

ACC

10000/142/1014



10000/142/1014

AMG, 15<sup>TH</sup> ARMY GROUP  
NOV. 1943 - JAN. 1944



ITALIAN PARTISANS  
ARMED CONTROL COMMISSION  
Legal Subcommission

CMV/gac

5 January 1944.

In reply  
refer to: 100/1/303.

SUBJECT:

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

Referring to our conversation yesterday -

1. In reply to your AMG/214/11 dated 29 Dec. 43 the policy of AGO is to permit transactions up to 50,000 lire without license and above that amount with license.

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

2. In reply to your AMG/206/114 dated 3 January 44 I can assure you that over and over again the Minister of Justice has impressed upon him the ineffectiveness of new decrees in occupied territory and this has been done both in conference and in writing. I shall not relax my efforts in this direction. In fact so far as Decree 123 is concerned you stated to Major Thacker on 24 Dec. that you were proposing to republish this decree in 15th Army Group territory.

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

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

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

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



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

Referring to our conversation yesterday -

1. In reply to your AG/210/11 dated 23 Dec. 47 the policy of AGC is to permit transactions up to 50,000 lire without license and above that amount with license.

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

2. In reply to your AG/206/111 dated 3 January 44 I can assure you that over and over again the Minister of Justice had increased upon him the non-acceptance of new decrees in occupied territory and this has been done both in conference and in writing. I shall not relax my efforts in this direction. In fact so far as Decree 158 is concerned you stated to Major Trenchard on 24 Dec. that you were proposing to republish this decree in 15th Army Group territory.

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

4. The Municipal Subcommission desires to have Decree No. 21/2 relating to taxation on turnover republished in occupied territory as soon as possible but substituting in Article 3 "February" for "January" and I am recommending this to C.C.S.A.O., I.I.C. No. Will you please consider this and let me know your reaction.

5. I am also recommending N.O.C.A.O., I.I.C. No. 83 to republish Decree 16/8. So far as Title 2 is concerned this has been requested by Submissions Subcommission.

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

G. H. URBAN, Colonel  
Chief Legal Officer, AGC.



Subject:- Italian Military Tribunals.

303

Copy to  
new file  
101AG B.,  
15 Army Group,  
C.M.F.Ref. AG/206/77.  
16 December 1943.Chief Legal Officer,  
Legal Sub-Commission,  
Allied Control Commission,  
BRINDISI.

The above mentioned subject was discussed recently with you at Brindisi and you arranged to ascertain the experience of Region II in applying the Rules for conduct of Italian Military Tribunals drafted by you and then you were to reconsider same.

2. The Italian Military Tribunal at Naples now desires Bando No.1 to be published, and directions have been requested from this Headquarters by Region III.

3. It appears to me that a considerable amount of victimisation can take place under Bando No.1 and I would prefer to see Italian Military Tribunals confined more to dealing with disciplinary offences within the Italian Army. Sabotage and other similar offences should in my opinion be tried by Allied Military Courts.

4. The matter is further complicated as, under a recent directive received by signal from A.P.H.Q., the policy would appear to be that only offences by Italian soldiers who are NOT in a unit operating under our military orders will be dealt with by A.M. Courts.

5. I shall be obliged by hearing from you as soon as possible.

H. E. ROSE

H.E. ROSE,  
Lt. Colonel,  
Chief Legal Officer.

HER/ES.

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Copy to:- S.L.O., AG. 5 Army.

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HEADQUARTERS  
ALLIED MILITARY GOVERNMENT  
LEGAL SUB-COMMISSION

303  
*file this in  
in AC*  
AMS/4001/2/L

31 December 43

Subject: Proposed Court at SALA CONSILINA.

To : Col. Gerald Upjohn, A.C.C. Brindisi

1. Enclosed herewith is letter of Mark Dow, Howe dated  
26 Dec. 43.

2. The matter is one which you may desire to discuss  
with representatives of the Italian Government, and it is ac-  
cordingly submitted to you herewith. Major Howe has been so  
advised.

Mark Grossman  
Major  
Acting Chief Legal Officer



Subject: - Instructions of Ministry of Justice.

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

Ref. AMG/206/44  
3 January 44.

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

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

Behind the communication dated 18 December addressed to the Direzione delle Carceri Giudiziarie at Lucera, concerning SERINO Giovanni, and in the communication of 17 December to the same addressee concerning the application of the Royal Decree Law 188 of 6 Dec 43, as in the longer directive of 10 December to the Court of Appeals at Naples, there lies the entirely unfounded assumption that the orders and decrees of the Italian Government are effective in occupied territory. Unless the Minister of Justice is made fully aware of the fact that the law making powers in occupied territory is exclusively held by AMG, and unless he realizes that the orders to officials in that territory are AMG orders, there is bound to be confusion and difficulty.

