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ADMINISTERING OF DEATH SENTENCE
SEPT., OCT. 1943

2203

AMGOT/1032/PS

Providence

ADMINISTERING OF DEATH
SENTENCE

18020

DD

ADMINISTERING OF DEATH
SENTENCE

8020

77

10000 443

THIS FOLDER

CONTAINS PAPERS

FROM SEP. 1943

TO OCT. 1943

CATALOGUE

1. 1063/PS 15 Sep Notes on Bull Sentence
2. 17 Sep Covering note to CAS from Dept.
3. 1125/PS 18 Sep to SCPO Callanissetta
4. PS/2/43 Sep from CAPO Callanissetta

Disposizioni speciali per l'esecuzione della pena di morte.

Art. 207

(Isolamento del condannato a morte)

Appena e' pronunciata la sentenza di condanna alla pena di morte, il pubblico ministero ne da' notizia al direttore dello stabilimento nel quale il detenuto si trova. Il detenuto e' immediatamente sottoposto ad isolamento continuo e a sorveglianza speciale ininterrotta.

Art. 208

(Visite del Direttore, del cappellano e del medico)

Almeno due volte al giorno il direttore, il cappellano ed il medico visitano il detenuto condannato a morte.

Il detenuto puo' anche domandare l'assistenza di un altro sacerdote.

Art. 209

(Colloqui e dichiarazioni)

Sono ammessi tutti i colloqui che il pubblico ministero ritiene di autorizzare. Qualora il condannato alla pena di morte chieda di fare dichiarazioni, il direttore dello stabilimento ne avvisa immediatamente il procuratore del Re, che lo riceve senza ritardo e ne fa compilare processo verbale. Se la richiesta e' fatta nell'imminenza dell'esecuzione, le dichiarazioni sono ricevute dal rappresentante del pubblico ministero presente sul posto.

Art. 210

(Esecuzione della pena)

La pena di morte si esegue mediante fucilazione ad opera di un plotone delle forze armate dello Stato o di agenti appartenenti a corpi ad esse assimilati.

Art. 211

(Luogo dell'esecuzione)

Il Ministro designa lo stabilimento nell'interno del quale l'esecuzione deve avvenire, salvo che, a norma dell'art. 21 del codice penale, non indichi altro luogo. Il procuratore generale del Re stabilisce l'ora dell'esecuzione.

Art. 212

(Esecuzione pubblica)

2852

Quando il Ministro dispone che l'esecuzione sia pubblica,

- 2 -

il procuratore generale del Re stabilisce, d'accordo con il Prefetto della provincia, i limiti e le modalita' con cui il pubblico e' ammesso nel luogo dell'esecuzione.

Special Regulations for the Execution of the
Capital Punishment.

Art.207.

(Isolating of the Prisoner Sentenced to death)

As soon as the sentence for the Capital Punishment is pronounced, the Public Ministry notifies it to the Director of the Prison where the detained is kept.

The prisoner immediately is continually isolated and held under a strict uninterrupted surveillance.

Art.208.

(Visits from the Director, Chaplain and the Doctor)

For at least twice a day the Director, Chaplain and the Doctor visit the prisoner sentenced to death. The detained may ask the assistance of another priest.

Art.209.

(Interviews and statements)

All interviews are admitted if authorized by the Public Ministry.

Whenever the prisoner, condemned to the Capital Punishment, desires to make further statements, the prison Director notifies it immediately to the King's Attorney, who without delay interviews him and the prisoner makes a signed declaration in front of witnesses. If the request is made immediately before the execution it is taken by a representative of the Public Ministry who is present at the execution.

Art.210.

(Execution of the Capital Punishment)

The Capital Punishment is performed by means of shooting, executed by a squad of the State Army or by Agents belonging to corps for the purpose.

Art.211.

(Place of the Execution)

2850

The Ministry establishes the place in which the Execution should be done, unless another place is pointed out in accordance with Art.21 of the Penal Code.

- 2 -

The King's Attorney establishes the time of the execution.

Art. 212.

(Execution made in public)

When the Ministry orders the Execution to be done in public, the general King's Attorney establishes, in agreement with the Prefect of the Province, the limits and regulations for the admittance of the people in the assigned place of Execution.

HEADQUARTERS ARMY

BUCK SLIP

8 Oct. 4)

(date)

Sus: _____
(date)

FROM	TO
	C. C. A. O.
	D. C. C. A. O.
	C. S. O.
	D. C. S. O.
	C. of S.
	Adjutant
	Personnel Officer
	Civ. Supply Div.
✓	Legal Div.
	Contr. of Prop. Div.
	Public Safety Div. ✓
	Finance Div.
	Public Health Div.
	Civil Affairs Div.

