

ACC

10000/142/1012

LEGAL
DEC. 19

10000/142/1012

LEGAL S/C OF THE ACC, HQ AMG, PALERMO
DEC. 1943 - JAN. 1944

300

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommission

10/10

11 January 1944.

In reply
refer to: ACC/1/300.

173/22

SUBJECT: Transmittal of Documents.

TO : Chief Legal Officer,
ACC Region 1, Palermo.

Herewith the following documents for transmittal to
Italian authorities within your Region:

1. Letter of 5 Jan. 1944 re Government stamps (2 copies
for each - Catania, Palermo, Messina).
2. Letter of 7 Jan. 1944 re Magistrates of the Ministry
of Justice at large (1 copy for each - Palermo, Catania, Messina).
3. Letter of 5 Jan. 1944 re Judicial Tables for 1944 (copy
for each - Palermo, Catania, Messina).

C. R. HUNTER, Colonel
Chief Legal Officer, ACC.

21

481

300 Copy

6 JAN 1944

766

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee

101 If not filed there

30 December 1943.

In reply
refer to: ACC/L/101.

SUBJECT: Italian Deserters.

TO : Chief Legal Officers, Regions 1 & 2.

Members of the Italian Armed Forces who deserted between 10 July and 8 September 1943, inclusive, shall not be punished for desertion except those who deserted to the German or other hostile army.

However, the foregoing does not preclude trial and punishment by an Italian Military Tribunal of those who so deserted between the dates above mentioned, for their failure to return to the Italian Armed Forces after 6 October 1943, provided they were given due and proper notice to return by that date. In such cases the deserters may be tried and punished for failure to return and not for the original desertion.

The Italian Commanders in Your Region should be advised accordingly.

Colonel
Chief Legal Officer, ACC

Copy to AMG HQ 15th Army Gp.

23

300

8 JAN 1944

148

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
ADMINISTRATIVE DIRECTORATE
APO 512

FDG/wb

AMG/O15./AD

3 January 1944

SUBJECT: Italian Military Courts.

TO: Advance Command Post;
Allied Control Commission,
BRINDISI. (att: Legal Sub-commission).

1. Forwarded as a matter originating in your office.

For the Commanding Officer:

R. E. Cripps
R. E. CRIPPS, *fu.*
Lt. Colonel,
for the Administrative Director.

Incl: 1. Letter 2201/14/45 dated 30 Dec. 43 from Region 11.

425

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee.

GRU/gmf

5 January 1944.

In reply
refer to: AGC/L/300.

*306/1 copy to
Remain in 300*

Dear Dick:

1. I have sent you via Col. Hume who could only wait for literally 2 minutes the following:

(a) Directive on Turnover.

(b) Pvt. Fried's particulars. He has done the most excellent work here since his arrival at Brindisi at the beginning of November.

(c) Letter for Property Controller (via Admin. Director) re Monte.

2. I hope you have received my signal re publication of decrees in occupied territory. I enclose a suggested draft order for the Militia decree. Finance Subcommittee are sending to AMG HQ suggestions for republishing yet another one - 12/B about pensions. I tried to fob them off as it is quite unimportant and I think you should speak to Col. Spofford on the general policy of the thing; we don't, at this late stage, want to plaster the walls with Italian decrees unless they are really important, in my view.

*following
over Col.
Rathbone*

3. Will you hand the enclosed papers re Major Thackrah to Lt. Col. Purgold please.

4. I am expecting Major Palmieri tomorrow.

13

5. Herewith letter from Major Hamaford to Major Grossman re report on AMG Italian Courts activities.

394 copy - to Col. Spofford

6. I enclose a copy of No. 2 District Admin. Instruction No. 4 for transmission to Brig. Gasterbock as the copy requested from No. 2 District may not arrive for some time.
7. I also enclose letter from Major Harnaford for your attention.

Yours,

P.S. Fathywrack
between 15-20°

Your cable re Italian Ministry moving
to Salerno will be taken up with
them as soon as possible & a reply
sent. in the meantime please
keep them 15 rooms at Salerno
for them at all costs.

17

HEADQUARTERS
ALLIED CONTROL COMMISSION
LOCAL ADMINISTRATION

ccu/gac

6 January 1944.

In reply
refer to: 432/4/500.

Dear Sirs,

Re: your letter 432/4/500 of 27 Dec. 43, I beg to differ with your interpretation to Region II in regard to questions of abandoned property. The enclosed order was issued in Region I for the following reasons:

Though Article 46 of the Civil Code says "If a person has not been seen in the place of his last domicile or residence or has not been heard of, the Tribunal etc", the proof of absence can only be accepted by the President of the Tribunal after an exhaustive police enquiry and a report from the Justice or the local Chief of Police. This takes usually a month. Otherwise anybody who wanted to enter certain premises could come to the Tribunal and state that so and so has disappeared.

