

ACC

10000/143/977

10000/143/977

ADMINISTRATION OF DEATH SENTENCE
(JUN. 1931); JUN. 1943 - DEC. 1945

Public Safety S/C

I attach a Circular issued by the
Minister of Justice to Procureurs Generals saying how the procedure
to be followed in carrying out death sentences.

3rd Oct. '48

Mugranchon

for C.A.

Legal Sec

10

Re your Min A. The Circular (33^A) 790
states that the execution will be carried out by a
'Public Force Platoon whose formation will be ordered by
the Prefect'. This rather begs the questions raised
in 23^A 27^A and 28^A, when the Prefect orders any
one of the forces concerned to carry out the execution
it is doubtful if the order will be obeyed.

Can some definite instruction be given please
on WHO shall carry out the execution.

31/3/48.

25/10/48.

Public Safety S/C

11.

Shapovalov
for M.P.C.

Your suggestion in Minute 10 is being put to the Minister

of Justice with the request that an order may be devised in this case

Devised by P.S.

Legal Sec

10
Re your Min A. The Circular (33A) 7790
states that the execution will be carried out by a
'Public Force Platoon whose formation will be ordered by
the Prefect'. This rather begs the questions raised
in 23^A 27^A and 28^A, when the Prefect orders any
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31/3/45.

25/10/45. Public Safety S/C.

11.

Ed. M. P. D.
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of Justice with the request that an order may be devised in this case

Devised by P.S.

15th Nov 45

M. M. P. D.
for C.L.A.

12.

Legal S/C.

Please see 39A in answer to your
letter of 16.11.45.

18.11.45.

Public Safety S/C

E. J. Dye Ltd.

instructions: in view of the restoration of the Northern Region to the Italian Government on 1st January
I do not think there is anything further to be done. *M. M. P. D.*
28/12/45

MINUTE 5

To: Legal Sub-Commission.

Reference 25 A-B-C and 22A.

22A. was produced after consultations with you and with the Italian Director General of Public Security. It will be noted that both Italian Army units and Carabinieri Command refuse to provide firing squads to carry out death sentences.

Can you obtain from the Ministry of Grace and Justice an authoritative ruling so that our position can be clarified?

John W. Chapman
JOHN W. CHAPMAN COL.
D.P.S.

JWC/AG

30 August 45.

Minute Six.

To: Public Safety S/C

Reference Minute 5, action has been taken thereon and letter to Ministry (at folio 26A) is forwarded for registration in your books and despatch.

Original
Handwritten 7790
MISGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

Legal S/C
30 Aug 45.

Legal Sec Please see 28 A-B-C from Director of Public Security, M. of Interior, to the President of the Council.
In 27A case ask to be exempt from providing firing squads.
A the matter is being considered

30 August 45.

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To: Public Safety S/C

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Original

Legal S/C
30 Aug 45.

Musgrave Thomas
MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

7790

7

Legal S/C Please see 28 A-B-C from Director of Public Security, M. of Interior, to the President of the Council.

In 27^A order ask to be exempt from providing firing squads.

In 23^A the matter is being considered

by NMIA.

Has any reply been received please to your letter - 26^A on this file.

10⁹/45.

Public Safety S/C

6

No reply has been received yet from the Ministry of Justice.

The matter raises a question of policy which requires to be discussed with the Min. of J. I should be glad if you would let us have the file folder which was returned to you as soon as a decision has been reached. *Musgrave Thomas for S.C.*

12/9/45

Min 1

Legal dk

Ref. Folio 21A.

There is no record in P.S. files of the Nov. 1943 directive.

It is understood that in any one district in Italy, the C.C.R.R. S.G.P.F. and Agents of P.S. are called on in turn to carry out death sentences ordered by Italian Courts. Units of the Italian Army, if available, can be called on.

Presumably the Quercione, as the representative of the Ministry of the Interior, is the coordinating authority.

W. Doherty
Col

A.S.

30 June 1945.

2.

Public Safety, etc.

Under Italian Law the execution of death sentences is regulated by Code of Criminal Procedure Art 580 et seq. For this minute it is sufficient to say that the Ministry of Justice issues instructions to the Procureur General of the Court of Appeal concerned, and that P.G. is responsible for organizing the execution.

The directive referred to by VP was only a draft which-

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W. Doherty
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A.S.

30 June 1945.

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The directive referred to by VP was only a draft which was never issued. It is now I think slightly obsolete owing to the provisions attached to Art 580 as opposed to the Indian Principles. For instance it provided that the P.G. was to carry out his functions as directed by the Commission of Public Safety. This seems unnecessary.

The whole question was discussed in Milan last week in connection with Special Courts of India. I wish let you have the picture from the legal side in a day or two and we can agree a common direction for issue.

W. Doherty

1055

TRANSLATION

MINISTRY OF PARDON AND
NO. 151003
MIS. NO. LETTER OF 16/11/45
NO. AC/1421/P.C.

TO	INIT.	DATE
DIRECTOR		13/12
DEPUTY DIRECTOR		16/12
EXEC. OFFICER		
POLICE		29/12
LIC. & REG.		
PRISONS		
ADM. OFFICER		
SECURITY		
CHIEF CLERK		

14212

ARMED FORCES
PUBLIC SAFETY E.C.

SUBJECT: CAPITAL PUNISHMENT.

Referring to a/a letter we beg to point out that in this Ministry's letter dated 27 Sept. 1945 No. 3029/1421, the term Public Force was used to point out, without regard, all the Corps of the Armed Forces.

This Ministry can give no further particulars, as is your expressive wish, because the P.C. and Armed Forces depend exclusively on the Ministry of War.

As the Prefect is the highest administrative authority of the province and thus represents the government and has the power, for public order reasons, to dispose of the Armed Forces in the province, it was owing to this that in aforesaid circular said authority was entrusted the task of choosing the firing squad.

Moreover, this Ministry has no disposing power on any Armed Force, and the law entrusts to the Public Ministry (Art. 580 C.P.P. and 107, and following prison regulations) the task of only establishing the date of execution as also to assist at same.

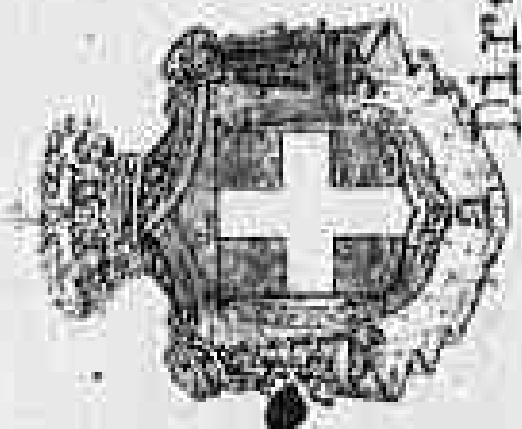
In your letter it is pointed out that "When the Prefect orders the Corps concerned to carry out an execution, it is doubtful that orders are obeyed" but it is manifest that eventual uncertainty or resistance springs from that explicable and natural reluctance that every Corps feels when brought face to face with capital punishment now so frequent.

To remove this eventual inconvenience, of exceptional character, this Ministry cannot interfere having no gerarchic power, as already stated, over the Armed Forces.

For the Minister
Togliatti

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Mod. 1347 MG.



Ministero di Grazia e Giustizia

Direzione Generale per gli Istituti di Prevenzione e di Pena

Ufficio VI
Prot.n. 151809
Risp. al f. del 16/11/45
n.AC/14212/P.S.

Roma, 17-12-45

Alla Commissione Alleata
Sottocommissione Legale. Public Safety

ROMA

e per conoscenza:

Alla Presidenza del Consiglio
dei Ministri ROMA
Al Ministero dell'Interno ROMA
Al Ministero della Guerra ROMA

OGGETTO: Esecuzione di condanne capitali.

Con riferimento alla nota sopra segnata si fa presente che nella circolare di questo Ministero del 27 settembre 1945 n.3099/1699 si usò il termine di Forza Pubblica per indicare indistintamente tutti i Corpi e le Forze Armate.

Questo Ministero non può maggiormente specificare, come è nel desiderio di codesta Sottocommissione, non avendo alcuna ingerenza sulle Forze di Pubblica Sicurezza e sulle Forze Armate che dipendono rispettivamente dal Ministero dell'Interno e dal Ministero della Guerra.

Dato che il Prefetto è la più alta autorità amministrativa della provincia, rappresenta in essa il Governo ed à il potere, per motivi d'ordine pubblico, di disporre delle Forze Armate presenti nella provincia, per tale motivo nella circolare anzidetta si è a tale autorità affidato il compito di prescegliere quale delle Forze Armate debba provvedere a fornire il plotone per l'esecuzione.

D'altra parte questo Ministero non ha alcun potere dispositivo su alcuna Forza Armata e la legge affida al Pubblico Ministero (art.580

7793

AVANTI RENDIMENTO DELLO STATO

del Ministero dell'Interno
Al Ministero della Guerra
Al Ministero della Guerra

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D'altra parte questo Ministero non ha alcun potere dispositivo su alcuna Forza Armata e la legge affida al Pubblico Ministero (art. 580 C.P.P. e 107 e seguenti regolamento penitenziario) solo il compito di stabilire il giorno dell'esecuzione e di assistere alla stessa.

Nella nota di codesta Commissione si afferma inoltre che "quando il Prefetto ordina ad alcuno dei Corpi interessati di effettuare

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l'esecuzione è dubbio che l'ordine venga eseguito", ma è manifesto che l'eventuale incertezza o resistenza deriva da quella spiegabile e naturale riluttanza che ogni Corpo sente per eseguire le pene capitali divenute ora più frequenti.

A rimuovere tale eventuale inconveniente, di carattere eccezionale, questo Ministero non può intervenire, non avendo potere gerarchico, come sopra si è detto, sulle Forze Armate.

IL MINISTRO

Bozhatt

HEADQUARTERS ALLIED COMMISSION
Public Safety Sub Commission
APO 394

38A
File

10 Dec. 1945

AC/14312/PS

SUBJECT : Execution of Death sentence
TO : Ministry of Finance

1. Reference your W. 874 R. Serv. All 2.3. of 1st Dec. 1945.

2. The latest order governing the carrying out of death sentences is that contained in circular W. 3099/1699 issued by Minister of Grace and Justice on 27 Sept 1945 to all Attorney Generals which order also applies in A.M.G. territory.

3. This order provides that executions will be carried out by a Public Force Platoon whose formation will be ordered by the Prefect.

4. The attention of the Minister of Grace and Justice has been drawn to this clause in the circular and he has been asked to consider the advisability of specifying more precisely by whom executions shall be carried out.

John W. Chapman
JOHN W. CHAPMAN
Colonel, J.A.G.D. 7794
Director.

RCB/Sk

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37A

TRANS TION D.S.

Rome, 1 December 1945.

MINISTRY OF FINANCE
The Minister

To H.Q. ALLIED COMMISSION
PUBLIC SAFETY SUB COMM.

No 874 R.Serv.

R O M E

SUBJECT : Execution of Capital Sentences.

1. Your Commission, with letter reference AC/14212/PS of last July, addressed to the Provincial Allied Police Offices, disposed the death sentences against civilians-issued by Allied or Italian Tribunals in the territory under A.M.G. - to be carried out, in turn, by one of the following forces:

- CC.RR.
- Agents of P.S.
- GG.FF.
- Italian Army.

2. The Prisons Rule, approved by R.D. 2 June 1931, No 787, disposed (art. 210) the capital punishment to be executed by means of a firing squad formed of State Military Forces or Agents belonging to Corps assimilated in said Military Forces.

The a/m disposition, issued on terms which are thoroughly outside the function of the GG.FF., was however never applied to such Corps as it dealt with a matter not mentioned in its organic law, nor consented by its rules.

3. The GG.FF. Corps, which is at my direct dependence, has fiscal and economical police duties and the number of its effective guards is insufficient to face the exigencies of the institute services. Therefore such Corps has no possibility to take on other charges.

As to the case in point, it is to be considered that owing to the special location of the Corps Units, in some spots the firing squads could not be formed owing to the lack of available personnel.

4. Thus I beg your Commission to exclude the GG.FF. from the duty in question.

3 enclosures

The Minister
/s/ SCOCCIMARRO

34 B - C - D

From the Commission

ENCLOSURE I

3713

R U L E S

Law 4 August 1942, No 915.

MODIFICATION OF LAWS CONCERNING THE GG.FF. RULES (published in "GAZZETTA UFFICIALE" No 200 of 26 August 1942.)

Art. 1

The "Regia guardia di finanza" depends on the Minister of Finance; is an integrant part of the State Military Forces and Public Force and has the following duty:

- a) to prevent, search, ascertain and denounce all financial violations;
- b) to survey - within the limits established by each law - the compliance of the dispositions being of a political and economical nature;
- c) to share in the political-military defence of frontiers and, in case of war, in war operations;
- d) to carry out further public services of vigilance and protection for which the intervention of the GG.FF. may be required according to special laws.

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ENCLOSURE 2 37C

SERVICE RULE FOR THE GG.FF. CORPS (Taken from the Rule approved by R.D. 6 November 1930 No 2643)

Art. 1

The services of institute of the GG.FF. are displayed in accordance with the dispositions of rules and regulations on: customs, taxes, additional government tax on duties for wine and alcoholic beverages and beer; state monopolies; taxes on business and "imposte directe" (direct duties?) and in accordance with other dispositions of tributary interest for which the action of the GG.FF. is or can be required.

Besides this, the GG.FF. co-operate in the political surveyance of borders, in the preservation of security and order and other public services of supervision and protection. For said duty the GG.FF. apply the dispositions of public security rules and regulations, the penal code, the penal procedure code and further general and special laws which confer authority or attribute duties on judiciary police officers and agents as also on public force agents.

Art. 4

It is forbidden to employ soldiers of the corps on services mentioned neither in the present rule nor in laws and other special regulations; moreover it is forbidden to employ them as intermedia for the correspondence between the directive and executive offices and to commit them with administrative charges not specified in the rules of the Corps.

Art. 321

The soldiers of the GG.FF. Corps provide for the political surveyance of frontiers either directly or in co-operation with other police forces according to the dispositions of the competent authority; they contribute - in place or in help of the ordinary judiciary police - to public order and security services on the request of the competent offices concerned; they intervene in order to avoid, ascertain and denounce flagrant infractions of the penal code and laws of public security, and other general panal laws.

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According to the dispositions of the GG.FF. organic rule, the GG.FF. participate in the services of public order within the jurisdictions of military garrisons: in every other circumstance the request for the intervention of said soldiers in public order and security services must be made by a regular written request addressed either to the Legion or to Circolo Commanders; in urgent cases verbal requests may also be made to the Company, Tenenza or Brigade Commanders, save confirming them by letter at a later date. The soldiers available and those who may be made available, participate in the service according to the necessities pointed out in the application.

When it is absolutely impossible to comply with the request the authority requiring and the Command immediately superior, must be informed immediately.

Art. 322

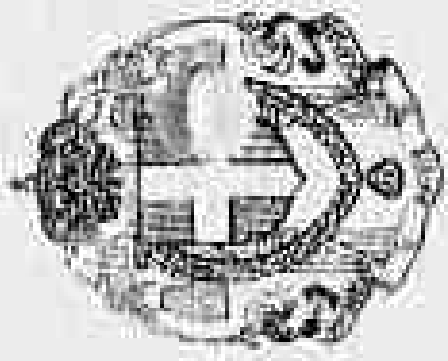
When the soldiers of the Corps who co-operate in services of public order and security are not directed by an official of P.S., they act at the dependence of the commander of the force and exceptionally are employed in patrols and other isolated services. In this case they carry out orders from the requiring authority to whom they give account of the services effected.