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

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



- 2 -

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

*Hand HZ*

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

The first of these problems is the question of the right of the United States to intervene in the internal affairs of other countries. This is a question which has been the subject of much controversy in recent years. The United States has always claimed the right to intervene in the internal affairs of other countries when such intervention is necessary to protect the interests of the United States. This right is based on the principle of self-defense. The United States has the right to defend itself against any threat to its national security. This right includes the right to intervene in the internal affairs of other countries when such intervention is necessary to protect the interests of the United States.

The second of these problems is the question of the right of the United States to intervene in the internal affairs of other countries when such intervention is necessary to protect the interests of the United States. This is a question which has been the subject of much controversy in recent years. The United States has always claimed the right to intervene in the internal affairs of other countries when such intervention is necessary to protect the interests of the United States. This right is based on the principle of self-defense. The United States has the right to defend itself against any threat to its national security. This right includes the right to intervene in the internal affairs of other countries when such intervention is necessary to protect the interests of the United States.

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It would be appropriate to note that the United States has always claimed the right to intervene in the internal affairs of other countries when such intervention is necessary to protect the interests of the United States. This right is based on the principle of self-defense. The United States has the right to defend itself against any threat to its national security. This right includes the right to intervene in the internal affairs of other countries when such intervention is necessary to protect the interests of the United States.



HEADQUARTERS  
ALLIED CONTROL COMMISSION  
Legal Subcommittee

CHL/gaf

9 January 1944.

In reply  
refer to: ACC/1/305.

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

TO : Chief Legal Officer, ACC 15th Army Group.

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

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

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

(c) Mention of the "Magistratura del lavoro".

C. E. MASON, Colonel  
Chief Legal Officer, ACC.

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HEADQUARTERS  
ALLIED CONTROL COMMISSION  
Legal Subcommittee.

GRU/gmf

10 January 1944.

In reply  
refer to: ACC/1/303.

SUBJECT: Occupation of Rome.

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

Referring to our conversation of last Monday:

1. The Italian Government would definitely prefer that no steps be taken to open the Court of Cassation in Rome by AMG.

I think their attitude is both reasonable and correct and I hope that this view accords with your own and that you will give effect thereto.

2. I enclose in triplicate a list of buildings in Rome which have under the Lateran Treaty and Concordat diplomatic immunity.

It is understood that AMG are issuing an order with regard to the treatment of these properties to the effect that they are under no circumstances to be occupied or interfered with in anyway except for reasons of absolute military necessity in actual battle.

3. The question of policy over personnel of ministries in Rome has been taken up and I shall write you further thereon in due course.

4. There are some other buildings enumerated in Art. 16 of the Lateran Treaty which are exempted from expropriation and taxation by the Italian Government. It seems plain that they



could be re-visited as a matter of international law but this matter is also, it is understood, being dealt with by JIB, and no requisition should be effected except pursuant to a directive from that Headquarters.

G. E. HUGHES, Colonel  
Chief Legal Officer, AGF.

PS.

I have arranged for a meeting with the minister of <sup>justice</sup> ~~justice~~ at the Palace of Justice Bari on Friday 14 Jan at 1100 hrs. I hope you will be able to attend as we want to discuss <sup>the</sup> ~~the~~ the Foggia Court of Appeal decree   
 *Appello*



HEADQUARTERS  
ALLIED CONTROL COMMISSION  
Legal Subcommittee

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.



MEETING WITH MAJOR HOWE ON 24 DEC. 43.

1. No examinations for procuratori should be held at Naples because of transportation difficulties; for the same reason it will not be possible to allow candidates to travel from Naples to Bari to write the examinations there. The situation might be different by next March.

2. The reorganization of the legal profession should be delayed at least until the Regions are organized in the 15th Army Gp territory. Maj. ~~Wilmer~~ will write to Legal Officers to sound out the urgency for this provision. If he decides to proceed with the reorganization he will do so by posting Gen. Order 12 in its present form. He will not follow the Italian practice of limiting the number of admitted procuratori because (1) he does not like such restrictions as a matter of principle - as lending itself easily to discrimination and favoritism. (2) we should be consistent in our practice and carry on the Sicilian way.

3. Certified copy of Proclam. 14 as signed given to us. Original will be kept in 15th A.G. CLO's file.

4. In answer to Col. Wilmer's query as to the status of detainees "intending" to commit a war offense or to engage in any political or other activity, etc. (Proclam. 2, Art VII Sec. 2) Major ~~Wilmer~~ says that undoubtedly these persons should be treated as P.W.s but at present they are not accorded such treatment and are interned permanently in jails. Quite a few cases happened where people were interned and their status was not defined for a considerable time. It would be better to set up a camp for these people. Major Howe understands that such camp is being established in Sicily.

