the duty of Regional Headquarters to take all necessary steps to ensure prosecution of the case in accordance with the policy defined in this directive.

6. All prosecutions for crimes that affect the interests of L.A.C. as defined in para. 3 hereof shall be brought before L.A. Courts.

7. The procedure described in para. 4 hereof shall be followed in all cases of any nature whatsoever, if it seems likely that the prosecution is to be brought before a Federal A. U. Court. The duties of Regional Headquarters with respect to such cases shall be as set forth in para. 5 hereof.

8. Major black market cases as distinguished from other black market cases are subject to the procedure set forth in para. 4 hereof. No hard and fast rule can be laid down defining a major black market case. Illustrative of the type of case falling into this category are the following types of cases. These are examples only for they by no means exhaust the category :-

- (a) Violations which are the result of the operation of any organized group, ring or conspiracy;
- (b) Violations which involve a breach of trust such as violations by law enforcement officers or other public officials charged with the suppression of black market practices or with the administration of supplies or rationing;
- (c) Violations whose extent is such as to indicate a black market operation on a major scale.

9. Success of the current drive against black market cases is of especial interest to the L.A.C. Hence the greatest emphasis should be laid upon the prosecution and investigation of major cases. Other black market cases should also be the subject of an intensive law enforcement drive by C.A.C., Legal Officers and C.A.C.P.Os. The greatest available concentration of law, effort and enforcement personnel should be made upon this type of violation. The steps to be taken in pursuance of this policy will depend on a large extent upon the resources of the C.A.C., Legal Officer or C.A.C.P.O. having jurisdiction and his knowledge of local conditions. The following measures, however, should be put into effect whenever they are applicable:-

- (a) Implementation of uniform instructions for this type of violation with-

to the Director, Special Investigations and, as an event, to further advise the Regional Chief Legal Officer where necessary.

Where, however, in view of the nature of the case so reported and the state of transportation and communication facilities, it is not deemed practicable to withhold prosecution until advice is received from the Director of Special Prosecutions, it shall be the duty of Regional Headquarters to take all necessary steps to ensure prosecution of the case in accordance with the policy defined in this Directive.

6. All prosecutions for crimes that affect the interests of A.M.C. as defined in para. 3 hereof shall be brought before A.M.C. Courts.

7. The procedure described in para. 4 hereof shall be followed in all cases of any nature whatsoever, if it seems likely that the prosecution is to be brought before a National A.M.C. Court. The duties of Regional Headquarters with respect to such cases shall be as set forth in para. 5 hereof.

8. Major black market cases as distinguished from other black market cases are subject to the procedure set forth in para. 4 hereof. No hard and fast rule can be laid down defining a major black market case. Illustrative of the type of case falling into this category are the following types of cases. These are examples only for they by no means exhaust the category:-

- (a) Violations which are the result of the operation of any organized group, ring or conspiracy;
- (b) Violations which involve a breach of trust such as violations by law enforcement officers or other public officials charged with the suppression of black market practices or with the administration of supplies or rationing;
- (c) Violations whose extent is such as to indicate a black market operation on a major scale.

9. Success of the current drive against black market cases is of especial interest to the A.M.C. Hence the greatest emphasis should be laid upon the prosecution and investigation of major cases. Other black market cases should also be the subject of an intensive law enforcement drive by C.A.C., Legal Officers and C.A.P.Os. The greatest available concentration of time, effort and enforcement personnel should be made upon this type of violation. The steps to be taken in pursuance of this policy will depend on a large extent upon the resourcefulness of the C.A.C., Legal Officer or C.A.P.O. having jurisdiction and his knowledge of local conditions. The following measures, however, should be put into effect whenever they are applicable:-

- (a) Imposition of uniform requirements for this type of violation within the limits set forth in the directive of the Chief Judicial Officer on the subject;
- (b) Special effort to discover and apprehend major violators, suppliers, transporters of goods on a large scale and individuals connected with organized black market activity;
- (c) In connection with the above a policy of leniency to minor offenders who aid the enforcement authorities by giving information concerning their sources of supply, their confederates, or other matters;
- (d) Dissemination by whatever means available of publicity as to cases actually tried, the names of offenders and the punishments imposed.

26

- 3 -

- (e) Establishment of road blocks and the use of such other special investigative devices as may be warranted by conditions obtaining in any particular locality.
10. Communications from Regional Headquarters will be transmitted to the Legal Sub-Commission for the office of the Director of Special Prosecutions.

Richard H. Wiener
 RICHARD H. WIENER

Lt. Colonel,
 Acting Deputy Chief Legal Officer.

DISTRIBUTION :-

RCLO Region I	25
RCLO Region II	25
MCS. AFHQ.	1
ANG. 15 Army Gp.	10
Lieut. Carreer.	10
Sub-Commissions	15
File 4109/L.	1
Spares	20

(For information)
 " "
 (Public Safety)

30

ARMED CONTROL COMMISSION
Legal Subcommission.

3 December 1945.

Dear Rome,

There are a number of miscellaneous matters outstanding from our last interview (with Col. Canler) as to which you should be advised.

1. It is quite impossible to obtain any coherent statement as to the movement of Regional Legal Officers as none of them pass through Palermo now; when we (as AIR) move to the mainland I trust we can improve matters.

2. I am not proposing to issue any counter instructions with regard to the right of Summary Courts to give a sentence for non-payment of a fine in addition to 1 years imprisonment, for the reason that Region 1 & 2 will soon be restored to the Government and your territory will alone be under AIR.

3. Finance Subcommission 40% insist on restricting transactions to transactions not exceeding 500,000 lire so that Proclamation 5 will still have to be posted in a revised form.

4. Please let AIR be known when Proc. 14 has been signed but I doubt whether we shall actually post any now.

5. Baron Murder Case. Col. Tallock tells me that in my absence he has participated in some nonsensical conference from Col. Hill in this matter. The man should be plainly hanged forthwith.

6. I enclose some letters for the Procuratore General di Napoli and the Tribunale of Benevento which unfortunately were omitted from today's letter per Capt. Browne.

There are a number of miscellaneous matters outstanding from our last interview (with Col. Chanler) as to which you should be advised.

1. It is quite impossible to obtain any coherent statement as to the movement of Regional Legal Officers as none of them pass through Palermo now; when we (as AGG) move to the mainland I trust we can improve matters.
2. I am not proposing to issue any counter instructions with regard to the right of Summary Courts to give a sentence for non-payment of a fine in addition to 1 year imprisonment, for the reason that Region 1 & 2 will soon be restored to the Government and your territory will alone be under AUG.
3. Finance Subordination AGC insist on restricting transactions to transactions not exceeding 500,000 lire so that Proclamation 5 will still have to be posted in a revised form.
4. Please let AGC know when PRC. 11 has been signed but I doubt whether we shall actually post any now. 29
5. Ravone Murder Case. Col. Bollock tells me that in my absence he has forwarded on some unsensical correspondence from Col. Mial in this matter. The man should be plainly hanged forthwith.
6. I enclose some letters for the Procuratore General di Napoli and the Tribunale of Benevento which unfortunately were omitted from today's letter per Capt. Brown.

4-8

G. R. UPTON.

SUBJECT: False Statements and Denunciations

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

BE RESTRICTED -- US EMBASSY

15.0/1460/1/E(12)

2 December 1949

TO A.C. of S., G-2, Fifth Army
G.S.I., Eighth Army

1. In places occupied by our forces, must difficultly has always been caused by the civilians the give false information or falsely denounce other persons. This practice is most noticeable in security/counterintelligence offices.

2. Recent reports reaching this H.Q. tend to reveal that this practice is currently widespread in Italy. The time consumed in dealing with it is detrimental to our security effort, and will be more injurious as increased territory falls out available personnel.

3. Attention is directed to A.M.S. Proclamation No. 2, "War Crimes," and particularly to Article II, Section 38, which states that any person who knowingly makes any false statement to any member of the Allied Forces in connection with any matter of official concern shall, upon conviction by the Military Court, be liable to punishment by fine or imprisonment.

4. It is believed that an attempt to enforce this provision in a few cases judiciously selected will have a beneficial effect by reducing the time lost in fruitless investigations.

5. In any prosecution, it will of course be necessary to show that the statement was false and that the accused knew it to be so. It is not an offense to make a misstatement based on error.

Copies to: G-2, (G.I.), AFM
G.S.I., 1 Gen Corps
E.I.S.
No. 2 District
16 T.S. Section
AMG, HQ, 15 Army Group, (Chief Legal Officer)

W.D. JESON, Lt. Col.
E.I.S.
E.O.S. (I).
15 Army Group,

28

TO A.C. of S., G-2, Fifth Army
G.S.I., Fifth Army

2 December 1943

1. In places occupied by our forces, great difficulty has always been caused by the civilians who give false information or falsely denounce other persons. This practice is less noticeable in security/counterintelligence offices.
2. Recent reports received from H.Q. tend to reveal that this practice is currently widespread in Italy. The aim consumed in dealing with it is detrimental to our security effort, and will be more injurious as increased territory brings out available personnel.
3. Attention is directed to A.I.S. Explanatory No. 2, "War Crimes," and particularly to Article II, Section 38, which states that any person who "knowingly makes any false statement to any member of the Allied Forces in connection with any matter of official concern" shall, upon conviction by the Military Court, be liable to punishment by fine or imprisonment.
4. It is believed that an attempt to enforce this provision in a few cases judiciously selected will have a beneficial effect by reducing the time lost in fruitless investigations.
5. In any prosecution, it will of course be necessary to show that the statement was false and that the accused knew it to be so. It is not an offense to make a statement bona fide.

Copies to: G-2, (C.I.), AFM.
G.S.I., 1st Army
2.5.3.
No. 2 District
1st P.S. Section
AMG, HQ, 1st Army Group, (Chief Legal Officer)

W.D. Wilson, Lt. Col.
W.D. Wilson, Lt. Col.
2.5.3. (I)
1st Army Group

W.D. Wilson, Lt. Col.

Subject: - War Criminals.

REPLY SWIFT.

AVG HQ.,
15 Army Group,
C.I.P.

Ref. AG/207/21. -
6 December 43.

Re AGC., 5th Army,
5th Army,
Region III,
Region IV.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

Herewith for information 10 copies of Circular dated
27 November 43 containing instructions upon the subject of
war criminals.

2. The instructions will be carefully observed in all
cases, and replace instructions (ref AGC/207/18) of 26 November
43 issued by this Headquarters.

WHP/SS.

[Signature]
Lieut-Colonel,
for Major-General,
Chief Civil Affairs Officer.

70
COPY

SECRET equals BR MOST SECRET

ALLIED FORCE HEADQUARTERS
APO 512.

CIRCULAR :

27 Nov 43.

WAR CRIMINALS.

1. The ultimate disposition of persons charged with the commission of war crimes is a matter for consideration by the governments of the Allied Nations.
2. Trials by military courts of persons suspected of war crimes will not be held unless directed by this headquarters. Such persons will be held in custody pending decision as to their disposal. While suspects are under detention all available information about them and about war crimes of which they are suspect will be collected and forwarded to this headquarters.
3. The following procedure will govern :
 - a. Secret reports, through command channels, will be made to this headquarters containing all possible information concerning the specific individual held under detention as a war criminal suspect and concerning the time, place, character and details of the alleged war crime. It is imperative that each report include not only the names and addresses of witnesses but also the list of the evidence which each may reasonably be expected to give in any proceedings which may later be resorted to to perpetrate such testimony for trial purposes. In order that these investigations may be kept strictly within command channels, they will be made by persons subject to the direct orders of the Commanding Officer making the report.
 - b. Reports submitted to this headquarters shall pertain only to persons then being held in detention.
 - c. For the purpose of this directive, war crimes are acts committed by persons in violation of the laws and customs of war. Should any doubt exist as to whether reported acts constitute war crimes, the case will be reported as above directed for consideration by this headquarters.
 - d. When reports are received at this headquarters and further investigation is considered advisable, either unit commanders will be directed to make the supplementary investigation or the supplementary investigation will be carried on directly from this headquarters.
 - e. When any change in the place of detention of a person upon whom a report has been made is directed by any authority other than this headquarters, an immediate report of such change will be made to this headquarters, in order that any supplementary investigation may be expeditiously carried on.
4. Situations may come to the attention of Commanding Officers in which the alleged war criminal is not in detention or may even be performing duties not incompatible with the Allied cause. In order that orderly procedure with respect to such situations may be followed, Commanding Officers will report such cases to this headquarters with all available information.
5. Italians who commit crimes against Italian Nationals are not to be considered

pending decision as to their disposal. While suspects are under detention all available information about them and about war crimes of which they are suspect will be collected and forwarded to this headquarters.

3. The following procedure will govern:

a. Secret reports, through command channels, will be made to this headquarters containing all possible information concerning the specific individual held under detention as a war criminal suspect and concerning the time, place, character and details of the alleged war crime. It is imperative that each report include not only the names and addresses of witnesses but also the gist of the evidence which each may reasonably be expected to give in any proceedings which may later be resorted to to perpetuate such testimony for trial purposes. In order that these investigations may be kept strictly within command channels, they will be made by persons subject to the direct orders of the Commanding Officer making the report.

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c. For the purpose of this directive, war crimes are acts committed by persons in violation of the laws and customs of war. Should any doubt exist as to whether reported acts constitute war crimes, the case will be reported as above directed **b-8** consideration by this headquarters.

d. When reports are received at this headquarters and further investigation is considered advisable, either unit commanders will be directed to make the supplementary investigation or the supplementary investigation will be carried on directly from this headquarters.

e. When any change in the place of detention of a person upon whom a report has been made is directed by any authority other than this headquarters, an immediate report of such change will be made to this headquarters, in order that any supplementary investigation may be expeditiously carried on.