ENCLOSURE 3 37D

ORGANIC RULE FOR THE R. GUARDIA DI FINANZA
(Approved by R.D. 3 January 1926 No 126)

In cases of serious disturbances and when the military authority acknowledges the necessity of a large number of forces participating to face the various turns of duty in maintaining public order, the troops of GG.FF., free from institute service, are put - on request - at the disposal of the military authority.

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Ministero delle Finanze

IL MINISTRO

N.874 R.Serv.

All. n.3

ON. COMMISSIONE ALLEATA
DEL QUARTIERE GENERALE ALLEATO
-PUBLIC SAFETY SUB-COMMISSION-

R O M A

OGGETTO: Esecuzione delle condanne a morte.

1 - Codesta On.Commissione, con suo dispaccio n.A.C. 14212/P.S. del mese di luglio u.s., diretto agli Uffici Provinciali di Polizia Alleata, ha disposto che le sentenze di morte emanate a carico di civili, in territorio dell'A.M.G., dai Tribunali Alleati o dai Tribunali Penali Italiani, siano materialmente eseguite a turno da una delle seguenti forze:

Carabinieri
Agenti di P.S.
Guardia di Finanza
Esercito italiano.

2 - Il Regolamento per gli istituti di prevenzione e di pena, approvato con R.D. 2 giugno 1931, n.787, dispone, all'art.210, che 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.

Sta però di fatto che tale disposizione, emanata in una sede del tutto estranea alle funzioni della Guardia di Finanza, non ha avuto per questa mai applicazione, trattandosi di compito non previsto dalla legge organica del Corpo e non consentito dai suoi regolamenti (alleg. 1-2-3).-

3 - La Guardia di Finanza, che da me dipende direttamente, ha per suo istituto compiti di polizia fiscale ed economica ed ha effettivi assolutamente insufficienti alle necessità del proprio servizio di istituto, talchè non ha la possibilità di assumersi altri incarichi. Nel caso specifico è da por mente che per la speciale dislocazione dei reparti del Corpo, potrebbe mancare in qualche sede disponibili

30 NOV. 1945

1 DIC 1945 19 A

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- 4 - Prego perciò codesta On. Commissione di volere escludere la Guardia di Finanza dal disposto turno per le esecuzioni capitali.

IL MINISTRO

Infessur

ORDINAMENTO

LEGGE 4 agosto 1942, n°915.-
MODIFICAZIONI ALLE LEGGI DI ORDINAMENTO DELLA R. GUARDIA DI FINANZA.
(Pubbl. nella Gazzetta Ufficiale del 26.8.1942, n. 200).-

Art. I.-

La R. Guardia di finanza dipende dal Ministro per le Finanze, fa parte integrante delle Forze armate dello Stato e della Forza pubblica ed ha il compito di:

- a) prevenire, ricercare, accertare e denunziare le violazioni finanziere;
- b) vigilare - nei limiti stabiliti dalle singole leggi - sulla osservanza delle disposizioni di interesse politi-economico;
- c) concorrere alla difesa politico-militare delle frontiere e, in caso di guerra, alle operazioni belliche;
- d) concorrere al mantenimento dell'ordine e della sicurezza pubblica;
- e) eseguire altri servizi di pubblica vigilanza e tutela, per i quali, secondo le disposizioni di leggi speciali, sia richiesto il suo intervento.-

All.2

STATISTICO DEL REGOLAMENTO DI SERVIZIO PER IL CORPO DELLA R.GUARDIA DI FINANZA - APPROVATO CON R.D. 6.11.1930, 2643.-

GENERALITA'

Art. 1

I doveri di servizio della Regia guardia di finanza si esplicano secondo le disposizioni delle leggi e dei regolamenti su le dogane, le imposte di produzione, l'addizionale governativo alle imposte di consumo sulle bevande vinose ed alcooliche e sulla birra, i monopoli di Stato, le tasse sugli affari e le imposte dirette, e secondo le altre disposizioni legislative e regolamentari d'interesse tributarie dalle quali sia o possa essere richiesta la sua azione.

La Regia guardia di finanza, inoltre, concorre alla vigilanza politica al confine, al mantenimento della sicurezza e dell'ordine e ad altri servizi di pubblica vigilanza e tutela. In tali compiti essa si attiene alle disposizioni della legge e del regolamento di pubblica sicurezza, del codice penale e del codice di procedura penale, e delle altre leggi generali e speciali, che agli ufficiali ed agenti di polizia giudiziaria ed agli agenti della forza pubblica conferiscono facoltà o attribuiscono doveri.

Art.4

E' vietato di adibire militari del Corpo a servizi non contemplati nel presente regolamento o in leggi e in altri regolamenti speciali; ed è vietato altresì di impiegare quali intermediari per la corrispondenza fra gli uffici direttivi ed esecutivi, nonchè di affidare ad essi incarichi amministrativi che non siano specificati dai regolamenti del Corpo.

Art.321

I militari della Regia guardia di finanza provvedono alla vigilanza politica al confine, da soli o in concorso di altre forze di polizia, secondo le prescrizioni della competente autorità; partecipano ai servizi d'ordine e sicurezza pubblica, inquanto ne siano richiesti dai competenti organi interessati; e intervengono per impedire, accertare e denunciare nel caso di flagranza, i reati previsti dal Codice penale, dalla legge di pubblica sicurezza e da altre leggi penali generali, in sostituzione o in aiuto della polizia giudiziaria ordinaria.

Ferma le disposizioni del Regolamento organico sulla partecipazione dei militari del Corpo ai servizi d'ordine pubblico nell'ambito dei presidi militari, in ogni altra circostanza la richiesta dell'intervento dei militari del Corpo ai servizi d'ordine e sicurezza pubblica deve

to, le tasse sugli arrari e le imposte tributarie dalle esposizioni legislative e regolamentari d'interesse tributario dalle quali sia o possa essere richiesta la sua azione.

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Ferme le disposizioni del Regolamento organico sulla partecipazione dei militari del Corpo ai servizi d'ordine pubblico nell'ambito dei presidi militari, in ogni altra circostanza la richiesta dell'intervento dei militari medesimi nei servizi d'ordine e sicurezza pubblica deve essere fatta per iscritto ai comandanti di legione o di circolo, ma nei casi di urgenza può essere fatta verbalmente anche ai comandanti di compagnia, tenenza, sezione o brigata, salvo a confermarli in seguito per iscritto. Secondo le necessità rappresentate nella richiesta, intervengono al servizio i militari disponibili e quelli che comunque possono

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essere resi disponibili.

Nel caso in cui sia assolutamente impossibile di assecondare la richiesta, se ne informa subito l'autorità richiedente ed il comando immediatamente superiore.

Art. 322

Nel concorso ai servizi d'ordine e sicurezza pubblica, quando non siano agli ordini diretti di un funzionario di pubblica sicurezza i militari del Corpo operano inquadrati alla dipendenza di chi ha il comando della forza o sono, eccezionalmente, impiegati in pattuglie ed altri servizi isolati ed eseguono in tal caso gli ordini dell'autorità richiedente, cui rendono poi conto del servizio compiuto.

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All.3

REGOLAMENTO ORGANICO PER LA R. GUARDIA DI FINANZA
(Approvato con R.D.3 gennaio 1926, n.126)

=====

Art.12

Nei casi di grave perturbamento dell'ordine pubblico e quando sia riconosciuta dall'autorità militare la imprescindibile necessità di un largo concorso di forze per far fronte ai vari turni di servizio per il mantenimento dell'ordine, le truppe della R. Guardia di Finanza libere dal servizio d'istituto sono messe, a richiesta, a disposizione dell'autorità militare.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

36A

AC/14212/P.S.

/es
16 November 1945.

SUBJECT : Execution of Death Sentences.
TO : The Minister of Pardon and Justice.

1. Reference Circolare N. 3099/1699 Prot. n. 340/4.11 issued by the Ministry of Justice on 27th September 1945, and letter to you from this Sub-Commission No. AC/14212/P.S. of 30 August last.

2. The Director of the Public Safety Sub-Commission has pointed that the procedure for the carrying out of death sentences set out in the Ministry's Circular N. 3099/1699 does not remove the difficulties concerning executions that were referred to in this Sub-Commission's letter of 30 August in that it does not specify the precise body which shall carry out the execution. He says further that, when the Prefect orders any one of the forces concerned to carry out the execution, it is doubtful if the order will be obeyed, and the position is therefore left as it was before the issue of the Ministry's Circular.

3. I should be glad if you would therefore consider whether an order can be devised that will meet the objections raised by the Director of Public Safety by specifying precisely by whom such executions shall be carried out.


MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

778A

1073

(Translation M.B.)

35A

15 OCT. 1945
MINISTRY OF INTERIOR
P.S. Gen.Direction

Rome 10 October 1945

A.G.R. Division II Section

To ALLIED COMMISSION
SUB COMMISSION OF P.S.
R O M E

N° 442/I393I

15212

SUBJECT: Formation of a firing squad

33B
For your information and action we transmit the
inclosed report of the Verona Prefecture, concerning the
a/m subject.

We refer to note 442/2426 dated 4th last september
regarding the regulation of capital executions.

For the Minister

/s/Ferrari

1
2
Action

TO		
DIRECTOR		
DEPUTY DIRECTOR		
CHIEF OF BUREAU		
CHIEF OF DIVISION		
CHIEF OF SECTION		
CHIEF OF SUBSECTION		
CHIEF OF BRANCH		
CHIEF OF OFFICE		
CHIEF OF CLERK		

16-10
25/10

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(Translation M.B.)

35B

MINISTRY OF INTERIOR
R. PREFETTURA DI VERONA

Verona 23 Sept. 1945

RACC. URGENTE

To MINISTRY OF INTERIOR
P.S. General Direction

SUBJECT: Formation of a firing squad.

Owing to an order of the Allied Military Government, the local Questura should provide immediately for the formation of a squad of twelve elements commanded by a sergeant for the execution of the capital sentences issued by the Extraordinary Court of Assize. Aforesaid squad should operate in Vicenza while this town will provide for the province.

The Police Command of the Allied Military Government furtherly specified that the squad should be formed by some out of the 80 auxiliary elements, who as we already communicated were re-engaged after the 26th of April.

The matter seems to be difficult, in so far that the soldiers should volunteer and get the same special treatment reserved to the Metropolitans, and on the other hand the agents point out that the execution of death sentences is not part of the duties fixed by the rules of the P.S. corp.

In the Province, as we already communicated, has been formed a Partisan corp of Police, while till this moment operated under the orders of the Allied Government, but said Government excluded absolutely the possibility of the employment of Partisans in the squad.

In want of superior dispositions, I beg to ask this Command to communicate if and how to cope the request of the Allied Military Government.

The Prefect

/s/Illegible

777

1075

Mod. 812



Roma, 10 Ottobre 1945

Ministero dell'Interno
DIREZIONE GENERALE DELLA PUBBLICA SICUREZZA

ALLA COMMISSIONE ALLEATA
Sottocommissione per la P.S.
ROMA

Direzione A.G.R. Tav. II°
Prot. N. 442/13931 Allegati

Risposta al f. del
Dir. Tav. N°

OGGETTO: Costituzione del plotone di esecuzione.

Per doverosa conoscenza e per quelle determinazioni che si ritenessero del caso, si trasmette in copia l'accluso rapporto della Prefettura di Verona, relativo all'argomento in oggetto.

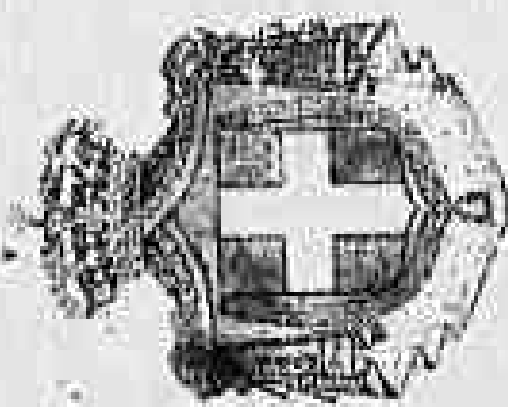
Si richiama la lettera in data 4 settembre u.s. N. 442/2426 concernente la disciplina delle esecuzioni capitali.

PEL MINISTRO

Genari

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M



C O P I A

R. PREFETTURA DI VERONA

Ministero dell'Interno

Mod. 839

DIV. P. S. - N. 01779 -

Verona, li 23 settembre 1945

OCCORRENZA: Costituzione del plotone di esecuzione.

RACCOMANDATA URGENTE

AL MINISTERO DELL'INTERNO
Direzione Generale della P. S.

R O M A

Per disposizione del Governo Militare Alleato, la locale Questura dovrebbe provvedere subito alla formazione di un plotone di dodici elementi comandati da un sottufficiale, per la esecuzione delle sentenze capitali erogate dalla Corte di Assise Straordinaria. Detto plotone sarebbe chiamato ad operare a Vicenza, mentre Vicenza deve provvedere per questa Provincia.

Il Comando della Polizia del Governo Militare Alleato ha precisato ^{che} altresì che il plotone dev'essere formato da elementi ausiliari, come già riferito a codesto Ministero, sono stati riassunti, dopo il ventisei aprile, in numero di circa ottanta.

La cosa presenta difficoltà perché, a quanto pare, il plotone dovrebbe essere formato da volontari, gli aderenti dovrebbero avere un trattamento speciale giusta quanto veniva un tempo praticato per i metropolitani, e gli agenti fanno presente che le esecuzioni capitali non rientrano tra i servizi previsti dal regolamento del Corpo degli Agenti di P. S. -

777.

In Provincia è stato costituito, come già riferito, un Corpo di Polizia Partigiana che ha finora operato sotto le direttive del Governo Alleato, ma questo ha escluso che il plotone abbia ad essere formato

AL MINISTERO DELL'INTERNO
Direzione Generale delle P.S.

R O M A

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Il Comando della Polizia del Governo Militare Alleato ha precisato che il plotone dev'essere formato da elementi ausiliari, come già riferito a codesto Ministero, sono stati riassunti, dopo il ventisei aprile, in numero di circa ottanta.

La cosa presenta difficoltà perché, a questo punto, il plotone dovrebbe essere formato da volontari, gli aderenti dovrebbero avere un trattamento speciale giuista quanto veniva un tempo praticato per i metropolitani, e gli agenti fanno presente che le esecuzioni capitali non rientrano tra i servizi previsti dai regolamenti del Corpo degli Agenti di P.S. -

777.

In Provincia è stato costituito, come già riferito, un Corpo di Polizia Partigiana che ha finora operato sotto le direttive del Governo Alleato, ma questo ha escluso che il plotone abbia ad essere formato da partigiani.

Ciò premesso, in difetto di superiori disposizioni, prego codesto Ministero compiacersi far conoscere se e con quali modalità debba questo Ufficio ottemperare alla richiesta del governo Militare Alleato.