5. Italian deserters. (Lt. Col. Rodd's letter). In 15th A.G. territory the Italian Courts Martial will not be permitted to try any desertion which occurred between July 10 and Sept. 8. It would be futile to undertake a distinction between cases of desertion in pursuance of allied appeals and those committed from other motives.

Instructions will be issued to Legal Officers, 15th A.G. to watch for disciplinary actions undertaken by Italian Army units in circumvention of 44, above and as a substitute for the courts martial trials.

6. Major Howe fully agrees with the simultaneous publication of the decree repealing discriminatory laws and a similar proclamation. However, he thinks an absolutely simultaneous publication will hardly be possible.

7. Court of Assizes. Major Howe is opposed to setting up in Foggia an experimental Court of Assizes composed exclusively of learned judges because

(1) an experiment in forward areas would not give a proper picture due to the anomalous conditions,

(2) we should not experiment for the Italians.

8. The Gazzetta Ufficiale will not be distributed in 15th A.G. area for the moment - at least not before the Regions are organized. The letters from the Director of Intendance concerning the subscriptions to ~~the~~ will be routed to the CPO.



the Regions are organized in the 15th Army Op territory. Maj. Wilmer will write to Legal Officers to sound out the urgency for this provision. If he decides to proceed with the reorganization he will do so by posting Gen. Order 12 in its present form. He will not follow the Italian practice of limiting the number of admitted procuratori because (1) he does not like such restrictions as a matter of principle - as lending itself easily to discrimination and favoritism. (2) we should be consistent in our practice and carry on the Sicilian way.

3. Certified copy of Proclam. 14 as signed given to us. Original will be kept in 15th A.G. CIO's file.

4. In answer to Col. Wilmer's query as to the status of detainees "intending" to commit a war offense or to engage in any political or other activity, etc. (Proclam. 2, Art VII Sec. 2) Major ~~Wilmer~~ says that undoubtedly these persons should be treated as P.W.s but at present they are not accorded such treatment and are interned permanently in jails. Quite a few cases happened where people were interned and their status was not defined for a considerable time. It would be better to set up a camp for these people. Major Howe understands that such camp is being established in Sicily.

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8. The Gazzetta Ufficiale will not be distributed in 15th A.G. area for the moment - at least not before the Regions are organized. The letters from the Director of Intendence concerning the subscriptions to ~~the~~ will be routed to the CPO.

9. Major Howe agrees that Art. 650 of Italian Penal Code (see ACC/14/304) does not confer upon Italian Courts jurisdiction to try violations of AMG enactments. Nor does he think that Italian Courts may try such violations directly under AMG proclamations or orders in spite of the fact that these enactments are part of the law of the land. Theoretically, he says, AMG authorities may refer to them cases involving such violations to be tried under the Proclam. or Order but difficulties would arise as to what type of Italian Court should be entrusted with each case. The jurisdiction of Ital. Courts is determined by limits of the term of imprisonment or amount of fine which may be imposed by each type of Court. Yet no such limits are fixed by the penalty clauses of the AMG Proclamations or Orders.

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## 10. List of letters delivered to Major Howe and their disposition:

LETTERSDISPOSITIONS

- |     |                                                                                                                                                                 |                                                                   |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| (1) | Arbitrary absences by State Employees (2 copies).                                                                                                               | To S. Regional Officers for information.                          |
| (2) | Reward for diligence, etc.<br>(Prot. N. 612,849, 613-614)                                                                                                       | C. Finance Officer for consideration - probably will be followed. |
| (3) | Application of RDL 188 of 6-Dec-1943 (Salary increases). Similar Decree increasing salaries with retroactive force will be issued by AMG for 15th AG territory. | C. Financial Officer.                                             |
| (4) | Request that Consigliere di Corte d'Appello De Socio now at Guglionesi come to Bari.                                                                            | Local Legal Officer.                                              |
| (5) | Request for release from internment by the English - Laura de Maio (Giuseppe de Maio) Arrested at BELICETO, Foggia.                                             | Local Legal Officer.                                              |
| (6) | Agente di Custodia Serino Giovani, Lucera.                                                                                                                      | Local Legal Officer.                                              |
| (7) | Istanze per Grazia:<br>Biagio (for Proc. Gen. Naples)<br>Zenoni (for Proc. Gen. Foggia)<br>Sabato (for Proc. Gen. Naples)                                       | Will be passed on to Italian Authorities.                         |
| (8) | Pagamento delle competenze ai dipendenti dello Stato - al Proc. Gen. Rodi Gargenico.                                                                            | To local legal officer.                                           |
| (9) | Giudice Straniero - Trib. Foggia                                                                                                                                | To local legal officer.                                           |