4. Situations may come to the attention of Commanding Officers in which the alleged war criminal is not in detention or may even be performing duties not incompatible with the Allied cause. In order that orderly procedure with respect to such situations may be followed, Commanding Officers will report such cases to this headquarters with all available information.

5. Italians who commit crimes against Italian Nationals are not to be considered as war criminals and such persons will be handed over to Italian Government representatives for trial.

6. Persons who commit crimes against members of the Allied Command during the period of occupation of Italian territory may be charged and tried before military tribunals in accordance with established practice.

7. It is enjoined upon all persons of this command to refrain from giving any publicity whatever to war crimes or war criminals or to any act taken by the military forces with respect thereto.

The release of any information concerning war crimes or war criminals is specifically reserved to this headquarters. (AG 000.5-1 CAF-AGH)
By command of General EISENHOWER.

W.D. SMITH
Major General C.S.C.
Chief of Staff.

0667101

SECRET

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
15 AREA GROUP

AMG/207/18.

26 November, 1943.

SUBJECT : War Criminals.

To : Senior Legal Officers
AG 5 Army,
AG 8 Army.
Regional Chief Legal Officers
Region III,
Region IV.

1. Imperative orders have been received in this Headquarters from the AMG regarding trials of War Criminals and directing that the Allied Military Courts will not try cases of the type specified in paragraph 2 below.

2. It is essential that no War Criminals be tried in your Area/Region by Allied Military Courts. All reports of Italians or others accused of committing war crimes, e.g. of maltreating in any way, prisoners of war or internees, or committing other offences of this general nature, will be immediately investigated and full and complete reports, including nature and places of alleged crimes, names and addresses of the alleged offenders, of the victims and of the witnesses, will be forwarded to this Headquarters.

3. Such investigations will not include the holding of any formal hearings but will be limited to the gathering of the necessary facts for the preparation of a proper report for submission by this AMG to higher authority. The utmost secrecy will be observed in making these investigations.

4. The foregoing does not apply to current crimes such as those committed against Allied Forces (vandalism, stripping, stealing etc.) or black market activities, curfew violations etc) which will be tried at now by Allied Military Courts.

DISTRIBUTION.

MCS. AMG.

M. Legal Sub-Commission, Allied Military Government, A.M.G. 912.

W.E. ROBE,
Lt. Colonel,
Chief Legal Officer,

U.S. SECRET EQUALLY BRITISH MOST SECRET

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
AFG 512
LEGAL SUB-COMMISSION

AMG/4096/L.

22nd November, 1945.

SUBJECT: War Criminals.

TO : Regional Chief Legal Officers
(through RGAOs).

1. Imperative orders have been received in this Headquarters from the AFHQ. regarding trials of War Criminals and directing that the Allied Military Courts will not try cases of the type specified in paragraph 2 below.

2. It is essential that no War Criminals be tried in your Region by Allied Military Courts. All reports of Italians or others accused of committing war crimes, e.g. of maltreating in any way, prisoners of war or internees, or committing other offences of this general nature, will be immediately investigated and full and complete reports, including names and places of alleged crimes, names and addresses of the alleged offenders, of the victims and of the witnesses, will be forwarded to the Chief Legal Officer, AMG. HQ.

3. Such investigations will not include the holding of any formal hearings but will be limited to the gathering of the necessary facts for the preparation of a proper report for submission by this HQ to higher authority. The utmost secrecy will be observed in making these investigations.

4. The foregoing does not apply to current crimes such as those committed against Allied Forces (wire cutting, sniping, stealing etc., or black market activities, curfew violations etc.) which will be tried as now by Allied Military Courts.

7 R. Haydon
Colonel,
Deputy Chief Legal Officer.

DISTRIBUTION :

RGAO Region I (For action)	25	
RGAO Region II (For action)	25	
AMG HQ 15 Army Group (For information)	6	
MCS. AFHQ. (For information)	2	(Four cable 3405 dated 20th Nov, re: info.)
RGAO. Region III (For information and action when these Regions are transferred to jurisdiction of Regions V, VIII & A.S.C. H.Q.)	15	
RGAO. Region IV (For information and action when these Regions are transferred to jurisdiction of Regions V, VIII & A.S.C. H.Q.)	20	

SUBJECT: War Criminals.

TO : Regional Chief Legal Officers
(through RCAGs).

1. Imperative orders have been received in this Headquarters from the AFHQ, regarding trials of War Criminals and directing that the Allied Military Courts will not try cases of the type specified in paragraph 2 below.

2. It is essential that no War Criminals be tried in your Region by Allied Military Courts. All reports of Italians or others accused of committing war crimes, e.g. of mistreating in any way, prisoners of war or in service, or committing other offences of this general nature, will be immediately investigated and full and complete reports, including nature and places of alleged crimes, names and addresses of the alleged offenders, of the victims and of the witnesses, will be forwarded to the Chief Legal Officer, AMG. HQ.

3. Such investigations will not include the holding of any formal hearings but will be limited to the gathering of the necessary facts for the preparation of a proper report for submission by this HQ to higher authority. The utmost secrecy will be observed in making these investigations.

4. The foregoing does not apply to current crimes such as those committed against Allied Forces (wire cutting, sniping, stealing etc...) or black market activities, curfew violations etc.) which will be tried as now by 24 Allied Military Courts.

G R. H. H. H.
~~Colonel~~
Colonel,

Deputy Chief Legal Officer.

DISTRIBUTION :

RCAG Region I (For action)	25
RCAG Region II (For action)	25
AMG HQ 15 Army Group (For information)	6
MCS. AFHQ. (For information)	2 (Your cable 3405 dated 20th Nov, refers).
RCAG. Region III (For information and action upon these Regions are transferred to jurisdiction of A.M.G. H.Q.)	15
RCAG. Region IV (Regions are transferred to jurisdiction of A.M.G. H.Q.)	20
MCS. AFHQ for contribution to Regions V, VIII and IX.	18
File AMF/4096/L	1
Flout	1
Spares	20

U.S. SECRET EQUALS BRITISH MOST SECRET

Subject Appointment of General Military Court

To: C.L.O. (for C.J.O.) A.M.G. H.Q.

From: S.L.O. Region

1. A General Military Court is required to sit at
for the trial of person(s) accused of :-

- (a)
- (b)
- (c)
- (d)
- (e)

2. Evidence will be available by

3. The probable duration of the case will be days.

4. The prosecutor will be

5. The interpreter will be

6. Officers available in this region to sit on the Court are

.....
.....
.....
.....
.....

Signed

Excerpt from AME/202/2 d/a 16. Nov. 1943

HEADQUARTERS
REGION 3
ALLIED MILITARY GOVERNMENT
LEGAL OFFICE

Amgot 3/6081/L
25 November 1943.

Dear *Herbert*,

I append as you requested a note of the subjects reserved as far as legislation is concerned to the C.C.A.O. firstly, as proposed by me in London, secondly, as reserved by the C.C.A.O. Middle East in his warrant to the D.C.C.A.O. Cyrenaica and thirdly, as reserved by the Chief Political Officer in his instructions to the Military administrators of Somalia and Eritrea.

1. (a) Control of banking, currency and exchange.
(b) Taxation ~~and~~ contributions.
(c) Religion, education, marriage, divorce and personal status.
(d) Custody of abandoned property.
(e) Any matter concerning policy, other than purely local questions.
2. (a) Control of imports and exports.
(b) Control of banking, currency and exchange.
(c) Taxation and contributions.
(d) Administration of justice.
(e) Posts and telegraphs.
(f) Religion, education, marriage, divorce and personal status.
(g) Monopolies.
(h) Customs and ports.
(i) Railways.
(j) Police and constabulary.
(k) Custody of abandoned property.
3. (a) Any proclamation relating to marriage or

143

divorce.

- (b) Any proclamation affecting rates of exchange, banking and the currency of the occupied territory.
- (c) Any proclamation imposing taxation or a contribution.
- (d) Any proclamation relating to postal matters.
- (e) Any proclamation relating to telegraphs, telephones, wireless telegraphy, railways or ports.
- (f) Any proclamation relating to immigration or emigration.
- (g) Any proclamation relating to Courts.
- (h) Any proclamation relating to the press.
- (i) Any proclamation relating to the monopolies.
- (j) Any proclamation relating to other subject matter which the Chief Political Officer may from time to time specify.
- (k) Any proclamation relating to any matter which, in the opinion of the Military administrator, is of an extraordinary nature and importance.
- (l) Any proclamation containing measures to which the consent of the Chief Political Officer has been refused, or which have been disapproved by him.

Yours sincerely
John. Shield.

20

Lt. Col. H.E. Rowe,
C.I.O. AMG. H.Q.
15th Army Group, C.M.F.

Bages & Solanis.
Press built commodities (re Wheel)
Govt Civil Servts.

SECRET.

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
15 ARMY GROUP
C.M.F.

December, 1943.

AME, 15 ARMY GROUP ADMINISTRATIVE INSTRUCTION No.

POWERS OF REGIONAL AND SENIOR CIVIL AFFAIRS OFFICERS.

1. General Principles. The Regional Civil Affairs Officer (RCAO) shall be responsible to the CCAO for the administration of military government in his region. Generally speaking he will have full power of command and decision on all matters relating to government, subject to the following limitations:

(a) Action taken will be within the framework of policies established by this HQ by proclamation, order, directive or otherwise. Interpretations issued by this HQ of proclamations and orders will be binding upon each region. Questions of interpretation raising any point likely to effect other regions must be resolved by this HQ.

(b) AMFA and its activities are wholly excepted from the jurisdiction of R.C.A.O.s. Other institutions and activities may be wholly excepted and in such case will be separately notified.

(c) The subject-matters set out in Appendix "A" hereto are reserved to this HQ in connection with all decisions on policy.

(d) Where policy has not been established in any subject-matter, and neither the institution nor activity affected is wholly reserved under sub-para (b) above nor the subject-matter reserved under sub-para (c) above, the R.C.A.O. may make decisions on policy, unless:-

(i) The subject matter is likely to affect occupied territory as a whole, as opposed to the specific region (e.g. price, wage and ration scales.)

(ii) The subject matter involves some relationship with other regions (e.g. inter-regional shipments, inter-regional supply movement, movement of refugees.)

(iii) The subject matter raises legal, political or ecclesiastical questions of a character which may require handling by this HQ or higher headquarters (e.g. policy as to internees and foreign nationals, matters affecting ecclesiastical personnel, repeal or suspension of Fascist Laws.)

(iv) The subject matter involves a substantial change in Italian law or administrative procedure, other than of local application (e.g. modification of social insurance systems, agricultural control, tax structure, labor laws).

(v) The subject matter involves policy affecting institutions organized or operating on a National basis (e.g. banks, insurance companies.)

(e) Sub-para (d) above will be read subject to the specific

(a) Action taken will be within the framework of policies established by this HQ by proclamation, order, directive or otherwise. Interpretations issued by this HQ of proclamations and orders will be binding upon each region. Questions of interpretation raising any point likely to effect other regions must be resolved by this HQ.

(b) ALFA and its activities are wholly excepted from the jurisdiction of R.C.A.Os. Other institutions and activities may be wholly excepted and in such case will be separately notified.

(c) The subject-matters set out in Appendix "A" hereto are reserved to this HQ in connection with all decisions on policy.

(d) Where policy has not been established in any subject-matter, and neither the institution nor activity affected is wholly reserved under sub-para (b) above nor the subject-matter reserved under sub-para (c) above, the R.C.A.O. may make decisions on policy, unless:-

(i) The subject matter is likely to affect occupied territory as a whole, as opposed to the specific region (e.g. price, wage and ration scales.)

(ii) The subject matter involves some relationship with other regions (e.g. inter-regional shipments, inter-regional supply movement, movement of refugees.)

(iii) The subject matter raises legal, political or ecclesiastical questions of a character which may require handling by this HQ or higher headquarters (e.g. policy as to internees and foreign nationals, matters affecting ecclesiastical personnel, repeal or suspension of Fascist Laws.)

(iv) The subject matter involves a substantial change in Italian law or administrative procedure, other than of local application (e.g. modification of social insurance systems, agricultural control, tax structure, labor laws).

(v) The subject matter involves policy affecting institutions organized or operating on a National basis (e.g. banks, insurance companies.)

(e) Sub-para (d) above will be read subject to the specific limitations on powers of R.C.A.Os contained in Appendix "B".

2. Personnel. Except for purposes of exercising disciplinary powers, R.C.A.Os will command all personnel assigned to their respective regions. R.C.A.Os will have the power to make recommendations for promotions and transfers to or from the region. In case of promotions of officers of different nationality to the R.C.A.O., the senior regional officer of the nationality concerned will signify his concurrence.

In the case of many officers and some EW/ORS assigned to regions, the field of activity in which they are to be engaged will be specified. Any assignments of such specialist personnel must be observed except in cases of emergency and then only for the duration of the emergency. Such assignments of specialist personnel will be notified forthwith to this HQ.

3. Communications.

3. Communications. Orders to personnel in the region, including specialist personnel, will be issued only by the R.C.A.O. Communications on technical matters from Heads of Specialist Divisions of this Hq to Heads of corresponding divisions in Regions may be sent direct and vice versa. Division Chiefs of Regions will keep R.C.A.Os informed of all matters. All other communications will be addressed to R.C.A.O. or his Headquarters concerned.

Officers from this Hq may and will make frequent inspection trips within the regions. On such occasions they will make their presence and the nature of their mission known to the R.C.A.O., or where impracticable, to the nearest S.C.A.O.

