

ACC

10000/142/979

1382

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

10000/142/979

AMGOT LIAISON, LEGAL
AUG. - OCT. 1943

1363

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

AMGOT LIAISON

AL/21

acc
14293

(T)

LEGAL

[Handwritten signature]

1364

LEGAL

(T)

979

42

10000

THIS FOLDER
CONTAINS PAPERS

43

FROM

43

TO

CATALOGUE.

1/11/80

Folio.	To/From.	REF.	DATE.	Folio	To/From.	REF.	DATE.
1.	Fr. Angot, Syracuse.	ST/7.	9/8.	21	To: Angot & Army.	AL/21	8/9.
2	" Kennell.		10/8	22	Fr: C.C.A.O.	Angot/Hors/L.	7/9
3.	To: L.O., Syracuse	AL/6/59	11/8	23	To: L.O., Syracuse.	AL/21.	10/9.
4.	To: C.S.O., 15 Ar. Ep.	AL/6.	11/8	26.	Fr: Jan 15 Ar.	CCAO ST	12/9.
5A.	Fr: CCAO.	Angot/H002/L.	10/8	27	To: Jan 15 Ar.	FS9	12/9.
5	Fr: CCAO.	"	10/8	30	Fr: C.L.O. P.	AMGOT/H004/L	11/9.
6.	To: C.S.O., Angot.	AL/6/73.	14/8	31	To: MA & CCAO.	AL/21/31	15/9.
6A.	Fr: " "	ANGOT/236/H0.	12/8	32	Fr: C.L.O. P.	AMGOT/H002/L	12/9.
6B.	Fr: " "	"	"	33.	To: C.L.O. P.	AL/21/33	15/9.
7	To: C.H.O., Angot HQ.	AL/4/116.	16/8	34	Fr: C.L.O. P.	ANGOT/H002/L	14/9.
8	To: SCAD, Syracuse.	AL/4/114	15/8	37	To: C.L.O. P.	AL/21/37	22/9.
9	Fr: C.H.O., Angot HQ.	Angot/H002/L.	19/8	38.	Fr: C.L.O. P.	AMGOT/H004/L	19/9.
10	Fr: Col. Chandler.		23/8	39.	Fr: C.L.O. P.	AMGOT/H001/L	19/9
11	To: Col. Chandler, Angot.	AL/4/214	25/8	40.	Fr: ANG P.	AMGOT/H007/L	23/9.
12	To: Maj. Gen. Kennell.	AL/4/240.	25/8	41.	To: SCAD, Syracuse	AL/21/41.	25/9.
13	Fr: CCAO.	Angot/H002/L.	19/8	42.	Fr: AMGOT P.	AMGOT/181/HQ	23/9.
14	Fr: C.H.O., Angot HQ.	"	19/8	43.	Fr: AMGOT P.	H016/L	25/9.
15	Fr: C.H.O., Angot HQ.	Angot/31/H0.	25/8	44	Fr: C.L.O. P.	1666 ??	26/9
15A	Drp. Letter to 788 Amies for 15. Arp.			46.	To: C.S.O. P.	AL/21/46	27/9
15B.	Fr: Maj. Gen. Simley	C/147.	31/7.	47.	To: Palmer	AL/21/47	27/9.
15C.	Fr: " "	C/148.	31/7.	48.	Fr: Palmer	None	27/9
16	C.H.O., Angot HQ.	Angot/H003/L.	Aug.				

2	" Renell.	10/8		22	Fr: C.C.A.O.	Angot/4018/L.	7/9
3.	To: L.O., Syracuse C.S.O. C.S.O.	11/8	AL/6/59	23	To: L.O., Syracuse.	AL/21.	10/9.
4.	3.C.S.O., 15 Ar Ep.	11/8	AL/6.	26.	Fr: Jan 15 Ag.	CCAO ST	12/9.
5A.	Fr: CCAO.	10/8	Angot/4002/L.	27	To: Jan 15 Ag.	F39	12/9.
5	Fr: CCAO.	10/8	"	30	Fr: C.L.O. P.	AMOT/4002/L	11/9.
6	To: C.S.O., Angot.	14/8	AL/6/73.	31	To: MA & CCAO.	AL/21/31	15/9.
6A	Fr: " "	12/8	AMOT/3256/HS.	32	Fr: C.L.O. P.	AMOT/4002/L	12/9.
6B.	Fr: " "	"	"	33.	To: C.L.O. P.	AL/21/33	13/9.
7	To: C.L.O., Angot HQ.	16/8	AL/4/116.	34	Fr: C.L.O. P.	AMOT/4002/L	14/9.
8	To: SCAO, Syracuse.	18/8	AL/4/144	37	To: C.L.O. P.	AL/21/37	22/9
9	Fr: C.L.O., Angot HQ.	19/8	Angot/4002/L.	38.	Fr: C.L.O. P.	AMOT/4002/L	19/9.
10	Fr: Col. Chanler.	23/8		39.	Fr: C.L.O. P.	AMOT/4001/L	19/9
11	To: Col. Chanler, Angot.	25/8	AL/4/214	40.	Fr: AMG P.	AMOT/4007/L	13/9.
12	To: Maj. Gen. Renell.	25/8	AL/4/240.	41.	To: SCAO, Syracuse	AL/21/41.	25/9.
13	Fr: CCAO.	19/8	Angot/4002/L.	42.	Fr: AMOT P.	AMOT/38/HQ	23/9.
14	Fr: C.L.O., Angot HQ.	19/8	"	43.	Fr: AMOT P.	4016/L	23/9.
15	Fr: C.L.O., Angot HQ.	20/8	Angot/31/HS.	44.	Fr: Rene S Army	1666 ??	26/9
15A.	Draft. Letter to 788 Admin for 15. AGP.			46.	To: C.S.O. P.	AL/21/46	27/9
15B.	Fr: Mil. Gen. Sirely	21/7.	C/147.	47.	To: Palms.	AL/21/47	27/9.
15C.	Fr: " " "	21/7.	C/148.	48.	Fr: Felina	None	27/9
16	Fr: C.L.O., Angot HQ.	Aug.	Angot/4033/L.	49	To: C.L.O. P.	AL/21/49	28/9.
17	Fr: CCAO.	19/43.	Draft.	50.	To: C.S.O. P.	AL/21/50.	28/9
18	To: C.L.O., Angot HQ.	1/9	AL/4/326	51	Fr: C.S.O. P.	AMOT/4002/L	1/10.
19	To: PA & C.C.S., 15 Ar Ep.	6/9	AL/21/	52	To: RAO Reg 2.	AL/21/52	5/10.
20.	Fr: Angot, S Army	1/9		53	Fr: C.L.O. P.	AMOT/4004/L	29/9