- Application of the 1943 Salary increases. Similar Decree increasing salaries with retroactive force will be issued by AMG for 15th AG territory.
- (4) Request that Consigliere di Corte d'Appello De Socio now at Guglionesi come to Bari. Local Legal Officer.
- (5) Request for release from imprisonment by the English - Laura de Maio (Guiseppe de Maio) Arrested at BELICETO, Foggia. Local Legal Officer.
- (6) Agente di Custodia Serino Giovani, Lucera. Local Legal Officer.
- (7) Istanze per Grazia: Biagio (for Proc. Gen. Naples) Zenoni (for Proc. Gen. Foggia) Sabato (for Proc. Gen. Naples) Will be passed on to Italian Authorities.
- (8) Pagamento delle competenze ai dipendenti dello Stato - al Proc. Gen. Rodi Gargenico. To local legal officer.
- (9) Giudice Straniero - Trib. Foggia To local legal officer.



2007/03/05

19 December 1993

In reply  
refer to: ACC/1703.

**SUBJECT:** Italian Military Journals.

TO : Chief Legal Officer,  
Hq AIA, 25th Army Group.

1. Further to our interview on Friday last it is confirmed that you will try out the Rules for the contest of Italian Primitives in your area.

2. Enclosed for information is a copy of the letter to Merriam  
 please (of which none was sent to you before through inadvertence). This  
 letter was written when the position was misunderstood after the last  
 conference with you here.

3. In answer to para 2 of your Letter Ref. MM/206/77 of 16 Dec 43 it is preferable not to publish any Bando - certainly not in view of the way this Bando No. 1 is drawn to provide for jurisdiction over civilians under Article 1 thereof.

4. With references to your memo 4, a copy of the Rules are being sent to ABER. It is thought that they have not yet really considered the matter.

Copy in 101



In reply  
refer to: 100H/303.

Copy in 101

SUBJECT: Italian Military Tribunals.

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

1. Further to our interview on Friday last it is confirmed that you will try out the Rules for the conduct of Italian Tribunals in your area.
2. Enclosed for information is a copy of the Letter to Marshall Messer (of which memo was sent to you before through Insurgent). This Letter was written when the position was misunderstood after the last conference with you here.
3. In answer to para 2 of your letter Ref AMF/206/77 of 16 Dec 45 it is preferable not to publish any Rules - certainly not in view of the way this Memo No. 1 is drawn to provide for jurisdiction over civilians under Article 1 thereof.
4. With reference to your para 4, a copy of the Rules are being sent to AMF. It is thought that they have not yet really considered the matter.

Enclosed:  
Copy of Letter to  
Marshall Messer.

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G. R. HUGHES, Colonel  
Chief Legal Officer, AMF

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File 1596

CONF.

ALLIED MILITARY GOVERNMENT  
OF OCCUPIED TERRITORIES

Proclamation No. 14.

Whereas for the better and more expeditious administration of military Government of territories which may now or which may hereafter be in the possession of the forces of Great Britain and the United States under my command it has become desirable to divide such territories into Regions and to grant powers to Regional Officers and to make other arrangements to the proclamation which I have issued on my headquarters name.

NOW, I, HENRY L. G. ALZAMENDI, G.C.B., G.C.I., M.B.O., M.O., General, General Officer Commanding the Allied Forces and Military Government of the occupied territories of Italy and the adjacent islands and of the Italian mainland, do hereby proclaim as follows:

ARTICLE I

EXTENSION OF A MILITARY GOVERNMENT.

The powers, functions and duties conferred by me upon certain officers of the Allied Military Government may be extended by proclamation in areas administered by the Allied Military Government be exercised in the manner hereinafter mentioned.

Power. Art. Sect.

2 VII 2

EXTENSION OF POWERS.

The Regional Chief Legal Officer may also perform the functions previously assigned to the Chief Legal Officer.

4 IV 1

EXTENSION OF POWERS TO THE CHIEF LEGAL OFFICER.

The power of exercising an Allied Military Court to sit in camera may also be exercised by the Regional Chief Legal Officer.

2(b)

The Regional Chief Legal Officer may exercise the power of providing any lawyer or other person from appearing in any Court in his Region.

4 VII 1

REVIEW OF DECISIONS RENDERED BY A MILITARY COURT.

All petitions may be filed with the Chief Legal Officer or may be forwarded to the Regional Chief Legal Officer, but shall continue to be addressed to the Chief Legal Officer.

2

Every Record shall be transmitted to the Regional Chief Legal Officer for examination and file.

3

Where there has been no petition of appeal under Section 1 and the substantive does not exceed two years' imprisonment or a fine of 50,000 lire, the Regional Chief Legal Officer shall review the case and may appoint a judicial



HOW, I, EARL H. L. C. ALEXANDER, G.O.P., U.S.A., E.O., General, General Officer Commanding the Allied Forces and Military Governor of the occupied territories of Italy and the adjacent islands and of the Italian Mainland, do hereby proclaim as follows:

# ARTICLE I

## REVENUE OF A MILITARY GOVERNMENT.

The powers, functions and duties conferred by me upon certain officers of the Allied Military Government by proclamation may hereafter in areas administered by the Allied Military Government be exercised in the manner hereinafter mentioned.

