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LEGAL S/C OF AC
DEC. 1943 - JAN.

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LEGAL S/C OF ACC, TELECOMMUNICATIONS S/C
DEC. 1943 - JAN. 1944

to be run by civilian agencies and to give directions to the Government for this purpose. It will then, in my view, be the duty of the Government to make the appropriate arrangements with the civilian companies concerned. These arrangements will of course include time of payment to the company for the services to be rendered but it will be the duty of the Government to discharge these payments and not the Allied Forces. It may well be, however, that the Government will make some loan to be arranged through... to discharge such payments but this will not, of course, affect the ultimate liability of the Government for such payments.

2. As to concentration payable to the Allied Forces for signal - estimated supplies to telephone services.

In my opinion the provision of such equipment is part of the occupation costs and is therefore payable by the Italian Government. It seems inevitable that such costs will be absorbed until a Peace Conference.

S. M. WOODS, Colonel
Chief Legal Officer, AGO.

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 In my opinion the provisions of such contracts are part of the
 government's policy and is therefore payable by the Italian Government. It
 seems probable that such costs will be guaranteed until a Peace Conference.

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee

JJL/mip

In reply
refer to: ACC/L/340

12 January 1944

File

Subject: Commercial and State Telecommunication Facilities, Sicily.

To: Communications Section.

1. In this opinion I am only dealing with privately owned telephone companies and not with state or parastatal companies.
2. The use and control of telecommunication systems are governed by International law and the Armistice Terms.

By International Law an occupying force may use all telecommunication systems upon the terms of restoring them at the conclusion of peace and paying an indemnity (Art 53 Hague Convention).

The Armistice Terms provide (a) that the Allied Forces may use telecommunication systems, and this applies equally to unoccupied as well as to occupied territory, and (b) that the Italian Government will comply with instructions issued by the Allied Forces regarding the use and control of telecommunication systems. Nothing is said in particular as to the terms of payment for user of telecommunication systems but there are two general financial provisions which appear to be relevant; first that the Italian Government will supply such currency as the Allied Forces require and will redeem A.M. Lire issued in Italy and secondly that the Italian Government will pay for the costs of occupation.

In my opinion the legal position under International Law and the Armistice Terms mentioned above is as follows;

Where a privately owned telephone system is taken over and operated by Allied Forces or is operated by the owner and his employees for the Allied Forces compensation is payable to the owner. Payment should be made through the usual requisitioning channels. In ascertaining the compensation payable materials and labor expended by the Allied Forces in rehabilitating or improving the telephone system will be an important factor to be taken into consideration so as to reduce the amount payable, but as pointed out in paragraph 6 of your letter some of the labor expended by the Allied Forces may have been of little benefit to normal civilian use of the property. Under these circumstances only a part of the labor cost should be set off against compensation, the balance being viewed as an operational military expense. Actual payment of compensation will be either in AM Lire, which under the

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HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee

GRU/gmf

15 January 1944.

In reply
refer to: ACC/1/32/4.

SUBJECT: Prisons.

TO : Captain Stone, U.S.N.R.

Ref our conversation this morning. In fairness to Public Safety Subcommittee I forward to you Memo by Col. Kirk, Chief of Public Safety Subcommittee, received midday today. I remain of opinion that the Prisons Division of Public Safety should remain in its present place but if you differ I should value the opportunity of discussing the matter with you before you reach any decision. Please return attached Memo.

G. R. URJOHN, Colonel
Chief Legal Officer, ACC.

Enclosures:
1 Memo from Col. Kirk.

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1. Under the terms of the Armistice, all intercommunication installation facilities and equipments are to be made available as required to the Allied Forces by the Italian Government.

2. In my view this para should be omitted.

3. (a) For the purposes of telecommunications the territory is divided into two areas.

(A) The occupied territory: that area formally occupied by the Allied Military Authorities under the Military Governor.

(B) The unoccupied territory: that area not formally occupied by the Allied Military Forces, (though Allied forces may be quartered there) but administered by the Italian Government subject to the Allied Control Commission.

(b) At present all Italy (south of the front line) is occupied territory except the Comptant of Anzio (less the province of Foggia) which is unoccupied territory but it is contemplated that in the very near future a substantial part of the occupied territory will be restored to the Italian Government and become unoccupied territory. This agreement will apply as between occupied and unoccupied territory as it exists from time to time.