4. Procedure. For obvious reasons it will be desirable that procedure adopted by R.C.A.Os, particularly in dealing with the Italian administration, shall be uniform as between the regions. In cases where uniform procedure has been or is hereafter prescribed by this Hq, such procedure will be binding uniformly on the staffs in each Region.

5. Proclamations and Orders. Proclamations and orders of a public nature which are published by posting up or publication in a newspaper are of four types, Proclamations, General Orders, Regional Orders and Provincial Orders.

(a) Proclamations. All proclamations are signed by the Military Governor and will only be issued on the authority of this Hq.

(b) General Orders. All General Orders are signed by the CCAO or his Deputy and will only be issued on the authority of this Hq.

(c) Regional Orders. Regional Orders are made by R.C.A.Os of Regions and apply to the particular Region for which they are made. Regional Orders will NOT be made in respect of any Region until the whole of that Region has ceased to be in an Army Area and has come under the jurisdiction of the R.C.A.O. Until such date, military legislation below the level of a General Order will in any partial Region be made by means of Provincial Orders issued in the respective Provinces of the Region over the name of the S.C.A.Os of these Provinces. R.C.A.Os may make Regional Orders in complete Regions, or empower S.C.A.Os of Provinces in specific instances to make Provincial Orders, in respect of any subject NOT mentioned in Appendix "A" hereto or not otherwise reserved under para 1 of this Instruction, and may make such Regional Orders or empower such Provincial Orders to be made in the above excepted cases AFTER direct instructions are received from this Hq.

(d) Provincial Orders. The powers of S.C.A.Os of Provinces to make Provincial Orders consist (i) of powers given to them by R.C.A.Os under para (c) above, and (ii) of the powers granted by Instruction 266/Hq of 27 Aug 43 issued by AMGOT Hq. Copy of this Instruction is at Appendix "C" hereto.

S.C.A.Os of Army Areas shall have the powers of R.C.A.Os in respect of their Areas. Attention is drawn to General Administrative Instruction No. 4 of 12 December 43 issued by this Hq as to legislation in Provinces which lie across an Army Boundary.

14 NOV 1943

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LEGAL SUB-COMMISSION

AMG/4002/L.

8th November, 1943.

SUBJECT: Evidence in Allied Military Courts.
Use of Form J.1.

TO : All R.C.A.O.s. (for R.C.L.O.s.)

1. A number of cases have arisen in which an accused person has been brought before an Allied Military Court only for the Court to find that no evidence is available to connect the accused with the charge preferred against him.
2. This has been due in a number of instances to the accused having been arrested by Allied Military personnel who have later moved away from the district or who for some other reason have not been available to give evidence.
3. It is not considered likely that it will be possible to compel the attendance of all material witnesses in the future and the attached form J.1. has therefore been drafted. If witnesses are available to give oral testimony, they should be called. If they are not, the Court may admit the statements on the form as evidence, bearing in mind that the statements contained have not the same weight as oral testimony and have not been subject to cross-examination.
4. In each province and if necessary in each region, the appropriate military, naval or air-force authority should be interviewed and asked to co-operate by arranging for forms to be sent to the Provost Marshal and similar posts with instructions that they are to be used. It should, if necessary, be pointed out to the appropriate authority that in many cases (such, for example, as wire cutting) the military are the persons who should be most concerned to see that offenders are convicted.
5. Forms should be supplied to all Carabinieri barracks with instructions that no person brought under arrest to the Carabinieri shall be detained by them pending trial without a form being completed by the person making the arrest. Where the arrest has been made by the Carabinieri themselves, the Carabinieri will of course be available to give oral testimony.
6. Form J.1 are being distributed among the Regions and the provinces of Region I in manner set out below.

By Order of the Chief Legal Officer.

GEORGE POLLOCK,
Colonel,
Chief Judicial Officer.

DISTRIBUTION :-

	Letter.	Forms.	Letter.	Forms.
RCAG Region I	6	300	25	1250
RCAG Region II	3	150	25	1250
RCAG Region III				
RCAG Region IV				
RCAG Region V				

is a 40th-graded, 10-foot-thick, 100-ft-long

2. This has been due in a number of instances to the accused having been arrested by Allied Military personnel who have later moved away from the district or who for some other reason have not been available to give evidence.

3. It is not considered likely that it will be possible to compel the attendance of all material witnesses in the future and the attached form J.1. has therefore been drafted. If witnesses are available to give oral testimony, they should be called. If they are not, the Court may admit the statements on the form as evidence, bearing in mind that the statements contained have not the same weight as oral testimony and have not been subject to cross-examination.

4. In each province and if necessary in each region, the appropriate military, naval or air-force authority should be interviewed and asked to co-operate by arranging for forms to be sent to the Provost Marshal and similar posts with instructions that they are to be used. It should, if necessary, be pointed out to the appropriate authority that in many cases (such, for example, as wire cutting) the military are the persons who should be most concerned to see that offenders are convicted.

5. Forms should be supplied to all Carabinieri barracks with instructions that no person brought under arrest to the Carabinieri shall be detained by them pending trial without a form being completed by the person making the arrest. 17
Where the arrest has been made by the Carabinieri themselves, the Carabinieri will of course be available to give oral testimony.

6. Forms J.1 are being distributed among the Regions and the provinces of Region I in manner set out below.

By Order of the Chief Legal Officer,

GEORGE POLLOCK,
 Colonel,
 Chief Judicial Officer.

DISTRIBUTION :-		Letter.	Forms.
PCAO Region I		6	300
Agrigento Province		3	150
Caltanissetta		2	100
Catania		2	100
Enna		2	100
Palermo		4	200
Regusa		3	150
Siracusa		2	100
Messina		3	150
Trapani		3	150
PCAO Region II		25	1250
PCAO Region III		25	1250
PCAO Region IV		1	1
AMGOT Liaison		6	500
AMGOT 8th Army		6	500
AMGOT 5th Army		16	1000/
AMGOT 15 Army Group*		12	12
MGS. AFHQ.		1	1
File		1	1
Fleet			
Spares		20	

been no action pending.
discussions with Rep. ¹⁰⁰⁰ III. Query ¹⁰⁰⁰ ~~1000~~ 10/11

**ALLIED MILITARY GOVERNMENT
GOVERNO MILITARE ALLEATO**

**Form to be completed on arrest of a prisoner who is to be brought before
an Allied Military Court.**

**Modulo che deve essere riempito all'atto dell'arresto di un prigioniero che deve essere
tradotto dinanzi ad un Tribunale Militare Alleato.**

IF, ON ARREST, the prisoner is taken before a military, naval or air force officer or N. C. O., this form must be completed by the person making the arrest and countersigned by the officer or N. C. O. On completion it will be handed over together with the prisoner to the Carabinieri or other person detaining the prisoner until he is brought to trial.

IF, ON ARREST, the prisoner is taken direct to the Carabinieri barracks, this form must be completed at the Carabinieri barracks by the person making the arrest and left with the Carabinieri.

SE, ALL'ATTO DELL'ARRESTO, il detenuto è condotto dinanzi ad un Ufficiale o N. C. O. dell'Esercito, della Marina, o dell'Aviazione, il presente modulo deve essere riempito dalla persona che opera l'arresto e controfirmato dall'Ufficiale o dal N. C. O. Quando è stato completato dovrà essere consegnato insieme al detenuto ai Carabinieri o ad altra persona che abbia custodia del detenuto finchè egli non venga tradotto in giudizio.

SE, ALL'ATTO DELL'ARRESTO, il detenuto è condotto direttamente alla Caserma dei Carabinieri, questo modulo deve essere riempito nella caserma stessa dalla persona che ha operato l'arresto, e lasciato ai Carabinieri.

Name of Person Arrested:
Nome della persona arrestata:

Address of Person Arrested:
Indirizzo della persona arrestata:

Name, Rank and Number of Person making arrest:
Nome, grado e numero della persona che opera l'arresto:

CHARGE:

IF. ON ARREST, the prisoner is taken before a military, naval or air force officer or N. C. O., this form must be completed by the person making the arrest and countersigned by the officer or N. C. O. On completion it will be handed over together with the prisoner to the Carabinieri or other person detaining the prisoner until he is brought to trial.

IF, ON ARREST, the prisoner is taken direct to the Carabinieri barracks, this form must be completed at the Carabinieri barracks by the person making the arrest and left with the Carabinieri.

SE. ALL'ATTO DELL'ARRESTO, il detenuto è condotto dinanzi ad un Ufficiale o N. C. O. dell'Esercito, della Marina, o dell'Aviazione, il presente modulo deve essere riempito dalla persona che opera l'arresto e controfirmato dall'Ufficiale o dal N. C. O. Quando è stato completato dovrà essere consegnato insieme al detenuto ai Carabinieri o ad altra persona che abbia custodia del detenuto finchè egli non venga tradotto in giudizio.

SE. ALL'ATTO DELL'ARRESTO, il detenuto è condotto direttamente alla Caserma dei Carabinieri, questo modulo deve essere riempito nella caserma stessa dalla persona che ha operato l'arresto, e lasciato ai Carabinieri.

Name of Person Arrested:

Nome della persona arrestata:

Address of Person Arrested:

Indirizzo della persona arrestata:

Name, Rank and Number of Person making arrest:

Nome, grado e numero della persona che opera l'arresto:

CHARGE:

(Such as (a) interfering with communications by cutting wire, (b) being in unlawful possession of firearms, (c) acquiring by gift or purchase any military equipment or war material belonging to the Allied Forces).

ACCUSA:

(Come per esempio (a) interrompeva le comunicazioni tagliando un filo, (b) era in illecito possesso di armi da fuoco, (c) otteneva, in dono o per acquisto, un capo di vestiario militare o un oggetto di materiale bellico appartenente alle Forze Alleate).

STATEMENT OF FACTS:

(Describe simply in the first person, that is, using the form of words "I saw... I heard..." or "We saw... we heard..." we said..." the facts which caused you to make the arrest. Example: "At 14.00 hours on 21st May 1943 I was on patrol duty at X when I saw the accused crouching behind a hedge cutting a piece of wire. As soon as he saw me he ran away. I chased and captured him then took him back to the spot where I had seen him crouching. There I found that a length of wire, about 30 feet, had been cut and was lying on the ground. The wire was British wire").

DESCRIZIONE DEL REATO:

(Si esponga brevemente in prima persona, usando le parole "Io ho visto..." o "Io ho udito..." oppure "Noi abbiamo visto..." abbiamo udito..." abbiamo detto...", quale è il motivo che ha spinto ad operare l'arresto. Esempio: "Alle ore 14 del 21 Maggio 1943 mentre ero di servizio ho visto l'accusato accovacciato dietro una siepe e intento a tagliare un tratto di filo. Appena egli mi vide si diede alla fuga. Io lo inseguii, lo catturai e lo riconducessi sul luogo dove lo avevo visto accovacciato. Colà lo trovai che un tratto di filo, della lunghezza di circa 30 piedi, era stato tagliato e giaceva in terra. Il filo era di fattura inglese").

AT hours on (day) (Month) (Year)
 ALLE ORE del giorno del mese dell'anno

I/We,
 Io/Noi,

SKETCH:
DISEGNO:

(if necessary, clearer understanding of case)
(quando sarà necessario per la meglio esposizione del caso)

*Names of witnesses, giving rank and number if service personnel and address if civilians:
Nome dei testimoni, indicando il grado e il numero se persone di servizio, l'indirizzo se civili:*

1. Signature of Person making arrest:
1. Firma della persona che opera l'arresto:
2. Countersignature of Officer or N. C. O. (if any):
2. Controfirma dell'Ufficiale o N. C. O. (se occorre):
3. Signature of Carabinieri officer if accused is handed over. (Report by Carabinieri)

*Names of witnesses, giving rank and number if service personnel and address if civilians:
Nome dei testimoni, indicando il grado e il numero se persone di servizio, l'indirizzo se civili:*

1. Signature of Person making arrest:

1. Firma della persona che opera l'arresto:

2. Countersignature of Officer or N. C. O. (if any):

2. Controfirma dell'Ufficiale o N. C. O. (se occorre):

3. Signature of Carabinieri officer if accused is handed over direct to Carabinieri:

3. Firma dell'Ufficiale dei Carabinieri se l'accusato è consegnato direttamente ad essi:

6. JAIL SERVICES. (Extract From AME/204/3 dated 14.Nov.43.)

The Directive issued by Lieut. Colonel Chandler to the effect that a Summary Military Court could only 'inflict 12 months' imprisonment & that the term included any term of imprisonment in default of payment of a fine, was discussed. Lieut. Colonel Howe stated that he considered the Directive was incorrect and Colonel Upjohn agreed. Lieut. Colonel Chandler stated that he thought he also agreed but that Colonel Pollock, the Chief Judicial Officer A.C. Palermo, held strong views otherwise. It was agreed that Colonel Upjohn would discuss the matter with Colonel Pollock on his return to Palermo. (File AME/207).

13

15

Extract from 0:20/3 dated 14.Nov.43.

MINUTES OF MEETING WITH COLONEL. URSINI AND LT. COLONEL
CHASSIN HENRI AT HQ., ANI., 15 ARMY GROUP on 13.NOV.43.

1. DIRECTIVES ISSUED BY H.Q. ANI.

The difficulties arising through directives being issued from Palermo to 5th and 8th Armies, and to Regions III and IV, was pointed out by Lieut. Colonel Howe and instances were given of the confusion which had arisen as a result. It was agreed that in future ANI, Palermo, would observe channels with regard to all legal Directives and that any communications for 5th and 8th Armies, or Regions III or IV, would go through this H.Q. (File ANI/237).