367

File Closed
after 5H

C O P Y

ALLIED MILITARY GOVERNMENT

Subject: Purchase of Land for Canadian Army Cemetery

File No: AMGOT/4053/L

To: AMGOT Liaison
15 Army Group
C.M.F.

AMGOT HQ., SICILY

30th Sep., 1943

1. Reference your letter AL/21/49 of 28th September, it is a matter for the Canadian Army to state who they desire to take a transfer of the land for their War Cemetery.
2. The British practice is for all land to be acquired by the British War Graves Commission and I believe there is a similar Commission which operates under the Canadian Government.
3. I suggest that the Canadian Army Authorities obtain full directions from the Canadian Army Headquarters in England as to who should acquire the property and that they should then consult their own Judge Advocate General's Department over the transaction.
4. If we can give any help to their Judge Advocate General's Department we shall be pleased to do so, if they will communicate with us.

H.E. ROWE,
Lieut.Col.,
D. C. L. O.

W

SUBJECT: Records in Summary Court Cases.

29 Sep. 43.

To : All Legal Officers (through S.C.A.O.).

1. Summary Court Dockets have been distributed to each Provincial Legal Officer for use of the Summary Courts in his Province.

2. These dockets have been prepared with a view to lessen the amount of paper work required. Some general directions will systematize and make more uniform the use of these records.

3. It is contemplated that notes will be kept by the Summary Court Judge in all cases. Where there appears to be a possibility of an appeal or a sufficient reason for the submission of the complete record to this Headquarters, such record will be prepared on Form 8 and submitted. In all other cases, the notes will be filed and the record of the case will appear on the Summary Court loose leaf pages. If it becomes necessary for any reason, a form #8 can be called for at a later date. Some of the categories of cases where a form #8 report is desired are as follows:

- (a) When a sentence of 90 days imprisonment or more, or a fine of 4000 Lire or more is imposed.
- (b) When the case involves new or complicated questions of law, without regard to the extent of the penalty imposed.
- (c) Where unusual leniency or severity in the sentence is deemed necessary.
- (d) Where there is an indication that an application for review may be filed.
- (e) Where the Summary Court Judge feels that, for any reason, the full record should be submitted to this Headquarters.

4. There is no necessity of preparing a full record in categories of cases where the cases themselves are of minor nature and otherwise do not come within the provisions of paragraph 3, above, such as violations of the curfew law, blackout regulations and similar offences.

5. It is believed that the violations, of the price fixing regulations, food control program, thefts and possession of Allied Military property, interfering with telephone and telegraph lines, including the theft of wire, riots and public disturbances, attacks on Allied soldiers, sabotage or war crimes are sufficiently serious, in general, to warrant a substantial sentence or fine and should therefore have a full record submitted.

6. A form of an application for review is inclosed, printed copies of which will be available for distribution within a few days.

7. It is desired, that this form be used in all applications for review, and be submitted to the Senior Legal Officer of each Province for the addition of any fact or comment desired. Such application will be forwarded promptly to this office with all necessary records for an adequate review. This record will be submitted in the English language or a translation attached. However, it is

Chagat. Kedd 410. #2
M/21
TIGOT/4034/L.
ANGOT HQ. SICILY.

53

paper work required. Some general directions will systematize and make more uniform the use of these records.

3. It is contemplated that notes will be kept by the Summary Court Judge in all cases. Where there appears to be a possibility of an appeal or a sufficient reason for the submission of the complete record to this headquarters, such record will be prepared on Form 8 and submitted. In all other cases, the notes will be filed and the record of the case will appear on the Summary Court loose leaf pages. If it becomes necessary for any reason, a form #8 can be called for at a later date. Some of the categories of cases where a form #8 report is desired are as follows:

- (a) When a sentence of 90 days imprisonment or more, or a fine of 4000 Lire or more is imposed.
- (b) When the case involves new or complicated questions of law, without regard to the extent of the penalty imposed.
- (c) Where unusual leniency or severity in the sentence is deemed necessary.
- (d) Where there is an indication that an application for review may be filed.
- (e) Where the Summary Court Judge feels that, for any reason, the full record should be submitted to this headquarters.

4. There is no necessity of preparing a full record in categories of cases where the cases themselves are of minor nature and otherwise do not come within the provisions of paragraph 3, above, such as violations of the curfew law, blackout regulations and similar offenses.

5. It is believed that the violations, of the price fixing regulations, food control program, thefts and possession of Allied Military property, interfering with telephone and telegraph lines, including the theft of wire, riots and public disturbances, attacks on Allied soldiers, sabotage or war crimes are sufficiently serious, in general, to warrant a substantial sentence or fine and should therefore have a full record submitted.