4. Controlling Authorities and Extent of Control.

(a) Control in the occupied territory.

The Allied Military Authorities will control and operate all signal facilities in this area.

The Italian Minister of Communications will appoint a liaison official or officials to the Allied Military Authorities who will be responsible for making the necessary arrangements for carrying out any work required by the

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Note: see file, Radio-
Telecommunications, Radio-
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- (B) The unoccupied territory: that area not formally occupied by the

Allied Military Forces, (though Allied Forces may be quartered there) but administered by the Italian Government subject to the Allied Control Commission.

(b) Almost all Italy (south of the front line) is occupied territory except the Department of Apulia (Less the province of Foggia) which is unoccupied territory but it is contemplated that in the very near future a substantial part of the occupied territory will be restored to the Italian Government and become unoccupied territory. This agreement will apply as between occupied and unoccupied territory as it exists from time to time.

4. Controlling Authority and Extent of Control.

(a) Control in the occupied territory.

The Allied Military Authority will control and operate all signal facilities in this area.

The Italian Minister of Communications will appoint a liaison official or officials to the Allied Military Authorities who will be responsible for making the necessary arrangements for carrying out any work required by the Allied Military Authorities to be done by civilian telephone employees of other State or Concessionary Companies (S.E.T., T.E.T.I., T.I.M.O., S.T.I.P.E.L., and T.P.L.V.E.) in this area.

(b) Control in the Unoccupied Territory.

Subject to subpara (c) below the Italian Minister of Communications and the concessionary companies will be entirely responsible for the control and operation of all signal facilities in this area.

(c) In order to carry out the military operations of the Allied and

Italian Forces in the most efficient manner it will be necessary for the Allied Military Authorities to continue to operate and exercise control over certain signal facilities of military value in unoccupied territory. This control may extend merely to the control of certain trunk lines at certain exchanges, to the use of certain sections of switch boards and in other areas it may include the operation and control of complete exchanges.

The requirements of the Allied Military Authorities in this respect will change from time to time according to the strategy of the Military Commander. At the date of this agreement the Allied Military Authorities will require to retain control and operation of signal facilities in the unoccupied area to the following extent:

As further territory is restored to the Italian Government from time to time the Allied Military Authorities will notify the Italian Government of their requirements under this subject in respect of the territory being restored.

The Allied Military Authorities will relinquish their control and operation of signal facilities in unoccupied territory to the Italian Government as soon as they can do so without hampering military operations but on the other hand they may from time to time require to control and operate additional facilities in unoccupied territory and will give notice thereof to the Italian Government.

5. Control of Civilian telecommunication equipment and contraband stores.

(a) In occupied territory the Allied Military Authorities will take control of all equipment and stores.

(b) In unoccupied territory the Minister of Communications will as

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5. Control of Civilian Telecommunication equipment and construction stores.

(a) In occupied territory the Allied Military Authorities will take control of all equipment and stores.

(b) In unoccupied territory the Minister of Communications will as soon as possible in the case of the Government of Apulia (Lega Puglia) and as soon as possible after the restoration of further territory to the Italian Government make an inventory of spare equipment and construction stores kept in stock and submit it to the Allied Military Authorities.
(1) Cable (2) Telegraphs (3) Poles (4) Crossarms (5) Wiring solder (6) Wire (copper & iron) (7) Batteries (dry & wet cell) (8) Switchboards (9) Repeaters and spare parts.

These equipment and stores will not be used for the repair or construction of telephone facilities in unoccupied territory without the prior written consent of the Allied Military authorities but will be kept in good condition in safe custody.

6. All notifications, requests, representations or other communications of like nature to be made under or in connection with this document by the Allied Military authorities to the Italian Government and vice versa shall be made through the Allied Control Commission and in no case direct.

If any unit or branch of the Italian Navy, Army or Air Force requires any signal facilities such requirements should be first coordinated with the local Allied Military Authorities and then submitted thru the Italian Minister of Communications and the Allied Control Commission to the Secretary of the Communications Board or other appropriate authority.

In this document "Signal facilities" includes the operation and control of telephones, switchboards, exchanges and buildings, cables, repeaters, wires and all connected auxiliary facilities.

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