

ACC

10000/142/950

10000/142/950

APPOINTMENTS OF COURTS
NOV. 1943 - JAN. 1944

FOLIO	DATE	REF.	TO/FROM
1	3. 11. 43.	AMC/1002/4.	FROM: CNO, NO. AME.
2	6. 11. 43.	FA. 153.	TO: CNO, 538 AMES. AMC ME.
3	16. 11. 43.	AMC/202/2.	AMC/202/2. Return for C. R. R. report of meeting and sec. 8 Am.

15

57

0301

COMMUNICATIONS

24 JAN 1944

BY TELETYPE MESSAGE

FM 10 0157G
23 JAN 44

FROM: FLAMES
TO: SOUTH ARMY INFO FLIGHT
OR 10 0157G

1 210 -

TO: 1130323
FM: 123703

INFO: 2005 01 13

1944 COMMUNIST PARTY OFFICER 121 1510N 3 000 STATES THAT
COMMUNIST PARTY IS ELIGIBLE AS HIGH OFFICIAL MEMBER
OF THE ARMY AND NAVY.

INFO:

2 1000N

FM 10 0157G
23 JAN 44

1 1000N
2 1000N

ARMY FORM 100-1 (Rev. 10-1-60)

MESSAGE FORM

CALL
AND
INSTRUC-
TIONS

IN

OUT

No. of Groups
GR.

Serial No.
OFFICE DATE STAMP

14

(ABOVE THIS LINE IS FOR SIGNALS USE ONLY.)

TO

PRIMARY FOR ABE

(By E.L.S.)

FROM

HP AGED FOR ABE

Originator's Number
FA 916

Date
21

In Reply to Number

Ref	signal	No.	8926	of	18
Jan	addressed	by	5	Army	to
COC	AMI	concerning	French	officer	sitting
as	a	non	judicial	member	of
AME	General	Military	Court	(.)	Answer
so	for	as	this	in	is
concerned	is	that	there	is	no objection

THIS MESSAGE IS TO BE SENT AS WRITTEN BY
AUTHORITY OF THE

IN MESSAGE HEREIN IS IN CIPHER
IT IS TO BE INTERPRETED OR TO FAIL
INTERPRETATION

DEPARTMENT'S INSTRUCTIONS
DEGREE OF PRIORITY

TIME OF ORIGIN

System

Time

Revised

System

System

System

System

System

System

System

System

System

System

System

System

T.O.R.

T.O.R.

* Originator may delete "received" and insert "in reply to"

20-
~~10~~

10 JAN 1944

Seale
JR

13

SECRET

URGENT
559 MESSAGE
11

FC110 00047
13 JAN 44

FROM : FIVE ARMY
TO : CCG ALLIED FORCES IN ITALY
ORIG NO : 1025

700.13140/13
700.17204/13

AN ITALIAN CIVILIAN IS CHARGED WITH MURDER OF A FRENCH SOLDIER
OF A UNIT UNDER COMMAND OF FIVE ARMY. REQUEST ADVICE WHETHER A
FRENCH OFFICER UNDER THIS COMMAND IS ELIGIBLE FOR APPOINTMENT
BY COMMISSIONER GENERAL, FIVE ARMY, AS A JUDICIAL MEMBER OF
AN ALLIED MILITARY COMMISSION GENERAL MILITARY COURT.

C C C

2 ACTION

500.13024/13.00
13 JAN 44

Answer - 1st Division
CC. Farly Sec. 13.00
13.00

CLASSIFIED MESSAGE

210

12

FROM : DIRECTOR ARMY AGO.

TO : DIRECTOR FOR AGO.

ORIG'S NO. 12 553

18 183.

SECRET (.) FOR INFO AND ACTION (.) Officers appointed as General Military Court in accordance your letter 15 Dec (.) Form of appointment follows (.) This signal is sufficient authority pending your receipt of above appointment (.)

If liable to interception
this message should be sent
IN CLEAR.

PRIORITY:

TO:

TH:

RM:

.....Colonel.

13

0303

CS.O.

210

~~229~~

file

May the attached form be signed
please by D.C.A.O. at once.
It is very urgent.

18 Dec 43

~~W. H. H. 444~~
C.O.O.

D.C.A.O.

Typed ~~W. H. H.~~

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
15 ARMY GROUP,
O.E.F.