FOR:

- _____ Recommendation and Remark
 _____ Information and guidance
 _____ Approval or disapproval
 _____ Necessary action
 _____ Action taken
 _____ Investigation and Report
 _____ To note and return
 _____ File
 _____ Dispatch

REMARKS: *In view of uncertainty of our relations with the United States I would hold this up till Genl. MacArthur or Genl. Kennell's return.*

W. C. D. N. Col.

C. T. O.

NOT

Not & draft by Major Campbell
 NOT to be taken as approved
 by C. T. O.

10
 9 Oct

Subject:- Execution of Death Sentences according to Italian Law. AMGOT/4052/L.

To:- C.I.O.

AMGOT H.Q. SICILY.

7 October, 1943.

With reference to the foregoing folios, my suggestions are as follows:-

The provisions affecting the execution of death sentences are contained in the Code of Criminal Procedure Art. 580 and the Regolamento Istituti Prevenzione e di Pena Art. 207 - 212.

Under Art. 580, the Pubblico Ministero (Procuratore Generale) notifies the Ministry of Justice when a death sentence is irrevocable. In future this notification should be to the C.C.A.O. when the final appeal has been dismissed. In addition to appeal, there is a right to petition the Military Governor for clemency. When this phase is over (i.e. if petition is not lodged in time or is refused), the C.C.A.O. (in lieu of the Ministry of Justice) should then issue instructions to the Pubblico Ministero (Procuratore Generale) for the execution to proceed. These instructions are private, i.e. not for publication and should state ~~whether~~ the execution is to be ~~public or~~ private and the time within which the execution is to take place. A copy of these Instructions should be sent to the Commissioner of Public Safety. Upon receipt of these instructions the Pubblico Ministero should arrange for the details of the execution under the instructions of the Commissioner of Public Safety.

A draft instruction to carry out the above is attached.

Ian Campbell

IAN CAMPBELL, Major,
Rifle Brigade,
Legal Division.

Code of Criminal Procedure

ART. 580

Execution of death sentence

When a judgment or sentence of death has to be carried out, the "pubblico ministero" communicates the judgment, directly it has become irrevocable, to the Minister of Justice.

The "pubblico ministero", as soon as the instructions of the Minister of Justice reach him, fixes, when the case so requires, the day and hour of the execution at the place appointed, and informs the authorities of the institution in order to take the necessary steps.

At the execution there are present a representative of the "pubblico ministero", assisted by the secretary, a doctor named by the "pubblico ministero", and a minister of the religion professed by the condemned man, if he asks for one. The secretary compiles the "processo verbale" in which mention is also made of the hour of the execution, and a statement of the death of the condemned man certified by the doctor is inserted.

Certification of the execution having taken place is made at the foot of the original of the judgment of conviction, through the registrar of the Court which pronounced it.

If the person condemned to death is not in custody, the "pubblico ministero" transmits to the Police the order for imprisonment of the person convicted, under the next following article.

DRAFT.

Subject:- Execution of Death Sentences according to Italian Law.

To:- All S.C.A.Os. for the attention of S.L.Os.
Commissioner of Public Safety.

ANGOT/4052/L.
ANGOT H.O., SICILY.
October, 1943.

1. In the case of all executions of death sentences passed in Sicily by Italian Courts the provisions of the Italian Code of Criminal Procedure Art. 580 and the Regolamento Istituti Prevenzione e di Pena shall apply subject to the following modifications:-

- (a) The functions of the Ministry of Justice will be performed by the C.C.A.O., ANGOT.
- (b) The Pubblico Ministero will notify the C.C.A.O. (as representing the Ministry of Justice) as soon as any sentence of death becomes irrevocable by failure of final appeal.
- (c) If no petition for clemency is lodged within proper time or upon refusal of such petition, the C.C.A.O. will forward to the Pubblico Ministero and to the Commissioner of Public Safety instructions for the execution to proceed. Such instructions will state (a) the place of execution and (b) the time within which the execution is to take place, and (c) that ^{the Minister} execution will be in private.
- (d) The Pubblico Ministero will carry out its functions as laid down in the above enactments as directed by the Commissioner of Public Safety.
- (e) The execution will in all cases be by a squad of Agenti di Pubblica Sicurezza.

2. In the case of executions of death sentences passed by an Allied Military Court for an offence against the Italian Penal Code, the above provisions will apply except that there will be no notification by the Pubblico Ministero as envisaged in para. 1 (b).

3. The Commissioner of Public Safety will arrange for to have trained and available a squad of Agenti di Pubblica Sicurezza for carrying out such executions.

4. The Provincial Director of Prisons will hand over to the commander of the execution squad the person or persons to be executed with a certificate in writing that such person or persons are the person or persons named in the execution order by the C.C.A.O.