IL PREFETTO
T.to illeggibile

HEADQUARTERS ALLIED COMMISSION
Public Safety Sub-Commission
APO 394

file 34A
5 October 1945

AC/14212/PS

SUBJECT : Capital Executions

TO : Regional Commissioners
Lombardia, Liguria, Piemonte, Venezia.
(all R/SO)

The attached copy of a circular issued by the
Ministry of Grace and Justice is forwarded for your
information .

JOHN W. CHAPMAN
Colonel, J.A.G.D.
Director.

ER/G

7730

(Translation D.S.)

MINIST(OF GRACE AND JUSTICE - SECRETARIATE

Rome 27 Sept 1945

Secretary Office
N° 340/4.II

To: the Attorneys General of TORINO
MILANO-BRESCIA-GENOVA-VENEZIA-BOLOGNA
ANCONA-FIRENZE-PERUGIA-

To: the lawyer General at the Court of
Appeal of T R E N T O

and for information

To: PRESIDENCE OF COUNCIL MINISTERS
MINISTRY OF INTERIOR- Cabinet
Legal Sub. Commission

RESERVED

SUBJECT: Capital executions

CIRCULAR N° 3099/I699

To prevent delays due to the present difficulties of communications the following special dispositions shall be observed in cases of death sentences issued by the Provisional District Assizes without waiting for other orders by this Ministry:

The Attorney General (or the General Lawyer for the Court of Appeal Sections) is delegated to fix in agreement with the Prefecte of the Province, the place, day and time of the death execution to be carried out by a Public Force Platoon whose formation will be ordered by the Prefecte.

As soon as the information is known that the grace has been refused the execution will be carried out without any delay. The prisoner will be informed a few hours before the execution which shall not be carried out before a public audience. Consequently journalists photographers and cinema operators cannot be admitted to the execution.

The Prison Direction shall furnish the chair and all accessories required for the execution and provide for the Prison Warders appointed to bind and blindfold the condemned person.

The representative of the Deputy Public Prosecutor will direct the operations on the spot of the execution and as soon as the execution has taken place will inform this Ministry by telegraph.

Copy of the condemn sentence, biographical file of the condemned person with photo, minute of the execution and CHAPLAIN report will be forwarded later by the General Procure to this Ministry, General Direction of Prisons.

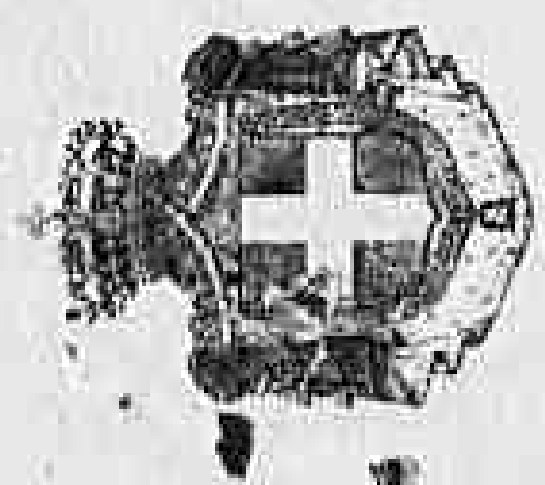
Please acknowledge

The Minister

TOGLIATTI

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Mod. 1348 M.G.



Ministero di Giustizia

Ufficio Segreteria
Prot. n. 340/4.11

Roma, li 27 settembre 1945

Agli Ill.mi Sigg. Procuratori Generali
Torino - Milano - Brescia - Genova - Venezia
Bologna - Ancona - Firenze - Perugia

Al Sig. Avvocato Generale presso la Sez. di
Corte di Appello

T R E N T O

e, per conoscenza:
Alla Presidenza del Consiglio dei Ministri
Al Ministero dell'Interno - Gabinetto -
Alla Sottocommissione Legale

O G G E T T O : Esecuzioni capitali.

R I S E R V A T A

CIRCOLARE N. 3099/1399

Allo scopo di evitare eventuali ritardi o disguidi, dovuti agli attuali mezzi di comunicazione, nel caso di condanne alla pena di morte emesse dalle Corti Straordinarie di Assise dei rispettivi Distretti, le SS.LL. vorranno seguire le seguenti norme, senza attendere che questo Ministero impartisca, volta per volta, le disposizioni del caso:

Il Procuratore Generale (o l'Avvocato Generale per le Sezioni di Corte di Appello) rimane delegato a stabilire, d'accordo col Prefetto della Provincia, la località, il giorno e l'ora della esecuzione della pena capitale, a mezzo di un plotone della Forza Pubblica, alla cui formazione provvederà il prefetto Prefetto.

Non appena pervenuta la notizia del rigetto della istanza per grazia dovrà provvedersi, senza indugio, alla esecuzione, di cui il condannato sarà informato poche ore prima, e che avverrà senza la presenza del pubblico e conseguentemente con divieto di accesso di giornalisti e di esecuzione di fotografie o riprese cinematografiche.

Bologna - Ancona - Firenze - Perugia

Al Sig. Avvocato Generale presso la Sez. di
Corte di Appello

T R I N T O

e, per conoscenza;

Alla Presidenza del Consiglio dei Ministri
Al Ministero dell'Interno - Gabinetto -
Alla Sottocommissione Legale

O G G E T T O : Esecuzioni capitali.

R I S E R V A T A

CIRCOLARE N. 3099/1899

Allo scopo di evitare eventuali ritardi o disguidi, dovuti agli attuali mezzi di comunicazione, nel caso di condanne alla pena di morte emesse dalle Corti Straordinarie di Assise dei rispettivi Distretti, le SS.LL. vorranno seguire le seguenti norme, senza attendere che questo Ministero impartisca, volta per volta, le disposizioni del caso:

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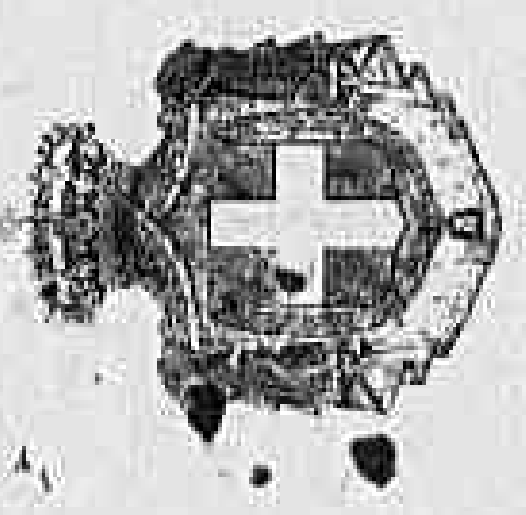
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La Direzione delle carceri dovrà fornire la sedia e gli accessori occorrenti per l'esecuzione e provvedere per gli agenti di custodia che dovranno legare e bendare il condannato.

Il rappresentante del Pubblico Ministero delegato assumerà la direzione delle operazioni relative sul luogo dell'esecuzione e, appena questa sarà avvenuta, ne darà notizia telegrafica a questo Ministero.

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Mod. 1348 M. G.



Ministero di Giustizia

La Procura Generale trasmetterà, successivamente, a questo Ministero, Direzione Generale Istituti di Prevenzione e Pena, copia della sentenza di condanna, la cartella biografica con fotografia del condannato, copia del verbale di esecuzione e la relazione del cappellano.

Si gradirà un cenno di ricevuta e di assicurazione.

IL MINISTRO

Esposito

7770

17 SET. 1946

RESTRICTED

FX 43574
SEP 151549B

F/7794
SEP 152100B
ROUTINE

INFOUSA SIGNED CG INFOUSA CITE NAFMG
CG 5TH ARMY INFO HQ ALCOM

INFO

14212

RESTRICTED.

Subject is execution of convicted person recured FX 32003 and your unnumbered radio in the case of LINI FEMMA. You are hereby delegated authority to conduct the execution of this individual at the earliest practicable date. Pursuant to your announced selection 61 Military Police Company will perform the mission under the immediate supervision of the United States Provost Marshal. Procedure will be substantially as announced in WAR DEPARTMENT Pamphlet 27-4 subject Procedure for Military Execution dated 12 June 1944. Render report to this headquarters of the execution conducted as soon as possible.

		DATA
X DIRECT	WLG	17-9
DEPT	WLG	19-2
14	WLG	
X PH	WLG	
LIC	WLG	
PRO	WLG	
SEC	WLG	
CLOS	WLG	
	WLG	21/9

DIET

INFO-ACTION: Legal SC
INFO: Chief Commissioner
CA Sec
Pub Safety SC
File 2
Float

RESTRICTED

7774
14 SEP 46

COPY

MINISTRY OF INTERIOR

General Direction of Public Safety
A.C.R. Division Sec.2

N.442/2426

Rome, 8 June 1945

SUBJECT : Capital Execution.

TO : The Cabinet of His Excellency the

President of the Council.

and for information to : His Excellency the Minister - ROSE -

I permit myself to bring forward to you that regarding the modality for the execution of capital punishment, disciplinary measures have not so far been applied as by the rules of the law especially regarding the respective spheres of the interest competent authorities.

Well known is the unfortunate incident which occurred on the penal execution of the ex-questore Caruso. The press even said that the even took place in a moment when the competent authorities had not yet tried to move.

I retain that the cause of the first complaint was the unobservance of the competent rules. The rules of the law are written down in art. 580 of the Code of Penal Procedures, in art 207 and following, the rules for Prison Institutes, dated 27.6.1931 (see attached) from where the principal is proved in which the Public Minister with the Judge pronounce the sentence, they are the organs to which the execution is intrusted to, in conjunction with the Ministry of Justice, the President of the Province, the Direction of the Public Ministry and with the Command of the Military Forces which comes from the Public Ministry have all requested that an execution squad should

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The Head of the Police (to whom persons continue to go to) and the Questore are not competent for the matter.

From the a/m art. 210 on Police Regulations one sees that the execution squad should be formed generally by the Military Forces or by similar corps.

./.

This rule legitimizes the state of uneasiness in which the Agents of D.S., to whom up to now has been entrusted the task of the executions, find themselves, and the desire to have other help from competent elements.

The necessity is evident that new laws be enacted to discipline the important service, above all, coordinating the activity of the interested organs.

CHIEF OF THE POLICE

AT

7773

Translation

MINISTRY OF INTERIOR
General Direction of Public Safety

EXTRACT FROM REGULATIONS FOR PRISON INSTITUTES "GAZZETTA
UFFICIALE" 27-6-1931 N. 147

CHAPTER XIX - SPECIAL DISCIPLINES FOR EXECUTION OF DEATH PENALTY.

207 - (Isolation of condemned man)

As soon as the public minister pronounces death sentence, he informs the Director of the prison in which he is detained.

The prisoner is immediately isolated and a special watch kept over him.

208 - (Visits of Director, Chaplain and Doctor)

At least twice a day the Director, Chaplain and Doctor pay visit to the condemned man.

The prisoner is allowed to ask for another priest.

209 - (Interviews and declarations)

All interviews are permitted if the Minister gives authorization.

If the condemned man desires to make a statement, the Director of the prison immediately advises the Procurator of the King who receives him at once and writes the minutes.

If the request is made near date of execution, statement is received by the representative of the Public Ministry on the place.

210 - (Execution of death penalty)

Death sentence is carried out by firing squad belonging to the Military Forces of the State or by Agents belonging to the corp.

211 - (Place of execution)

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7700
Death sentence is carried out by firing squad belonging to the Military Forces of the State or by Agents belonging to the corp.

211 - (Place of execution)

Unless that, by art.21 of the Penal Code a place for execution is stated, the public minister indicates the place.

The General Procurator of the King fixes the hour of execution.

212 - (Public Execution)

When the Ministers establish that the execution be made in public, the General Procurator of the King fixes, in agreement with the Prefect of the Province, amount of persons that can be admitted to the execution.

af.

COPY

MINISTRY OF INTERIOR

Code for Penal Procedure

Art. 580

When a death sentence must be carried out, the Public Ministry communicates with urgency the result to the Ministry of Justice.

The Public Ministry, as soon as he received disposition from the Ministry of Justice, stabilizes, when in the case, day and hour of execution as well as the spot, giving instructions to the prison so as to make necessary provisions.

At the execution will be a representative of the Public Ministry, assisted by his secretary, a doctor chosen by the Public Ministry and a priest belonging to the same religious order as the condemned man, if he request him.

The secretary writes out the minutes, in which the hour of execution must be stated with statement of death ascertained by the Doctor.

Of the execution which took place, we certify the original of the death sentence by the chancellor of the Judge who determined it.

If the condemned man is not detained, the Public Ministry transmits to the Authorities of P.S. Warrant of Arrest of the Prisoner, as by following article.

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af.

C O P Y

10 SET. 1945

MINISTRY OF INTERIOR

General Direction of Public Safety
A.G.R. Division Sec.2

N.442/2426

Rome, 8 June 1945

SUBJECT : Capital Execution.

TO : The Cabinet of His Excellency the

President of the Council.

and for information to : His Excellency the Minister - ROME -

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I retain that the cause of the first complaint was the unobservance of the competent rules. The rules of the law are written down in art. 580 of the Code of Penal Procedures, in art 207 and following, the rules for Prison Institutes, dated 27.6.1931 (see attached) from where the principal is proved in which the Public Minister with the Judge pronounce the sentence,

They are the organs to which the execution is intrusted ~~to~~, in conjunction with the Ministry of Justice, the Prefect of the Province, the Direction of the Public Ministry and with the Command of the Military Forces which comes

and for information to : His Excellency the Minister - ROME -

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The Head of the Police (to whom persons continue to go to) and the Questore are not competent for the matter.

From the s/m art. 210 on Police Regulations one sees that the execution squad should be formed generally by the Military Forces or by similar corps.

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This rule legitimizes the state of uneasyness in which the Agents of P.S., to whom up to now has been intrusted the task of the executions, find themselves, and the desire to have other help from competent elements.

The necessity is evident that new laws be enacted to discipline the important service, above all, coordinating the activity of the interested organs.

CHIEF OF THE POLICE

AP

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Translation

MINISTRY OF INTERIOR
General Direction of Public Safety

EXTRACT FROM REGULATIONS FOR PRISON INSTITUTES "CAZZETTA"
OFFICIALE # 27-6-1931 N. 147

CHAPTER XIX - SPECIAL DISPOSITIONS FOR EXECUTION OF DEATH PENALTY.

207 - (Isolation of condemned man)

As soon as the public minister pronounces death sentence, he informs the director of the prison in which he is detained.

The prisoner is immediately isolated and a special watch kept over him.

208 - (Visits of Director, Chaplain and Doctor)

At least twice a day the Director, Chaplain and Doctor pay visit to the condemned man.

The prisoner is allowed to ask for another priest.

209 - (Interviews and declarations)

All interviews are permitted if the Minister gives authorization.

If the condemned man desires to make a statement, the Director of the prison immediately advises the procurator of the King who receives him at once and writes the minutes.

If the request is made near date of execution, statement is received by the representative of the Public Ministry on the place.

210 - (Execution of death penalty)

Death sentence is carried out by firing squad belonging to the Military Forces of the State or by Agents belonging to the corp.

211 - (Place of execution)

778-

CHAPTER XIX - SUBSIDIARY DISPOSITIONS FOR EXECUTION OF DEATH PENALTY.

207 - (Isolation of condemned man)

As soon as the public minister pronounces death sentence, he informs the director of the prison in which he is detained.

The prisoner is immediately isolated and a special watch kept over him.

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If the request is made near date of execution, statement is received by the representative of the Public Ministry on the place.