6. A form of an application for review is inclosed, printed copies of which will be available for distribution within a few days.

7. It is desired, that this form be used in all applications for review, and be submitted to the Senior Legal Officer of each Province for the addition of any fact or comment desired. Such application will be forwarded promptly to this office with all necessary records for an adequate review. This record will be submitted in the English language or a translation attached. However, it is not to be understood, that review will be refused in cases where an individual submits a personal letter in the Italian language, directly to this office.

8. Records of convictions for misdemeanors and crimes, as far as practicable, should be obtained from the Carabinieri or other local sources and submitted with each case where a review is contemplated.

9. A substantial compliance with this directive by all concerned will render more efficient the work of this Legal Division.

By order of Chief Legal Officer:

W. R. Jordan
 W. R. Jordan,
 Lt. Col., CMC,
 Chief Judicial Officer.

Copy to File ANGT/4026/L.

Subject: General Military Court.

52

R.C.A.O.,
AMCOL,
Region 2.

AM/21/52

5. Oct. 43.

The O.C.A.O. directs me to inform you that the date of the Order signed by him setting up a General Military Court in CALABRIA has been altered from 1st to 4th October, 1943.

AMCOL,
15 Army Group,
C. M. P.
LPT/SG.


Colonel,
S. S. O.

521

I, Francis J. Owen Russell of Bodi, Major-General, and Chief Civil Affairs Officer in the Department of Calabria, by virtue of the powers conferred upon me by the General Officer Commanding the Allied Forces in Italy and Military Governor of the Occupied Territories in Italy, hereby, and on behalf of the Military Governor, appoint a General Military Court to be constituted of the Commanding Officer, Reggio-Calabria Sub-Base Area as President, and two members to be nominated by Lieutenant Colonel Harvey S. Gentry, A.S.C., Regional Civil Affairs Officer in Calabria, one of whom is to be a Judicial Officer of the Allied Military Government. Such Court, so constituted, shall hear and determine all cases which may be brought before it, for trial in the Department of Calabria.

Fow/E

October 1943.


Major-General, Chief Civil
Affairs Officer.

Admin Gentry 4 OV

AMCOT/4002/L.
AMCOT HQ., SICILY
1 October 1943

SUBJECT: Allied Military Courts - Sentences.

TO : All Senior Civil Affairs Officers
and All Senior Legal Officers.

1. On page 10 of minutes of meeting of Senior Civil Affairs Officers ref. AMCOT/263/HQ, the report is contained of directions of Chief Civil Affairs Officer that there was to be no suspension of any sentence pending his decision as to whether or not he would revise it.
2. The above directions have been cancelled by the Chief Civil Affairs Officer and the directive contained in para. 5 of this instruction has been substituted.
3. All Allied Military Courts may impose suspended sentences. As, however, this type of sentence has been much too frequently imposed in the past, Allied Military Courts will suspend a sentence only when it is desirable, having regard to special circumstances of the case, such as the age or other circumstances of the accused, or such as the fact that the accused has acted without any bad intent but has still committed a minor offence.
4. Senior Civil Affairs Officers have no power to review cases, or suspend sentences.

5. The Chief Civil Affairs Officer is concerned about the smallness of sentences imposed for grave offences where the accused has been found "guilty". The attention of all officers who sit on Allied Military Courts will be drawn to the fact that sentences must not only be assessed on the circumstances in which the offence was committed, but also on the gravity of the offence, the frequency with which the offence occurs and its effect on Military Security. As an example, illiterate peasants have frequently been committing the grave offence of cutting off pieces of Military telephone wires. This offence has generally been committed openly to obtain binding wire and with little or no knowledge of the possibilities of its results on the Allied Forces. Nevertheless, the offence must be punished severely as it is a grave offence, is very prevalent and the whole security of the Army may be jeopardized by it.

CHARLES M. SPOTFORD,
Colonel, G. S. C.,
Chief Staff Officer.

1374

TO : All Senior Civil Affairs Officers
and All Senior Legal Officers.

1. On page 10 of minutes of meeting of Senior Civil Affairs Officers ref. AMCOT/263/HQ, the report is contained of directions of Chief Civil Affairs Officer that there was to be no suspension of any sentence pending his decision as to whether or not he would revise it.
2. The above directions have been cancelled by the Chief Civil Affairs Officer and the directive contained in para. 3 of this instruction has been substituted.
3. All Allied Military Courts may impose suspended sentences. As, however, this type of sentence has been much too frequently imposed in the past, Allied Military Courts will suspend a sentence only when it is desirable, having regard to special circumstances of the case, such as the age or other circumstances of the accused, or such as the fact that the accused has acted without any bad intent but has still committed a minor offence.
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[Handwritten signature]
CHARLES M. SPOTFORD,
Colonel, G. S. C.,
Chief Staff Officer.

DISTRIBUTION

Agrigento	7	Siracusa	11
Caltanissetta	7	Messina	9
Catania	7	AMCOT Liaison	1
Enna	5	Trapani	7
Palermo	36	AMCOT 8th Army	7
Ragusa	7	Region 2	10

AMCOT 5th Army	}	10
Region 3		
File 263/HQ and original		2
Float		1
Divisions		9
M.G.S. A.F.H.Q.		12
Spares		10
		20

Subject: Reduction of Sentence.... Roccaro Angelo.

50

C. S. O.,
Headquarters,
ANGOT,
PALESTINE.

11/21/50

28. Sep. 43.

Attached is forwarded in original. I know that Lieut. Hemmendinger was in favour of a lighter sentence but understood after discussion that he was willing to support the opinion of the majority of the Court.

RJPF/JG.