10

I, Maurice Stanley Lush, C.B.E., M.C., Brigadier,
Deputy Chief Civil Affairs Officer, hereby appoint
Colonel W. G. Wilber to be President and Judicial
Officer and Major D. E. Long and Captain E. V. Falk
to be Members of a General Military Court for the trial
of all persons who may be brought before it. The said
Court shall sit at Naples or at such other place or
places within Region I as it may determine.

Dated the 18 day of December, 1943.

MS Lush
Brigadier,
Deputy Chief Civil Affairs Officer.

13

HEADQUARTERS
REGION 3
ALLIED MILITARY GOVERNMENT
LEGAL OFFICE

Angot 3/6029/L
15 December 1943.

SUBJECT: Appointment of General Military Court.

TO : Chief Legal Officer, AMG, HQ., 15 Army Group,
APO 777, C.M.F.

1. By order dated 1st December, 1943 a General Military Court was appointed for the trial of certain accused within the Province of Naples. This order was signed by CG 5th Army. On that date although all of Naples Province and especially the town of Naples was not within the 5th Army area it was considered that the CG 5th Army was the competent authority to appoint courts by virtue of his delegation so to do from the Military Governor dated 1st September, 1943 which empowered him to appoint General Courts "within the area of the occupied territory in which the Allied Military Government is functioning for the time being under your orders".

2. In view of the order AMG /56/4 dated 11th December, 1943 issued by AMG headquarters 15 Army Group appointing a commander of AMG 5th Army and a further commander of AMG Region 3 I am of opinion that within the Province of Naples south of the rear army boundary the CG 5th Army is not now the competent authority to appoint Military Courts there, under the delegation to him by the Military Governor mentioned above.

3. The CG 5th Army however appointed the ~~General~~ Court mentioned in paragraph 1 above, and other Military Courts, not in his capacity as CG 5th Army but as a delegate of the Military Governor of occupied territory by virtue of the said delegation of 1st September 1943, and although this area is no longer within the area of the occupied territory in which the Allied Military Government is functioning under the authority of the CG 5th Army, courts properly appointed by him within areas now behind the army area continue to have jurisdiction throughout the whole of the occupied territory (within terms of proclamation 4, Article II) or at least within those areas in which at the time of appointment

8

it was contemplated they would exercise their authority.

4. If however there is any doubt that this is a correct interpretation of the extent of the jurisdiction of courts appointed by the CG 5th Army and as I do not wish the General Military Court which is to sit on Monday 20th December, 1943 for the trial of several serious cases to be postponed or, when it has tried the cases, to be told that it had no jurisdiction, may an order please be signed by the Military Governor or, if the CCAO has authority, by him, reappointing this court. The particulars of the officers constituting the Court are as follows:

Colonel H. G. Willmer	No. 32832 (President and Judicial Officer)
Major D. E. Long	No. 0141656
Capt. E. V. Falk	No. 120214

J. M. Shields.
Lt. Colonel.
Senior Legal Officer,
AMG, 5th Army.

11

Subject:- General Military Court - NASIRI.

7
19 Army Group,
C. P.

Ref. 45/216/
19 December 43.

Senior Legal Officer,
HQ. AMG., 5 Army.

Reference your 3/6029/4 of 15 Dec. herewith appointment of General Military Court as requested. Signal has been sent to you confirming appointment.

2. I agree with para 3 of your above letter entirely, but to save any doubt in the minds of the Court I arranged for the new appointment to be made.


Lt. Colonel,
Chief Legal Officer.

HRV/ES.

C.E.A.O.

6

Herein form of letter to General Clark.

2. It may be that you would like the matter expressed somewhat differently. In this case will you kindly keep the form as a draft and it can be settled in Bari.

H. J. Hughes
ChO.

This diff. is now not necessary because:-

This has already been discussed with Maj. Gen. Hume with Maj. Gen. May. Gen. Clark will be happy to receive an order from GOC and to delegate his powers in addition to officers with below the rank of Brig. Gen. also to SCHO - 5th Army and ACHO III Region - as necessary omit
23/1/43

ALLIED MILITARY GOVERNMENT

HEADQUARTERS

15 Army Group

C. M. F.

23 November, 1943

To : General Mark W. Clark, Commanding General
Fifth Army

Subject: Appointment of General and Superior
Military Courts

1. Under the instructions issued by Gen. Sir Harold Alexander, and at present in force, General and Superior Military Courts have to be appointed by you or by an officer commanding a division or higher unit to whom you may delegate the power.