PROG. Art. Sect.

2 VII 2

### REVENUE OF A MILITARY GOVERNMENT.

The Regional Chief Legal Officer may also exercise the functions previously assigned to the Chief Legal Officer.

4 IV 1

REVENUE OF A MILITARY GOVERNMENT.  
The power of ordering an Allied Military Court to sit in cases may also be exercised by the Regional, Civil Affairs Officer.

2(b)

The Regional Chief Legal Officer may exercise the power of appointing any lawyer or other person from appearing in any court in his Region.

4 VII 2

### REVENUE OF A MILITARY GOVERNMENT.

All petitions may be filed with the Chief Officer or may be forwarded to the Regional Chief Legal Officer, but shall continue to be addressed to the Chief Officer of the Region.

2

Every petition shall be transmitted to the Regional Chief Legal Officer for consideration and file.

3

Where there has been no petition or appeal under Section 2 and the expenses does not exceed two years' imprisonment or a fine of 50,000 lire, the Regional Civil Affairs Officer shall render the case and may appoint a judicial officer not below the rank of Major for that purpose. Where cases are reviewed by the Chief Civil Affairs Officer, he may appoint a judicial officer not below the rank of Major for that purpose.

ARTICLE II

IDENTITY CARDS

Proc. Ref. Ref.

11 III 2

ARTICLE I CARDS.

From here forth it shall be a sufficient compliance with Art. III, Sect. 2 of Proclamation No. 11 if any person losing his identity card reports the fact to the nearest Carabinieri post and to the official of the local government by whom the card was originally issued.

ARTICLE III

FLAGS AND NATIONAL ANTHEMS

In view of the status of cobelligerency which has been granted to Italy, Art. VI of Proclamation 11 shall be modified to read as follows:

EMBLEM OF FLAG AND SINGING OF NATIONAL ANTHEM.  
The public display of any flag or colors of any nation which is at present actively prosecuting war against Great Britain or the United States and the public singing and playing of the national anthem and any other patriotic or political song or music of any such country are prohibited.

(Signed) H. H. ALEXANDER.

General,  
General Officer Commanding the Allied Forces  
and Military Governor.

Dated: 7 December 1945.



the identity card reports the fact to the nearest Carabinieri post and to the official of the local government by whom the card was originally issued.

### ARTICLE III

#### PLACES AND MEANS OF ASSEMBLY

In view of the status of collaboration which has been granted to Italy, Art. VI of Proclamation II shall be amended to read as follows:

TITLE OF PLACES AND MEANS OF ASSEMBLY.  
The public display of any flag or colors of any nation which is at present actively prosecuting war against Great Britain or the United States and the public singing and playing of the national anthem and any other patriotic or political song or music of any such country are prohibited.

(Signed) H. H. ALEXANDER.

General,  
General Officer Commanding the Allied Forces  
and Military Government.

Dated: 7 December 1945.

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HEADQUARTERS  
ALLIED CONTROL COMMISSION  
Legal Subcommittee.

AMT/gaf

21 December 1943

In reply  
refer to: ACC/1/301.

SUBJECT: Transmittal of Documents.

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

1. Herewith, as arranged, copies of the "Gazzetta Ufficiale" Nos. 2/3 and 3/3, and the following communications.

2. The letter from the Ministry of Justice regarding the appointments of Honorary Vice-Pretori is forwarded for information in the event of your deciding to follow similar procedure in the Naples area. We are informing the Minister accordingly.

3. A letter from the Minister to the First Presidents of the Courts of Appeal, including Naples, asking for an opinion on the proposed reform of the Courts of Assize.

4. Three communications concerning GIACINTO, RIZZO and SCIALOJA involving movements of personnel, subject, of course, to your agreement.

5. Three petitions lodged on behalf of BRIGLIA, STAMPAKOWSKI and LAGAVA.

Translations or proofs of the Italian (2 copies of each) are annexed to the letters and petitions.

Colonel  
Chief Legal Officer, AMT.

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15AG 303  
HEADQUARTERS  
ALLIED CONTROL COMMISSION  
Legal Subcommittee

ES/gmf

Interview with Brig. Lush on 26 Dec. 1943.

SUBJECT: Italian Military Tribunals in 15th Army Gp. Territory.