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LEGAL SUB-COMMISSION

AMG/4002/L.

11th November, 1943.

SUBJECT: Non-Payment of Fines - Allied Military Courts.

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

1. Receipt of your AMG/207/7 of 6th November, 1943 is acknowledged.
2. Answering your para.2, you request information as to how the matter dealt with in our Administrative Instruction AMG/4002/L of 1st November came to us for a decision and why the instruction was sent to 5th Army HQ.
3. If you will re-examine this instruction, you will note that it is in mimeograph form as a general instruction and was not prepared in answer to Lt.Col.Shield's request at all. As a matter of fact, the question was first presented to this HQ by C.L.O. Region 2.
4. As to your suggestion that there was some impropriety in our including AMGOT 5th and 8th Armies in our distribution table for General Administrative Instructions etc., emanating from this office, I call your attention to the language contained in your para.4 of D.C. addressed to Col.Shields dated 28th October, 1943. It had always been our understanding as confirmed by you in that letter that copies of all General Administrative Instructions etc., emanating from this HQ, would be sent direct to 5th and 8th Armies as well as to yourself for information.
5. As it is apparent from your letter of the 6th November that you now desire to reverse this policy, instructions will be given to strike 5th and 8th Armies from our distribution table and no documents of any sort will be sent direct to the Legal Officers of those regions for information or any other purpose.
6. In regard to the legal point as to jail sentences in default of the payment of fines, we never received a copy of your letter AMG/207/3 of 27th October to Lt.Col.Shields. We would be glad to have that letter (for information only) so that we can attempt to adjust our policy to that which you have apparently laid down. We consider that the first consideration is that there shall be uniformity.

To be countersigned by *W.C. Chandler*
W.C. CHANDLER,
Lieut.Col. F.A.
Chief Legal Officer.

Subject: Legal Directives.

Chief Legal Officer,
H.Q., A.M.G.,
PALERMO.

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

AMG/207/10
11. Nov. 43.

Copies of directive signed by Colonel Pollock have been received at this H.Q. to-day. This directive deals with the review of Court cases and is not applicable to the procedure followed in 5th and 8th Army areas, or at the present time to Region III which comes under this H.Q. So far as Region IV is concerned it is at the present time wholly within Army areas. In spite of this the directive has been distributed to 5th Army, 8th Army and Regions III and IV, with the result that this H.Q. has now to countermand the instruction given by your H.Q.

Confirming my AMG/207/7 dated 6.Nov.43, will you please ensure that Legal Directives are not given by you outside Regions I and II but that copies of same are sent to this H.Q. The procedure can then be followed in the other Regions and areas if it is applicable but the decision as to that must remain here.

HRR/JG.

[Signature]
E. E. ROWE,
Lieut. Colonel,
Chief Legal Officer,
for Major-General,
Chief Civil Affairs Officer.

Extra copy by hand of Major I. Campbell.

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LEGAL SUB-COMMISSION

AMC/4002/L.

8th November, 1943.

SUBJECT: Review of Court Cases.

TO : All R.C.A.Os. (for R.O.L.Os.)

1. All cases sent to AMG HQ for review under AMGOT/4034/L dated 29 September 1943 will be reviewed by the Reviewing Officer.

2. The papers will be returned by the Reviewing Officer to the S.C.A.O. of the Province through the Region concerned together with Form J.3. Completed by the Reviewing Officer. On receipt of this form the S.C.A.O. will take action if necessary.

3. Accompanying the papers will be the further Form J.4. This will be completed by the S.C.A.O. and returned by him direct to AMG HQ.

4. The papers together with the completed Form J.3. should then be returned to Regional HQ for filing.

5. Any cases requiring immediate action will be reviewed as soon as possible even though no petition has been received and the 30 days in which a petition may be filed has not expired. If necessary such cases can be re-reviewed on receipt of petition.

6. Please refer to Serial No. of the Form J.3. if any correspondence becomes necessary after receipt of the Reviewing Officer's decision.

7. Specimen copies of Forms J.2, J.3, and J.4 are attached.

By Order of the Chief Legal Officer.

GEORGE POLLOCK,
Colonel,
Chief Judicial Officer.

DISTRIBUTION :-

RCAC Region I

(6)

RCAC Region III

RCAC Region IV

(25)

(25)

SUBJECT: Review of Court Cases.

TO : All R.C.A.Cs. (for R.C.I.Cs.)

1. All cases sent to AMG HQ for review under AMGOT/4034/L dated 29 September 1943 will be reviewed by the Reviewing Officer.

2. The papers will be returned by the Reviewing Officer to the S.C.A.C. of the Province through the Region concerned together with Form J.3. Completed by the Reviewing Officer. On receipt of this form the S.C.A.C. will take action if necessary.

3. Accompanying the papers will be the further Form J.4. This will be completed by the S.C.A.C. and returned by him direct to AMG HQ.

4. The papers together with the completed Form J.3. should then be returned to Regional HQ for filing.

5. Any cases requiring immediate action will be reviewed as soon as possible even though no petition has been received and the 30 days in which a petition may be filed has not expired. If necessary such cases can be re-reviewed on receipt of petition.

6. Please refer to Serial No. of the Form J.3. if any correspondence becomes necessary after receipt of the Reviewing Officer's decision.

7. Specimen copies of Forms J.2, J.3, and J.4 are attached.

By Order of the Chief Legal Officer.

George Pollock

GEORGE POLLOCK,
Colonel,
Chief Judicial Officer.

DISTRIBUTION :-

RCAC Region I
Agrigento Province
Caltanissetta "
Catania Province
Enna "
Palermo "
Ragusa "
Siracusa "
Messina "
Trapani "
RCAC Region II

(6)
(3)
(2)
(2)
(2)
(4)
(3)
(2)
(3)
(3)
(25)

RCAC Region III
RCAC Region IV
AMGOT Liaison
AMGOT 8th Army
AMGOT 5th Army
AMGOT 15 Army Group
MGS. AFHQ.
File
Float
Spares

(25)
(25)
(1)
(6)
(6)
(6)
(12)
(1)
(1)
(20)

Form No. J3

Serial No. _____

ALLIED MILITARY GOVERNMENT

DECISION ON REVIEW

To the S.C.A.O. (for S.L.O.) Province of _____

From A. M. G. H. Q. _____

Court (state whether General, Superior or Summary) _____ Court
sitting at _____

Name of Accused _____

Date of Conviction _____

Sentence _____

Decision on Review _____

Signed _____

Date _____

10

Form No. J4

Serial No. _____

ALLIED MILITARY GOVERNMENT

To : A. M. G. H. Q.

From : S. C. A. O. Province of _____

Name of Accused _____

Decision on Review has been received by me.

Signed _____

Date _____

9

Subject: Imprisonment in default of non-payment of fines.

H. J. AGG.,
15 Army Group,
C. E. F.

Lieut. Col. J. M. Shields,
Senior Legal Officer,
H. J. AGG., 5th Army.

AGG/207/8
D. Nov. 43.

Dear Shields,

I have received this morning copies of directive (ref: AGG/1002/L of 1. Nov. 43), issued by Colonel Chandler on the above subject. This directive is directly contrary to the instruction contained in my AGG/204 of 29. Oct. to you and results from the arrangement I mentioned in para. 4 of my AGG/207/3 to you of 28. Oct.

The directive is, in my opinion, incorrect and I am writing Colonel Chandler on the subject. It will, of course, be necessary for a common policy to be followed and I will let you know whichever way the matter is finally decided. Pending such decision, however, the instruction issued from this Headquarters will be followed in 5th Army Area.

Until the procedure, with two Headquarters and different areas of control, has crystallised, I am afraid these incidents are bound to occur but we must get over them as best we can. It is absolutely essential, though, that any directives which you may require should be sought from this Headquarters and not from AGG, FALMSE. Please advise that you are following this course.

Yours sincerely,

W. J. AGG. / *Chief Legal Officer.* 8

HJAG/10.

Subject: Non-Payment of Fines - Allied Military Courts.

H.Q. AMG.,
15 Army Group,
O. N. E.

Chief Legal Officer,
H.Q. AMG.,
PARIS.

AUG/207/7
6. Nov. 45.

Copies of your Administrative Instruction (Legal), reference
AMG/4007/7, dated 1. Nov. 45, are acknowledged.

2. The above instruction deals with a matter which was raised in a report by Lt. Col. Shields. This report was dealt with at this Headquarters, as appeared from our letter AMG/207/3 of 27.006.43 to Lt. Col. Shields, of which you received a copy. The instruction which was given by this Headquarters to Lt. Col. Shields was directly contrary to the one now issued by you, and it would be appreciated if you would let this Headquarters know how the matter came to you for a decision.
3. The giving of instructions direct to AMG, 5th and 8th Armies, from your Headquarters does not appear workable; and, on any legal matters, it is desired in future that copies of your directives should be forwarded only to these Headquarters, which will then distribute them to 5th and 8th Armies if they are agreed. With A.F.M., your own Headquarters and these Headquarters, unless channels are preserved, the greatest chaos will arise. A further instance of this is contained in your instruction 4007/1 of 3. Nov. 43 with regard to General Military Courts. This instruction has been sent to 5th and 8th Armies who do NOT apply to you for the appointment of a General Military Court.

4. With regard to the legal point, your instruction is not agreed. It is quite clear that a Summary Court has the power to impose a sentence of imprisonment up to 12 months AND a fine up to 50,000 lire. The sentence of imprisonment imposed in default of payment of a fine is NOT a sentence imposed for the offence but for failing to pay the fine. Article V(2) of Proclamation 4 makes it quite clear that a person may be committed to prison for non-payment of a fine. The provision in that sentence that the order, for the purpose of review, shall be considered part of the sentence, means only that the reviewing officer may reduce the alternate sentence of imprisonment, just as he can reduce any other part of the sentence.

5. If your instruction is not amended, then the result will be, in effect, that the jurisdiction of a Summary Court is reduced to 50 and it would be useless for a Summary Court to inflict a sentence of imprisonment of one year plus a fine of 10,000 lire.

H.S. POWER,
Lieut. Colonel,
Chief Legal Officer.

HEP/56.

2. The above instruction deals with a matter which was raised in a report by Lt. Col. Shields. This report was dealt with at this Headquarters, as appeared from our letter AMG/207/3 of 27 Oct. 43 to Lt. Col. Shields, of which you received a copy. The instruction which was given by this Headquarters to Lt. Col. Shields was directly contrary to the one now issued by you, and it would be appreciated if you would let this Headquarters know how the matter came to you for a decision.

3. The giving of instructions direct to A.M., 5th and 8th Armies, from your Headquarters does not appear workable; and, on any legal matters, it is desired in future that copies of your directives should be forwarded only to these Headquarters, which will then distribute them to 5th and 8th Armies if they are agreed. With A.M., your own Headquarters and these Headquarters, unless channels are preserved, the greatest chaos will arise. A further instance of this is contained in your instruction 4003/L of 3 Nov. 43 with regard to General Military Courts. This instruction has been sent to 5th and 8th Armies who do not apply to you for the appointment of a General Military Court.

4. With regard to the legal point, your instruction is not agreed. It is quite clear that a Summary Court has the power to impose a sentence of imprisonment up to 12 months and a fine up to 50,000 Liras. The sentence of imprisonment imposed in default of payment of a fine is not a sentence imposed for the offence but for failure to pay the fine. Article V(2) of Proclamation 4 makes it quite clear that a person may be committed to prison for non-payment of a fine. The provision in that Section that the order, for the purpose of review, shall be considered part of the sentence, means only that the reviewing officer may reduce the alternate sentence of imprisonment, just as he can reduce any other part of the sentence.

5. If your instruction is not amended, then the result will be, in effect, that the jurisdiction of a Summary Court is reduced by 50% as it would be useless for a Summary Court to inflict a sentence of imprisonment of one year plus a fine of 50,000 Liras.

HEB/HC.

H.E. HEBB,
Lieut. Colonel,
Chief Legal Officer.

P.S. The Senior Staff Officer here directs me to state that all communications KAMG, S & S Armies, must come through this Headquarters *Hub*

HEADQUARTERS
ARMED MILITARY GOVERNMENT

AMC/4002/1.

1 November 1943.

ADMINISTRATIVE INSTRUCTION (LEGAL)

1. Summary Courts have jurisdiction to impose a sentence of imprisonment for not more than one year or a fine of not more than 50,000 lire or both such imprisonment and fine. Further, the Court has power to order imprisonment in default of payment of a fine, but in no case can a person convicted by a Summary Court be kept in prison in respect of that conviction for more than one year.
2. A sentence of one year's imprisonment and a fine of 20,000 lire means, therefore, that whether the fine is paid or not, the accused must be released at the expiration of one year.
3. Similarly, no person convicted by a Superior Court can be detained in respect to that conviction for more than ten years.
4. Where a fine alone is imposed the Court should specify the period to be served in default of payment such period not being merely assessed on the Italian basis of 50 lire a day, but having regard to the probable capacity of the accused to pay.
5. Where a sentence of imprisonment and fine is imposed, the sentence should be in the following form:
"Two months imprisonment and a fine of 50,000 lire; in default of payment of the fine, accused to serve a further period of three months imprisonment."
6. Please take steps to see that all officers trying cases are instructed accordingly.

DISTRIBUTION:

HQAO Region I (6)
 Agrigento Province (3)
 Calanissetta Province (2)
 Catania (2)
 Enna (2)
 Palermo (4)
 Ragusa (3)
 Syracuse (2)

AMCOE Liaison (1)
 " 8th Army (6)
 " 5th Army (6)
 " 15th Army Group (12)

WILLIAM C. CHANLER,
 Lt. Col., RA,
 Chief Legal Officer.