We had long talks with the Italian Judges in Palermo about this and our solution was approved by them. At the time the shortage of police and the consequent delay in the appointments of "commissari" were both giving concern to the authorities. This state of affairs was very prejudicial to cases and tenants. Could the order which worked very well in Region I and which the Property Controller requested there, be extended to Region II.

Yours sincerely,

G. G. HARRISON

In reply
refer to
100/1/900.

Dear Sirs,

Ref. your letter 100/1/900, of 27 Dec. 40. I beg to direct with
your instructions to Region II in regard to Curators of abandoned property.
The enclosed order was issued in Region I for the following reasons:

Though Article 43 of the Civil Code says "If a person has not
been seen in the place of his last domicile or residence or has not been
heard of, the Tribunal etc", the proof of absence can only be accepted
by the President of the Tribunal after an extensive police enquiry and
a report from the Curator or the local Chief of Police. This takes gen-
erally a month. Otherwise anyone who wanted to enter certain premises
could come to the Tribunal and state that so and so has disappeared.

We had long talks with the Italian Judges in Palermo about this
and our solution was approved by them. At the time the shortage of police
and the consequent delay in the appointments of "curatori" were both grow-
ing concern to the authorities. This state of affairs was very prejudicial
to owners and tenants. Could the order which existed very well in Region I
and which the Property Controller requested there, be extended to Region II.

Yours sincerely,

G. G. HICKMAN

256

U. S. SECRET

Equals British SECRET

9 FEB 1947

ALLIED CONTROL COMMISSION INCOMING

MESSAGE /arr

SVO/RELAY NO. 882

M/C NO : 20/19

CLASS: SECRET

REF NO: PES 2713

PREC : ROUTINE

FILED : Dec 18 1946

FROM : PENCE (COUNTERBOOK)

REC'D : Dec 19 1946

TO : FAXIMA FOR UPJOHN SITE JGR 69

Cable 1342 reference. Statistical records not here available, but we believe large proportion of applications involved small transactions and were accordingly granted. In our opinion provision in question was important contributing factor in ministering development of conditions at which it was aimed.

DISTRIBUTION:

- 2 - AG Files
- 1 - Diary
- 1 - Gen Taylor - INFO
- 1 - Col Upjohn - INFO

U. S. SECRET

Equals British SECRET

15

1602

U. S. SECRET
 Equals British SECRET

- OUTGOING

GRI/ha

SECRET

ROUTINE

FATMA

SEARS

DID

DID

ITALIAN GOVERNMENT WANT TO KNOW WHETHER SECTION ONE OF ARTICLE III OF
 PROCLAMATION FIVE HAS WORKED SUCCESSFULLY IN PRACTICE PD TO SEARS FOR
FARGO FOR WILMER FROM FATMA FROM UPJOHN SIGNED JOYCE PD WILL YOU
 PLEASE FIND OUT AND LET ME KNOW AS SOON AS POSSIBLE CAN FIRST CMA HOW
 MANY APPLICATIONS IN SICILY FOR CONSENT TO TRANSFERS HAVE BEEN REFUSED
 AND HOW MANY ALLOWED SINCE SECOND CMA WHETHER THIS SECTION IN FACT
 PREVENTED SPECULATION AND RISE IN PRICE OF LAND

AUTHENTICATED:

ROBERT E. DOE
 Major, A.G.D.
 Secretary of the Commission

DISTRIBUTION:

- 2 - AG
- 1 - Diary
- 1 - Col Upjohn

U. S. SECRET
 Equals British SECRET

1970

256

200

U. S. SECRET
Equate British SECRET

INCOMING

/arr

888

20/19

SECRET

PES 2713

ROUTINE

Dec 131134A

VENUE (GUETERBOCK)

Dec 191139A

FATIMA FOR UPJOHN SITE JON 69

mm

Cable 1342 reference. Statistical records not here available, but we believe large proportion of applications involved small transactions and were accordingly granted. In our opinion provision in question was important contributing factor in ministering development of conditions at which it was aimed.

DISTRIBUTION:

- 2 - AG Files
- 1 - Diary
- 1 - Gen Taylor - INFO
- 1 - Col Upjohn - ~~INFO~~ ACTION

Passant
Station Govt
at meeting on 1/10/69
grrrr

13

160c

U. S. SECRET
Equate British SECRET

U.S. SECRET
Equals British SECRET

- OUTGOING

GRU/DA

SECRET

ROUTINE

FATMA

SEARS

DEC

DEC

ITALIAN GOVERNMENT WANT TO KNOW WHETHER SECTION ONE OF ARTICLE III OF
 PROCLAMATION FIVE HAS WORKED SUCCESSFULLY IN PRACTICE TO TO SEARS FOR
LAND FOR WILDER FROM FATMA FROM UNION SIGNED JOYCE TO WILL YOU
 PLEASE FIND OUT AND LET ME KNOW AS SOON AS POSSIBLE CAN FIRST CMA HOW
 MANY APPLICATIONS IN SICILY FOR CONSENT TO TRANSFER HAVE BEEN RETURNED
 AND HOW MANY ALLOWED SINCE SECOND CMA WHETHER THIS SECTION IN FACT
 PREVENTED SPECULATION AND RISE IN PRICE OF LAND