Brig. Lush wrote to ACC that according to his information received from Lt. Col. Rowe, our letter to Messe of Dec. 1 does not correspond to what was actually agreed upon between him and Col. Upjohn. They agreed, it is said in the letter, that the rules will be sent to the Italians for trial in forward areas. Our letter to Messe presents the rules as a definite instruction. Major Thackrah pointed out that it has been agreed by Lt. Col. Rowe that the rules will be put into effect in their present form. If it should appear later on that the form of supervision is too close, an amendment will be issued. Brig. Lush took notice of this, and withdrew his above mentioned letter. He declared that he will write another letter conforming to Maj. Thackrah's explanation.

Sgt Klein



HEADQUARTERS  
ALLIED COMAND. COMMISSION  
Legal Sub-Commission

WAV/gac

11/1/4  
11 December 1945.

In reply  
refer to: AC/14/305.

SUBJECT: Italian Courts

TO : Chief Legal Officer, 15th Army Group.

1. I thank you for your letter enclosing an interesting letter from Lt. Col. Michels on the Courts of Anzio.

2. I took the matter up with the Minister of Justice who is entirely in agreement as to the unsuitability of R.D. No. 249, 1931 and who has already under consideration its repeal and the constitution of a new Court of Anzio.

For various good reasons they are against reviving the old and cumbersome procedure under the law of 12 June 1874 but have invited us to try out a new system in occupied territory on the lines discussed. Accordingly in conjunction with them we are working out a plan for a Court of Anzio in occupied territory which I hope to let you have in a few days and which I hope you will put into a general order and try out.

If the experiment is successful, the Italian Government will adopt the new system in unoccupied territory.

3. I enclose a copy of General Order No. 12 published in Sicily. The Italian Government also like this in principle and if there is any



SUBJECT: Italian Courts

TO : Chief Legal Officer, 15th Army Group.

1. I thank you for your letter enclosing an interesting letter from Lt. Col. Shields on the Courts of Assise.
  2. I took the matter up with the Minister of Justice who is extremely in agreement as to the unacceptability of R.D. No. 249, 1931 and who has already under consideration its repeal and the constitution of a new Court of Assise.
- For various good reasons they are against reviving the old and cumbersome procedure under the law of 12 June 1874 but have invited us to try out a new system in occupied territory on the lines discussed accordingly in conjunction with them as we working out a plan for a Court of Assise in occupied territory which I hope to let you have in a few days and which I hope you will put into a general order and try out.

If the experiment is successful, the Italian Government will adopt the new system in unoccupied territory.

3. I enclose a copy of General Order No. 12 published in Sicily. The Italian Government also like this in principle and if there is any call for it in your area will you please do the same. If your Italian Legal Advisory Committees do not, however, feel the need for a revision of the local avvocati-procuratori, it is not a matter to be forced on them.

4. I enclose a copy of a somewhat lengthy letter from Lt. Col. Rodi on the matter of Italian Military Tribunals and my reply thereto. The same attention may be arising in your area.

C. E. HUGHES, Colonel  
Chief Legal Officer, AGC.

3 December 1963.

Dear Dave,

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

1. It is quite impossible to obtain any coherent statement as to the movement of Regional Legal Officers as none of them pass through Palermo now; none is (as HQ) move to the mainland I trust we can improve matters.
2. I am not proposing to issue any country instructions with regard to the right of Summary Courts to give a sentence for non-payment of a fine in addition to 1 year imprisonment, for the reason that Region 1 & 2 will soon be restored to the Government and your territory will alone be under HQ.
3. Finance Subordination HQ insist on outstanding transactions to transactions not exceeding 500,000 lire so that Revolution 5 will still have to be posted in a revised form.
4. Please let HQ know when Deco. 14 has been signed but I doubt whether we shall actually post any now.
5. Palermo Prisoner Cases. Col. Follock tells me that in my absence he has forwarded on some newspaper correspondence from Col. Hall in this matter. The man should be plainly hanged forthwith.
6. I enclose some letters for the Prosecutors General di Napoli and the Tribunale di Benevento which unfortunately were omitted from today's letter for Capt. Basso.

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last interview (with Col. Spuler) as to which you should be advised.

1. It is quite impossible to obtain any coherent statement as to the movement of Regional Inland Offices as none of them pass through Baleno now; when we (as AGC) move to the mainland I trust we can improve matters.
2. I am not proposing to issue any further instructions with regard to the right of Summary Courts to give a sentence for non-payment of a fine in addition to 1 year imprisonment, for the reason that Region 1 & 2 will soon be restored to the Government and your territory will alone be under AMG.
3. Minor Omissions AGC insist on notwithstanding transactions to transactions not exceeding 500,000 lire so that Proclamation 5 will still have to be posted in a revised form.
4. Please let AGC know when Pro. 14 has been signed but I doubt whether we shall actually post any now.
5. Barone Marder Case. Col. Pollack tells me that in my absence he has forwarded on some nomenclature correspondence from Col. Hill in this matter. The man should be plainly hanged forthwith.
6. I enclose some letters for the Procuratore General di Napoli and the Tribunale of Benevento which unfortunately were omitted from today's letter per Capt. Brown.