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Death sentence is carried out by firing squad belonging to the Military Forces of the State or by Agents belonging to the corp.

211 - (Place of execution)

Unless that, by art. 21 of the Penal Code a place for execution is stated, the public minister indicates the place.

The General Procurator of the King fixes the hour of execution.

212 - (Public Execution)

When the Ministers establish that the execution be made in public, the General Procurator of the King fixes, in agreement with the Prefect of the Province, amount of persons that can be admitted to the execution.

af.

COPY

MINISTRY OF INTERIOR

Code for Penal Procedure

Art. 580

When a death sentence must be carried out, the Public Ministry communicates with urgency the result to the Ministry of Justice.

The Public Ministry, as soon as he received disposition from the Ministry of Justice, stabilizes, when is the case, day and hour of execution as well as the spot, giving instructions to the prison so as to make necessary provisions.

At the execution will be a representative of the Public Ministry, assisted by his secretary, a doctor chosen by the Public Ministry and a priest belonging to the same religious order as the condemned man, if he request him.

The secretary writes out the minutes, in which the hour of execution must be stated with statement of death ascertained by the Doctor.

Of the execution which took place, we certify the original of the death sentence by the chancellor of the Judge who determined it.

If the condemned man is not detained, the Public Ministry transmits to the Authorities of P.S. Warrent of arrest of the prisoner, as by following article.

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ef.

7760

Mod. 872

Roma 4 Settembre 1945



Ministero dell'Interno
DIREZIONE GENERALE DELLA PUBBLICA SICUREZZA

ALL'ON. COMMISSIONE ALLEATA
SOTTOCOMMISSIONE PER LA P.S.

R O M A

Divisione A.G.R. Sez. 2^a
Prot. N. 442/2426 Alligati

Requesta al f. del
Dir. Sez. N.º

OGGETTO. Esecuzioni pene capitali.

Per conoscenza, si trasmette copia di una lettera N.442/2426 in data 8 Giugno u.s. e degli alligati, relative all'oggetto, diretta da questa Direzione Generale al Gabinetto del Sig. Presidente del Consiglio dei Ministri.

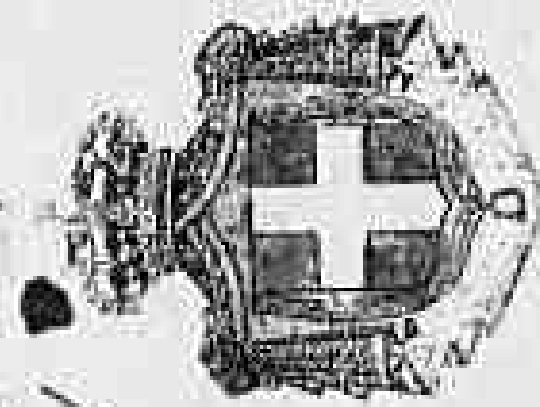
PEL MINISTRO

Luciani

7764

COPIA

Mod. 839



Ministero dell'Interno

Direzione Generale della P.S.
Divisione A.C.R. Sez. 2

no 442/2426

Roma, li 8 giugno 1945

Oggetto: Esecuzioni capitali.

APPUNTO DEL CABINETTO DI S.E.
IL PRESIDENTE DEL CONSIGLIO

e.p.c.

CABINETTO DI S.E. IL MINISTRO

S E D E

Mi permetto rappresentare che circa le modalità di esecuzione delle pene capitali non è ancora intervenuta una disciplina che applichi le norme di legge specialmente in rapporto alle rispettive sfere di competenza degli Organi interessati.

(E' notorio l'inconveniente verificatosi per l'esecuzione capitale dell'ex Questore Caruso che fu dalla stampa addirittura data come avvenuta mentre nessuno degli organi competenti si era ancora mosso).

Ritenendo che la causa prime degli inconvenienti lamentati sia la mancata osservanza delle norme di competenza. Questa sono dettate dall'art. 580 del Cod. di Procedura Penale, e degli art. 207 e segg. del Regolamento per gli Istituti di Prevenzione e di Pena 27.6.1931 (V. estratti allegati) dai quali si evince il principio che è il Pubblico Ministero presso il Giudice che ha pronunciato la sentenza, l'organo al quale è affidata la esecuzione, in concorso col Ministero della Giustizia, col

OGGETTO: Esecuzioni capitali.

APPUNTO DEL CABINETTO DI S.E.
IL PRESIDENTE DEL CONSIGLIO

e.p.c.
CABINETTO DI S.E. IL MINISTRO

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Ritengo che la causa prime degli inconvenienti lamentati sia la mancata osservanza delle norme di competenza. Questa sono dettate dall'art. 530 del Cod. di Procedura Penale, e degli art. 207 e segg. del Regolamento per gli Istituti di Prevenzione e di Pena 27.6.1931 (V. estratti allegati) dai quali si evince il principio che è il Pubblico Ministero presso il Giudice che ha pronunciato la sentenza, l'organo al quale è affidata la esecuzione, in concorso col Ministero della Giustizia, col Prefetto della Provincia, con la Direzione delle Carceri Giudiziarie, e con il Comando delle Forze Armate che viene dal Pubblico Ministero stesso richiesto di fornire il plotone di esecuzione.

Estraneo, pertanto salvo quanto abbia riflesso con l'ordine pubblico il Capo della Polizia (al cui ufficio continua a farsi capo senza alcuna legittimità) ed estraneo altresì è il Questore.

Dall'art. 210 del Regolamento su citato si rileva che il plotone

./.

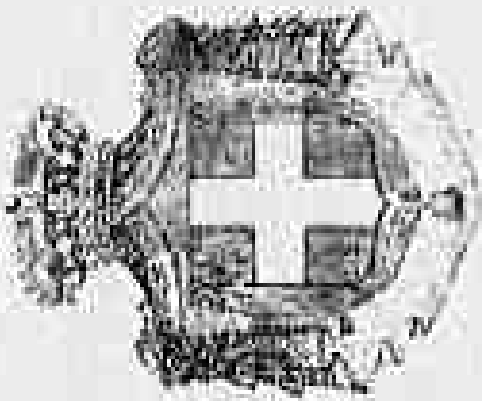
- 2 -

di esecuzione va fornito dalle Forze Armate in genere o da corpi ad esse assimilati.

Detta norma legittima lo stato di disagio degli Agenti di P.S. a cui finora è stato riservato il compito delle esecuzioni e il desiderio quindi di vedersi avvicendati dagli altri elementi cui l'obbligo compete in un turno rigorosamente rispettato.

E' evidente la necessità che siano emanate norme che valgano a disciplinare l'importante servizio, soprattutto coordinando l'attività degli organi interessati.

IL CAPO DELLA POLIZIA



Mod. 839

Ministero dell'Interno

DIREZIONE GENERALE DELLA PUBBLICA SICUREZZA

=====

ESTRATTO DAL REGOLAMENTO PER GLI ISTITUTI DI PREVENZIONE E DI PENA

GAZZETTA UFFICIALE 27-6-1931 N. 147

=====

CAPITOLO XIX - DISPOSIZIONI SPECIALI PER L'ESECUZIONE DELLA PENA DI MORTE

207 - (Isolamento del condannato a morte)

Appena è pronunciata la sentenza di condanna alla pena di morte, il pubblico ministero ne 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.

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

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.

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.

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.

77

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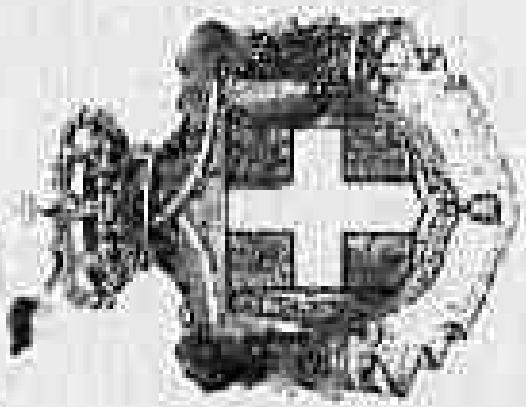
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212 - (Esecuzione pubblica)

Quando il ministro dispone che l'esecuzione sia pubblica, il procuratore generale del Re stabilisce, d'accordo con il Prefetto della Provincia, i limiti e le modalità con cui il pubblico è ammesso nel luogo dell'esecuzione.

COPIA

Mod. 839



Ministero dell'Interno

CODICE DI PROCEDURA PENALE

Art. 580

Quando deve eseguirsi una sentenza di condanna alla pena di morte, il pubblico ministero comunica di urgenza la sentenza, appena è divenuta irrevocabile, al Ministro della Giustizia.

Il pubblico ministero, appena pervenute le disposizioni del Ministro della Giustizia, stabilisce, quando ne è il caso, il giorno e l'ora dell'esecuzione nel luogo designato e ne dà partecipazione alla direzione dello stabilimento per i provvedimenti necessari.

Alla esecuzione intervengono un rappresentante del pubblico ministero, assistito dal segretario, un medico designato dal pubblico ministero e un ministro del culto professato dal condannato, se questi lo richiede.

Il segretario compila il processo verbale, nel quale è fatta menzione anche dell'ora dell'esecuzione ed è inserita la dichiarazione della morte del condannato accertata dal medico.

Dell'avvenuta esecuzione si fa certificazione in fine dell'originale della sentenza di condanna, a cura del cancelliere del giudice che l'ha pronunziata.

Se il condannato alla pena di morte non è detenuto, il pubblico ministero trasmette all'Autorità di Pubblica Sicurezza l'ordine di carcerazione del condannato, a norma dell'articolo seguente.

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7752

1106

(Translation M.C.)

27A

6 SET. 1945

CC.NR.GENERAL COMMAND
Situation and Liaison Office

Rome 27 Aug.1945

N° 459/5

To ALLIED COMMISSION
SUB-COMMISSION P.S. ROME

SUBJECT: Capital punishment.

27B 22A

The Provincial Allied Command in Pavia received from the Allied Commission Command- Civilian Affairs Section -VP.CA Sec.Tel.478427-580, the attached circular (copy) - N°AC./14212/PS July 1945- signed by Brig G.R. UPJOHN- in which disposed: Italian judicial sentences of capital punishments must be executed in turns by the CC.RR., P.S. Agents, Guard of Finance and by Units of the Italian Army.

Owing to the very serious moral repercussion that similar order would have on the Arma, we beg you to be so kind as to intervene so that the Carabinieri are exempt from adhering to a/m disposition, which the CC.RR. are only held to execute for the Arma alone i.e. - when a CC.RR. has disgraced himself with some grave military crime.

The Vice Commander
General Leonetto Taddei

TO	INIT	DATE
DIRECTOR		11/9
DEPUTY DIRECTOR		7/9
EXEC. OFFICER		6/9
POLICE		8/9
SEC. AFFAIRS		
PROSEC.		
ADM. AFFAIRS		
SECURITY		
CHIEF CLERK		

Defer action until translation is completed of law and regulations on this subject. Translation now being done.
7/9

See 25^A and 23^A

1107

-1 SET. 1945



RISERVATO PERSONALE

Comando Generale dell'Arma dei Carabinieri Reali

UFFICIO SERVIZIO - SITUAZIONE E COLLEGAMENTI

N. 459/5 di prot. R.P.

Roma, li 27 agosto 1945

Risposta al

del

n.

Allegati n.

OGGETTO: Esecuzioni capitali.-

ALLA COMMISSIONE ALLEATA -

- Sottocommissione per la P.S. -

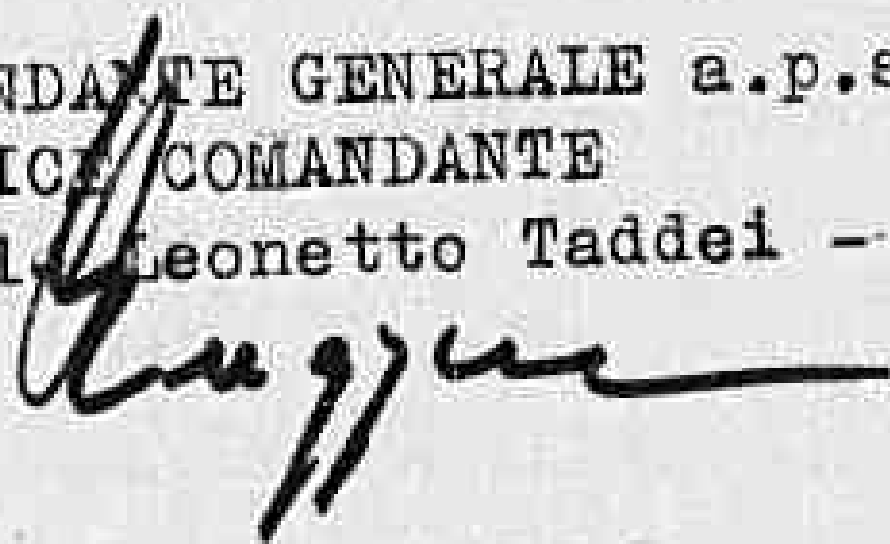
R O M A

Al Comando Provinciale Alleato di Pavia é pervenuta dal Comando della Commissione Alleata - Sezione Affari Civili - VP. CA. Sec. Tel. 478427-580, la circolare -allegata in copia- n°AC/14212/PS in data Luglio 1945 - a firma G.R. UPJOHN Brig. - con la quale é disposto che le sentenze a pena capitale inflitte dalle autorità giudiziarie italiane debbano essere eseguite a turno dai carabinieri, dagli agenti di P.S., dalla guardia di finanza e da reparti dell'esercito italiano.

Date le gravissime ripercussioni d'ordine morale che un tale provvedimento avrebbe nella compagine dell'Arma, prego compiacersi intervenire perché i carabinieri siano esentati da siffatto incarico, che sono tenuti ad eseguire solo nei confronti dei propri commilitoni che si fos-

sero malauguratamente macchiati di delitti gravi d'indole militare.--

p. IL COMANDANTE GENERALE a.p.s.
IL VICE COMANDANTE
- General Leonetto Taddei -



TraduzioneCOMANDO COMMISSIONE ALLIATA
Sezione Affari Civili

Luglio 1945

OGGETTO: Modalità esecuzioni sentenze di morte.-

1. - S'inviano le seguenti istruzioni affinché voi possiate essere edotti della procedura da adottarsi nel territorio A.M.G., se una sentenza civile italiana di morte dovrà essere eseguita.
2. - Secondo la legge italiana, quando una sentenza di morte è pronunciata da un Tribunale italiano, l'esecuzione è regolata dal codice di procedura penale art. 580-. Il procuratore generale della Corte d'Appello a cui riguarda riceve ordine dal Ministero della Giustizia di procedere all'esecuzione ed è il solo responsabile per le disposizioni necessarie.
3. - L'effettiva esecuzione fisica è fatta da una delle seguenti forze:
 - Carabinieri
 - Agenti di Pubblica Sicurezza
 - Guardia di Finanza
 - Esercito Italiano.

E' consuetudine che ognuna di queste forze venga chiamata a turno.
4. - Normalmente, nel territorio AMG, il Procuratore Generale riceve le istruzioni attraverso l'AMG e non dal Ministero della Giustizia.
A parte ciò, la procedura normale verrà eseguita e il Procuratore Generale sarà il solo responsabile dell'esecuzione.
5. - Allorché la sentenza di morte sia pronunciata da un Tribunale dell'AMG e confermata dal "Chief Commissioner" di disposizioni similari verranno prese, eccetto che in casi di sicurezza, dove un plotone d'esecuzione inglese o americano appartenente all'esercito verrà messo a disposizione.