AUTHENTICATED:

ROBERT E. DOE
 Major, A.C.D.
 Secretary of the Commission

DISTRIBUTION:

- 2 - AG
- 1 - Diary
- 1 - Col Upjohn

U.S. SECRET
Equals British SECRET

165c

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee

100/1/300

15

16 December 1945.

In reply
refer to: 100/1/300.

SUBJECT: Dott. E. Chiaro of Noto.

TO : R.O.A.O., Region I.

1. The above named Italian official, Director of Prisons at Noto, was recently transferred for urgent reasons to Bari by air at the request of the Italian Government and without having had adequate time to prepare for his departure.

2. Today the Italian Minister of Justice has handed to this office the attached memorandum from Dott. Chiaro calling attention to the difficulties in which he and his family find themselves as a result of this transfer.

3. The Minister of Justice particularly notes that A.M.G. do all that is possible to assist Dott. Chiaro, and his Excellency has been given the assurance that immediate steps will be taken to communicate with Sign. Chiaro's family.

4. A letter to Signora Chiaro giving news of her husband's situation is also enclosed with the request that it be forwarded to her by the most rapid means.

In reply
refer to: 100/11/300.

SUBJECT: Dott. E. Chiaro of Noto.

TO : R.C.A.G., Region I.

1. The above named Italian official, Director of Prisons at Noto, was recently transferred for urgent reasons to Bari by air at the request of the Italian Government and without having had adequate time to prepare for his departure.

2. Today the Italian Minister of Justice has handed to this office the attached memorandum from Dott. Chiaro calling attention to the difficulties in which he and his family find themselves as a result of this transfer.

3. The Minister of Justice particularly notes that A.M.G. do all that is possible to assist Dott. Chiaro, and his family have been given the assurance that immediate steps will be taken to communicate with Sign. Chiaro's family.

4. A letter to Signora Chiaro giving news of her husband's situation is also enclosed with the request that it be forwarded to her by the most rapid means.

Enclosures:

1. Memorandum
2. Letter to Signora Chiaro.

G. R. LAMON, Colonel
Chief Legal Officer, AGO.

11

U.S. SECRET Equals British MOST SECRET
SECRET

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
APO 512
LEGAL SUB-COMMISSION

AMG/4103/L

9 December 1943

Dear Gerald:

1. Colonel Crowden has handed me your letters of 6 and 7 December and the letter from Thackrah for Guy Hannaford.
2. Guy Hannaford apparently is suffering from a kidney stone and I doubt if he will move out with the rest of the party even if he escapes an operation. I have turned over to Ed. Palmieri your letter of 7 December and enclosure and the letter from Thackrah.
3. Now apparently we go to Salerno where the administrative sub-commissions are to be housed. I have been advised that I will leave here by air after the convoy has gotten under way.
4. All files are now packed up and we will have to practice by memory.
5. Colonel Crowden tells me the procuring of funds for the Electric Company went along satisfactorily. At this end it was thought that the Italian Government would want to follow some statutory course and suggested the war damage statute as a basis. However, if the Italian Government wants to make a direct authorization to AMFA without relation to the statute that is equally good.
6. I have delivered to George Pollock the files in the case of Pace and Catalano.
7. I am sending to Colonel Rowe the directives on decentralization of AMG.
8. I have had no familiarity with the memorandum of Guy Hannaford referred to in your letter of 7 December. In his absence I hope Ed. Palmieri can straighten it out.
9. There are no letters in this APO for Thackrah or yourself.

Yours

Bill

I have never received word from you about the signing of Prod. No 14.

SECRET

U.S. SECRET Equals British MOST SECRET

SECRET

(300)

U. S. SECRET Equals British SECRET

HEADQUARTERS

ALLIED MILITARY GOVERNMENT

APC. 512.

LEGAL SUB-COMMISSION

AMG/4074/L

8th December, 1943.

SUBJECT: General Orders.

TO : Colonel G. Upjohn,
A.C.C. Brindisi.

Dear Gerald,

1. I am sending this letter in answer to yours of 3rd December received yesterday by quickest route whatever that may prove to be.
2. Guy Hannaford's letter of 7th December enclosed herewith answers your questions in paragraph 3 of your letter.
3. Guy's letter also answers para. 4 of your letter.