Colonel,
S. S. O.,
ANGOT Liaison.

23

Subject: Purchase of Land for Canadian Army Cemetery. 149

Chief Legal Officer,
A.M.C.S.M.,
PATERNO.

11/21/49

28. Sep. 43.

The Canadian G.H.Q. 1st Echelon attached to 15 Army Group have raised the following points:-

1. It has been decided to have a single Canadian cemetery for the burial of all Canadian dead in Sicily.
2. A site has been selected near AGIRA Ref. 137934 and construction of the cemetery has already been commenced.
3. Negotiations have taken place between the Canadian authorities and the owner of the land, ANTONINO SEMINARA, vice-Mayor of AGIRA, who has agreed to sell the property. There will, in fact, be no difficulty in agreeing the price.

The question now arises as to whom the conveyance of the property should be made. It does not seem possible for the Crown in right of the Canadian Government to take the conveyance of the land. Equally, certain provisions as to the creation of war cemeteries may be contemplated in the Treaty of Peace which will in due course be signed by the Italians.

Will you please advise the best course for the Canadian authorities to take in this matter to ensure that the land will be held in perpetuity as a war cemetery. 24

A GOF Liaison,
15 Army Group,
C. H. P.
RP/JO.

H. Parker.
H. PARKER, Capt.,
Staff Captain,
AGOT Liaison.

Copy to: Canadian G.H.Q. 1st Echelon, 15 Army Group

27 SEP 1943
AN/21. 18 48

MOBILE SERVICE

URGENT
AIRMAIL MESSAGE
IN

MOBILE 30 0215
27 SEPT 43

FROM: SAC, MOBILE
TO: DIRECTOR
ORIG: MOBILE

TO: DIRECTOR
FROM: MOBILE

THIS IS FORWARDED TO YOU FOR INFORMATION. IT IS NOT TO BE
REPRODUCED OR USED IN ANY MANNER WITHOUT THE WRITTEN
APPROVAL OF THE SAC, MOBILE.

RE: DISSEMINATION

ALCOHOL 1
G(CPS) 1
I 1
AND 2

ONE COPY 1
ONE COPY (CPS) 2
ONE COPY 1

see 45 why??
28/9 23
215 N/21

Subject: Candidate for Commission - S/7678788 Pte. Woodhouse, RASC.

Headquarters,
A.M.G.O.T.,
Palermo.

NY/21/47

27. Sep. 43.

47

42

Reference your AMGOT/381/HQ dated 23. Sep. 43.

1. I have consulted with "A" Branch, 15 Army Group, who give the following ruling.

2. They state that you should write to A.F.H.Q. direct requesting that in view of (a) Pte. Woodhouse's very special qualifications; and (b) the fact that he has twice been in command of troops as an unpaid H.C.O., the certificate required by G.R.O. 478, Appendix "B", should be waived and that Pte. Woodhouse's own statement should be accepted, it not being possible to obtain certificates from his two previous Commanding Officers as they are not in this theatre of war.

AMGOT Liaison,
15 Army Group,
C. H. F.
HM/5G.

H. Farrer.

Captain,
Staff Captain,
AMGOT Liaison.

Subject: Confirmation of Sentences.

C. S. O.,
Headquarters,
15 Army Group.

7 AL/21/46

27. Sep. 43.

1. This is to inform you that the under-mentioned
Sicilians have been sentenced as under:-

GIUSEPPE MACHASCO - sentenced to 3 years im-
prisonment for wire-cutting.
Confirmed by AMGOT Legal
Authorities.

CASPARO CATANFAR - sentenced to 5 years im-
prisonment for wire-cutting.
Confirmed by AMGOT Legal
Authorities.

2. These offences took place in the Province of
PALERMO.

AMGOT Liaison.
HE/JG.

H. Parker.

H. PARKER, Capt.,
Staff Captain,
AMGOT Liaison.

Copy to: G.S.I(b)., 15 Army Group.

MOST SECRET

IMPORTANT
CIPHER MESSAGE
IN

AL/21 FOLIO NO 0143
6 SEP 1943

45

FROM : HIME FIFTH ARMY SIGNED CLARK
TO : CG 15 ARMY GROUP FOR AMGOT PALERMO
ORIG. NO: 1666

TOO 1117A/26
THI JUL
TOR 0500A/27

RUSH BY AIR AMPLIE SUPPLY AND AUTHORITY FOR POSTING PROCLAMATION TWELVE WE NEED US TRESINE
SUPPLY OF AM LIRE AND FIFTH ARMY DISBURSING OFFICERS ALSO ALSO INTEND USE FOR SEPTEMBER
TROOP PAY AS THEY HAVE NO OTHER CURRENCY. REQUEST MILITARY GOVT SECTION AFHQ EXPEDITE
SHIPMENT PROCLAMATIONS SIX TO THIRTEEN INCLUSIVE AND GENERAL ORDER ONE AND ADDITIONAL SUPPLY
OTHER PROCLAMATIONS NOTICES AND ORDERS

AMGOT.

4 ACTION

SMO. 0550A/27
T.T. 0600A/27.JGD.

NOTE: SHORE

URGENT
CIPHER MESSAGE
IN

FILE NO 09864

26 SEPT 43

TOO 1417A

FOR 1230A

FROM: BURE FIFTH ARMY SIGNED CLARK
TO: CG 15 ARMY GROUP FOR AMOT PALERMO.
ORIG NO: 1656 ??