5. The contents of this instruction will be conveyed to the representatives of the Pubblico Ministero by the S.L.O. and to all others concerned by the Commissioner of Public Safety.

By Order of the Chief Civil Affairs Officer,

2846

1. In the case of all executions of death sentences passed in Sicily by Italian Courts the provisions of the Italian Code of Criminal Procedure Art. 580 and the Regolamento Istituti Prevenzione e di Pena shall apply subject to the following modifications:-

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By Order of the Chief Civil Affairs Officer,

2876

CHARLES H. SPOFFORD, Col. (GSC.)
Chief Staff Officer.

Final draft - regarding
carrying out Death sentence.
The special Regs. referred to in para 4
cover leaf will appear below paras
1-5 in the final copy.

Para 5 The Legal Dir. may wish
to add to the notification.

5/10.

M.H.

C Cy Proc 58

DRAFT INSTRUCTIONS.ALBOT/1032/PSALBOT H.Q., SICILY.5 October 1943.REGULATIONS AND INSTRUCTIONS FOR THE EXECUTION OF THE CAPITAL PUNISHMENT.

As a temporary measure and applicable in SICILY only during the period of control by the Allied Military Government the carrying out of the Death Sentence will be performed by the AGENTI di PUBBLICA SICUREZZA under the directions of the Superintendent, The Civil Police, ALBOT.

Execution will be performed by shooting. The organisation and training

of the squads rest with the Civil Police.

The Prison Authorities represented by the Senior Civil Prison Official within the Province (The Provincial Director) is responsible for handing over the condemned person to the Commander of the Execution Squad. He will certify in writing that the person or persons handed over is/are the individual(s) so named in the Execution Order.

The special Regulations under the Italian Regulations for the prevention of Crime are published below (REGOLAMENTO ISTITUTI PREVENZIONE E DI PENAL).

The Public Ministry is represented by H.Q. ALBOT Legal Division who notify the

S.C.A.O. Province, The Commissioner of Public Safety and

Special Regulations for the Execution of the
Capital Punishment.

Art. 207.

(Isolating of the Prisoner Sentenced to death)

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Art. 212.

(Execution made in public)

When the Ministry orders the Execution to be done in public, the general King's Attorney establishes, in agreement with the Prefect of the Province, the limits and regulations for the admittance of the people in the assigned place of Execution.

2844

(over)

To be
transmitted
and filed at
Sanctuary 190

Disposizioni speciali per l'esecuzione della pena di morte -

Art. 207 -

(Isolamento del condannato a morte)

Appena è pronunciata la sentenza di condanna alla pena di morte, il pubblico ministero dà notizia al direttore dello stabilimento nel quale il detenuto si trova.
Il detenuto è immediatamente sottoposto ad isolamento continuo e a sorveglianza speciale ininterrotta.

Art. 208

(Visite del Direttore, del cappellano e del medico)

Almeno due volte al giorno il direttore, il cappellano ed il medico visitano il detenuto condannato a morte.
Il detenuto può anche domandare l'assistenza di un altro sacerdote.

Art. 209

(Colloqui e dichiarazioni)

Sono ammessi tutti i colloqui che il pubblico ministero ritiene di autorizzare.
Qualora il condannato alla pena di morte chieda di fare dichiarazioni, il direttore dello stabilimento ne avvisa immediatamente il procuratore del Re, che lo riceve senza ritardo e ne fa compilare processo verbale.
Se la richiesta è fatta nell'imminenza dell'esecuzione, le dichiarazioni sono ricevute dal rappresentante del pubblico ministero presente sul posto.

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La pena di morte si esegue mediante fucilazione ad opera di un plotone delle forze armate dello Stato o di agenti appartenenti a corpi ad esse assimilati.

24/11/1943

B/P 1032

B4

Rec 29 Sep

5

SUBJECT. : Execution.- Death
Sentence.

AMGOT HQ SICILY
Public Safety Division
Civil Police Section
HQ CC. RR. Palermo

TO : Superintendent of Prisons.

1. I have read your memorandum regarding executions and offer the following comments:

(a) Executions were directed by the Central Government - both political and criminal. The Agenti Pubblica Sicurezza was used to execute convicted criminals, and the Fascisti Militia for the execution of political offenders. A special squad was maintained under direction of the Central Government.

(b) It is desirable to keep this function in the same agency - the Agenti di Pubblica Sicurezza. Since the former directing head - the Direzione Generale - is now inoperative that authority is assumed directly by the Military Governor or delegated to the C.C.A.O.

There may be legal considerations in the assumption of this authority, I would therefore recommend that the matter be taken up with the Legal Division, and the C.C.A.O.

(c) I will proceed with a tentative plan to organise a squad in the Agenti di Pubblica Sicurezza, but must with-hold final action until ordered by the C.C.A.O.