4. Salerno and Sorrento both were definitely off yesterday. A somewhat reduced party was then made up to go to Naples on Thursday but transportation difficulties developed. I still have listed, and have approval for, the following officers and other ranks: Marc; Guy; Ed. Palmieri and my self; S/Sgt. Wright. 1/Cpl. Papps and Cpl. Latella. This, aside from the Chief Judicial Officer Group and Mat. Correas' Group which now includes Lt. Col. Willis and Major McFadyen who have arrived, leaves Dawson and Cpl. Principiano here to be sent for when I can. I wanted Dawson to be here for a while to see that things coming in late are routed to us. Cpl. Principiano has not finished with the Ustica Hearings. This morning Guy was taken ill and is in the hospital. He may have to be operated upon. I think it most unlikely he will come with us. The latest is we all travel by convey leaving Saturday morning, also that we do go to Sorrento after all. Rely on none of this, however, as it all may be changed. George Parlin has not arrived and I have sent for him again. The story is that the last of A.C.C. party was one day and night on a boat at Algiers and was taken off and sent back to Tizi Ouzou.

5. The papers referred to in paragraphs 7 and 8 of your letter were started on their way last night by Guy.

6. Guy's letter of 7th December with enclosures covers the matters referred to in paragraph 10 of your letter. He told me that with these papers in hand there can be no misunderstanding. By way of further explanation, the heading "Posti Vacanti" in the typewritten list means posts that were vacant when the Allies came in or posts from which judges subsequently were removed by us, by resignation, by being pensioned, or by death. The heading "Titoli della Destinazione" signifies the method of filling vacancies i.e. by promotion, transfer etc. This typewritten list shows appointments approved by General McSherry, as they stand today. All others are in the printed booklet enclosed. The only vacancies not filled in 1943 are those marked "M.N." in the printed booklet. That is before we came in the Italian Government itself had not filled them. All this I understand to be correct as the result of much cross examination last night. I enclose a copy of a letter Guy wrote last night to

1. I am sending this letter in answer to yours of 3rd December received yesterday by quickest route whatever that may prove to be.
2. Guy Hanraford's letter of 7th December enclosed herewith answers your questions in paragraph 3 of your letter.
3. Guy's letter also answers para. 4 of your letter.
4. Salerno and Sorrento both were definitely off yesterday. A somewhat reduced party was then made up to go to Naples on Thursday but transportation difficulties developed. I still have listed, and have approval for, the following officers and other ranks: Marc; Guy; Ed. Palmieri and my self; S/Sgt. Wright. I/Opl. Pappa and Opl. Latella. This, aside from the Chief Judicial Officer Group and Mat. Correas' Group which now includes Lt. Col. Willis and Major McFadyean who have arrived, leaves Dawson and Opl. Principiano here to be sent for when I can. I wanted Dawson to be here for a while to see that things coming in late are routed to us. Opl. Principiano has not finished with the Ustica Hearings. This morning Guy was taken ill and is in the hospital. He may have to be operated upon. I think it most unlikely he will come with us. The latest is we all travel by convoy leaving Saturday morning, also that we do go to Sorrento after all. Rely on none of this, however, as it all may be changed. George Farlin has not arrived and I have sent for him again. The story is that the last of A.C.C. party was one day and night on a boat at Algiers and was taken off and sent back to Tizi Ouzou.

5. The papers referred to in paragraphs 7 and 8 of your letter were started on their way last night by Guy.

6. Guy's letter of 7th December with enclosures covers the matters referred to in paragraph 10 of your letter. He told me that with these papers in hand there can be no misunderstanding. By way of further explanation, the heading "Posti Vacanti" in the typewritten list means posts that were vacant when the Allies came in or posts from which judges subsequently were removed by us, by resignation, by being pensioned, or by death. The heading "Titoli della Destinazione" signifies the method of filling vacancies i.e. by promotion, transfer etc. This typewritten list shows appointments approved by General McSherry, as they stand today. All others are in the printed booklet enclosed. The only vacancies not filled in 1943 are those marked "N.N." in the printed booklet. That is before we came in the Italian Government itself had not filled them. All this I understand to be correct as the result of much cross examination last night. I enclose a copy of a letter Guy wrote last night to Major Howe about the Reggio di Calabria Court.

7. The directive to legal officers concerning promotions etc. in Italian Courts will be prepared in accordance with what you say in paragraph 10 of your letter. However, you will recall that we touched on this to some extent in paragraph 8 of our long directive (copy as approved is enclosed) on change from A.M.G. to A.C.C. That has not been released yet and will not be until restoration is imminent. Therefore our directive dealing more specifically with the contents of your paragraph 10 can not go out. In a conference with Dickie, I had him select the three legal officers he wants to be attached to the three First Presidents in Region I. I have not written to Major Howe on this and prefer not to do so until we are closer to the dead line.

8. Documents A, B and C have never been received here.

9./....

U. S. SECRET Equals British SECRET

(99)

U.S. SECRET Equals British SECRET

9. There are enclosed copies of General Orders 12, 13, 14 and 16 and the position with regard to General Orders since General Order No. 10 is as follows :-

General Order No. 11.