RUM BY AIR SUPPLY SUPPLY AND AUTHORITY FOR POSTING PROCLAMATION TWELVE
WE NEED US PRESENT SUPPLY OF 41 LIRS AND FIFTH ARMY DISBURSING OFFICERS
ALSO INTERD USE FOR SEPTEMBER TROOP PAY AS THEY HAVE NO OTHER CURRENCY.
REQUEST MILITARY GOVT SECTION AMHQ EXPEDITE SHORTEST PROCLAMATIONS SIX
TO 7 INTERIM INCLUSIVE AND GENERAL ORDER CTS AND ADDITIONAL SUPPLY OTHER
PROCLAMATIONS NOTICES AND ORDERS.

SMC DISTRIBUTION

AMOT 4. ACTION

SMC 1330A/26 13
TE 1350A/26 13

PASSED TO PALERMO.

ALLIED MILITARY GOVERNMENT

SUBJECT: Confirmation of Sentences

TO: S.S.O., 15 Army Group

FILE No. 4016/L

AMGOT HQ. SICILY

25 Sept. 1943

1. Will you please inform the appropriate officers that the sentence of Giuseppe Magnasco, sentenced to 3 years' imprisonment for wire cutting, imposed by the Allied Military Court sitting at Palermo has been confirmed by the G.C.A.O. upon petition for review.

2. Also, that the sentence of Gasparo Catanese of 5 years' imprisonment for wire cutting imposed by General Military Court sitting at Palermo has likewise been confirmed upon review.

G. S. O.

No. 785016

42

SUBJECT:- Candida for Commission - S/7678788 Pte. H. WOODHOUSE, R.A.S.C.

AL/21
25 SEP 1963

ANGOT H.Q., SICILY.

23 Sept 43.

31

Ref. your AL/21/31 dated 15 Sept 43.

Would you please obtain the advice of 15 Army Group on the following point.✓

In relation to Question 4 of Part I of A.F.B.2617, it is stated in Appendix "B" to G.R.O. 178 that the applicant must be of the rank of Cpl or be certified by his C.O., to have been in command of men for at least 6 weeks. Pte Woodhouse states that he was in charge of troops from 1 Mar 42 to about 15 Apr 42 while attached to 99 General Transport Coy, R.A.S.C. as an acting unpaid L/Cpl, and further that during the period 14 Jul 42 to 30 Apr 43 he was an N.C.O. in the Legal Aid Section at Southern Command. During a large part of this period he states he was acting unpaid Sgt and Deputy Chief Clerk of the Section. Unfortunately a certificate as to this cannot be obtained as the Units in question are not available in this theatre.

Please advise (1) whether Woodhouse's statement could be accepted without a certificate, if not (2) whether, if he were made an unpaid acting Cpl, this would comply with G.R.O. 178, if so, may authority please be given by 15 Army Group to grant Woodhouse acting rank in accordance with K.R. 1940, Para.290. If the course suggested in (2) is not feasible may authority be given for the six weeks in command of men to be waived in view of the very specialised work for which Woodhouse is required. If it is not possible, please inform this H.Q. of the Unit to which Woodhouse should be attached for the six week period.

see 47

Colonel,
Chief Staff Officer.

Subject: General Military Court.

S.C.A.O.,
ANGOT,
SYRACUSE.

10/14/41
22. Sep. 43.

44

Herewith records of cases which appeared before the
General Military Court which was held at Syracuse on Wednesday
22. Sep. 43. When a record of these cases has been taken in your
office, please forward the documents to ANGOT H.Q. ^{Nos. 708}

ANGOT Liaison,
15 Army Group Main,
FIELD.
JG.

Colonel,
S. S. O.,
ANGOT Liaison.

AM/21. Amos J. J. J.

23 SEP 1943

40

SUBJECT: Regolamenti Comunali.

A

AMCOT/1427/1

AMCOT HQ. STAFF

15th September, 1943.

TO: AM S.C.A. Gc

1. According to Italian Law (R.D. 3 Marzo 1934) Regolamenti Comunali are required in all cases to be submitted to the Prefect for approval. In certain categories of cases, Regolamenti Comunali are also submitted to the Council of the Prefettura and the Provincial Giunta for advice, and in others the approval of the Central Government has also to be obtained.
2. To enable Regolamenti Comunali to be made by the Communes at the present time, the accompanying Administrative Instruction has been issued. Notice thereof should be given to the Prefect and Communes.

60A

Charles I. Stafford
CHARLES I. STAFFORD,
Colonel, G.S.C.
Chief Staff Officer.

File
10. 17-24/9

HEADQUARTERS AMCOT

AMCOT/1057/L

SICILY

21st September 1943

GENERAL ADMINISTRATIVE INSTRUCTION NO. 19.

The following instructions have been issued:-

As from the date hereof until further notice, Regolamenti Comunali shall be made in accordance with the following procedure:-

1. Regolamenti Comunali will be submitted to the Prefect of the Province for approval after being made.
2. The Prefect will not submit Regolamenti Comunali to the Council of the Prefettura or to the Provincial Giunta for advice or to the Central Government for approval.
3. The Prefect will after considering Regolamenti Comunali received by him for approval submit the same to the Senior Civil Affairs Officer of the Province with his recommendations.
4. The Senior Civil Affairs Officer, after considering the Regolamenti Comunali together with the recommendations of the Prefect and of the Civil Affairs Officer (if any) for the Comune, issue directions to the Prefect to approve or refuse approval of the Regolamenti.
5. Regolamenti Comunali, after approval by the Prefect as above mentioned shall be of full force and effect.

CHARLES M. SPOTFORD,
Colonel, G.S.C.
Chief Staff Officer.