1. Summary Courts have jurisdiction to impose a sentence of imprisonment for not more than one year or a fine of not more than 50,000 lire or both such imprisonment and fine. Further, the Court has power to order imprisonment in default of payment of a fine, but in no case can a person convicted by a Summary Court be kept in prison in respect of that conviction for more than one year.
2. A sentence of one year's imprisonment and a fine of 20,000 lire means, therefore, that whether the fine is paid or not, the accused must be released at the expiration of one year.
3. Similarly, no person convicted by a Superior Court can be detained in respect to that conviction for more than ten years.
4. Where a fine alone is imposed the Court should specify the period to be served in default of payment such period not being merely assessed on the Italian basis of 50 lire a day, but having regard to the probable capacity of the accused to pay.
5. Where a sentence of imprisonment and fine is imposed, the sentence should be in the following form:

"Two months imprisonment and a fine of 50,000 lire; in default of payment of the fine, accused to serve a further period of three months imprisonment."
6. Please take steps to see that all officers trying cases are instructed accordingly.

DISTRIBUTION:

RCAO Region I	(6)
Agrianto Province	(3)
Calaissetta Province	(2)
Catania	(2)
Enna	(2)
Palermo	(4)
Ragusa	(3)
Syracuse	(2)
Messina	(3)
Trapani	(3)
RCAO Region II	(25)
"	(25)
"	(25)

AMCOF Liaison	(1)
" 8th Army	(6)
" 5th Army	(6)
" 15th Army Group	(6)
MCS AFHQ	(12)
Sub-Commissions	(15)
File	(1)
Float	(1)
Spares	(20)

WILLIAM C. CHANDLER,
Lt. Col., FA,
Chief Legal Officer.

See 4/6/11

SUBJECT:- Relations with 15 Army Group - Legal Division.

Major E. J. Mercer,
Senior Legal Officer,
AMG HQ., Eighth Army.

4 AMG/207/4.

30th October 1943.

Herewith copy of letter reference AMG/207/3 of 26th October 1943,
addressed to the Senior Legal Officer, AMG HQ., Fifth Army.

2. The terms of the above letter will equally apply to the
relationship between the Legal Division of AMG operating in Eighth
Army area and this HQ.

AMG HQ.,
15 Army Group,
CMF.
HER/SCM

H. E. ROWE,
Lieut Colonel,
Senior Legal Officer.

5 .

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AMS/207/3.
1097
18 4
15 Army Group.
G.M.P.

24 October, 1943.

My Dear Shields,

Subject: Relations with 15 Army Group - Legal Division.

I am writing to you this M.O. letter to explain the changes and the new arrangements which have been made.

2. As you are probably aware, you are to be S.L.O. with 5th Army, and as such you will be responsible to this Headquarters for all legal matters occurring within the 5th Army area. Regional S.L.O.s in respect of any part of their Regions for the time being within 5th Army area will be responsible to you, and all legal reports in respect of such area should be made by you to this Headquarters, with an extra copy which can be sent on, if necessary, from here to H.L. AGO, Palermo, for information.

3. I found on my arrival here yesterday your report 3/6034/L2 of 22 Oct. which I am replying to separately as if it had been sent by you as S.L.O. 5th Army. This will save delay in first contacting Palermo.

4. It is very important that the permanent policies regarding legal matters which are required by Col. Chandler, as S.L.O. of AGO at Palermo, are given effect to as far as possible during the first phase of operations, so that little change (if any) is required when a place passes out of 5th Army area. To this end, I have agreed with Col. Chandler that general technical directives may be given direct by him to you so as to avoid different practices coming into operation in different places, and copies of such directives will be sent to me also, so that I shall be kept fully informed. Any specific directions which you require will, however, be issued by this Headquarters.

5. As soon as the office routine here has been organised, I hope to come over and see you.

Yours sincerely,

W. Shields,
Senior Legal Officer,
AGO Headquarters,
5th Army.

W. Shields
Chief Legal Officer

Copy to: Lt-Col. W.C. Chandler, AGO Headquarters, Palermo.

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Yours sincerely,

W. L. Daniel
Chief Legal Officer

W. L. Daniel
Senior Legal Officer,
AGOT Headquarters,
5th Army.

Copy to: Lt-Col. W.C. Chandler, AGOT Headquarters, Palermo.

WLD

15 OCT 1943

207-

AMCOT/4006/L.
AMCOT HQ., SICILY
12 October 1943

SUBJECT: Administrative Instruction on Construction of Proclamations.

TO : All Legal Officers (through SCMO).

Reference this HQ letter AMCOT/4006/L. dated 10 Oct 1943, please amend Par. 1 to read as follows:

"1. Proclamation 2, Article I, Section 17:

While an ordinary minor theft of property by one civilian from another is not to be considered an act of "plunder or pillage" looting of homes and buildings is an offense under this section. If mere possession of looted goods is presented it would be a violation of Article III, Section 1 which provides that anyone "assisting in" the commission of an offense is guilty. If the goods stolen are those of the Allied Military Government or enemy property entitled to be taken by the Allied Forces the prosecution should be under Article I Section 11, Article II Section 26, or Article III Section 39 as the case may be.

Minor thefts and larcenies of civilian property by civilians should be prosecuted in the Italian Courts under Italian law."

W. C. CHARLES
Lt. Col., AEC,
Chief Legal Officer.

Distribution

Agrianto	3	Amcot Liaison	1
Caltanissetta	2	Amcot 8th Army	10
Catania	2	Amcot 5th Army	10
Enna	2	File 4006/L.	1
Palermo	4	File 4034/L.	1
Ragusa	3	Plant	1
Siracusa	2	Divisions	12
Messina	3	ECG, AFHQ	12
Trapani	3	Spartan	16

jd

AMCOT/4001/L.
AMCOT HQ., SICILY
11 October 1943

SUBJECT: Fines under Italian Penal Code.

TO : All SLO's (through SCAO's).

1. Articles 163 to 168 of the Italian Penal Code give the right to Judges and Magistrates to suspend pecuniary penalties for two to five years. However this suspension must be granted when pronouncing the sentence and cannot be conceded after the latter has become executive.

2. Certain cases of hardship have been reported to this Division by SLOs in the Provinces concerning persons sentenced to imprisonment and fines by Italian Courts prior to our occupation, who had served their sentence in gaol but could not pay the amount of the fine.

3. Italian Legislation provides no means of redress for such contingencies, with the exception of the pardon or condonation which were the privileges of the King or Minister of Justice.

4. To meet this situation, SLO's are hereby authorized, in such cases of hardship as may from time to time be brought to their notice to instruct Italian Judges and Magistrates to extend the time for the settlement of "multe and ammende" over a longer period and to accept small installments at regular intervals as part payments of the amount involved.

W. C. CHAMLER,
Lt. Col., AUS,
Chief Legal Officer.

Distribution:

Agrigento	3	Amcot Liaison	1
Caltanissetta	2	Amcot 8th Army Reg. 2.	10
Catania	2	Amcot 5th Army Reg. 3.	10
Enna	2	Files 4001	1
Palermo	4	" 4034	1
Ragusa	3	Float	1
Syracuse	2	M.G.S. - A.F.H.Q.	12
Messina	3	Spares	16
Trapani	3		

jd

Dresden

August 1943

Pr. 14/10

207-1406

ALGOT/4006/L.
ALGOT HQ., SICILY
10 October 1943

SUBJECT: Administrative Instruction on Construction of Proclamations.

TO : All Legal Officers (through SCAG).

Some questions relating to the interpretations of provisions of Proclamations have arisen in the administration of Military Courts. For the purpose of assisting all officers presiding over Courts and those prosecuting offences the following interpretations have been made:

1. Proclamation 2, Article I, Section 17:

While an ordinary minor theft of property by one civilian from another is not to be considered an act of "plunder or pillage" looting of homes and buildings is an offense under this section. It is mere possession of looted goods is presented it would be a violation of Article III, Section 1 which provides that anyone "assisting in" the commission of an offense is guilty. If the goods stolen are those of the Allied Military Government or enemy property entitled to be taken by the Allied Forces the prosecution should be under Article I Section 2, Article II Section 20, or Article II Section 39 as the case may be.

Under theft and larcenies of civilian property by civilians should be prosecuted in the Italian Court, under Italian law.

2. There have been instances of public demonstrations against Italian public officials. These officials are carrying out their duties under the Military Government, and are acting in military authority. For the purpose of Section 20 of Article I, Proclamation No. 2, the words "military authority" may be held by all Allied Military Courts to include such Italian public officials.

3. It is to be noted that Section 20 of Article I, Proclamation No. 2, does NOT apply to persons participating in insurrections or demonstrations unless they are also guilty of incitement, organization or leadership. This is more serious than ordinary riot. If all the requirements of the above section are not present, persons concerned in public disturbances should be charged under Section 30 or 31 of Article 2 of Proclamation No. 2.

4. Any theft of property in the custody or under control of the Controller of Property should be prosecuted under Proclamation No. 6, Article X, Sections (a) and (b).

5. Attention is directed to the provisions of Proclamation No. 3, Articles I and II which state it is an offense in the Military Courts to violate

Some questions relating to the interpretations of provisions of Proclamations have arisen in the administration of Military Courts. For the purpose of assisting all officers presiding over Courts and those prosecuting offences the following interpretations have been made:

1. Proclamation No. 2, Article I, Section 17:

While an ordinary minor theft of property by one civilian from another is not to be considered an act of "plunder or pillage" looting of homes and buildings is an offense under this section. If mere possession of looted goods is presented it would be a violation of Article III, Section 1 which provides that anyone "assisting in" the commission of an offense is guilty. If the goods stolen are those of the Allied Military Government or enemy property entitled to be taken by the Allied Forces the prosecution should be under Article I Section 2, article **II** Section 26, or Article **II** Section 39 and the case may be.

Minor thefts and larcenies of civilian property by civilians should be prosecuted in the Italian Courts under Italian law.

2. There have been instances of public demonstrations against Italian public officials. These officials are carrying out their duties under the Military Government, and are acting on military authority. For the purpose of Section 20 of Article I, Proclamation No. 2, the words "military authority" may be held by all Allied Military Courts to include such Italian public officials.

3. It is to be noted that Section 20 of Article I, Proclamation No. 2, does NOT apply to persons participating in insurrections or demonstrations unless they are also guilty of incitement, organization or leadership. Furthermore, they must be an insurrection or attempted insurrection. This is not serious then ordinary riot. If all the requirements of the above section are not present, persons concerned in public disturbances should be charged under Sections 30 or 31 of Article 2 of Proclamation No. 2.

4. Any theft of property in the unstaffed or under control of the Controller of Property should be prosecuted under Proclamation No. 6, Article X, Sections (a) and (b).

5. Attention is likewise called to the provisions of Proclamation No. 6, Articles I and V which make it an offense in the Military Courts to violate Italian nation laws, including Black Market offenses.

6. Proclamation No. 9, Article I refers only to General Orders of the Allied Military Government to be published in the Sicily Gazette. Local orders need not be so published.

W. G. CHAMBER,
Lt. Col., AUS,
Chief Legal Officer.

Copy to files 4001/4027/L.
4001/4034/L.

SECRET.

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
15 ARMY GROUP
C.M.F.

December, 1943.

AME, 15 ARMY GROUP ADMINISTRATIVE INSTRUCTION No.

POWERS of REGIONAL and SENIOR CIVIL AFFAIRS OFFICERS.

1. General Principles. The Regional Civil Affairs Officer (RCAO) shall be responsible to the CCAO for the administration of military government in his region. Generally speaking he will have full power of command and decision on all matters relating to government, subject to the following limitations :

(a) Action taken will be within the framework of policies established by this HQ by proclamation, order, directive or otherwise. Interpretations issued by this HQ of proclamations and orders will be binding upon each region. Questions of interpretation raising any point likely to effect other regions must be resolved by this HQ.

(b) AMFA and its activities are wholly excepted from the jurisdiction of R.C.A.O.s. Other institutions and activities may be wholly excepted and in such case will be separately notified.

(c) The subject-matters set out in Appendix "A" hereto are reserved to this HQ in connection with all decisions on policy.

(d) Where policy has not been established in any subject-matter, and neither the institution nor activity affected is wholly reserved under sub-para (b) above nor the subject-matter reserved under sub-para (c) above, the R.C.A.O. may make decisions on policy, unless :-

(i) The subject matter is likely to affect occupied territory as a whole, as opposed to the specific region (e.g. price, wage and ration scales.)

(ii) The subject matter involves some relationship with other regions (e.g. inter-regional shipments, inter-regional supply movement, movement of refugees.)

(iii) The subject matter raises legal, political or ecclesiastical questions of a character which may require handling by this HQ or higher headquarters (e.g. policy as to internees and foreign nationals, matters affecting ecclesiastical personnel, repeal or suspension of Fascist Laws.)

(iv) The subject matter involves a substantial change in Italian law or administrative procedure, other than of local application (e.g. modification of social insurance systems, agricultural control, tax structure, labor laws).

(v) The subject matter involves policy affecting institutions organised or operating on a National basis (e.g. banks, insurance companies.)

region. Generally speaking he will have full power of command and decision on all matters relating to government, subject to the following limitations :

(a) Action taken will be within the framework of policies established by this HQ by proclamation, order, directive or otherwise. Interpretations issued by this HQ of proclamations and orders will be binding upon each region. Questions of interpretation raising any point likely to effect other regions must be resolved by this HQ.