This is the one dealing with the Amendment of Rationing Scheme and Amasssi Laws on which you wrote to Industry and Commerce as to whether they wanted us to take the matter further. No reply has been received.

General Order No. 12.

Deals with Reorganization of the Bar Association and was published in "Sicilia Liberata" of 22nd October 1943. It will be printed in Sicily Gazette No. 4.

General Order No. 13.

Bills of Exchange. Approved by Finance and signed by Brig-General McSherry on 23. Nov. 43. Finance is dealing with its publication.

General Order No. 14.

Temporary Wage Adjustment. The whole of this was prepared and distributed by Region I.

General Order No. 15.

Re-opening of Bank of Italy. Has not yet been finally approved by Finance.

General Order No. 16.

Extension of Property Control to appropriate provinces on the mainland of Italy. Has ~~been~~^{been} approved by D.C.C.A.O. and Colonel Harris is attending to its publication.

10. Some Russians are expected to be here tomorrow and we were asked to turn over the legal car to them. However, the Sicilians got there first and stole it two nights ago.

11. Any mail for you and Thackrah will be sent along with this letter.

12. Capt. Severn's letter which you sent me has been returned to the A.P.O. for delivery.

13. Also enclosed is a formal letter I wrote you yesterday morning about Italian Military Tribunals. They are going to be quite a headache and will require some further consideration on our part and also on the part of our own Military people.

14. I am enclosing a directive gotten out about office of Director of Special Prosecutions which Colonel Spofford approved. It has been distributed.

15. ^{or to} Your telegram asking that memorandum on Italian Courts and legal set up be held up if not already distributed, for amendments, Guy told me it has already been distributed.

16. I hope before long we can be working at the same place. It is difficult now to be sure we are keeping on exactly the same lines with work being done at two places.

General Order No. 13.

Bills of Exchange. Approved by Finance and signed by Brig-General McSherry on 23. Nov. 43. Finance is dealing with its publication.

General Order No. 14.

Temporary Wage Adjustment. The whole of this was prepared and distributed by Region I.

General Order No. 15.

Re-opening of Bank of Italy. Has not yet been finally approved by Finance.

General Order No. 16.

Extension of Property Control to appropriate provinces on the mainland of Italy. Has ~~been~~ been approved by D.C.C.A.O. and Colonel Harris is attending to its publication.

10. Some Russians are expected to be here tomorrow and we were asked to turn over the legal car to them. However, the Sicilians got there first and stole it two nights ago.

11. Any mail for you and Thackrah will be sent along with this letter.

12. Capt. Severn's letter which you sent me has been returned to the A.P.O. for delivery.

13. Also enclosed is a formal letter I wrote you yesterday morning about Italian Military Tribunals. They are going to be quite a headache and will require some further consideration on our part and also on the part of our own Military people.

14. I am enclosing a directive gotten out about office of Director of Special Prosecutions which Colonel Spofford approved. It has been distributed.

15. ^{was} Your telegram asking that memorandum on Italian Courts and legal set up be held up if not already distributed, For amendments, Guy told me it has already been distributed.

16. I hope before long we can be working at the same place. It is difficult now to be sure we are keeping on exactly the same lines with work being done at two places.

Yours

Ruler

U. S. SECRET Equals British SECRET

U. S. SECRET
Equals British SECRET

ALLIED CONTROL COMMISSION INCOMING MESSAGE /arr

SVG/RELAY NO. R 631/12

M/C NO : 25/12

CLASS: SECRET

REF NO: 8-4155

PREC : PRICHTY

FILED : Dec 121410A

FROM : SEARS FOR FARGO FROM SPOFFORD

REC'D : Dec 121645A

TO : FATIMA FOR JOYCE CITE FARGO 1171

Advised by Poletti that at recent meeting Prefects Region 1, all incumbents except 1 career Prefect expressed view that they would be unable to continue in office after turn over if oath to the King was required. Similar attitude said to be taken by considerable number Sindacos and other officials appointed by AMG. This general reaction items from fact that King associated with Fascism in minds these officials. Poletti believes feeling sincere and for most part not dominated by partisan considerations.

Paragraph three Document C seems enough to permit Prefects and other officials appointed by AMG to continue without oath. However feel you should be advised of present attitude here and concur in this interpretation.

DISTRIBUTION:

- 2 - AG Files
- 1 - Diary
- 1 - General Taylor - ACTION
- 1 Col upjohn wife

U. S. SECRET
Equals British SECRET

(6/c)

ALLIED MILITARY GOVERNMENT

#1 Region SICILY

(300)

111/A

Subject: Transfer of Sig. Galileo to Mordini.

To : CLO

THRU: RCAF Region 1 directly

3 Dec. 1943.

Reference AMG 4039/L dated 28-11-43.