2. I offer this as an unofficial comment.

2842

28 September 1943.

To C.L.O. - 11/10/43 1805

May I have your advice?

Ballew eps

Russell A Snook
RUSSELL A SNOOK
Lt Colonel
Supt Civil Police.

PUBLIC SAFETY DIVISION.ROUTING SLIP.

TO SEE :-

C.P.S.....

D.C.P.S.....

☒ PRISON SECTION.....

CIVIL POLICE SECTION.....

FIRE AND CIVIL DEFENCE
SECTION.....LICENSING AND REGISTRATION
SECTION.....

2841

Ref. PS/2/43

PRISON SECTION
ANGOT HQrs.
PATERMO.

With reference to your memorandum regarding to three (3) prisoners under sentence of death in Caltanissetta Prison. This matter was dealt with H.Q. (Legal) on 4th Section 1943X and no further instructions have yet been received.

X Correspondes ANGOT/4011/L

Caltanissetta
Sept. 1943

Major,
PROVINCIAL P.C.A.P.O.



P.A.
Mh

2840

3

ALGOT/1125/P3

AMGOT H.Q., SICILY.

18 September 1943.

TO : S.C.A.O. - GALTANI SETTA.

Please advise what action is being taken regarding 2 male and 1 Female sentenced to DEATH and confined in Central Prison, CALCUTTA.

No. 47 - CRATICE ROSS appears to be awaiting sentence now.

No. 52 - RAJTA ANDREA

No. 60 - *CHIZATIPRA GATHEO*

appear to be awaiting hearing at an Appeal Court.

General Instructions as to Execution of DEATH Sentence are in preparation and will shortly be issued.

no further action
transfer to official
like answer 2 MPA
10/9/43

W. S. Latham *W. S. Latham*

LEONEL L. BOLLES,
Colonel, Infantry,
Commissioner of Public Safety.

Aut. of Cassazione

C.P.S.

26

Notes on Execution Death Sentence
below for consideration before
circulation. The opinion of C.L.O.
and Staff Police will be required.

17/9/43.

M.H.

Copies of ^{sent} B₂ to CLO
& Dept. Civil Police for
comment

Reifing
17/9

Noted
M.H.

18/9/43.

Bureau

Instructions with the letter
delivered to the
personnel

SUBJECT: EXECUTION - DEATH SENTENCE.

AMCOT/1063/PS,
AMCOT H.Q., Sicily,
15 Sept. 1943.

Comm. of Public Safety

According to Italian practice this is performed by shooting. The execution being conducted within the Province in which the crime was committed. Before occupation, special squads of Police were maintained and trained at Rome. A squad consisted of about 20 rifles.

The actual date was arranged for by the authorities at Rome.

On date appointed the individual was conveyed to some quiet country place and after death the body was immediately conveyed to a nearby cemetery for burial. Those present were Procurator del Re, a Local Magistrate and Medical Officer.

The firing party received additional pay at the rate of 300 to 500 Lire for each case.

The method of carrying out the actual shooting was for the individual to sit on a stool with back to the firing squad which might be as far away as 100 yards.

In order to establish the procedure with some changes to conform with AMCOT ideas, Supt. of Prisons and Supt. of Civil Police have discussed and the old procedure agreed to with certain modifications:-

The Superintendent of Civil Police has agreed to organise a squad from one of the Police organizations to be specially trained and put at the disposal of Provincial S.C.A.Os.

It is considered that the responsibility for execution of Death Sentence rests with the Local Magistrates, that the Prison Service conducts the condemned person to place of execution as defined by Local Authority, who again make all preparation for the sentence to be carried out. The Civil Police conduct the actual firing after which the Local Authorities dispose of the body.

The Prison Medical Officer can be made available to attend on demand from Local Magistrate.

Officials who require to be present;

Local Magistrate,

Procurator del Re,

A Senior Warder from the Prison with escort.

Representative in Command of Firing Squad,

Medical Officer.

2829

Alan P. Mitchell
D. S.

Magistrate,
Superintendent of Prisons.

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The Prison Medical Officer can be made available to attend on demand from Local Magistrate.

- Officials who require to be present;
- Local Magistrate,
 - Procurator del Re,
 - A Senior Warder from the Prison with escort.
 - Representative in Command of Firing Squad.
 - Medical Officer.

2839

Allen P. Mitchell
D. S.

Major,
Superintendent of Prisons.

Following comments need for legal

"C.P.S. I see no objection to modifications provided no change in any Italian law is concerned. If a person is executed not in accordance with law, the executing authority may be guilty of murder himself. H. Col. Mitchell will not doubt wish to avoid the unpleasant (sgd) H.E. Rome 14 Oct. 1940." Consequences.