DISTRIBUTION:-

S.C.A.O. AGRIGENTO	6
S.C.A.O. CALTANISSETTA	6
S.C.A.O. CATANIA	6
S.C.A.O. ENNA	4
S.C.A.O. PALERMO	30
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S.C.A.O. TRAPANI	6
S.C.A.O. MESSINA	8

AMCOT Liaison	1
AMCOT Eighth Army Region 2	10
AMCOT Fifth Army Region 3	10
File 266 and Original	2
Float	1
Division	6
A.C.S., A.F.H.Q.	12
Spares	10

Subject:- Temporary Amendments to Italian Penal Procedure. AMCOT/1001/L. 39

22 SEP 1943

AMCOT H.Q. SICILY.

To:- All S.L.Os. through S.C.A.Os.

19 Sept. 1943.

Further to instructions set out in para. 4 of the Temporary Modifications to Italian Penal Procedure published in "Sicilia Liberata" of 6 Sept. 1943, reading as follows:-

"The Court and Prosecution to have the right to grant provisional liberty even in cases set forth in Article 253 of the Code of Penal Procedure, whenever the offence is not serious or the circumstances in which the act has been committed do not justify the continuous detention of the accused".

This provision applied only to offences committed since the occupation. It has now been decided that Procuratore delle Legge may also grant provisional liberty in cases of prisoners sentenced to a term of imprisonment by the Italian Courts before our occupation. In this instance, however, the decision of the Procuratore must be submitted to and approved by the S.C.A.O. of the Province.

W.C. CHAMBER, Lt. Col. (A.U.S.)
Chief Legal Officer.

Angot March

38

27 SEP 1943

AL/21.

ANGOT/4034/L.

Subject: Corte d' Assise.To: All Senior Legal Officers
(through S.C.A.Os.)AMEOT H.Q., SICILY.

19 September, 1943

1. S.L.Os. in all provinces should instruct local Italian Judicial Authorities to hold assizes at the earliest convenient date.
2. In towns where assizes sit normally and both Assessors and "Consigliere" are available, such arrangements as may be necessary should be made forthwith to enable the sessions to take place early in October. (It is understood that both Agrigento and Catania can do so).
3. S.L.Os in Provinces where no "Consigliere" are present owing to the War conditions, should notify this H.Q. forthwith, so that instructions may be given to the President of the Corte d' Appello to send two or more "Consigliere" on circuit in order that the Corte d' Assise may sit as early as possible in October.
4. As soon as they have consulted with the local officials, S.L.Os. will report on the position to the C.L.O., stating at the same time the approximate dates when such sessions may be held in their respective districts.
5. The number of cases to be tried during the session and a list of prisoners awaiting trial in gaols situated outside the Province should also be furnished.
6. A calendar will then be published in order to regularise the sittings of the "Court of Assize" throughout the island for the coming year.

Rz

12

W.C. CHANLER, Lt. Col. (A.U.S.)
Chief Legal Officer.

Subject: General Military Court.

AL/21/37

22 Sep 43.

Chief Legal Officer,
Headquarters,
AGOT,
PAIRFO.

As it seems likely that I shall be leaving this vicinity within the next week, I should be grateful if arrangements could be made for a new President to be appointed for the General Military Court for SYRACUSE and AUGUSTA. *RAGUJA*

I would suggest that he should be given the same powers as I have been given in the C.C.A.O's latest order.

RL
Colonel,
S. S. O.

AGOT Liaison,
15 Army Group Main,
FIELD.
RJPT/JG.

Angot Liaison

7 SEP 1943

AL/21

MA

34

Subject:- Fines Imposed by Allied Military Courts.

ANGOT/4002/L.

ANGOT H.Q. SICILY

To:- All Legal Officers and Finance Officers
(through S.C.A.Os.)

14th Sept. 1943.

With reference to the "Rules of Procedure for Allied Military Courts", para. 19 (2), for the purpose of collecting and accounting for fines imposed by the Allied Military Courts, Legal Officers are hereby directed to pay all fines collected to Sub-Accountants as directed in the ANGOT Accounting Manual.

[Signature]
W.C. CHAMBER, Lt. Col. (A.U.S.)
Chief Legal Officer.

Copies to: All Heads of Divisions.

10

Subject: Appointment of Courts with 5th and 7th Armies. 33

AL/21/33

15. Sep. 45.

Chief Legal Officer,
Headquarters,
AMCOT,
PALESTINE.

32
With reference to your memo AMCOT/4002/L dated
12. Sep. 45.

1. The original Orders have been handed to "A" Branch,
15 Army Group for distribution.
2. "A" Branch has also been asked to forward the
information given in para. 4 of your memo.

47
Captain,
Staff Captain,
AMCOT Liaison.

AMCOT Liaison,
15 Army Group Main,
FIELD.
HE/JG.

B/F 15/9
11/21. 32

SUBJECT : Appointment of Courts with 5th and 8th Armies.

AMCOT/1002/L.
AMCOT HQ SICILY.
12 September 1943.

MEMO TO : CCAO.

1. You will recall that you ~~obtained~~ the GOC's signature on an order authorizing the GOC 5th Army and GOC 8th Army to appoint and delegate the power to appoint Allied Military Courts. You brought the original signed orders back to me. I made certified true copies and sent them to the SCAOs with the 5th and 8th Armies.
2. Lieutenant Colonel Gerry reports that he wants these orders to go to the GOC 8th Army through channels, and I think he is right. Colonel Thorne Thorne phoned me this morning suggesting that to correct this situation I send you the original orders signed by General Alexander with the request that you have them transmitted through channels from 15th Army Group Headquarters to each Army Commander.
3. I assume that all that is necessary is for you to hand the two original copies of each order signed by General Alexander, which are enclosed herewith, to "A" Branch and request them to distribute.
4. Will you kindly ask "A" Branch that when they send out the orders to the Army Commanders they will, in the covering letter, inform the Army Commanders that the Senior Civil Affairs Officers attached to their Armies have full instructions as to how the appointment of Military Courts should be effected. Will you also ask the "A" Branch to send copies of the covering letters to the respective Senior Civil Affairs Officers.