(b) AMFA and its activities are wholly excepted from the jurisdiction of R.C.A.Os. Other institutions and activities may be wholly excepted and in such case will be separately notified.

(c) The subject-matters set out in Appendix "A" hereto are reserved to this HQ in connection with all decisions on policy.

(d) Where policy has not been established in any subject-matter, and neither the institution nor activity affected is wholly reserved under sub-para (b) above nor the subject-matter reserved under sub-para (c) above, the R.C.A.O. may make decisions on policy, unless :-

(i) The subject matter is likely to affect occupied territory as a whole, as opposed to the specific region (e.g. price, wage and ration scales.)

(ii) The subject matter involves some relationship with other regions (e.g. inter-regional shipments, inter-regional supply movement, movement of refugees.)

(iii) The subject matter raises legal, political or ecclesiastical questions of a character which may require handling by this HQ or higher headquarters (e.g. policy as to interneers and foreign nationals, matters affecting ecclesiastical personnel, repeal or suspension of Fascist Laws.)

(iv) The subject matter involves a substantial change in Italian law or administrative procedure, other than of local application (e.g. modification of social insurance systems, agricultural control, tax structure, labor laws).

(v) The subject matter involves policy affecting institutions organised or operating on a National basis (e.g. banks, insurance companies.)

(e) Sub-para (d) above will be read subject to the specific limitations on powers of R.C.A.Os contained in Appendix "B".

2. Personnel. Except for purposes of exercising disciplinary powers, R.C.A.Os will command all personnel assigned to their respective regions. R.C.A.Os will have the power to make recommendations for promotions and transfers to or from the region. In case of promotions of officers of different nationality to the R.C.A.O., the senior regional officer of the nationality concerned will signify his concurrence.

In the case of many officers and some EM/ORs assigned to regions, the field of activity in which they are to be engaged will be specified. Any assignments of such specialist personnel must be observed except in cases of emergency and then only for the duration of the emergency. Such assignments of specialist personnel will be notified forthwith to this HQ.

3. Communications.

3. Communications. Orders to personnel in the region, including specialist personnel, will be issued only by the R.C.A.O. Communications on technical matters from Heads of Specialist Divisions of this HQ to Heads of corresponding divisions in Regions may be sent direct and vice versa. Division Chiefs of Regions will keep R.C.A.O.s informed of all matters. All other communications will be addressed to R.C.A.O. or his Headquarters concerned.

Officers from this HQ may and will make frequent inspection trips within the regions. On such occasions they will make their presence and the nature of their mission known to the R.C.A.O., or where impracticable, to the nearest S.C.A.O.

4. Procedure. For obvious reasons it will be desirable that procedure adopted by R.C.A.O.s, particularly in dealing with the Italian administration, shall be uniform as between the regions. In cases where uniform procedure has been or is hereafter prescribed by this HQ, such procedure will be binding uniformly on the staffs in each Region.

5. Proclamations and Orders. Proclamations and orders of a public nature which are published by posting up or publication in a newspaper are of four types, Proclamations, General Orders, Regional Orders and Provincial Orders.

(a) Proclamations. All proclamations are signed by the Military Governor and will only be issued on the authority of this HQ.

(b) General Orders. All General Orders are signed by the CCAO or his Deputy and will only be issued on the authority of this HQ.

(c) Regional Orders. Regional Orders are made by R.C.A.O.s of Regions and apply to the particular Region for which they are made. Regional Orders will NOT be made in respect of any Region until the whole of that Region has ceased to be in an Army Area and has come under the jurisdiction of the R.C.A.O. Until such date, military legislation below the level of a General Order will in any partial Region be made by means of Provincial Orders issued in the respective Provinces of the Region over the name of the S.C.A.O.s of these Provinces. R.C.A.O.s may make Regional Orders in complete Regions, or empower S.C.A.O.s of Provinces in specific instances to make Provincial Orders, or in respect of any subject NOT mentioned in Appendix "A" hereto or not otherwise reserved under para 1 of this Instruction, and may make such Regional Orders or empower such Provincial Orders to be made in the above excepted cases AFTER direct instructions are received from this HQ.

(d) Provincial Orders. The powers of S.C.A.O.s of Provinces to make Provincial Orders consist (i) of powers given to them by R.C.A.O.s under para (c) above, and (ii) of the powers granted by Instruction 266/HQ of 27 Aug 43 issued by AMGOT HQ. Copy of this Instruction is at Appendix "C" hereto.

S.C.A.O.s of Army Areas shall have the powers of R.C.A.O.s in respect of their Areas. Attention is drawn to General Administrative Instruction No. 4 of 12 December 43 issued by this HQ as to legislation in Provinces which lie across an Army Boundary.

4. Procedure. For obvious reasons it will be desirable that procedure adopted by R.C.A.Os, particularly in dealing with the Italian administration, shall be uniform as between the regions. In cases where uniform procedure has been or is hereafter prescribed by this HQ, such procedure will be binding uniformly on the staffs in each Region.

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(b) General Orders. All General Orders are signed by the CCMO or his Deputy and will only be issued on the authority of this HQ.

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HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LEGAL SUB-COMMISSION

AMG/4032/L.

8th November, 1943.

SUBJECT: Evidence in Allied Military Courts.
Use of Form J.1.

TO : All R.O.A.O.s. (for R.O.L.O.s.)

1. A number of cases have arisen in which an accused person has been brought before an Allied Military Court only for the Court to find that no evidence is available to connect the accused with the charge preferred against him.
2. This has been due in a number of instances to the accused having been arrested by Allied Military personnel who have later moved away from the district or who for some other reason have not been available to give evidence.

3. It is not considered likely that it will be possible to compel the attendance of all material witnesses in the future and the attached form J.1. has therefore been drafted. If witnesses are available to give oral testimony, they should be called. If they are not, the Court may admit the statements on the form as evidence, bearing in mind that the statements contained have not the same weight as oral testimony and have not been subject to cross-examination.

4. In each province and if necessary in each region, the appropriate military, naval or air-force authority should be interviewed and asked to co-operate by arranging for forms to be sent to the Provost Marshal and similar posts with instructions that they are to be used. It should, if necessary, be pointed out to the appropriate authority that in many cases (such, for example, as wire cutting) the military are the persons who should be most concerned to see that offenders are convicted.

5. Forms should be supplied to all Carabinieri barracks with instructions that no person brought under arrest to the Carabinieri shall be detained by them pending trial without a form being completed by the person making the arrest. 17
Where the arrest has been made by the Carabinieri themselves, the Carabinieri will of course be available to give oral testimony.

6. Forms J.1 are being distributed among the Regions and the provinces of Region I in manner set out below.

By Order of the Chief Legal Officer.

George Pomlock
GEORGE POMLOCK,
Colonel,
Chief Judicial Officer.

DISTRIBUTION :-

	Letter.	Forms.	Letter.	Forms.
RCAO Region I	6	300	RCAO Region III	25
Agrigento Province	3	150	RCAO Region IV	25
				1250
				1250

18 NOV 1943

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By Order of the Chief Legal Officer.

George Pollock
 GEORGE POLLOCK,
 Colonel,
 Chief Judicial Officer.

DISTRIBUTION :-

	<u>Letter.</u>	<u>Forms.</u>		<u>Letter.</u>	<u>Forms.</u>
ROAO Region I	6	500	ROAO Region III	25	1250
Agrigento Province	3	450	ROAO Region IV	25	1250
Caltanissetta "	2	100	ANGOT Liaison	1	1
Catania "	2	100	ANGOT 8th Army	6	500
Enna "	2	100	ANGOT 5th Army	6	500
Palermo "	4	200	ANGOT 15 Army Group*	16	1000/
Ragusa "	3	150	MGS. AFHQ.	12	12
Siracusa "	2	100	File	1	1
Messina "	3	150	Fleet	1	1
Trapani "	3	150	Spares	20	
ROAO Region II	25	1250			

*been no action pending * For information*
discussion with Region III. Query need
15/11

**ALLIED MILITARY GOVERNMENT
GOVERNO MILITARE ALLEATO**

144

**Form to be completed on arrest of a prisoner who is to be brought before
an Allied Military Court.**

**Modulo che deve essere riempito all'atto dell'arresto di un prigioniero che deve essere
tradotto dinanzi ad un Tribunale Militare Alleato.**

IF, ON ARREST, the prisoner is taken before a military, naval or air force officer or N. C. O., this form must be completed by the person making the arrest and countersigned by the officer or N. C. O. On completion it will be handed over together with the prisoner to the Carabinieri or other person detaining the prisoner until he is brought to trial.

IF, ON ARREST, the prisoner is taken direct to the Carabinieri barracks, this form must be completed at the Carabinieri barracks by the person making the arrest and left with the Carabinieri.

SE, ALL'ATTO DELL'ARRESTO, il detenuto è condotto dinanzi ad un Ufficiale o N. C. O. dell'Esercito, della Marina, o dell'Aviazione, il presente modulo deve essere riempito dalla persona che opera l'arresto e controfirmato dall'Ufficiale o dal N. C. O. Quando è stato completato dovrà essere consegnato insieme al detenuto ai Carabinieri o ad altra persona che abbia custodia (del detenuto) finché egli non venga tradotto in giudizio.

SE, ALL'ATTO DELL'ARRESTO, il detenuto è condotto direttamente alla Caserma dei Carabinieri, questo modulo deve essere riempito nella caserma stessa dalla persona che ha operato l'arresto, e lasciato ai Carabinieri.

Name of Person Arrested:

Nome della persona arrestata:

Address of Person Arrested:

Indirizzo della persona arrestata:

Name, Rank and Number of Person making arrest:

Nome, grado e numero della persona che opera l'arresto:

CHARGE:

Modulo che deve essere riempito all'atto dell'arresto di un prigioniero che deve essere tradotto dinanzi ad un Tribunale Militare Alleato.

IF, ON ARREST, the prisoner is taken before a military, naval or air force officer or N. C. O., this form must be completed by the person making the arrest and countersigned by the officer or N. C. O. On completion it will be handed over together with the prisoner to the Carabinieri or other person detaining the prisoner until he is brought to trial.

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Name of Person Arrested:

Nome della persona arrestata:

4 16

Address of Person Arrested:

Indirizzo della persona arrestata:

Name, Rank and Number of Person making arrest:

Nome, grado e numero della persona che opera l'arresto:

CHARGE:

(Such as (a) interfering with communications by cutting wire, (b) being in unlawful possession of firearms, (c) acquiring by gift or purchase any military equipment or war material belonging to the Allied Forces).

ACCUSA:

(Come per esempio (a) interrompere le comunicazioni tagliando un filo, (b) era in illecito possesso di armi da fuoco, (c) otteneva, in dono o per acquisto, un capo di vestiario militare o un oggetto di materiale bellico appartenente alle Forze Alleate).

STATEMENT OF FACTS:

(Describe simply in the first person, that is, using the form of words "I saw..." or "I heard..." or "We saw..." or "We heard..." we said..." the facts which caused you to make the arrest. Example: "At 14.00 hours on 21st May 1943 I was on patrol duty at X when I saw the accused crouching behind a hedge cutting a piece of wire. As soon as he saw me he ran away. I chased and captured him then took him back to the spot where I had seen him crouching. There I found that a length of wire, about 30 feet, had been cut and was lying on the ground. The wire was British wire").

DESCRIZIONE DEL REATO:

(Si esponga brevemente in prima persona, usando le parole "Io ho visto..." o "Io ho udito..." oppure "Noi abbiamo visto..." o "Noi abbiamo udito..." abbiamo detto...", quale è il motivo che ha spinto ad operare l'arresto. Esempio: "Alle ore 14 del 21 Maggio 1943 mentre ero di servizio io vidi l'accusato accovacciato dietro una siepe e intento a tagliare un tratto di filo. Appena egli mi vide si diede alla fuga. Io lo inseguii. Io catturai e lo ricondussi sul luogo dove lo avevo visto accovacciato. Colà io trovai che un tratto di filo, della lunghezza di circa 30 piedi, era stato tagliato e giaceva in terra. Il filo era di fattura inglese").

AT hours on (day) (Month) (Year)

ALLE ORE del giorno del mese dell'anno

I/We.

Io/Noi.

SKETCH: (if necessary, clearer understanding of case)
DISEGNO: (quando sarà necessario per la meglio esposizione del caso)

Names of witnesses, giving rank and number if service personnel and address if civilians:
Nome dei testimoni, indicando il grado e il numero se persone di servizio, l'indirizzo se civili:

1. Signature of Person making arrest:
1. Firma della persona che opera l'arresto:

2. Countersignature of Officer or N. C. O. (if any):
2. Controfirma dell'Ufficiale o N. C. O. (se occorre):

3. Signature of Carabinieri officer if agreed in headed over direct to Carabinieri:

*Names of witnesses, giving rank and number if service personnel and address if civilians:
Nome dei testimoni, indicando il grado e il numero se persone di servizio, l'indirizzo se civili:*

1. Signature of Person making arrest:
1. Firma della persona che opera l'arresto:

2. Countersignature of Officer or N. C. O. (if any):
2. Controfirma dell'Ufficiale o N. C. O. (se occorre):

3. Signature of Carabinieri officer if accused is handed over direct to Carabinieri:
3. Firma dell'Ufficiale dei Carabinieri se l'accusato è consegnato direttamente ad essi:

6. JAIL SERVICES.

(Extract from AM/204/5 dated 14.Nov.43.)