6. - Il Questore, agendo agli ordini del Prefetto, dà i particolari del plotone d'esecuzione e prende le disposizioni locali. I doveri degli ufficiali dell'AMG. si limiteranno a far sì che l'ordine pubblico e la sicurezza non siano in pericolo, specialmente in casi nei quali la sentenza di morte è pronunciata da un tribunale dell'AMG.-

firmato: G.R.UPJOHN, Brig.



P. C. C.
IL CAPO UFFICIO

- Magg. Ruggiero Ruggieri -

HEAD QUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

26A
MT/1c.

30 August 1945.

AC/14212/PS

SUBJECT : Richieste di direttive per i plotoni di esecuzione.
(S.I.C. e C.C.R.R.)

TO : Dott. Giorgio Bonelli. Gabinetto del Ministro di
Grazia e Giustizia. Ufficio Collegamento.

1. Con riferimento alla nostra conversazione telefonica di questa mattina, mi permetto esporre quanto segue.

2. Il Comando di Battaglione dei Gruppi di Combattimento "Friuli" nella Provincia di Belluno si è rifiutato di accondiscendere alla richiesta, avanzata dall'Ufficiale di Pubblica Sicurezza del Governo Militare Alleato di Belluno, di provvedere un plotone per l'esecuzione di una sentenza di morte nei confronti di un civile Italiano.

Il rifiuto è basato sul fatto che non spetta ai Gruppi di Combattimento provvedere i plotoni di esecuzione. L'Ufficiale Regionale di Pubblica Sicurezza della Venezia riferisce che il Comando locale dei C.C.R.R. ha dato istruzione ai Comandi dipendenti di non provvedere alle suddette esecuzioni finchè la questione non fosse stata decisa dal Comando Generale dei C.C.R.R.

3. Il Direttore della Sottocommissione di Pubblica Sicurezza fa notare che il rifiuto sia da parte delle unità dell'Esercito Italiano sia da parte del Comando dei C.C.R.R. è in contrasto colle disposizioni emanate dalla Sezione Affari Civili nello scorso luglio (AC/14212 Ps) in seguito a consultazioni tra la Sottocommissione Legale e il Direttore della Pubblica Sicurezza Italiana.

7700
4. In tali circostanze è desiderabile che vengano impartite dal Ministero di Grazia e Giustizia direttive in merito e che vengano inviate direttamente alle unità dell'Esercito Italiano e alle formazioni dei Carabinieri.

5. Nel caso che tali direttive vengano impartite come suggerito nel comma 4, sarei obbligato se ne venisse inviata copia a questa Sottocommissione.

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

22 AGO. 1945

HEADQUARTERS
VENEZIE REGION
Allied Military Government
APO 394

PGG/bc

2579

See 23^A

20 August 45.

TO : Headquarters, Allied Commission, (Civil Affairs
Section) - Thru Public Safety Sub-Commission. ✓

SUBJECT : Execution of Death Sentences.

FILE NO. : RXII/PS/6.3.2

22A

QV

1. Reference your directive AC/14212/PS of July 1945.

2. Copies of this directive have been circulated to Provincial Commissioners of this Region for information and compliance. 25C

3. A request has been made by the Public Safety Officer, Belluno Province, to a Battalion of the Italian Army to provide a firing squad to carry out a death sentence in that Province. The reply obtained, copy of which is attached, and also copy of a letter received from A/Chief, Public Safety, 5th Army, is forwarded for your information. See also 23^A 25B

4. It is recognised that the procedure in this case has been wrong and that AMG should have given the necessary order to the Procuratore Generale and left him to make the necessary arrangements, but had the request been made by him, presumably the response would ~~probably~~ have been the same.

5. On receipt of your a/m letter at Milano, the General Commanding CC.RR. addressed a letter to Legion Commanders in much the same vein ordering them not to carry out executions, during the time that the matter was being referred by him to higher Carabinieri Command. 27534

6. It is understandable that both the Italian Army and the Carabinieri find the task of undertaking this duty distasteful but in view of the directive from your Headquarters it is suggested that the matter be referred to the Italian ~~the procedure be agreed and if necessary~~

2. Copies of this directive have been furnished to Provincial Commissioners of this Region for information and compliance.

3. A request has been made by the Public Safety Officer, Belluno Province, to a Battalion of the Italian Army to provide a firing squad to carry out a death sentence in that Province. The reply obtained, copy of which is attached, and also copy of a letter received from A/Chief, Public Safety, 5th Army, is forwarded for your information. *See also 23.*

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6. It is understandable that both the Italian Army and the Carabinieri find the task of undertaking this duty distasteful but in view of the directive from your Headquarters it is suggested that the matter be referred to the Italian government, so that the procedure be agreed and if necessary conveyed to Italian military (and Carabinieri) formations by direct order from the Ministry concerned.

7. The position at present is obviously extremely unsatisfactory.

TO	10/10/54
DIRECTOR	10/10/54
DEPUTY DIRECTOR	10/10/54
EXEC. OFFICER	10/10/54
1st Lt	10/10/54
2nd Lt	10/10/54
3rd Lt	10/10/54
4th Lt	10/10/54
5th Lt	10/10/54
6th Lt	10/10/54
7th Lt	10/10/54
8th Lt	10/10/54
9th Lt	10/10/54
10th Lt	10/10/54

H. Green.

F.G. GREEN
Lieut. Colonel,
Regional Public
Safety Officer

*Referred to Government
at 28.*

10/10/54

C O P Y

HEADQUARTERS FIFTH ARMY
APO 464 TS ARMY

25 B

14 August 45

SUBJECT : Execution of Death Sentence.
TO : Regional Public Security Officer, Venezia.

1. I attached hereto a copy of communication which I have received from the 50th Liaison Unit in regard to above subject.

2. I have consulted with Lt Colonel Bye, Chief of Public Safety 5th Army who is of the opinion that all executions should be carried out by a civil agency.

3. It is therefore suggested for your consideration and for you to advise the Public Safety Officer of Belluno Province of this and obtain necessary execution squad from the local Police forces.

R.C. LEBERT,
Major, G.I.,
A/ Chief of Public
Safety
G-5, Fifth Army.

Copy : C.O. 50th Liaison Unit (Br)

7780

C O P Y

URGENT AND SECRET.

SUBJECT : Execution of Death Sentence.

C-3 FIFTEETH ARMY.
C-5 FIFTEETH ARMY.

50 British Liaison Unit.

G/7/5/

10 August 45.

Copy to :- Land Forces Sub Comm AC.

(MIA).

Public Security Offr,

BELLUNO PROV.

HQ. TRIULI ICG.

I. A request has recently been received by one of the Battalion Commanders of "TRIULI" ICG to provide a firing party to carry out the death sentence on a civilian. This request was made by the AMG Public Security Officer of Belluno Province and is based on a letter from HQ AC, Civil Affairs Section (APO 394) dated July 45. The letter is addressed to all Regional Commissioners and paragraph 3 states that the execution of a civilian will be carried out by one or other of the following:-

Carabinieri.

Agenti di Pubblica Sicurezza.

Guardie di Finanza.

Italian Army.

and suggests that these be employed in turn.

2. It is most strongly represented that this ICG is not called upon for such duty. As has been represented on numerous occasions to MIA, the popularity of the Gruppi di Combattimenti is by no means assured at present. This is particularly true in the NORTH of ITALY where the Partisans appear to have received most of the glory and the Gruppi di Combattimenti all the kicks. If Gruppi di Combattimenti are called upon to provide a firing squad for an execution it is considered that the effect on the civilian population may be extremely serious and furthermore the attitude of the soldiers of the Gruppi in such a matter is by no means certain.

3. resounded.

Would you please endeavour to have this order

775

party to carry out the death sentence on a civilian. This request was made by the AMG Public Security Officer of Belluno Province and is based on a letter from HQ AC, Civil Affairs Section (APC 344) dated July 45. The letter is addressed to all Regional Commissioners and paragraph 3 states that the execution of a civilian will be carried out by one or other of the following:-

Carabinieri.
Agenti di Pubblica Sicurezza.
Guardie di Finanza.
Italian Army.

and suggests that these be employed in turn.

2. It is most strongly represented that this ICG is not called upon for such duty. It has been represented on numerous occasions to MHA, the popularity of the Gruppi di Combattimenti is by no means assured at present. This is particularly true in the NORTH of ITALY where the Partisans appear to have received most of the glory and the Gruppi di Combattimenti all the kicks. If Gruppi di Combattimenti are called upon to provide a firing squad for an execution it is considered that the effect on the civilian population may be extremely serious and furthermore the attitude of the soldiers of the Gruppi in such a matter is by no means certain.

3. Would you please endeavour to have this order rescinded. Meanwhile, pending direct orders from higher authority this ICG will NOT provide firing squads for the execution of civilians. It is pointed out in this connection that information only came to the HQ of TRIULI ICG via a Battalion HQ which in turn received it from the Public Security Officer of TRIUNO Province.

WHEB/DHS.

LT. COL.
G5.

775

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

Ref: AC/14212/PS.

21 Aug 45

SUBJECT: Death Sentences on Civilians.

TO: Land Forces Sub-Commission.

Reference your A 238 of 15 Aug 45.

Attached is a copy of AC/14212/PS of July 1945 referred to in para 1 of the letter of the 10 Aug 45 from 50 British Liaison Unit.

H. H. H. H.
H. H. H. HARTLEY, Col.,
CSO CA Section.

7751

Subject : Death Sentence on Civilians.

16 AGO. 1945

Land Forces Sub Comm. A.C.
M.M.I.A.
R O N E.
A 238

15 Aug 45.

To : A.C. CIV. AFFAIRS SUB COMM.

1. Attached copy of a letter (6/7/9 dated 10 Aug 45) received from the No 50 British Liaison Unit with PRULI Combat Group is passed to you as it brings up a question of principle concerning the whole Italian Army.

2. In order that appropriate action may be taken will you please furnish this Mission with a copy of the letter referred to in para 1.

22A

Sent. see 2 J^A. Jps.

J.P. Archer
for
Major General,
M.M.I.A.

7750

/wsi

2292

2 - C - P - X

23B

Subject: Execution of Death Sentence.URGENT AND SECRET.C-5 Fifth Army.
C-5 Fifth Army.50 British Liaison Unit
C/7/2
10 August 45.Copy to: Land Forces Sub Comm. AG
MIL.
Public Security Offr.
Belluno Prov.
HQ Friuli ICG.

1. A request has recently been received by one of the Battalion Commanders of "Friuli" ICG to provide a firing party to carry out the death sentence on a civilian. This request was made by the 4th Public Security Officer of BELLUNO Province and is based on a letter from HQ ICG Civil Affairs Section (LPO 394) dated July 45. The letter is addressed to all Regional Commissioners and para 3 states that the execution of a civilian will be carried out by one or other of the following:-

Carabinieri.
Agenti di Pubblica Sicurezza.
Guardie di Finanza.
Italian Army.

and suggests that these be employed in turn.

2. It is most strongly represented that this ICG is not called upon for such duty. It has been represented on numerous occasions to HQ, the popularity of the Gruppi di Combattimenti is by no means assured at present. This is particularly true in the NORTH of ITALY where the Partisans appear to have received most of the glory and the Gruppi di Combattimenti all of the kicks. If Gruppi di Combattimenti are called upon to provide a firing squad for an execution it is considered that the effect on the civilian population may be extremely serious and further more the attitude of the soldiers of the Gruppi in such a matter is by no means certain.

3. Would you please endeavour to have this order rescinded. Meanwhile, pending direct orders from higher authority this ICG will NOT provide firing squads for the execution of civilians. It is pointed out in this connection that information only came to the HQ of FRULLI ICG via a Battalion HQ which in turn received it from the Public Security Officer of BELLUNO Province.

7713

1. Commanders of "Brulli" ICG to provide a firing party to carry out the death sentence on a civilian. This request was made by the IIC Public Security Section of BELLUNO Province and is based on a letter from HQ AG Civil Affairs Section (150 394) dated July 45. The letter is addressed to all Regional Commissioners and para 2 states that the execution of a civilian will be carried out by one or other of the following:-

Carabinieri.
Agenti di Pubblica Sicurezza.
Guardie di Finanza.
Italian Army.

and suggests that these be employed in turn.

2. It is most strongly represented that this ICG is not called upon for such duty. As has been represented on numerous occasions to IIC, the popularity of the Gruppi di Combattimenti is by no means assured at present. This is particularly true in the NORTH of ITALY where the Partisans appear to have received most of the glory and the Gruppi di Combattimenti all of the kicks. If Gruppi di Combattimenti are called upon to provide a firing squad for an execution it is considered that the effect on the civilian population may be extremely serious and further more the attitude of the soldiers of the Gruppi in such a matter is by no means certain.

7763

3. Would you please endeavour to have this order rescinded. Meanwhile, pending direct orders from higher authority this ICG will NOT provide firing squads for the execution of civilians. It is pointed out in ~~this connection~~ that information only came to the HQ of BRULLI ICG via a Battalion HQ which in turn received it from the Public Security Officer of BELLUNO Province.

Signed (Ineligible)
Lt. Col.
GS.

2292

HEADQUARTERS ALLIED COMMISSION
Civil Affairs Section
AWO 394

Tel : 470037-580

July 1945

AC/14212/2

SUBJECT : Administration of Death Sentences.

TO : R.O's Emilia, Liguria, Lombardia, Piemonte,
Venezia, Naples, Ancona, Livorno
(attention of RSO's)
L.O's Sardinia, Sicily, Bari, Legel S.C.
Ex. Comm. C.O. Ministry of Interior
(for information)

1. The following instructions are forwarded in order that you may be aware of the procedure to be adopted in AMG territory, if an Italian Civil execution has to be carried out.

2. Under Italian Law, where a sentence of death is imposed by an Italian court, the execution of the death sentence is regulated by the Code of Criminal Procedure, Art. 580. The Procureure General of the Court of Appeal concerned is instructed by the Minister of Justice to carry out the execution and he is solely responsible for the necessary arrangements.

3. The actual physical execution is carried out by one or other of the following forces :

Carabinieri
Agents of Public Security
Guardia di Finanza
Italian Army

It is the practice that each force is called on in turn to perform the duty.

4. In AMG territory, the Procureure General will normally receive his instructions through AMG channels and not from the Minister of Justice. Apart from this the normal procedure will be employed and the Procureure General will be solely responsible for the execution.

5. When the death sentence is imposed by an AMG Court and confirmed by the Chief Commissioner, similar arrangements

7740

1. The following instructions are forwarded in order that you may be aware of the procedure to be adopted in AMG territory, if an Italian civil execution has to be carried out.

2. Under Italian Law, where a sentence of death is imposed by an Italian court, the execution of the death sentence is regulated by the Code of Criminal Procedure, Art. 580. The Procurettore Generale of the Court of Appeal concerned is instructed by the Minister of Justice to carry out the execution and he is solely responsible for the necessary arrangements.

3. The actual physical execution is carried out by one or other of the following forces:

Carabinieri
Agents of Public Security
Guardia di Finanza
Italian Army

7740

It is the practice that each force is called on in turn to perform the duty.