2. Your subordinate commanders, when exercising powers of appointment of General and Superior Military Courts on delegations from you, are performing the duties of an officer of your staff.

3. The foregoing procedure was laid down by General Sir Harold Alexander on my recommendation, but in practice it has been found that it would save delays in justice if the Senior Civil Affairs Officer with 5th Army, namely Col. Hume, could as your staff officer exercise the power of appointing the above courts on a delegation from you.

4. I would like therefore to ask General Sir Harold Alexander for his approval to a change of the procedure as suggested above, but before doing this I should be obliged if you would let me know whether the suggested change would meet with your approval.

23 November, 1943

To : General Mark W. Clark, Commanding General
Fifth Army
Subject: Appointment of General and Superior
Military Courts

1. Under the instructions issued by Gen. Sir Harold Alexander, and at present in force, General and Superior Military Courts have to be appointed by you or by an officer commanding a division or higher unit to whom you may delegate the power.

2. Your subordinate commanders, when exercising powers of appointment of General and Superior Military Courts on delegations from you, are performing the duties of an officer of your staff.

3. The foregoing procedure was laid down by General Sir Harold Alexander on my recommendation, but in practice it has been found that it would save delays in justice if the Senior Civil Affairs Officer with 5th Army, namely Col. Hume, could as your staff officer exercise the power of appointing the above courts on a delegation from you.

4. I would like therefore to ask General Sir Harold Alexander for his approval to a change of the procedure as suggested above, but before doing this I should be obliged if you would let me know whether the suggested change would meet with your approval.

Major-General
Chief Civil Affairs Officer

Extract from

AIC/2 2.

16. Nov. 53.

MINUTES OF MEETING WITH MAJOR WENGER, SENIOR LEGAL
OFFICER, AND, EIGHTH ARMY, HONOR AT H., AR., 15
ARMY CAMP on 15. Nov. 53.

Major Wenger reported at this H. on a visit from 8th Army
and the following matters were discussed.

1. APPOINTMENT OF MILITARY COURTS.

Under the existing procedure every C.O. and judicial
officer was automatically an appointment enabling him to sit as a
Summary Military Court. No difficulty as to Summary Courts therefore
arises.

Superior and General Military Courts in both forces, (i.e.
Army) areas, have to be appointed by the C.O. Army or by an officer
acting under his authority and not being below a Divisional Commander.
This procedure was laid down having regard to the difficulties which
arose in dealing with 7th Army in Sicily where it was insisted that the
chain of command should be followed. It was agreed that with the
present position of having a Senior AIC officer attached to the staff
of each Army, there was no reason why appointments of General and
Superior Courts should not be made by the senior AIC officer with the
Army rather than by the Divisional or Corps Commander. And, a scheme
would make for much smoother running and I agreed that I would discuss
this proposal with AIC, 5th Army. (File AIC/210).

Army Form C2128. (Pads of 100).

MESSAGE FORM

210

Serial No.

CALL
AND
INSTRUCTIONS

IN

OUT

No. of Groups
GR.

OFFICE DATE STAMP

(ABOVE THIS LINE IS FOR SIGNALS USE ONLY.)

TO

FIFTH ARMY FOR AMB: EIGHTH ARMY FOR AMB: REPT SEARS FOR AMB.

FROM

FILIPOT FROM AMB

Originator's Number

PA 153

Date

6

In Reply to Number

1

Wt. 10598/864. 300x Pads. 6/42. P.L. T.51-4880.

TO	AMB	PA/AMB	Instruction	AMB/1002/1.	of
3	Nov	subject	appointment	of	General
Military	Courte	of	which	office	rent
direct	to	addressed	does	not	repeat
NOT	at 10	in	Fifth	and	Eight
Army	Army				

THIS MESSAGE MAY BE SENT AS WRITTEN BY
ANY MEANS EXCEPTTHIS MESSAGE MUST BE SENT IN CIPHER
IF LIABLE TO INTERCEPTION OR TO FALL
INTO ENEMY HANDS.
SIGNEDORIGINATOR'S INSTRUCTIONS
DEGREE OF PRIORITY

TIME OF ORIGIN

SIGNED

(BELOW THIS LINE IS FOR SIGNALS USE ONLY.)