The Directive issued by Lieut. Colonel Chandler to the effect that a Military Court could only 'impose 12 months' imprisonment if that the term included any term of imprisonment in default of payment of a fine, was discussed. Lieut. Colonel Rowe stated that he considered the Directive was incorrect and Colonel Upjohn agreed. Lieut. Colonel Chandler stated that he thought he also agreed but that Colonel Fallock, the Chief Judicial Officer AG, Palermo, held strong views otherwise. It was agreed that Colonel Upjohn would discuss the matter with Colonel Fallock on his return to Palermo. (File AM/207).

1315

Extract from AMG/207/3 dated 14.Nov.43.

MINUTES OF MEETING WITH COLONEL VASJOV AND LT. COLONEL
CHALIER HELD AT HQ., AMG., 15 ARMY GROUP on 13.NOV.43.

1. DIRECTIVES ISSUED BY H.Q., AMG.

The difficulties arising through directives being issued from Palermo to 5th and 8th Armies, and to Regions III and IV, was pointed out by Lieut. Colonel Howe and instances were given of the confusion which had arisen as a result. It was agreed that in future AMG, Palermo, would observe channels with regard to all Legal Directives and that any communications for 5th and 8th Armies, or Regions III or IV, would go through this H.Q. (File AMG/207).

207 *AP*

NOV 1943

0134

B 11

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LEGAL SUB-COMMISSION

AMG/4002/L.

11th November, 1943.

SUBJECT: Non-Payment of Fines - Allied Military Courts.

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

1. Receipt of your AMG/207/7 of 6th November, 1943 is acknowledged.

2. Answering your para.2, you request information as to how the matter dealt with in our Administrative Instruction AMG/4002/L of 1st November came to us for a decision and why the instruction was sent to 5th Army Hq.

3. If you will re-examine this instruction, you will note that it is in mimeograph form as a general instruction and was not prepared in answer to Lt.Col.Shields's request at all. As a matter of fact, the question was first presented to this Hq by C.L.O. Region 2.

4. As to your suggestion that there was some impropriety in our including AMG 5th and 8th armies in our distribution table for General Administrative Instructions etc., emanating from this office, I call your attention to the language contained in your para.4 of P.C. addressed to Col.Shields dated 28th October, 1943. It had always been our understanding as confirmed by you in that letter that copies of General Administrative Instructions etc., emanating from this Hq. would be sent direct to 5th and 8th armies as well as to yourself for information.

5. As it is apparent from your letter of the 6th November that you now desire to reverse this policy, instructions will be given to strike 5th and 8th Armies from our distribution table and no documents of any sort will be sent direct to the Legal Officers of those regions for information or any other purpose.

6. In regard to the legal point as to jail sentences in default of the payment of fines, we never received a copy of your letter AMG/207/3 of 27th October to Lt.Col.Shields. We would be glad to have that letter (for information only) so that we can attempt to adjust our policy to that which you have apparently laid down. We consider that the first consideration is that there shall be uniformity.

To be committed by
W.C. Chandler
WC/LW *W.C. Chandler*

W.C. Chandler
Wm. C. CHANDLER,
Lieut.Col. P.A.
Chief Legal Officer.

Subject: Legal Directives.

Chief Legal Officer,
H.Q., A.M.G.,
PALERMO.

10
H.Q., A.M.G.,
15 Army Group,
C. M. P.

AMC/207/10
11. Nov. 43.

9
Copies of directive signed by Colonel Pollock have been received at this H.Q. to-day. This directive deals with the review of Court cases and is not applicable to the procedure followed in 5th and 8th Army areas, or at the present time to Region III which comes under this H.Q. So far as Region IV is concerned it is at the present time wholly within Army areas. In spite of this the directive has been distributed to 5th Army, 8th Army and Regions III and IV, with the result that this H.Q.s. has now to countermand the instruction given by your H.Q.

7
Confirming my AMC/207/7 dated 6.Nov.43, will you please ensure that Legal Directives are not given by you outside Regions I and II but that copies of same are sent to this H.Q. The procedure can then be followed in the other Regions and areas if it is applicable but the decision as to that must remain here.

[Signature]
V. E. ROWE,
Lieut. Colonel,
Chief Legal Officer,
for Major-General,
Chief Civil Affairs Officer.

HEH/JG.

12

Extra copy by hand of Major I. Campbell.

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LEGAL SUB-COMMISSION

8th November, 1943.

AMG/4002/L.

SUBJECT: Review of Court Cases.

TO : All R.C.A.O.s. (for R.C.L.O.s.)

1. All cases sent to AMG HQ for review under AMGOT/4034/L dated 29 September 1943 will be reviewed by the Reviewing Officer.
2. The papers will be returned by the Reviewing Officer to the S.C.A.O. of the Province through the Region concerned together with Form J.3. Completed by the Reviewing Officer. On receipt of this form the S.C.A.O. will take action if necessary.
3. Accompanying the papers will be the further Form J.4. This will be completed by the S.C.A.O. and returned by him direct to AMG HQ.
4. The papers together with the completed Form J.3. should then be returned to Regional HQ for filing.
5. Any cases requiring immediate action will be reviewed as soon as possible even though no petition has been received and the 30 days in which a petition may be filed has not expired. If necessary such cases can be re-reviewed on receipt of petition.
6. Please refer to Serial No. of the Form J.3. if any correspondence becomes necessary after receipt of the Reviewing Officer's decision.
7. Specimen copies of Forms J.2, J.3, and J.4 are attached.

By Order of the Chief Legal Officer.

George Pollock
GEORGE POLLOCK,
Colonel,
Chief Judicial Officer.

DISTRIBUTION :-

RCAG Region I
Agrigento Province

RCAG Region III
RCAG Region IV
AMCOT Liaison

(25)
(25)
(1)
(6)

11

SUBJECT: Review of Court Cases.

TO : All R.C.A.O.s. (for R.C.L.O.s.)

1. All cases sent to AMG HQ for review under AMGOT/4034/L dated 29 September 1943 will be reviewed by the Reviewing Officer.

2. The papers will be returned by the Reviewing Officer to the S.C.A.O. of the Province through the Region concerned together with Form J.3. Completed by the Reviewing Officer. On receipt of this form the S.C.A.O. will take action if necessary.

3. Accompanying the papers will be the further Form J.4. This will be completed by the S.C.A.O. and returned by him direct to AMG HQ.

4. The papers together with the completed Form J.3. should then be returned to Regional HQ for filing.

5. Any cases requiring immediate action will be reviewed as soon as possible even though no petition has been received and the 30 days in which a petition may be filed has not expired. If necessary such cases can be re-reviewed on receipt of petition.

6. Please refer to Serial No. of the Form J.3. if any correspondence becomes necessary after receipt of the Reviewing Officer's decision.

7. Specimen copies of Forms J.2, J.3, and J.4 are attached.

By Order of the Chief Legal Officer.

GEORGE POLLOCK,
Colonel,
Chief Judicial Officer.

DISTRIBUTION :-

RCAO Region I
Agrigento Province
Caltanissetta "
Catania Province
Trina "
Palermo "
Ragusa "
Siracusa "
Messina "
Trapani "
RCAO Region II

(6)
(3)
(2)
(2)
(2)
(4)
(3)
(2)
(3)
(3)
(25)

RCAO Region III
RCAO Region IV
AMGOT Liaison
AMGOT 8th Army
AMGOT 5th Army
AMGOT 15 Army Group
MGS. AFHQ.
File
Fleet
Spares

(25)
(25)
(1)
(6)
(6)
(6)
(12)
(1)
(1)
(20)

Form No. J3

Serial No.

ALLIED MILITARY GOVERNMENT

DECISION ON REVIEW

To the S. C. A. O. (for S. L. O.) Province of _____

From A. M. G. H. Q. _____

Court (state whether General, Superior or Summary) _____

Court

sitting at _____

Name of Accused _____

Date of Conviction _____

Sentence _____

Decision on Review _____

Signed _____

Date _____

10

Form No. J4

Serial No. _____

ALLIED MILITARY GOVERNMENT

To: A. M. G. H. Q.

From: S. C. A. O. Province of _____

Name of Accused _____

Decision on Review has been received by me.

Signed _____

Date _____

9

Subject: Imprisonment in default of non-payment of fines.

H.A. AG.,
15 Army Group,
C. M. X.

AM/207/8
9. Nov. 43.

Lieut. Col. J. M. Shields,
Senior Legal Officer,
H.A. AG., 5th Army.

Dear Shields,

I have received this morning copies of directive (Ref: AM/4002/1 of 1. Nov. 43), issued by Colonel Chandler on the above subject. This directive is directly contrary to the instruction contained in my AM/204 of 25. Oct. to you and results from the arrangement I mentioned in para. 4 of my AM/207/3 to you of 23. Oct.

The directive is, in my opinion, incorrect and I am writing Colonel Chandler on the subject. It will, of course, be necessary for a common policy to be followed and I will let you know whichever way the matter is finally decided. Pending such decision, however, the instruction issued from this Headquarters will be followed in 5th Army Area.

Until the procedure, with two Headquarters and different areas of control, has crystallized, I am afraid these incidents are bound to occur but we must get over them as best we can. It is absolutely essential, though, that any directives which you may require should be sought from this Headquarters and not from H.A. AG. Please advise that you are following this course.

Yours sincerely,

W. H. P. / 12101
Chief Legal Officer. 8

AM/207/8.

Subject: Non-Payment of Fines - Allied Military Courts.

H.Q. AEF,
15 Army Group,
C. M. P.

Chief Legal Officer,
H.Q. AEF,
PARIS.

190/207/7
6. NOV. 43.

Copies of your Administrative Instruction (Legal), reference
190/207/7, dated 1 Nov. 43, are acknowledged.

2. The above instruction deals with a matter which was raised in a report by Lt. Col. Michels. This report was dealt with at this Headquarters, as appeared from our letter 190/207/3 of 27 Oct. 43 to Lt. Col. Michels, of which you received a copy. The instruction which was given by this Headquarters to Lt. Col. Michels was directly contrary to the one now issued by you, and it would be appreciated if you would let this Headquarters know how the matter came to you for a decision.

3. The giving of instructions direct to AEF, 5th and 8th Armies, from your Headquarters does not appear workable; and, on any legal matters, it is desired in future that copies of your directives should be forwarded only to these Headquarters, which will then distribute them to 5th and 8th Armies if they are agreed. With A.E.F., your own Headquarters and these Headquarters, unless channels are preserved, the greatest chaos will arise. A further instance of this is contained in your instruction 190/2/L of 3 Nov. 43 with regard to General Military Courts. This instruction has been sent to 5th and 8th Armies who do NOT apply to you for the appointment of a General Military Court.

4. With regard to the legal point, your instruction is not agreed. It is quite clear that a Summary Court has the power to impose a sentence of imprisonment up to 12 months AND a fine up to 50,000 Lires. The sentence of imprisonment imposed in default of payment of a fine is not a sentence imposed for the offence but for failure to pay the fine. Article V(2) of Provision 4 makes it quite clear that a person may be committed to prison for non-payment of a fine. The provision in that section that the order, for the purpose of review, shall be considered part of the sentence, means only that the reviewing officer may reduce the alternate sentence of imprisonment, just as he can reduce any other part of the sentence.

5. If your instruction is not agreed, then the result will be, in effect, that the jurisdiction of a Summary Court is reduced by 50% as it would be useless for a Summary Court to inflict a sentence of imprisonment of one year plus a fine of 50,000 Lires.

H.E. POWELL,
Lieut. Colonel,
Chief Legal Officer.

190/207/7

Copies of your Administrative Instruction (Legal), reference AMG/1007/1, dated 1 Nov. 43, are acknowledged.

2. The above instruction deals with a matter which was raised in a report by Lt. Col. Shields. This report was dealt with at this Headquarters, as appeared from our letter AMG/207/3 of 27 Oct. 43 to Lt. Col. Shields, of which you received a copy. The instruction which was given by this Headquarters to Lt. Col. Shields was directly contrary to the one now issued by you, and it would be appreciated if you would let this Headquarters know how the matter came to you for a decision.

3. The giving of instructions direct to 5th, 8th and 11th Armies, from your Headquarters does not appear desirable; and, on any legal matters, it is desired in future that copies of your directives should be forwarded only to these Headquarters, which will then distribute them to 5th and 8th Armies if they are agreed. With A.F.H., your own Headquarters and these Headquarters, unless channels are preserved, the greatest chaos will arise. A further instance of this is contained in your instruction AMG/L of 3 Nov. 43 with regard to General Military Courts. This instruction has been sent to 5th and 8th Armies who do NOT apply to you for the appointment of a General Military Court.

4. With regard to the legal point, your instruction is not agreed. It is quite clear that a Summary Court has the power to impose a sentence of imprisonment up to 12 months AND a fine up to 50,000 Lira. The sentence of imprisonment imposed in default of payment of a fine is not a sentence imposed for the offence but for failure to pay the fine. Article V(2) of Proclamation 4 makes it quite clear that a person may be committed to prison for non-payment of a fine. The provision in that section that the order, for the purpose of review, shall be considered part of the sentence, means only that the reviewing officer may reduce the alternate sentence of imprisonment, just as he can reduce any other part of the sentence.

5. If your instruction is not amended, then the result will be, in effect, that the jurisdiction of a Summary Court is reduced by 50% as it would be useless for a Summary Court to inflict a sentence of imprisonment of one year plus a fine of 50,000 Lira.

1007/36.

H.E. ROME,
Lieut. Colonel,
Chief Legal Officer.

P.S. The Senior Staff Officer here directs me to state that all communications to AMG, 5th Army, must come through this Headquarters.

HEADQUARTERS
ALLIED MILITARY GOVERNMENT

AMG/4000/L.