This Office has no objection to Cav. Uff. Emanuele MORDINI, Director of Preventive Institute of MTO being released to render service at the Ministry of Pardon and Justice, MINIST.

He can be replaced.

It must be pointed out however, that Dr. Ferdinand COLUBBO, previously Director of Central Prison, Palermo, was selected from among the Directors as Chief Director of Prisons, Sicily by the Allied Military Government.

He is an able man and has rendered excellent service in putting into practice all suggestions of this Department.

It is not considered desirable at the moment to release Dr. Colubbo for a permanent appointment but if the assistance required by the Italian Minister of Justice is temporary and purely that of assisting the wishes of Allied Prison Administration, I respectfully suggest that Dr. Colubbo, outstanding by his ability, is better fitted physically and mentally to place before the Italian Government the policies laid down by A.M.G.

H. E. Brown, Capt.

Suppt. - Prison
Reg # 1, H9 directly

TMO: KCHO Kigumspay

3 Dec. 1943.

Reference AMG 4039/L dated 29-11-43.

This Office has no objection to Cav. Uff. Emanuele CUMMO, Director of Preventive Institute of MOVO being released to render service at the Ministry of Prison and Justice, MILANO.

He can be replaced.

It must be pointed out however, that Dr. Verissimo CUMMO, previously Director of Central Prison, Palermo, was selected from among the Directors as Chief Director of Prisons, jointly by the Allied Military Government.

He is an able man and has rendered excellent service in putting into practice all suggestions of this Department.

It is not considered desirable at the moment to release Dr. Colombo for a permanent appointment but if the assistance required by the Italian Minister of Justice is temporary and merely that of assisting the Chief of Allied Prison Administration, I respectfully suggest that Dr. Colombo, outstanding by his ability, is better fitted physically and mentally to place before the Italian Government the policies laid down by A.I.G.

H. J. Brown, Capt.

*Capt. J. Brown
Reg # 1, 49 Infantry*

1072

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee

CHW/CHW/

6 December 1945.

Ref: AM/4/300.

Dear Sir,

1. Thank you for your letter on the Electricity Company of Sicily. The Minister is going to provide the money for the Company and will decide later whether the provision is to be considered as an advance or compensation. We presented the matter to him in this light as we did not want to get ourselves involved in Compensation Legislation and we followed the broad principle that we would provide the money to the Minister if he would make the like provision to the Company and it was no concern of ours as to how or when (if at all) he would get the money back.

We mentioned the Compensation Legislation but as we anticipated he would not consider it because if the damage in the North of Italy is as extensive as it has been in the South there can be no question of anyone getting compensation!! (See L)

2. Thank you for the Memo on Italian Courts. We are making one or two small amendments and are going to discuss the matter with

M. Col. Rowe.

I enclose herewith files in case of Tuse & Catalano for your action.

Please collect and send direct to CLO XV Army (cont)

Dear Dick,

1. Thank you for your letter on the Electricity Company of Sicily. The Minister is going to provide the money for the Company and will decide later whether the provision is to be considered as an advance or compensation. He presented the matter to him in this light as we did not want to get ourselves involved in Compensation Legislation and we followed the broad principle that we would provide the money to the Minister if he would make the like provision to the Company and it was no concern of ours as to how or when (if at all) he would get the money back.

We mentioned the Compensation Legislation but as we anticipated he would not consider it because if the Senate in the North of Italy is as extensive as it has been in the South there can be no question of anyone getting compensation!! (See below)

2. Thank you for the Memo on Italian Courts. We are making one or two small amendments and are going to discuss the matter with Lt. Col. Howe.

I enclose herewith files in case of Tross & Catalano for your action.

Please collect and send direct to CIO XV Army Group a set of the Directives ^{prepared} ~~sent out to regions~~ by all Sub-Divisions on decentralization to R.C.A.O. under A.M.C. as senting this per Col. Geronzi who is flying back.

G. R. STONE

ALLIED CONTROL COMMISSION - INCOMING

MESSAGE

/hft

SVC/RELAY NO.

CLASS: CONFIDENTIAL

PREC : NOT GIVEN

FROM : FARGO

TO : FATIMA

M/C NO : 5/6

REF NO: 3743

FILED : DEC 041840A

REC'D : DEC 060253A

Evidence for prosecution against 16 defendants in Ustica case completed subject to production of certain documents. (FROM SEARS FOR FARGO TO FREEDOM FOR MGS RPTD FILPOT FOR MGS RPTD FATIMA CITE FARGO 10/2) Defence have announced they will not call oral testimony. Transcript and report should be completed in about 14 days. Prosecution agrees no prima facie case against 3 defendants Gurrieri Branciamore and Guerzone. Are they to be released? Application for bail pending trial made by advocates for 4 defendants Dr Fazio Castiglione Rando and Giordano. Evidence against them is weak and they have been in jail more than 3 months. Can commissioners be given authority to grant bail if they think fit?