4. In AMG territory, the Procurettore Generale will normally receive his instructions through AMG channels and not from the Minister of Justice. Apart from this the normal procedure will be employed and the Procurettore Generale will be solely responsible for the execution.

5. When the death sentence is imposed by an AMG Court and confirmed by the Chief Commissioner, similar arrangements will be made for execution, except in security cases, where a British or American military firing party will be made available.

6. The Questore, acting under the orders of the Prefect, details the execution party and makes the local arrangements. The duties of the Officers of AMG are to ensure as far as possible, that public order and safety are not endangered, especially in cases where the accused has been sentenced by an AMG Court.

78441
G.S. UNITARY, 2115.
1000 21 Dec.

21A

ALLIED [REDACTED] COMMISSION
INTER-OFFICE MEMORANDUM

SUBJECT: P.S. PADOVA.

FILE No.

TO P.S. Submission.

28 June 1945^L

I found that RASO Venezia Region did not know the drill for executing persons sentenced to death for officers in Italian Cnts. There is of course a perfectly clear drill which if I recollect aright was set out in a directive as long ago as Nov 1943. It might be a good plan to request, will you discuss with legal phase. *GPB*

Please initial return file.

TO	INIT	DATE
DIRECTOR	<i>[Signature]</i>	29/6
DEPUTY DIRECTOR		
EXEC. OFFICER		
POLICE		
LIC. & REG.		
PRISONS		
ADM. OFFICER		
SECURITY		
CHIEF CLERK		

1125

TO	INIT
Public Safety (2)	PK Klag.
Public Health	
Interior	
Legal (1)	W. J. M.
Education	
Commerce	
Transportation	
Adm. Serv.	

PLEASE PASS QUICKLY

pg to retain after
legal has seen

Admin
18 AUG 1944

[Signature]
for case

SUBJECT : Spies - Execution of Death Sentence.

HQ No. 1 District
No. 2 District
No. 3 District

CONFIDENTIAL

Hq, ALLIED ARMIES IN ITALY

AAI/5108/1/A (PS)

16 Aug 44

18 AUG 1944

Ref this HQ letters of even reference dated 9 and 21 Jun 44.

1. It is most important that the execution of spies sentenced to death should follow as rapidly as possible upon the receipt from the Chief Commissioner ACC of the order for execution.
2. Please review your arrangements for dealing with such cases and ensure that the delay is cut down to the minimum. It is considered that a standard time should be fixed, within which executions should, in the absence of special circumstances, be carried out.
3. After reviewing your arrangements and making any changes necessary please report to this HQ what standard time you have fixed.
4. In future a report of each execution of a spy will be sent to this HQ giving the date of execution and the date of receipt by your Hq of the order for execution.

Brigadier,
DAG

Copy to: - Executive Commissioner, ACC
CG Fifth Army
Eighth Army
5 Corps
PBS
DSAO
AG (US)
GSI

COPY TO:- Admin Section

7740

649

HEADQUARTERS
ALLIED CONTROL MISSION
Public Safety Sub-Commission

Police for action/information

C.F.S.....

✓ D.C.F.S.....

✓ Ex. Officer.....

✓ Police.....

✓ Prisons.....

✓ Fire & C.D.....

✓ Regn. & Licensing.....

Adm. Officer.....

Remarks.....

.....

.....

1128

14212
A-582
John Sec 19A
PS
12 JUN 1944

SUBJECT:- Spies - Execution of Death Sentence

HQ, ALLIED ARMIES IN ITALY,

AAI/5106/1/A(PS)

9 JUNE 44.

Executive Commissioner,
Allied Control Commission (2)

1. Spies who are sentenced to death by Allied Control Commission Military Courts will be handed over to the Allied Military Forces for execution according to the following rules.
2. In the case of spies originally arrested by US or French troops, Allied Control Commission will ask CG FIFTH Army if he wishes to carry out the execution. If he does **not**, Allied Control Commission will hand over the spies to CG Peninsular Base Section, who will carry out the execution.
3. Spies originally arrested by other Allied troops will be handed over to the nearest District for execution.

John Sec

Brigadier,
DAG.

JDP/RAF.

COPIES to:-
CG FIFTH Army
EIGHTH Army
5 Corps
CG PES
1 District
2 District
3 District
~~XXXXXX~~
DCAO
AG(US)

7760

Copy to CAB.

11 JUN 1944

TOP SECRET

3052

18A

SUBJECT:- Execution of civilians

3 District
Tel Ext 18
404A
19 May 44

Rear HQ,
Allied Control Commission

Ref your ACC/14212/FS dated 28 Apr 44.

1. Attached are copy certificates from Medical Officer and DAPM relating to the execution of DI LANDRO, FILIPPO.

18B
HST/EIP

900

18C
7764
Col J. J. M. Major General
Comd 3D. Unit.

COPY

DI LANDRO Filippo son of LUIGI and COLEO ROSILLA
born 31st July 1900 Comune of Maiori

This is to certify that on the twelfth day of
May 1944 the above named Italian civilian, sentenced
to death by Allied Military Court on the 25th January
1944, was executed in my presence, by firing party,
at 0535 hours.

(sd) F TURLEY Capt
Deputy Assistant Provost Marshal
94 Sub Area

12 May 1944

3052

18B

7743

COPY

3052

180

I, F.M. BROOK, Captain RANC, hereby certify that on 12 May 1944, I was present at the execution of DI LANDRO FILIPPO at Salerno.

I further certify that after the execution on external examination I pronounced life extinct.

Field
16 May 44

(sd) F.M. BROOK

Capt RANC

att 30th Bn The Cheshire Regiment.

7746

SUBJECT: ~ Executions

SECRET

ADMIN SEC

MAG. 1944

A 57 Area (15)
A 59 Area (5)
A 94 Sub Area (8)
Pro (1)
JAG (1)
Lab (1)
Med (1)

Allied Control Commission
Liaison Offr (1)

3 District
Tel Ext 18
404A
9 May 44

S-2453

PS
11 MAY 1944 14212

1. The att notes compiled by Eighth Army on the procedure for carrying out civil executions are forwarded for use should occasion arise.
2. Mutatis mutandis the procedure is applicable in cases where soldiers are to be executed.

HBT/EJP

HEADQUARTERS

10 MAY 1944

Col. JIC Adm

Execution took place at 5am on
12th May 1944.

W. Wilcox
Major

17B
SECRET

It is a Provost responsibility to ensure that prisoners sentenced to death are executed strictly in accordance with the regulations.

The appended notes have been compiled as a result of recent experiences in this connection and are forwarded for infm and guidance.

The division of responsibility of Provost, OC Firing Party, Medical, AMG, Labour have been especially dealt with. It is the duty of Provost to ensure that the sentence is carried out as rapidly and as humanely as possible and the DPM/APM will generally supervise the proceedings throughout.

PROVOST NOTES FOR EXECUTION BY SHOOTING

1. The sentence will be carried out as rapidly and humanely as possible.
2. The place to be carefully selected by DPM/APM. A quarry well away from main thoroughfares is most suitable site. Time as early as practicable.
3. A Firing Party consisting of one Officer, not below the rank of Captain, one Sgt and twelve men, and Escort consisting of one NCO and two men for each prisoner, to be detailed by Comd - Div as directed by "A" Branch in co-operation with Provost. To be detailed to report, the night previous to the execution, to the DPM/APM. (Orders for Firing Party follow.)
4. Handing over of prisoner(s) to DPM/APM, provision of civilian priest, siting and digging of grave(s), and burial, under arrangements officer to be detailed by AMG. (AMG Officer orders follow).

5. Identification

CSI (b) will be responsible for providing a witness to identify the prisoner(s) to DPM/APM and OC Firing Party, and will provide an interpreter, who will both report to DPM/APM at the Prison on the day of execution.

6. Medical

A Medical Officer will be detailed who will report to DPM/APM at the Prison on the day of execution.

7. Labour

DIL will provide an Officer, a NCO and four OR, and a 3 ton lorry with canopy, who will report to DPM/APM at the Prison.

8. Security

The fact of the execution and identity of the prisoner(s) will be kept secret until released by GSI (b).

9. Procedure

(a) An "A" rep, preferably the AMG, in company with the DPM/APM and an inter-

1. The sentence will be carried out as rapidly and humanely as possible.
2. The place to be carefully selected by DPM/AFM. A quarry well away from main thoroughfares is most suitable site. Time as early as practicable.
3. A Firing Party consisting of one Officer, not below the rank of Captain, one Sjt and twelve men, and Escort consisting of one NCO and two men for each prisoner, to be detailed by Comd - Div as directed by "A" Branch in co-operation with Provost. To be detailed to report, the night previous to the execution, to the DPM/AFM. (Orders for Firing Party follow.)
4. Handing over of prisoner(s) to DPM/AFM, provision of civilian priest, siting and digging of grave(s), and burial, under arrangements officer to be detailed by AMG. (AMG Officer orders follow).
5. Identification
GSI (b) will be responsible for providing a witness to identify the prisoner(s) to DPM/AFM and OC Firing Party, and will provide an interpreter, who will both report to DPM/AFM at the Prison on the day of execution.
6. Medical
A Medical Officer will be detailed who will report to DPM/AFM at the Prison on the day of execution.
7. Labour
DIEL will provide an Officer, a NCO and four OR, and a 3 ton lorry with canopy, who will report to DPM/AFM at the Prison.
8. Security
The fact of the execution and identity of the prisoner(s) will be kept secret until released by GSI (b).
9. Procedure
 - (a) An "A" rep, preferably the AMG, in company with the DPM/AFM and an interpreter will visit the prisoner(s) in the prison. He will inform the prisoner(s) (in turn) that he has/they have been sentenced to death by an Allied Military Court on a charge of espionage, and that the sentence of death has been confirmed on behalf of the Military Governor, and that the sentence will be carried out by shooting at a specific hour the same day.
 - (b) The Priest will then go to the prisoner(s) and remain with him/them if he/they so wish(es) it.
 - (c) The Escort, consisting of one NCO and two men for each prisoner, under a Sjt CMP will remain in the vicinity out of view of the cells.
 - (d) At a time specified the Sjt CMP will secure the prisoner(s) by tying his/their wrists behind his/their back(s). (Handcuffs may be used to

...../2.

advantage). At this stage, at the discretion of the DM/AFM, the prisoner(s) may be taken through the medium of an interpreter, if he/she requires(s) morphine. Should this be accepted, the Medical Officer will be asked by the DM/AFM to administer same.

- (e) The Escort will be provided with stretcher(s) in case the prisoner(s) is/are unable to walk.
- (f) The Escort will then accompany the prisoner(s) from the prison to the place of execution.
- (g) The Priest will accompany the prisoner(s) from the prison to the place of execution, and remain at the discretion of the DM/AFM. (In certain circumstances the Priest will be allowed to leave the actual site before sentence is carried out and wait outside).
- (h) The Escort will secure the prisoner(s) to a post or chair and will march away as soon as the prisoner(s) has/have been secured, the Sjt CMP will remain behind. (Stake(s) with chair(s) attached is/are recommended - the stake should be lowered at least two feet into the ground, the chair may be bound to the stake by rope).
- (i) The Sjt CMP will then blindfold the prisoner(s) and the Medical Officer will pin a piece of white paper over the region of the heart(s).
- (j) The Deputy Provost Marshal/Assistant Provost Marshal will then request the Officer IC Firing Party to carry out his duty.
- (k) The Medical Officer will then examine the body/bodies of the prisoner(s). If he considers that life is not extinct he will inform the Officer IC Firing Party who will use his revolver to complete the sentence. (The DM/AFM in these circumstances will ensure that the temple is aimed at rather than the region of the heart). The body will not be unbound until the Medical Officer has signified the man is dead.
- (l) The Burial Party, who will not be allowed in the place of execution during the carrying out of the sentence, will then be ordered by the Officer detailed by AMF to coffin the body/bodies, transport it/them to the place of burial and bury it/them. A Priest will accompany the Burial Party and read the burial service over the grave(s).

10. Responsibilities of Provost

The DM/AFM is responsible for seeing the sentence is carried out and will generally supervise the proceedings.

He will be responsible for the provision of:-

- (a) Vehicle for transporting prisoner(s) to place of execution.
- (b) Post(s) and chair(s) to which to tie the prisoner(s).
- (c) Rope for tying the prisoner(s) to post(s).

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- (j) The Deputy Provost Marshal/Assistant Provost Marshal will then request the Officer IC Firing Party to carry out his duty.
- (k) The Medical Officer will then examine the body/bodies of the prisoner(s). If he considers that life is not extinct he will inform the Officer IC Firing Party who will use his revolver to complete the sentence. (The DEM/APM in these circumstances will ensure that the temple is aimed at rather than the region of the heart). The body will not be unbound until the Medical Officer has signified the man is dead.
- (l) The Burial Party, who will not be allowed in the place of execution during the carrying out of the sentence, will then be ordered by the Officer detailed by AMG to coffin the body/bodies, transport it/them to the place of burial and bury it/them. A Priest will accompany the Burial Party and read the burial service over the grave(s).

10. Responsibilities of Provost

The DEM/APM is responsible for seeing the sentence is carried out and will generally supervise the proceedings.

He will be responsible for the provision of:-

- (a) Vehicle for transporting prisoner(s) to place of execution.
- (b) Post(s) and chair(s) to which to tie the prisoner(s).
- (c) Rope for tying the prisoner(s) to post(s).
- (d) Handcuffs or ropes for fastening the wrists of prisoner(s).
- (e) Bandage(s) for blindfolding the prisoner(s).
- (f) Sheet(s) of white paper and pins for marking the region of the heart(s).
- (g) Two sandbags filled with sand.
- (h) Sufficient Military Police to keep unauthorised persons away from the place of execution half an hour before the execution until all signs of what has taken place have been removed.
- (i) Sjt CMP IC Escort.
- (j) DEM will furnish a report stating that the sentence has been carried out.

.../3.

- 3 -

ORDERS FOR FIRING PARTY

1. The Firing Party will arrive at the place of execution at a time specified complete with arms and ammunition.
2. The Officer IC Party will then explain the duty required of his men and that some of the rifles will be loaded with ball and some with blank. He will impress that the most merciful action to the prisoner(s) is to shoot as straight as possible. If two prisoners are to be shot, he will detail six men to shoot at each prisoner.
3. He will then extend his men to single rank, facing the post to which the prisoner will be secured and at about fifteen paces from him. If two prisoners are to be shot six men will face each post.
4. The Regtl Sjt will load eleven of the rifles of the party with ball and one with blank. If two prisoners are to be shot then the Regtl Sjt will load five of the rifles of the left hand party with ball and one with blank, and five of the rifles of the right hand party with ball and one with blank.
5. The mechanism of the rifles will be placed in the loaded position. Safety catches of the rifles will be placed at safe and the rifles will be placed down opposite and behind their owners.
6. The men will then be marched out of the site of execution and remain out of the view of the prisoner(s). The OC Firing Party will remain behind.
7. After the prisoner(s) is/are secured and blindfolded, the DEM/AFM will then request the Officer IC Firing Party to carry out his duty.
8. The Officer will then march in the Firing Party to their rifles and order them to take up arms.
9. The safety catches will then be placed forward and the men will bring their rifles to their shoulders and await the order or signal to fire.
10. The Firing Party should kneel to fire if the state of the ground permits and they should be directed to fire at the heart.
11. Immediately the men have fired, the NCO will order them to ground arms, with 730. turn the men about and march them away, the Officer remaining behind.
12. The Officer will be responsible for ensuring that the rifles are cleaned before they are returned to their owners.