1 November 1943.

ADMINISTRATIVE INSTRUCTION (LEGAL)

1. Summary Courts have jurisdiction to impose a sentence of imprisonment for not more than one year or a fine of not more than 50,000 lire or both such imprisonment and fine. Further, the Court has power to order imprisonment in default of payment of a fine, but in no case can a person convicted by a Summary Court be kept in prison in respect of that conviction for more than one year.
2. A sentence of one year's imprisonment and a fine of 20,000 lire means, therefore, that whether the fine is paid or not, the accused must be released at the expiration of one year.
3. Similarly, no person convicted by a Superior Court can be detained in respect to that conviction for more than ten years.
4. Where a fine alone is imposed the Court should specify the period to be served in default of payment such period not being merely assessed on the Italian basis of 50 lire a day, but having regard to the probable capacity of the accused to pay.
5. Where a sentence of imprisonment and fine is imposed, the sentence should be in the following form:

"Two months imprisonment and a fine of 50,000 lire; in default of payment of the fine, accused to serve a further period of three months imprisonment."
6. Please take steps to see that all officers trying cases are instructed accordingly.

DISTRIBUTION:

RGSO Region I (6)
Agrigento Province (3)
Catania Province (2)
Catania (2)
Enna (2)
Palermo (4)
Messina (3)
Syracuse (2)

WILLIAM C. CHANLER,
Lt. Col., FA,
Chief Legal Officer.

AMGOT Liaison (1)
" 8th Army (6)
" 5th Army (6)
" 15th Army Group (6)

1. Summary Courts have jurisdiction to impose a sentence of imprisonment for not more than one year or a fine of not more than 50,000 lire or both such imprisonment and fine. Further, the Court has power to order imprisonment in default of payment of a fine, but in no case can a person convicted by a Summary Court be kept in prison in respect of that conviction for more than one year.
2. A sentence of one year's imprisonment and a fine of 20,000 lire means, therefore, that whether the fine is paid or not, the accused must be released at the expiration of one year.
3. Similarly, no person convicted by a Superior Court can be detained in respect to that conviction for more than ten years.
4. Where a fine alone is imposed the Court should specify the period to be served in default of payment such period not being merely assessed on the Italian basis of 50 lire a day, but having regard to the probable expenditure of the accused to pay.
5. Where a sentence of imprisonment and fine is imposed, the sentence should be in the following form:

"Two months imprisonment and a fine of 50,000 lire; in default of payment of the fine, accused to serve a further period of three months imprisonment."
6. Please take steps to see that all officers trying cases are instructed accordingly.

DISTRIBUTION:

ROMA Region I	(6)
Agrigento Province	(3)
Calabria Province	(2)
Catania	(2)
Enna	(2)
Palermo	(4)
Ragusa	(3)
Syracuse	(2)
Messina	(3)
Trapani	(3)
ROMA Region II	(25)
" III	(25)
" IV	(25)
"	(1)

ALFOT Liaison	(1)
" 8th Army	(6)
" 5th Army	(6)
" 15th Army Group	(6)
MGS AFHQ	(12)
Sub-Commissions	(15)
File	(1)
Float	(1)
Spares	(20)

WILLIAM C. CHANIER,
Lt. Col., FA,
Chief Legal Officer.

See 4/6/11

SUBJECT:- Relations with 15 Army Group - Legal Division.

Major E. J. Mercer,
Senior Legal Officer,
AMG HQ., Eighth Army.

4 AMG/207/4.

30th October 1943.

Herewith copy of letter reference AMG/207/3 of 28th October 1943,
addressed to the Senior Legal Officer, AMG HQ., Fifth Army.

2. The terms of the above letter will equally apply to the
relationship between the Legal Division of AMG operating in Eighth
Army area and this HQ.

AMG HQ.,
15 Army Group,
CMF.
HEP/SCM

H. S. ROWE,
Lieut Colonel,
Senior Legal Officer.

5 .

FAM

AMS/207/3

AMS 15 Army Group.
C.I.L.

28 October, 1943.

My Dear Shields,

Subject: Relations with 15 Army Group - Legal Division.

I am writing to you this D.O. letter to explain the changes and the new arrangements which have been made.

2. As you are probably aware, you are to be C.I.L.O. with 5th Army, and as such you will be responsible to this Headquarters for all legal matters occurring within the 5th Army area. Regional C.I.L.O.s in respect of any part of their Regions for the time being within 5th Army area will be responsible to you, and all legal reports in respect of such area should be made by you to this Headquarters, with an extra copy which can be sent on, if necessary, from here to H.Q. AMGOT, Palermo, for information.

3. I found on my arrival here yesterday your report 5/5034/L2 of 22 Oct. which I am replying to separately as if it had been sent by you as C.I.L.O. 5th Army. This will save delay in first contacting Palermo.

4. It is very important that the permanent policies regarding legal matters which are required by Col. Chandler, as C.I.L.O. of AMGOT at Palermo are given effect to so far as possible during the first phase of operations, so that little change (if any) is required when a place passes out of 5th Army area. To this end, I have agreed with Col. Chandler that General technical directives may be given direct by him to you so as to avoid different practices coming into operation in different places, and copies of such directives will be sent to me also, so that I shall be kept fully informed. Any specific directions which you require will, however, be issued by this Headquarters.

5. As soon as the office routine here has been organised, I hope to come over and see you.

Yours sincerely,

W. Shields,
Senior Legal Officer,
AMGOT Headquarters,
5th Army.

Copy to: Lt-Col. W.O. Chandler, AMGOT Headquarters, Palermo.

2. As you are probably aware, you are to be S.L.O. with 5th Army, and as such you will be responsible to this Headquarters for all legal matters occurring within the 5th Army area. Regional S.L.O.s in respect of any part of their Regions for the time being within 5th Army area will be responsible to you, and all legal reports in respect of such area should be made by you to this Headquarters, with an extra copy which can be sent on, if necessary, from here to H.Q. AMST, Palermo, for information.

3. I found on my arrival here yesterday your report 5/6034/L2 of 22 Oct. which I am replying to separately as if it had been sent by you as S.L.O. 5th Army. This will save delay in first contacting Palermo.

4. It is very important that the permanent policies regarding legal matters which are required by Col. Chandler, as S.L.O. of AMST at Palermo are given effect to so far as possible during the first phase of operations, so that little change (if any) is required when a place passes out of 5th Army area. To this end, I have agreed with Col. Chandler that general technical directives may be given direct by him to you so ~~as~~ as to avoid different practices coming into operation in different places, and copies of such directives will be sent to me also, so that I shall be kept fully informed. Any specific directions which you require will, however, be issued by this Headquarters.

5. As soon as the office routine here has been organized, I hope to come over and see you.

Yours sincerely,

H. Shields
 H. Shields
 Senior Legal Officer,
 AMST Headquarters,
 5th Army.

H. Shields
 Chief Legal Officer.

Copy to: Lt-Col. W.C. Chandler, AMST Headquarters, Palermo.

MS

15 OCT 1943

AL/12

207-

AMGOT/4006/L.
 AMGOT HQ., SICILY
 12 October 1943

SUBJECT: Administrative Instruction on Construction of Proclamations.

TO : All Legal Officers (through SCAG).

Reference this HQ letter AMGOT/4006/L. dated 10 Oct 1943, please amend Par. 1 to read as follows:

"1. Proclamation 2, Article I, Section 17:

While an ordinary minor theft of property by one civilian from another is not to be considered an act of "plunder or pillage" looting of homes and buildings is an offense under this section. If mere possession of looted goods is presented it would be a violation of Article III, Section 1 which provides that anyone "assisting in" the commission of an offense is guilty. If the goods stolen are those of the Allied Military Government or enemy property entitled to be taken by the Allied Forces the prosecution should be under Article I Section 11, Article II Section 26, or Article II Section 39 as the case may be.

Minor thefts and larcenies of civilian property by civilians should be prosecuted in the Italian Courts under Italian law."

W. C. CHURCH,
 Lt. Col., AGF,
 Chief Legal Officer.

Distribution

Agrigento	3	Amgot Liaison	1
Caltanissetta	2	Amgot 8th Army	10
Catania	2	Amgot 5th Army	10
Enna	2	File 4006/L.	1
Palermo	4	File 4034/L.	1
Ragusa	3	Plot	1
Siracusa	2	Divisions	12
Messina	3	AGF, AFHQ	12
Trapani	3	Spurs	16

AMGOT/4001/L.
AMGOT HQ., SICILY
11 October 1943

SUBJECT: Fines under Italian Penal Code.

TO : All SLO's (through SCAO's).

1. Articles 163 to 168 of the Italian Penal Code give the right to Judges and Magistrates to suspend pecuniary penalties for two to five years. However this suspension must be granted when pronouncing the sentence and cannot be conceded after the latter has become executive.

2. Certain cases of hardship have been reported to this Division by SLOs in the Provinces concerning persons sentenced to imprisonment and fines by Italian Courts prior to our occupation, who had served their sentence in gaol but could not pay the amount of the fine.

3. Italian Legislation provides no means of redress for such contingencies, with the exception of the pardon or condonation which were the privileges of the King or Minister of Justice.

4. To meet this situation, SLO's are hereby authorized, in such cases of hardship as may from time to time be brought to their notice to instruct Italian Judges and Magistrates to extend the time for the settlement of "multe and ammende" over a longer period and to accept small instalments at regular intervals as part payments of the amount involved.

44 November 1943
W. C. CHAMLER,
Lt. Col., AUS,
Chief Legal Officer.

Distribution:

Agrigento	3	Amgot Liaison	1
Caltanissetta	2	Amgot 8th Army Reg. 2.	10
Catania	2	Amgot 5th Army Reg. 3.	10
Enna	2	Files 4001	1
Palermo	4	" 4034	1
Ragusa	3	Float	1
Syracuse	2	M.G.S. - A.P.H.Q.	12
Messina	3	Spares	16
Trapani	3		

jd

SUBJECT: Administrative Distinction on Contraband of Proclamations.

TO : All Legal Officers (through SCAG).

Some questions relating to the interpretations of provisions of Proclamations has arisen in the administration of Military Courts. For the purpose of assisting all officers presiding over Courts and those prosecuting offences the following interpretations have been made:

1. Proclamation 2, Article I, Section 17:

While an ordinance under threat of property by one civilian from another is not to be considered an act of "plunder or pillage" looting of houses and buildings is an offense under this section. If mere possession of looted goods is presented it would be a violation of Article III, Section 1 which provides that anyone "committing in" the commission of an offense is guilty. If the goods stolen are those of the Allied Military Government or enemy property entitled to be taken by the Allied Forces the presentation should be under Article 7 Section 2, Article II Section 26, or Article II Section 39 as the case may be.

Minor thefts and larcenies of civilian property by civilians should be prosecuted in the Italian Courts under Italian law.

2. There have been instances of public demonstrations against Italian public officials. These officials are carrying out their duties under the Military Government, and are acting in military authority. For the purposes of Section 20 of Article I, Proclamation No. 2, the words "military authority" may be held by all Allied Military Courts to include such Italian public officials.

3. It is to be noted that Section 20 of Article I, Proclamation No. 2, does NOT apply to persons participating in insurrections or demonstrations unless they are also guilty of incitement, organization or leadership. Furthermore, there must be an insurrection or attempted insurrection. This is not during their ordinary riot. If all the requirements of the above section are not present, persons concerned in public disturbances should be charged under Section 30 or 31 of Article 2 of Proclamation No. 2.

4. Any theft of property in the custody or under control of the Controller of Property should be prosecuted under Proclamation No. 6, Article X, Sections (a) and (b).

5. Attention is likewise called to the provisions of Proclamation No. 8, Articles I and V which state it is an offense in the Military Courts to violate Italian national laws, including black market offenses.

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AMCOT HQ., SICILY
10 October 1943

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Some questions relating to the interpretations of provisions of Proclamations have arisen in the administration of Military Courts. For the purpose of assisting all officers presiding over Courts and those prosecuting offences the following interpretations have been made:

1. Proclamation No. 2, Article I, Section 17:

While an ordinary minor theft of property by one civilian from another is not to be considered an act of "plunder or pillage" looting of homes and buildings is an offense under this section. If mere possession of looted goods is presented it would be a violation of Article III, Section 1 which provides that anyone "assisting in" the commission of an offense is guilty. If the goods stolen are those of the Allied Military Government or enemy property entitled to be taken by the Allied Forces the prosecution should be under Article I Section 2, Article II Section 26, or Article II Section 39 as the case may be.

Minor theft and interference of civilian property by civilians should be prosecuted in the Italian Courts under Italian law.

2. There have been instances of public demonstrations against Italian public officials. These officials are carrying out their duties under the Military Government, and are acting in military authority. For the purposes of Section 20 of Article I, Proclamation No. 2, the words "military authority" may be held by all Allied Military Courts to include such Italian public officials.

3. It is to be noted that Section 20 of Article I, Proclamation No. 2, does NOT apply to persons participating in insurrections or demonstrations unless they are also guilty of incitement, organization or leadership. Furthermore, there must be an insurrection or insurrection. This is a very serious than ordinary riot. If all the requirements of the above section are not present, persons concerned in public disturbances should be charged under Sections 30 or 31 of Article 2 of Proclamation No. 2.

4. Any theft of property in the custody or under control of the Controller of Property should be prosecuted under Proclamation No. 6, Article X, Sections (a) and (b).

5. Attention is likewise called to the provisions of Proclamation No. 6, Articles I and V which make it an offense in the Military Courts to violate Italian national laws, including those which prohibit offenses.

6. Proclamation No. 9, Article I refers only to General Orders of the Allied Military Government to be published in the Sicily Gazette. Local orders need not be so published.

W. C. CLARK,
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