W. C. Chandler

WM. C. CHANDLER,
Lt. Col., AUS,
Chief Legal Officer.

CONFIDENTIAL.

Subject: Commissioning of British Cpls - S/708788 -
Pte. Woodhouse H.

21/31
15. Sep. 45.

M.A. to C.C.A.O.,
Headquarters,
AMCOT, PALERMO.

With reference to the attached file of correspondence, I have enquired of "A" Branch, 15 Army Group today and they state that an application should be forwarded to G.H. British, A.F.H.Q., for the granting of an immediate commission to Pte. Woodhouse. This application should be accompanied by a covering letter from the C.C.A.O. strongly recommending the appointment of Pte. Woodhouse to commissioned rank, coupled with a request that he be retained by AMCOT to carry out his legal duties. In no circumstances should it be suggested that he either appear before a W.O.S.B. or attend an O.C.T.U., as if either of these courses were adopted, it is almost certain that he would be commissioned into the Infantry and lost to AMCOT.

Should A.F.H.Q. raise any objection, please refer the matter to me and I will arrange for 15 Army Group to try and smooth away any difficulties which might arise by reason of Pte. Woodhouse's comparative youth.

AS
Captain,
Staff Captain,
AMCOT Liaison.

AMCOT Liaison,
15 Army Group Main,
FIELD.
HF/JG.

13 SEP 1943

Angol Liaison

AK/218

30

Subject:- Prosecutions - Orders to Civilian Enemy Subjects

AMCOT/4034/L

AMCOT HQ. SICILY

To: All Senior Legal Officers
(through S.C.A.Os.)

14th Sept. 1943

1. An order given orally to an enemy civilian subject by any Officer of the Allied Forces acting in the course of his duties and within the scope of his authority is a proper order, and failure to observe it is an offence punishable under para. 43 of Proclamation No.2.
2. If an order given orally is the basis of a prosecution under the above para., the prosecution should be in a position to prove that the order was definite and concise and that accused appeared to understand it. The order must not, of course, be one to do an illegal act.
3. Where civilian employees are concerned, they should be only prosecuted for failure to obey an order if there has been willful neglect or disobedience in carrying out their duties in accordance with instructions. It is not desirable that incompetency or the usual trivial failures of civilian clerks should be made the subject of criminal proceedings.

pr

Lieut. Colonel,
Chief Legal Officer.

100

PAGES MISSING OR
PAGINATION INCORRECT -
FILMED AS FOUND

27.

File AL/21.

REPORT FROM AEGIS

121730

TAG 13 ARMY GROUP

see 26

Winn

P 53

Winn, (.) YOUR OFFICE dated 12 SEP (.) AGC

4

Colonel.

SECRET

IMPORTANT
OFFICE MESSAGE
IN

FOUO NO: 03913
12 SEP 43

FROM: TAG 15 ARMY GROUP
TO: MAIN 15 ARMY GROUP
ORIG NO: CCA09E

DDO 2080B/12
THE
FOR 12376/12

FOR AMGOT LIAISON.
INFORM HEADQUARTERS AMGOT GOC INC DIRECTS DEATH SENTENCES
CIVIL MURDER CASES WILL BE EXECUTED BY SHOOTING NOT
REPEAT NOT HANGING. EXECUTIONS WILL NOT REPEAT NOT BE
PUBLIC. AOK. FROM CCAO

AMGOT

3 ACTION

SEC 1545B/12
T.T. 2610B/12 ST

Subject: Prisoners in Provincial Goals

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

AMOT/4018/L

7 Sep 1943

This memorandum sets out the action to be taken in respect of prisoners in provincial goals. It is based on experience gained in Palermo.

1. Prisoners duly charged and convicted by Italian Criminal Courts.

AMOT will ensure that no political bias affects or has affected the case. Any suspect cases are to be reported.

2. Prisoners charged with an offence and awaiting trial.

This class has been found to be numerous. The list will be scrutinised carefully in conjunction with the Italian authorities and in any case where it is found that a prisoner charged with any offence has already been in goal for a period equal to the full sentence if found guilty, the prisoner will be released immediately. In other cases every effort will be made to expedite the hearing by the appropriate Italian Tribunal.

3. Prisoners held at the disposition of the Quattro "Repressive Squadras".

This class was numerous in Palermo, the former occupants of USMICA having been brought here. Each prisoner of this category was interviewed by a legal officer. It was found that they nearly all had criminal records, varying in gravity. They had been sentenced to "Confino", normally for three or five years, by a Quattro or Provincial Commission, without trial or for no particular offence; in some cases it was initially because of their previous records.

Those without too bad a record have been freed on the following conditions:-

- (i) An entry to that effect to be made on their identity card,
- (ii) Registration with Police,
- (iii) Weekly reporting to the Police,
- (iv) Limit of travel to be 10 km.

Those with a really bad record are being held pending further consideration. If it is determined that the safety of the Allied Forces or the order and tranquillity of the Occupied Territory require their further detention, they will be transferred to an internment camp: otherwise they will be released.

A copy of the form filled in by the interviewing officer in respect of each case is attached at Appendix "A".

4. Prisoners held at the disposition of the former Italian Military Tribunal

The Italian Military Tribunal was occupied by cases such as improper

Angelo Dawson 22

Handwritten signature/initials

Handwritten signature/initials

1. Prisoners duly charged and convicted by Italian Criminal Courts.

AUGOT will ensure that no political bias affects or has affected the case. Any suspect cases are to be reported.