5. The mechanism of the rifles will be placed in the loaded position. Safety catches of the rifles will be placed at safe and the rifles will be placed down opposite and behind their owners.
6. The men will then be marched out of the site of execution and remain out of the view of the prisoner(s). The OC Firing Party will remain behind.
7. After the prisoner(s) is/are secured and blindfolded, the DFM/LPM will then request the Officer IC Firing Party to carry out his duty.
8. The Officer will then march in the Firing Party to their rifles and order them to take up arms.
9. The safety catches will then be placed forward and the men will bring their rifles to their shoulders and await the order or signal to fire.
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11. Immediately the men have fired, the NCO will order them to ground arms, with 735 turn the men about and march them away, the Officer remaining behind.
12. The Officer will be responsible for ensuring that the rifles are cleaned before they are returned to their owners.

...../4.

RESPONSIBILITIES OF AMG OFFICER

1. Will arrange for the prisoner(s) to be segregated and handed over to DEM/APM at a time specified.
2. Will provide a civilian priest, who will report to DEM/APM at the Prison at the time specified. Will provide all necessary facilities for the priest to hear confessions and say Mass.
3. Will arrange for a/the grave(s) to be dug in the Cemetery.
4. Will arrange for transport and coffin(s) with blanket(s) and lowering ropes to be adjacent but not inside the place of execution at a time specified.
5. Will supervise the body/bodies being placed in the coffin(s), transported to the Cemetery and buried, and for the death(s) to be registered.

ORDERS FOR LABOUR

1. A NCO and four CR, Pioneer Corps, will report to DEM/APM at the Prison at a time specified and will be placed under orders of AMG Officer.
2. They will accompany AMG Officer to the site of execution and remain outside until sentence has been carried out.
3. They will then be called forward by DEM/APM, will place the body/bodies in the coffin(s) and load it/them on the transport.
4. AMG Officer will take charge of the Party, convey it to the Cemetery and supervise burial.

File Col. Young has seen it.

R. G. L.

TOP SECRET

Subject: Execution of Civilian

94 Sub Area
Phone : 2964
546/7 A

16A

8 May 44

30 Cheshire

DAMI

Public Safety Sub-Commission, Rear Maj AGC
PG Salerno Province.

1. On 25 Jan 44 a civilian named DI LABRO Filippo was sentenced to death by an AGC court, the sentence being confirmed by the C in C on 27 Feb 44.
2. DI LABRO is now awaiting execution in Salerno Civil gaol. and in view of the fact that there is normally no capital punishment in Italy, it has been agreed that the sentence will be carried out by the British Military authorities.
3. The execution will be carried out on a date and ^a ~~at~~ time and place to be notified later. DAMI will provide the escort to convey the prisoner from the gaol to the place of execution and firing party and arrangements in connection therewith will be provided by 30 Cheshires.
4. Attached to this letter are instructions which set out the procedure to be followed. Further detailed instructions will be issued in due course.

16B

TOS0930....B

16A
q/s

H. W. Hurlay
Maj. 7730
DAA & JAG
(C.W. HURLAY)

CONFIDENTIAL

Subject:- Des Sentence - Execution
by shooting

GHQ MEF
EXT 196

BM/PRO/26/49
2nd June 1943

All D.P. Ms

The undermentioned letter on the above subject is forwarded
for information.

(F.C. Bryant)
Provost Marshal
Middle East Forces.

COPY

GHQ MEF
42547/AG2a
16 May 43

Ref our 42547/AG2a dated 29 Mar 43.

The purpose of these notes is to serve as a guidance for COs who have to arrange for the execution by shooting of any of the men under their command. The main object to be achieved is that the sentence may be carried out as rapidly and humanely as possible. As soon as a Commanding Officer receives an intimation that a man of his unit has been sentenced to be shot, he should arrange for the following :

SITE FOR EXECUTION: If possible, the site should give privacy and be near the place where the prisoner is confined. Care must be taken as to the direction in which the firing party is to fire. Some form of building or haystack may perhaps be found to act as a stop but.

TIME OF EXECUTION: The most suitable time is just after daylight or just before dark.

POST: It is as well to have some object to which to tie the prisoner such as a wooden or iron post fixed firmly in the ground or a staple in the wall.

ROPE: For tying the prisoner to the post or staple.

HANDCUFFS OR ROPES: The prisoner should be brought to the place of execution either handcuffed or with his wrists bound.

REGIMENTAL POLICE: If any roads or tracks lead pass the place of execution, Regimental Police should be posted to prevent any traffic passing

GHQ MET
42547/AG2a
16 May 43

Ref our 42547/AG2a dated 29 Mar 43.

The purpose of these notes is to serve as a guidance for COs who have to arrange for the execution by shooting of any of the men under their command. The main object to be achieved is that the sentence may be carried out as rapidly and humanely as possible. As soon as a Commanding Officer receives an intimation that a man of his unit has been sentenced to be shot, he should arrange for the following:

SITE FOR EXECUTION: If possible, the site should give privacy and be near the place where the prisoner is confined. Care must be taken as to the direction in which the firing party is to fire. Some form of building or haystack may perhaps be found to act as a stop but.

TIME OF EXECUTION: The most suitable time is just after daylight or just before dark.

POST: It is as well to have some object to which to tie the prisoner such as a wooden or iron post fixed firmly in the ground or a staple in the wall.

ROPE: For tying the prisoner to the post or staple.

HANDCUFFS OR ROPES: The prisoner should be brought to the place of execution either handcuffed or with his wrists bound.

REGIMENTAL POLICE: If any roads or tracks lead pass the place of execution, Regimental Police should be posted to prevent any traffic passing along the road or track from half an hour before the execution until all signs of what has taken place have been removed. The following persons if available should be present at the execution:-

ASSISTANT PROVOST MARSHAL: Is responsible for seeing that the sentence is carried out and should generally supervise the proceedings. Immediately the sentence has been carried out he will furnish a report for his Divisional HQ that the sentence has been carried out giving the time at which it occurred. He will attach to this report a certificate of death which should be furnished by the Medical Officer.

..... 2

MEDICAL OFFICER : Should blindfold the prisoner at the place of execution and as soon as the body immediately after the firing party have fired. If he considers that life is not extinct, he must inform the Officer in Command of the firing party, who should use his revolver to complete the sentence. The body must not be unbound until the Medical Officer has signified that the man is dead.

REGIMENTAL SERGEANT MAJOR : Should be responsible for the loading of the rifles of the firing party. Nine out of the ten rifles should be loaded with ball ammunition, and the mechanism of the tenth should be placed in the "safe" loaded position. The safety catches of all rifles should be placed in the "safe" and the rifles laid down opposite and behind their owners. In the case of there being more than one prisoner to be executed, he may assist the Regimental Provost Sergeant in securing the prisoner.

REGIMENTAL PROVOST SERGEANT : Should accompany the escort bringing the prisoner from the place of confinement to the place of execution and should be responsible for the securing of the prisoner.

FIRING PARTY : Should consist of 1 Officer, 1 Sergeant and 10 men per prisoner to be executed.
The Sergeant will not fire.

ESCORT : Should consist of at least 1 NCO and 2 men. They will march the prisoner from the place of confinement to the place of execution and will march away as soon as even the prisoner has been secured.

PROCEDURE

FIRING PARTY : Should arrive at the place of execution not less than ten minutes before the time fixed for the carrying out of the sentence. The Officer in command of the party should then explain the service that is required of his men, and that some of the rifles are loaded and some unloaded. He should also impress upon them that the most merciful action to the prisoner is to shoot as straight as possible, and that the sentence is to be carried out. He will then extend his men to single rank facing about or staple to which the prisoner will be secured and at about 10 to 15 paces to halt.

The Regimental Sergeant Major will then load the rifles and lay them behind their owners.

The men may then be stood at ease until the prisoner and escort are seen approaching, when they will be called to attention and will remain at attention until the prisoner has been secured and the front cleared. The Assistant Provost Marshal will then request the officers to carry out his duty.

The officer will then turn the firing party about, march them on their rifles, take up arms and turn about. The safety catches will then be placed, forward, and the men will bring their rifles to their shoulders, and upon the order or signal being given, fire. Immediately the men have fired, the NCO with the firing party will turn about and march them away,

FIRING PARTY: Should consist of 1 officer, 1 Sergeant and 10 men per prisoner to be executed.

The Sergeant will not fire.

ESCORT: Should consist of at least 1 NCO and 2 men. They will march the prisoner from the place of confinement to the place of execution and will march away as soon as over the prisoner has been secured.

PROCEDURE

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The Regimental Sergeant Major will then load the rifles and lay them behind their owners.

The men may then be stood at ease until the prisoner and escort are seen approaching. When they will be called to attention and will remain at attention until the prisoner has been secured and the firing cleared. The Assistant Provost Marshal will then request the officer to carry out his duty.

The officer will then turn the firing party about, march them on their rifles, take up arms and turn about. The safety catches will then be placed, forward, and the men will bring their rifles to their shoulders, and upon the order or signal being given, fire. Immediately the men have fired, the NCO with the firing party will turn about and march then away, the officer, remaining behind.

N.B. From the time the prisoner appears at the place of execution until the men have fired, as few words of command as possible should be given. The firing party should kneel to fire if the state of the ground permits and they should be directed to aim at the heart rather than the head. If it can be done without the prisoner's knowledge and after he has been blindfolded, it is distinctly advantageous to pin a piece of white paper or put some white paint over the region of the heart.

(SGD) A.L. ELSWORTHY, BRIC.
For M.G. D.A.G.

NOTE. Chaplain should also be present.

REAR HEADQUARTER
ALLIED CONTROL COMMISSION
Public Safety Sub-Commission
APO 394

ACC/14212/PS

May 5, 1944

SUBJECT : DI LANDRO Filippo sentenced to death by
AMC Court.

TO : His Excellency the Minister of War.

1. With further reference to my letter of 12th April 1944
arrangements have now been made, with the written consent of the
Minister of Justice, for DI LANDRO to be executed by the Allied
Command.

2. Your interest in this matter is appreciated.

A. E. Young
A. E. YOUNG, Colonel.
Deputy Chief, Public Safety
Sub-Commission

Minister of Grace & Justice (14A)
 Subject: Execution of Mr. Landis Filippa
 To: Allied Control Commission
 Public Safety Sub-Commission
 Salerno, 4

With reference to your letter, dated
 May 2, 1944, you are informed that
 this Ministry agrees to the carrying
 out of the death sentence by
 Allied Military Command, 3rd District.
 (signed)

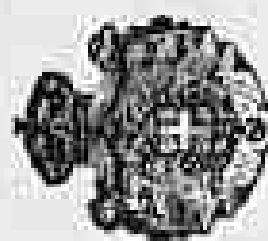
The Minister

Certified translation of a
 letter which was delivered to
 Major Green of Public Safety
 Officer Salerno Province
 on 4th May 1944.

R. W. Dixon
 Mayor

4th May 1944.

DA/oe



1975
AR 29/1
MINISTERO DELLA GUERRA

GABINETTO

N. di prot. 6309/I
10.8.158

Lecce, 28 APR 1943 194

OGGETTO: DI LANDRO FILIPPO, condannato a morte dalla Corte
dell' AMG.

*sentenced to death by an
AMG Court*

AL REAR HEADQUARTERS A.C.C. = PUBLIC SAFETY SUB COMMISSION

= A.P.O. 394 =

in reply to

*Please note that in accordance with your request, ACC/14212/PS dated 12th, we have
discovered that the local authorities have been taken to task and that they are
about to be
taken in respect
of the above
and report
such information
to us as soon
as possible.
The above
has been done as
no information
exists in this Ministry
regarding the matter
as soon as a reply
is received
we will communicate
with you as far
as possible
in a letter
dated
15th. I have
sent you
our
best regards.*

Risposta foglio ACC/14212/PS in data 22 c.m.
fatta da codesto Comando col foglio ACC/14212/PS in data 12
c.m., questo Ministero, col foglio 5651/I in data 18 c.m., ha
interessato il Comando Forze Armate della Campania perchè
compia accertamenti presso le autorità locali e riferisca in
merito all'attuale posizione del DI LANDRO ed ai provvedimenti
adottati od in corso nei suoi confronti.

Quanto sopra perchè presso questo Ministero
non vi è alcun precedente della questione.

Si fa riserva di comunicare quanto verrà ri-
ferito in merito dal suddetto Comando Forze Armate della Cam-
pania.

Il sopraccitato foglio 5651/I in data 18 c.m.
è stato inoltrato anche a codesto Comando, per conoscenza.

7730

AL REAR HEADQUARTERS A.C.C. = PUBLIC SAFETY SUB COMMISSION

= A.P.O. 394 =

in reply

Disposta foglio ACC/14212/PS in data 22 c.m. *14212/PS data 12 th. nel quale*

that in accordance with your request ACC/14212/PS data 12 th. in reply to the request

fatta da codesto Comando col foglio ACC/14212/PS in data 12

c.m., questo Ministero, col foglio 5651/I in data 18 c.m., ha

interessato il Comando Forze Armate della Campania perchè

compia accertamenti presso le autorità locali e riferisca in

merito all'attuale posizione del DI LANDRO ed ai provvedimenti

ti adottati od in corso nei suoi confronti.

Quanto sopra perchè presso questo Ministero

si fa riserva di comunicare quanto verrà ri-

ferito in merito dal suddetto Comando Forze Armate della Cam-

pania.

Il sopracitato foglio 5651/I in data 18 c.m.

è stato indirizzato anche a codesto Comando, per conoscenza.

d'ordine

IL CAPO DI CABINETTO

(Col. R. Fiore-Vernazza)

Fiore-Vernazza

From "PLAN" Mg.

File 12A

HEAD HEADQUARTERS
ALLIED CONTROL COMMISSION
Public Safety Sub-Commission
APO 394

May 2, 1944

SUBJECT : Execution of DiLandro Filippo.

TO : His Excellency the Minister of Grace and Justice.