G. E. UFFERT.



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MEMORANDUM

The following are Lt. Col. Rowe's views on points raised in the interview with Maj. Thackeray, 29 Nov. 42.

1. Discriminatory Laws.

a. The Italian argument for delaying the legislation because of fear of damage to the property restored to Jews, does not stand because in destroying such property the Fascists and Germans would admit effect of Rodeglio law in German held territory.

b. The text of the Rodeglio law should be published in occupied territory (simultaneously with its publication in King's Italy) --

(i) either by an AMGOT Proclamation

(ii) or by an Italian provision published under AMGOT authority.

2. Roma Corte d'Appello. *Plan*

a. Due to the present ~~is~~ for evacuation of the city, the question of admission of additional personnel into the Province would have to be taken up with the XV Army Group people.

b. If the city of Foggia is to be evacuated, we cannot set up any court there. It might be located in another town.

c. Let's wait before we allow the setting up of such Court until the extent of evacuation is known.

3. Italian Military Tribunals.

Our control as per final draft directives is too close. It would involve day to day supervising, handling of appeals, etc. If civilians and carabinieri are excluded, right of confirmation of death sentences would be sufficient control.

4. Transfer to Ortanova Prison.



1. Discriminatory Laws.

a. The Italian argument for delaying the legislation because of fear of damage to the property restored to Jews, does not stand because in destroying such property the Fascists and Germans would admit effect of Racial law in German held territory.

b. The text of the Racial law should be published in occupied territory (simultaneously with its publication in King's Italy)--

(i) either by an MGOT Proclamation

(ii) or by an Italian provision published under MGOT authority.

2. Forgia Corte d'Appello. Plan

a. Due to the present ~~of~~ For evacuation of the city, the question of admission of additional personnel into the Province would have to be taken up with the XV Army Group people.

b. If the city of Foggia is to be evacuated, we cannot set up any court there. It might be located in another town.

c. Let's wait before we allow the setting up of such Court until the extent of evacuation is known.

3. Italian Military Tribunal.

Our control as per final draft directives is too close. It would involve day to day supervising, handling of appeals, etc. If civilians and carabinieri are excluded, right of confirmation of death sentences would be sufficient control.

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4. Passage to Ostia and Portofino.

Send translation of letter to Lt. Col. Rose.

5. Attachment of 402 Local Officers to Courts of Appeal in restored territory.

A grand idea!

## ALLIED CONTROL COMMISSION

3 December 1943.

Dear Rome,

1. I enclose a translation of a letter addressed to us and I shall be glad if you will take the necessary action to permit Devilio to leave occupied territory for his medical.

It appears from the letter that Devilio has been corresponding direct with unoccupied territory but I gather you "tolerate" this on the ground of difficulty of stopping it and as the Minister of Justice in this (as well as in other matters) seems to be doing his best to use the proper channels and to carry out the spirit of our agreement, I do not think we should overblain of every technical agreement. I hope you agree.

2. I also enclose letters (together with translations for your file)

(a) addressed by the Minister to the 1st President of the Court of Appeal in Naples and to the Procuratore Generale of Naples relating to inquiries into fascists

(b) addressed by the Minister to the 1st President of the Court of Appeal in Naples and to the Procuratore Generale of Naples asking for lists of judges and officials.

(c) to the President of the Tribunal of Avellino and Benevento relating to Rocca and Altonso.

I shall be glad if you will pass these letters on to the proper quarters the answers being returned through yourself and this Commission

Personally I see no objection to such correspondence by the Minister even with occupied territory as it shows initiative and a desire to get a move on and provided they use the proper channels I am all for en-



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It appears from the letter that DeVivio has been corresponding direct with unoccupied territory but I gather you "tolerate" this on the ground of difficulty of stopping it and as the Minister of Justice in this (as well as in other matters) seems to be doing his best to use the proper channels and to carry out the spirit of our agreement, I do not think we should complain of every technical agreement - I hope you agree.

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(c) to the President of the Tribunal of Avellino and Benevento relating to Rocco and Alfonso.

I shall be glad if you will pass these letters on to the proper quarters the answers being returned through yourself and this Commission

Personally I see no objection to such correspondence by the Minister even with occupied territory as it shows initiative and a desire to get a move on and provided they use the proper channels I am all for encouraging this sort of thing and I hope you agree.

I sent you a signal yesterday about some mail bags of proclamations and so forth awaiting your collection. We have no transport available (P.S. Capt. Brown who will take this back has just arrived to collect them).

3. I wrote you from Palermo letters (1) re Italian Military Tribunals (2) re Regional set up and powers of RCOs and they were dispatched

to you copies of letters of authority and delegation, etc.