DISTRIBUTION:

- 2 - AG
- 1 - Diary
- 1 - Col. Upjohn (info)

(9c)

AMG
Palermo

Information
Only

DRAFT/

Request following to sent immediately to U.S.S. repeated to United Nations War Crimes Commission.

TO: REHQ NYS FOR POLICE
FROM: HQ AND NEW ORLEANS.

STRICTLY UNDER THAT SPECIAL AUTHORITY BE GIVEN IMMEDIATELY FOR CONVENTION
PRESENT BARBERS OF ETHIOPIA COMMISSION INTO PUBLIC TRIAL FOR POLITICAL REASONS X
CASE IS NOT OF NATIONAL SIGNIFICANCE AND DOES NOT INVOLVE ANY NATIONAL OR POLITICAL
LEADERS BUT IS OF GREAT LOCAL IMPORTANCE X TRIAL OF THE CASE ON REQUISITES WOULD BE
DELEGATION AND PRESENCE OF MAJORITY OF MATERIAL WITNESSES IS NOT LIKELY TO BE POSSIBLE
AT LATER DATE AS JUDICIALS AND OFFICIALS WILL HAVE DISAPPEARED X PRESENCE OF UNITED NATIONS
WILL BE ADVISORIAL AFFIRMED BY NATIONS TO WOULD PROMPTLY UNLASHED PUBLIC TRIAL OF CASE
WHICH HAS AROUSED GREAT LOCAL FEELING X PROMINENT LOCAL ADVOCATES HAVE ALREADY ASKED
THE COMMISSION AND NOT PUBLIC TRIAL IS BEING HELD X QUESTION AROUSED BY RESORT TO
WHAT SEEMS TO THEM UNUSUAL PROCEEDINGS BELONG TO PROSECUTE AND CONSIDER RESULTS X
FURTHERMORES LOCAL POPULATION AND OUR FEELINGS HAVE BEEN BEEN DEMANDING ACTION BY US X
COMMISSION WOULD BE COMPLETED IN THREE AS NO OTHER INTERESTS WERE ASSOCIATED
AND AS IT WAS ASSURED THAT SECRET UNLASHED WITH EDITIONS CONTRARY TO PRESENTLY
RE-INTERESTED ALLIED POLICY X ATTEMPT NOW TO SUPPORT SECRETARY IN AGREEMENT WITH YOUR
TELEGRAM WOULD BE EXTREMELY FAVORABLE AS OUR FEELINGS AND WITH WITH FEELINGS MAY BE CALLED
AND ABOUT SEVENTY ADVOCATES ARE BEING I FURTHER SECRETARY HEARING OF PROSECUTION
WOULD HAVE MOST NATIONAL EFFORT AND DEDICATION GOOD DEPRESSION IS SOMEONE CREATED AT OUR
PUBLIC AND SPEEDY TRIALS X ACCORDINGLY AS ACTUAL SECRETARY DECISIONS WE ARE CONFIRMING
COMMISSION IN PUBLIC BUT WITHOUT PRESENCE OF FBI X IF TRIAL APPROVED SPEEDY COURT
IS AVAILABLE HERE

Waverly

Paul J. Pabara

300

1075

SECRET

3 December 1943.

A.C.C.

Dear Dick,

1. This comes per Col. Allright and will I hope reach you speedily.
2. The place is in an uproar as the Russian Invasion has arrived; Vyshinsky, Macmillan, Murphy; no one knows what they are up to, but personally I hope we may get a useful line on policy after their deliberations.

3. I saw the Minister of Justice yesterday. They want to know the whereabouts of:

Cassati - formerly 1st President of the Court of Cassation, Rome
and Mirabile - Section President of the Court of Cassation, Rome.
They think they may be in Palermo. Can you ask C. Mansueto and Col. Young to make investigations and send us a signal.

4. I hope to get a signal from G.H. fairly soon that Cherico of Roto is on his way.

5. I left one matter outstanding which I forgot to take up with you and that was the question of printing those 3,000 extra copies of certain proclamations and orders which Howe wanted. I believe the cable was dated 9 or 10 Nov. and was numbered 610 or 619 but I may be quite wrong. I think 8/31st might be going to find out what was the position of the type etc. In any event may I please leave the matter in your hands, to signal to Howe whether you can do it or not.

6. I hear that Sorrento is definitely off and they are looking for quarters in Salerno. Does this tally with the rumours on your end?

7. I am sending you herewith some letters which the Minister of Justice would like to dispatch to the Presidents of the Court of Appeals in Sicily.

2. The place is in an uproar as the Russian Invasion has arrived; Vyshinsky, Macmillan, Murphy; no one knows what they are up to, but personally I hope we may get a useful line on policy after their deliberations.