T.H.I. 8

SYSTEM IN	TIME IN	READER	SENDER	SYSTEM OUT	TIME OUT	READER	SENDER	SYSTEM OUT	TIME OUT	READER	SENDER

T.O.R.

*Originator may delete "except" and insert "including."

210
H

E 5 NOV 1943
B-1

HEADQUARTERS
ALLIED MILITARY GOVERNMENT

AMG/4002/L

3 November 1943

In requesting the appointment of a General Military Court please use the attached form.

W. C. Chandler
Wm. C. CHANDLER,
Lt. Col. (FA),
Chief Legal Officer.

DISTRIBUTION

RCAO Region 1	(6)		
Agrigento Province	(3)		
Caltanissetta Province	(2)		
Catania	(2)	AMCOT Liaison	(1)
Enna	(2)	" 8th Army	(6)
Palermo	(4)	" 5th Army	(6)
Ragusa	(3)	" 15th Army Group	(6)
Syracuse	(2)	MCS AFHQ	(12)
Messina	(3)		
Trapani	(3)		
RCAO Region II	(25)	Files: (4002/L)	(1)
RCAO Region III	(25)	Float	(1)
RCAO Region IV	(25)	Spares	(20)

3

Seen
45/6/11

HEADQUARTERS
ALLIED MILITARY GOVERNMENT

AMG/4002/L

3 November 1943

In requesting the appointment of a General Military Court please use the attached form.

W. C. Chanler
Wm. C. CHANLER,
Lt. Col. (FA),
Chief Legal Officer.

DISTRIBUTION

RCAO Region 1	(6)		
Agrigento Province	(3)		
Caltanissetta Province	(2)		
Catania	(2)		
Enna	(2)	AMCOT Liaison	(1)
Palermo	(4)	" 8th Army	(6)
Ragusa	(3)	" 5th Army	(6)
Syracuse	(2)	" 15th Army Group.	(6)
Messina	(3)	MCS AFHQ	(12)
Trapani	(3)		
RCAO Region II	(25)	Files: (4002/L)	(1)
RCAO Region III	(25)	Float	(1)
RCAO Region IV	(25)	Spares	(20)

HEADQUARTERS
ALLIED MILITARY GOVERNMENT

AMG/4002/L

3 November 1943

In requesting the appointment of a General Military Court please
use the attached form.



Wm. C. CHANLER,
Lt. Col. (FA),
Chief Legal Officer.

DISTRIBUTION

RCAO Region 1	(6)		
Agrianto Province	(3)		
Caltanissetta Province	(2)		
Catania	(2)		
Enna	(2)	AMGOT Liaison	(1)
Palermo	(4)	" 8th Army	(6)
Ragusa	(3)	" 5th Army	(6)
Syracuse	(2)	" 15th Army Group.	(6)
Messina	(3)	MGS AFHQ	(12)
Trapani	(3)		
RCAO Region II	(25)	Files: (4002/L)	(1)
RCAO Region III	(25)	Float	(1)
RCAO Region IV	(25)	Spares	(20)

HEADQUARTERS
ALLIED MILITARY GOVERNMENT

AMG/4002/L

3 November 1943

In requesting the appointment of a General Military Court please use the attached form.

W. C. Chanler

Wm. C. CHANLER,
Lt. Col. (FA),
Chief Legal Officer.

DISTRIBUTION

RCAG Region 1	(6)		
Agrigento Province	(3)		
Caltanissetta Province	(2)		
Catania	(2)		
Enna	(2)	AMGOT Liaison	(1)
Palermo	(4)	" 8th Army	(6)
Ragusa	(3)	" 5th Army	(6)
Syracuse	(2)	" 15th Army Group.	(6)
Messina	(3)	HQS AFHQ	(12)
Trapani	(3)		
RCAG Region II	(25)	Files: (4002/L)	(1)
RCAG Region III	(25)	Float	(1)
RCAG Region IV	(25)	Spares	(20)

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 bedays.

4. The prosecutor will be

5. The interpreter will be

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

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

Signed

0 3 2 0