4. I hope you have received a signal re the British Seaman Case, and that it is disposed of so far as we are jointly concerned.

5. Discriminatory Law. These are still under consideration. I

shall write you further hereon in due course.

6. Military Zone regulations have been passed into Region II as requested.

Yours sincerely,

G. R. ULLMAN



6. Military zone regulations have been passed  
requested.

Yours sincerely,

C. N. HAYDEN

TRANSLATION

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No. 12446 of prot. Div. I

Bari, 25 Nov. 1943.

SUBJECT: Relations in Judicial Matters with British Authorities.

TO THE MINISTRY OF JUSTICE

P.M. 151

I wish to communicate to this Ministry that on Sept. 21, 1943 several German soldiers came to the Prison of Iacova and by threatening to blow up the building effected the liberation of a certain Luigi RENOMINI who was accused of stealing objects which remained unguarded in Foggia in consequence of the air raids.

The Procuratore del Reale made a vain attempt to convince a non-commissioned officer of the impropriety of the release in view of the fact that Porcelli was a common criminal.

In the presence of the above mentioned magistrate Porcelli affirmed his desire to enlist in the German forces. It seems that this did not materialize.

The records of the proceeding have been transferred to the Army Post-office at the Military War Tribunal of Bari for further disposition.

On the 7th of Oct. 1943 the British Military Commander released a certain Bonaga Michelina di Igroti who was accused of theft of objects which remained unguarded in Foggia in consequence of an air raid. That commander having heard verbal explanations requested from the Procuratore of Foggia held that the guilt of Bonaga was doubtful. In fact the guilt of Bonaga according to the report of the abovementioned magistrate is not certain since

the accused went to the apartment belonging to her, but leased to another person, in order to observe the effects of an air raid. Bonaga possesses



I wish to communicate to this Ministry that on Sept. 21, 1943 several German soldiers came to the Prison of Lamm and by threatening to blow up the building effected the liberation of a certain Luigi PORCELLI who was accused of stealing objects which remained unguarded in Foggia in consequence of the air raids.

The Procuratore del Re made a vain attempt to convince a non-commissioned officer of the impropriety of the release in view of the fact that Porcelli was a common criminal.

In the presence of the above mentioned magistrate Porcelli affirmed his desire to enlist in the German forces. It seems that this did not materialize.

The records of the proceedings have been transferred to the Army Post-office at the Military War Tribunal of Bari for further disposition.

On the 7th of Oct. 1943 the British Military Commander released a certain Donato Michelina di Ignesti who was accused of theft of objects which remained unguarded in Foggia in consequence of an air raid. That commander having heard verbal explanations requested from the Procuratore of Foggia held that the guilt of Donato was doubtful. In fact the guilt of Donato according to the report of the above mentioned magistrate is not certain since the accused went to the apartment belonging to her, but leased to another person, in order to observe the effects of an air raid. Donato possesses both money and real estate.

On the 15th Oct. 1943 the British Military Command acting contrary to verbal and written advice of the Procuratore del Re of Foggia ordered the release of the following persons detained in the prisons of Lamm on account of the well known events of Monteleone di Puglia:

- (1) CONNACCHIA Pasquale - (2) CARUSO Lucia - (3) COLANINNO Venanzio -
- (4) DE PAOLA Giuseppina - (5) LA MARRA Rosaria - (6) LA MARRA Pasquale

(7) PUMI Pasquale - (8) PIRELLA Iezia - (9) RUCIEMO Carmel - (10) SAL-  
VINO Rosaria - (11) VISCONTI Teresa - (12) VISCONTI Angela - (13) VIS-  
CONTI Antonia - (14) VISCONTI Pilonara - (15) TACCHIO Rosa - (16) ZAMBORI  
Rosco - (17) ZAMBORI Ernesto - (18) ZAMBORI Giuseppina.

On Oct. 22, 1943 the British Command ordered the release of  
LA MARIA Vincenza, detained in the prison of Bovino and accused of  
having taken part in the well known events of Monteleone di Puglia.  
The Procuratore del Re has not been requested to give his opinion.

Furthermore I am told that the prohibition issued by the Anglo-  
American Command to hold Penal hearings at the Tribunale of Foggia is still  
in effect. I received notification on this subject from the Procuratore  
del Re of Foggia in a letter of the 4th of this month.

for the Procuratore del Re

Signed: Indovico Denza



having taken part in the well known events of Monteleone di Puglia.

The Procuratore del Re has not been requested to give his opinion.

Furthermore I am told that the prohibition issued by the Anglo-American Command to hold Penal hearings at the Tribunale of Foggia is still in effect. I received notification on this subject from the Procuratore del Re of Foggia in a letter of the 4th of this month.

For the Procuratore del Re

Signed: Ludovico Denza

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