3. I saw the Minister of Justice yesterday. They want to know the whereabouts of:

Cassati - formerly 1st President of the Court of Cassation, Rome
and Mirabito - Section President of the Court of Cassation, Rome.
They think they may be in Palermo. Can you ask C. Hammond and Col. Young to make investigations and send us a signal.

4. I hope to get a signal from G.H. fairly soon that Cherubino of Rome is on his way.

5. I left one matter outstanding which I forgot to take up with you and that was the question of printing those 5,000 extra copies of certain proclamations and orders which Rome wanted. I believe the cable was dated 9 or 10 Nov. and was numbered 610 or 619 but I may be quite wrong. I think 8/11t Wright was going to find out what was the position of the type etc. In any event may I please leave the matter in your hands, to signal to Rome whether you can do it or not.

6. I hear that Sorrento is definitely off and they are looking for quarters in Palermo. Does this tally with the rumours or your and?

7. I am sending you herewith some letters which the Minister of Justice would like to dispatch to the Presidents of the Court of Appeals in Sicily. They seem quite proper so would you give them the required circulation - I enclose translations of these letters for your use.

8. I also send you herewith some requests for Certificates for the Procurators del Re at Syracuse, Messina and Palermo relating apparently to Desertion proceedings here. Please return them when duly completed.

9. Please tell Guy Hammond that we find it extremely difficult to

follow his notes on a various Calendar which he set out, there are all sorts of ink and pencil notes and we are not clear as to who is in office and who is thought to be in prison, etc. Also we don't seem to have anything like a complete list for Messina and the typewritten list which I understood completed all appointments is marked in Guy's own handwriting "not complete" or its Italian equivalent.

Will you please ask him therefore as a most urgent matter to prepare a typewritten statement showing what judges, officials, etc. are filling appointments and which are vacant. Also please show by an asterisk or some other simple symbol who were appointed by us. I do not want any pencil or ink notes; the books which he gave me are in no fit state to be presented to a Government, however fragile and weak. I don't want addresses or any biographical notes about being too old or overworked. Please send this out by first available courier. If you have any information about the Reggio di Calabria Court please let us know.

10. In your directive to Legal Officers attached as advisers to let Presidents under ACC please make it plain that all promotions, transfers, etc. made by Ist Presidents must be forthwith reported to us. Also I think all promotions, transfers, etc. proposed by the Minister before restoration must be subject to our sanction and consent - "such consent not to be unreasonably withheld" - Do you not agree?

I don't want to curb any initiative on the part of the Minister even before restoration and he is already quite reasonably suggesting certain transfers and promotions in 15th Army Group area which I am trying to implement through Rome; so long as the Minister keeps us in the picture I am all for helping him all we can.

11. Owing to the influx of inquirers a lot of chaos including, alas,

1078

Will you please ask him therefore as a most urgent matter to prepare a typewritten statement showing what judges, officials, etc. are filling appointments and which are vacant. Also please show by an asterisk or some other simple symbol who were appointed by us. I do not want any pencil or ink notes; the books which he gave me are in no fit state to be presented to a Government, however fragile and weak. I don't want addresses or any biographical notes about being too old or overworked. Please send this out by first available courier. If you have any information about the Reggio di Calabria Court please let us know.

10. In your directive to Legal Officers attached as advisors to let Presidents under ASC please make it plain that all promotions, transfers, etc. made by Ist Presidents must be forthwith reported to us. Also I think all promotions, transfers, etc. proposed by the Minister before restoration must be subject to our sanction and consent - "such consent not to be unreasonably withheld" - Do you not agree?

I don't want to curb any initiative on the part of the Minister even before restoration and he is already quite reasonably suggesting certain transfers and promotions in 15th Army Group area which I am trying to implement through Rowe; so long as the Minister keeps us in the picture I am all for helping him all we can.

11. Owing to the influx of inquiries a lot of days including, alas, financial have been turned into a filthy hotel and I myself may have to sleep in my office so that I shall not call you or Harmsford over for the moment; in any event we are still in a state of suspense waiting for documents A, B & C. Have they arrived with you yet?

12. I believe Col. Young is coming out on Monday if you have time to reply to this lengthy letter - according to the latest staff instruction each para. should I suppose for filing purposes have been written as a separate

Letter!

13. Fine weather here but cold.

14. There are the wildest rumors here about meetings, emissaries in planes (probably a new type of invisible one as no one has actually seen them) and all the other seasonal nonsense.

15. Please send out as soon as possible copies of all general orders which have been published since Order 10. I think there are 4 of which only 3 have been published. I remember writing a letter about the unpublished one to Industry and Commerce sometime ago; did we ever get a reply?

U

15. Please sendout as soon as possible copies of all general orders which have been published since Order 10. I think there are 4 of which only 3 have been published. I remember writing a letter about the unpublished one to Industry and Commerce sometime ago; did we ever get a reply?

1082