2. Prisoners charged with an offence and awaiting trial.

This class has been found to be numerous. The list will be scrutinised carefully in conjunction with the Italian authorities and in any case where it is found that a prisoner charged with any offence has already been in jail for a period equal to the full sentence if found guilty, the prisoner will be released immediately. In other cases every effort will be made to expedite the hearing by the appropriate Italian Tribunal.

5. Prisoners held at the disposition of the Questor "Motivo Publica Sicurezza".

This class was numerous in Palermo, the former occupants of USFICA having been brought here. Each prisoner of this category was interviewed by a legal officer. It was found that they nearly all had criminal records, varying in gravity. They had been sentenced to "Confino", normally for three or five years, by a Questor or Provincial Commission, without trial or for no particular offence; in some cases it was admitted because of their previous records.

Those without too bad a record have been freed on the following conditions:-

- (i) An entry to that effect to be made on their identity card,
- (ii) Registration with Police,
- (iii) Weekly reporting to the Police,
- (iv) Limit of travel to be 10 km.

Those with a really bad record are being held pending further consideration. If it is determined that the safety of the Allied Forces or the order and tranquility of the Occupied Territory require their further detention, they will be transferred to an internment camp: otherwise they will be released.

A copy of the Form filled in by the interviewing officer in respect of each case is attached at Appendix "A".

4. Prisoners held at the disposition of the former Italian Military Tribunal

The Italian Military Tribunal was occupied by cases such as improper use of Italian Government patrol for private gain and printing and selling forged travelling warrants.

An "ad hoc" tribunal was set up to investigate and to give directions in appropriate cases for speedy trial by the normal Italian Courts and in other cases (e.g. where the offence alleged was not serious and the prisoner had already been held in prison for a long time, or where, owing to absence of witnesses or other reasons a speedy trial was not possible) to give directions for the release of the prisoner.

A copy of the order served on the Questor is attached at Appendix "B".

5. Prisoners detained by the Military or AIGOF as dangerous Fascists.

Instructions covering the arrest and detention of this class will be (con'd....A review...)

issued separately.

A review of the prisoners held in the gaols of your province will be made on the above lines and action taken as indicated.

In some gaols there are a number of Arabs who were sent to Sicily from North Africa. S.C.A.O.s will take steps to return these Arabs to North Africa as soon as possible and inform this H.Q. of the action taken. If it is not found possible to arrange their return, this will be reported to this H.Q. with a statement showing:-

- (a) Their numbers,
- (b) In what gaol they are,
- (c) Names and place of origin, and,
- (d) Copies of any available records.

Perennial

Major-General,
Chief Civil Affairs Officer.

AMGOT HQ
15 ARMY Group.

Appendix A

Date of Interview: _____ 1943. Prison Record Number _____

Surname _____

Christian Names _____

Sex _____ Married or Single _____

Particulars of Personal Identity Card _____

Date of Birth _____

Place of Birth _____

Residence during last 5 years _____

Address _____

Occupation _____

Brief Description _____

Previous Criminal Record _____

Political Tendencies _____

Remarks by Detainee _____

Remarks by Interviewing Officer _____

Continuation of Personnel Identity Card

Date of Birth

Place of Birth

Residence during last 5 years

Address

Occupation

Brief Description

Previous Criminal Record

Political Tendencies

Remarks by Detainee

Remarks by Interviewing Officer

Action to be Taken

3. Cc: to

SUBJECT:- Instructions to all Senior Legal Officers
in reference to referring cases to
Superior or General Military Courts.

To : All Senior Legal Officers (through S.C.L.Os.)

1. Pursuant to the provisions of Rule 7, para (5) (b) of the "Rules of Procedure for Allied Military Courts"

(a) In any case referred by a Summary Court to a Superior Court the Senior Legal Officer or any officer designated by him, is empowered to order that the record be sent directly to the Superior Court for trial.

(b) In any case referred to a General Court, the Senior Legal Officer is empowered to order the record sent directly to the General Court for trial, when facilities of transportation and communication are of such a limited nature that undue delay might result if such record were transmitted to the Chief Legal Officer.

2. Pursuant to the provisions of Rule 5, para (1) of the "Rules of Procedure of Allied Military Courts":

(a) The Senior Legal Officer of any Province may order that any particular case or cases within his province shall be brought directly before a Superior Court. The Senior Legal Officer may also order that any particular case be brought directly before a General Court when facilities of transportation and communication are of such a limited nature that undue delay might result if such record were first transmitted to the Chief Legal Officer, and when there is a good and valid reason for dispensing with the procedure before a Summary Court.

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CONFIDENTIAL

AKGOT/1033/11

Aug. 1943.

1. Pursuant to the provisions of Rule 7, para (5) (b) of the "Rules of Procedure for Allied Military Courts":

(a) In any case referred by a Summary Court to a Superior Court the Senior Legal Officer or any officer designated by him, is empowered to order that the record be sent directly to the Superior Court for trial.

(b) In any case referred to a General Court, the Senior Legal Officer is empowered to order the record sent directly to the General Court for trial, when facilities of transportation and communication are of such a limited nature that undue delay might result if such record were transmitted to the Chief Legal Officer.

2. Pursuant to the provisions of Rule 5, para (1) of the "Rules of Procedure for Allied Military Courts":

(a) The Senior Legal Officer of any Province may order that any particular case or class of cases within his province shall be brought directly before a Superior Court. The Senior Legal Officer may also order that any particular case be brought directly before a General Court when facilities of transportation and communication are of such a limited nature that undue delay might result if such record were first transmitted to the Chief Legal Officer, and when there is a good and valid reason for dispensing with the procedure before a Summary Court.

Wm C. Chandler

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

1405

Constitution of Allied Military Court

Pages.

1406