Your Excellency,

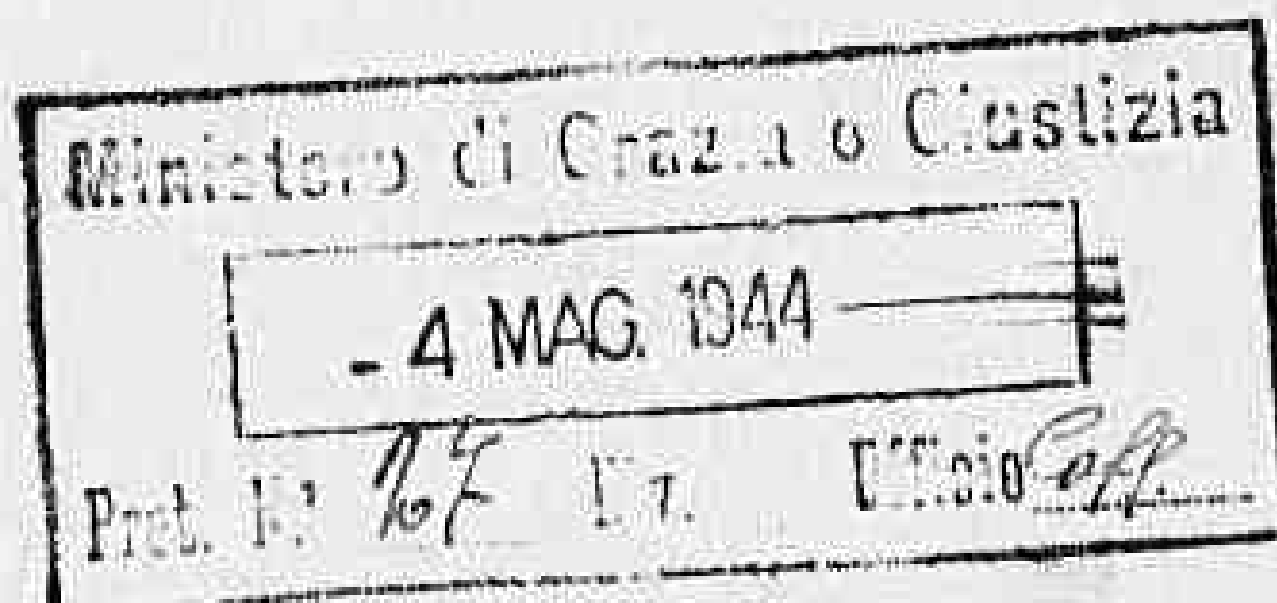
With reference to the memorandum from the Italian Ministry of War on this subject, dated 18 April 44, of which you received a copy. I have since obtained the agreement of the Allied Military Commander of No. 3. District, to carry out the execution of Di Landro Filippo.

Will you, therefore, let me have without delay, a letter giving your specific agreement for this sentence of death to be carried out by the Commander referred to.



A. E. YOUNG,
Colonel,
Deputy Chief,
Public Safety
Sub-Commission

ngd



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Restulter
Abg. 3 May 44

TOP SECRET

11A

SUBJECT:- Executions of civilians

3 District
Tel Ext 18
404A

1 May 44

Rear HQ ACC
(Public Safety Sub-
Commission)

A 94 Sub Area

Pro

10A

1. Ref Rear HQ ACC letter ACC/14212/PS dated 28 Apr 44 (copy attached for 94 Sub Area).
2. This HQ will cause this sentence of death to be carried out *after formal consent of Ministry of Justice*.
3. 94 Sub Area will arrange details direct with Rear HQ ACC, Public Safety Sub-Commission, and notify this HQ when the execution has taken place.
4. It is considered that the firing party should come from 30 Cheshires. Pro personnel will NOT be used for this purpose.
5. Att to 94 Sub Area copy of this letter and instructions which set out clearly the procedure to be followed.

W. W. W. W.

Col IC Adm

7732

HBT/EJP

DRES
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12 A to Justice Council
Ministry of Home Affairs

10A
 REAR HEADQUARTERS
 ALLIED CONTROL COMMISSION
 Public Safety Sub-Commission
 APO 394

28 April 1944

ACC/14212/ES

SUBJECT : DI LANDRO Filippo
 Sentenced to death.

To : District Commander, No 3 District.

1. On 25th Jan. 1944 DE LANDRO Filippo a civilian was sentenced to death by an Allied Military Government Court. The death sentence was confirmed by the Commander in Chief Allied Forces on 27th February 1944. — 24

2. DI LANDRO is now awaiting execution in Salerno Jail.

3. Reference has been made to the Italian Minister of Justice and also to the Minister of War. The former has replied that since there is normally no capital punishment in Italy he is unable to carry out this sentence, the latter that he is not competent to execute a civilian. *8499 refer*

4. Since the condemned man has now been languishing in Salerno jail for three months it is apparent that this execution ought to be carried out without any further delay.

5. Since I am unable to find any Italian agency prepared to undertake this duty I wonder whether you as Military Commander of this District would be willing to carry out this sentence.

6. I can refer you to the procedure adopted by 5th Army in which these civilians sentenced to death by AMG courts are executed by the Provost Company.

7. If you agree I will obtain the formal consent from the Ministry of Justice for this sentence to be carried out by you, having regard to the status of Salerno in King's Italy.

Alleging 7710
 A. E. YOUNG

sentenced to death by an Allied Military Government Court. The death sentence was confirmed by the Commander in Chief Allied Forces on 27th February 1944. — 24

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8499A refer

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5. Since I am unable to find any Italian agency prepared to undertake this duty I wonder whether you as Military Commander of this District would be willing to carry out this sentence.

6. I can refer you to the procedure adopted by 5th Army in which those civilians sentenced to death by AMG courts are executed by the Provost Company.

7. If you agree I will obtain the formal consent from the Ministry of Justice for this sentence to be carried out by you, having regard, to the status of Salerno in King's Italy.

A. E. Young

7720

A. E. YOUNG
Colonel,
Deputy Chief,
Public Safety
Sub-Commission

911

NEAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Public Safety Sub-Commission
APO 394

26 April 1944

AOC/14212/TS

SUBJECT : DI LANDRO Filippo
Sentenced to death by AMG Court

TO : Army Sub Commission

1. On 25th Jan. 1944 DI LANDRO Filippo a civilian was sentenced to death by an Allied Military Government Court. The death sentence was confirmed by the Commander in Chief Allied Forces on 27th February 1944.

2. DI LANDRO is now awaiting execution in Salerno Jail.

3. On 15th March 1944 Major Green, Public Safety Officer Salerno Province wrote to the Questore of Salerno requesting that arrangements be made for the sentence of death to be carried out forthwith.

4. It now appears that since the Questore has no means of carrying out a death sentence this civilian must be executed by the Italian Military Authorities.

5. It is requested that the Supreme Commander, Italian Army, be told to carry out the execution in conjunction with the Questore of Salerno who is in possession of the orders confirming the sentence of death.

6. Since the condemned man has now been languishing in Salerno jail for three months it will be realised that the execution should be carried out without further delay.

Paul G. Kirk
PAUL G. KIRK
Colonel, Inf.
Chief, Public Safety
Sub-Commission

PAT/hgd

2. DI LANDRO is now awaiting execution in Salerno Jail.
3. On 15th March 1944 Major Green, Public Safety Officer Salerno Province wrote to the Questore of Salerno requesting that arrangements be made for the sentence of death to be carried out forthwith.
4. It now appears that since the Questore has no means of carrying out a death sentence this civilian must be executed by the Italian Military Authorities.
5. It is requested that the Supreme Commander, Italian Army, be told to carry out the execution in conjunction with the Questore of Salerno who is in possession of the orders confirming the sentence of death.
6. Since the condemned man has now been languishing in Salerno jail for three months it will be realised that the execution should be carried out without further delay.

PAUL G. WIRK
Colonel, Inf.
Chief, Public Safety
Sub-Commission

PAW/REG

Lt. Col. Quinn Smith
stated on 26th April 1944 that
the Supreme Commander of the
Italian Army was not
competent to execute a civilian
prisoner of war
7720
7720

Ministry of War

April 18, 1944

Subject: Ali Landro Filippo, sentenced to death by an I.M.G. Court.

Attached #1 (omitted)

To: - Allied Command of Campagna - Naples

For information

Ministry of Grace & Justice - Salerno

Public Safety Sub Commission, ACC - AP0394

Public Safety Sub-Commission, ACC, has written to the Ministry, letter dated April 13, 1944, ACC 14212/PS, translation of which is attached ~~herewith~~ ^{herein}.

Since there is no precedence on the question and since the I.M. letter does not inform us whether the crime was committed ~~by the~~ the convicted, Ali Landro Filippo, committed the crime as a soldier or as a civilian, we are asking your Command to ascertain the facts from the proper authorities and the steps taken in the said matter.

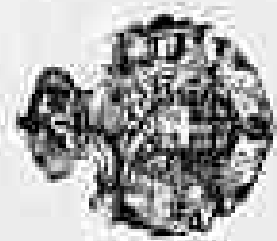
For information

Ministry of Peace & Justice - Solano
Public Safety Sub Commission, ACC - APO394

Public Safety Sub-Commission, ACC, has
written to the Ministry, letter dated April 12, 1944,
ACC 14212/PS, translation of which is attached ~~herewith~~
herein.

Since there is no precedence on the question
and since the a/m letter does not ~~imply~~
~~whether the crime was committed~~ ~~to the~~
the Commission, Liodoro Filippa, committed the crimes
as a soldier or as a civilian, we are asking your
Command to ascertain the facts from the
proper authorities and the steps taken in
the said matter.

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MINISTERO DELLA GUERRA

GABINETTO

N. di prot. 5651/1
10.8.168

Lecce li 18 APR 1944 194

OGGETTO: DI LANDRO Filippo, condannato a morte dalla Corte
dell' AMG.=

Allegati: n° 1 (omesso).

AL COMANDO DELLE FORZE ARMATE DELLA CAMPANIA

= NAPOLI

e, per conoscenza:

AL MINISTERO DI GRAZIA E GIUSTIZIA

= SALERNO

A HEAR HEADQUARTERS A.C.C. - PUBLIC SAFETY
SUB COMMISSION

= A.P.O. 394

La Sottocommissione della Sicurezza pubblica della Commissione Alleata di Controllo, ha trasmesso a questo Ministero il foglio A.C.C./ 14212/PS in data 12 aprile u.s. che si allega in copia, tradotto.

Poichè presso questo Ministero non vi sono precedenti della questione e poichè dal foglio predetto non risulta neppure se la condanna del DI LANDRO Filippo sia conseguita a reati commessi come militare o come civile, preghi codesto Comando compiacersi compiere presso le competenti autorità locali gli accertamenti del caso e riferire in merito all'attuale posizione del giudicato ed ai provvedimenti adottati od in corso nei suoi confronti.

d'ordine
IL CAPO DI CABINETTO
(Col.R. Fiore-Vernazza)

OGGETTO: DI LANDRO Filippo, condannato a morte dalla Corte

dell' AMG.=

Allegati: n° 1 (nesso)

AL COMANDO DELLE FORZE ARMATE DELLA CAMPANIA

= NAPOLI

e, per conoscenza:

AL MINISTERO DI GRAZIA E GIUSTIZIA

= SALERNO

A REAR HEADQUARTERS A.C.C. - PUBLIC SAFETY

SUB COMMISSION

= A.P.O. 394

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d'ordine

IL CAPO DI CABINETTO
(Col. R. Fiore-Vernazza)



772.

1-1/59

HEAD HEADQUARTERS
ALLIED CONTROL COMMISSION
Public Safety Sub-Commission
APO 394

File 7A
B/F. 26/4/44
28 April 1944

ACC/14212/PS

SUBJECT: DI LANIRO Filippo sentenced to death
by AMG Court.

TO : Minister of War.

6A

1. Your attention is invited to this HQ letter ACC/14212/PS dated 12 April 1944, concerning the above.
2. Please expedite your reply.

[Signature]

7720

PAUL G. FIRE
Colonel, Inf.
Chief, Public Safety
Sub-Commission

hnd

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Public Safety Sub-Commission
APO 394

File 6A

ACC/14219/P3

17 April 1944

SUBJECT: DI LANTRO Filippo sentenced to death by AMG Court.

TO : Minister of War.

attention

1. On 25th Jan. 1944 DI LANTRO Filippo was sentenced to death by an Allied Military Government Court. The death sentence was confirmed by the Commander in Chief Allied Forces on 27th February 1944.

2. DI LANTRO is now awaiting execution in Salerno Jail.

3. On 15th March 1944 Major Green, Public Safety Officer Salerno Province wrote to the Questore of Salerno requesting that arrangements be made for the sentence of death to be carried out forthwith.

4. On 17th March 1944 a letter was written from the Ministry of Justice to the Questore of Salerno to the effect that the matter would have to be referred to the competent Procuratore Militare del Re.

5. Major Green was informed by the Questore of Salerno that the matter had in fact been referred to the Procuratore Militare del Re by the Minister of Justice.

6. As the prisoner is still languishing in Salerno Jail can it please be stated whether or not arrangements have been made for the execution and the date on which the execution will take place.

Whillcox
PAUL S. BIRN Major
Colonel, Inf.
Chief, Public Safety
Sub-Commission

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(COMMISSIONE CONTROLLO ALLEATO
Provincia di Salerno

15 Marzo 1944

OGGETTO: SENTENZA DI MORTE

Al: Sig. PALMA Umberbo - Questore di Salerno

Ho da rimetterVi, qui alligate, copie di due ordini da me ricevute confermando la sentenza di morte pronunciata ad uno DI LANDRO Filippo, che è stato condannato a morte da un Tribunale Generale Militare Alleato a Salerno il 25 Gennaio 1944 e per domandarVi di prendere i necessari accordi per l'esecuzione immediata della sentenza.

(firmato) F. G. Green
Maggiore - Ufficiale Polizia Provinciale.

Quanto sopra, dalla mia cognizione d'inglese, è una fedele traduzione dall'originale.

Emilio S. Farinas
addetto al Ministero dell'Interno, distaccato presso la R. Questura di Salerno.

7724

COPIA DELL'ORDINE CONFERMANDO LA SENTENZA
DI MORTE.

Mod. N° J 3
Serie N° 620

GOVERNO MILITARE ALLEATO
DECISIONE DI ESAME

Al: S.C.A.C. (per S.I.C.) Provincia di Salerno

Dal: Quartier Generale

Tribunale (dire se Generale, Superiore o
Ordinario): Tribunale GENERALE

di stanza a: Salerno

Nome dell'accusato: DI LANDRO Filippo

Data della dichiarazione di colpevolezza: 25 Gen-
naio 1944

Sentenza: Morte

Decisione dell'esame: DICHIARAZIONE DI COLPEVOLEZZA
E SENTENZA CONFERMATA. La sen-
tenza di morte confermata dal
C.C. il 27 Febbraio 1944

Firmato) G.R. Upjohn (colonnello)

Data) 27 Febbraio 1944

Certifico vera copia dell'ordine
(firmato) P.G. Green
Maggiore, Ufficiale Polizia Provinciale.

7720

Quanto sopra, dalla mia cognizione d'inglese,
è una fedele traduzione dall'originale. *Enrico P. Farina*
addetto al Ministero dell'Interno presso la Questura, Salerno

(COPIA DELL'ORDINE CONFERENTE
LA SENTENZA DI MORTE

OGGETTO: Conferma della Sentenza di Morte imposta a
DI LANDRO Filippo

A: Ufficiale Legale Capo

In conformità con l'art.VIII del Proclama
N°4 ed i poteri ~~xxx~~ delegati a me sottoscritto dal
Generale ALEXANDER il 7 Febbraio 1944, Io confermo
la sentenza di morte imposta a DI LANDRO Filippo dal
Tribunale Militare Generale a Salerno il 25 Gennaio
1944

firmato) Noel Mac Farlane,
Tenente Generale
Capo Questore

27 Febbraio 1944"

Certifico vera copia dell'ordine
firmato) F.G.Green
Maggiore - Ufficiale Polizia Provinciale.

quanto sopra, dalla mia cognizione d'inglese,
è una fedele traduzione dall'originale.

Emesto E. Farinas

addetto al Ministero dell'Interno, distacca-
to presso la R. Questura di Salerno.

7724

Allied ~~Military~~ ~~Government~~ Commission

Region 2. Headquarters

OFFICE OF THE REGIONAL POLICE AND PUBLIC
SAFETY OFFICER

Your ref. _____

My ref. PS/30

11 Feb 44

Subject Death Penalty

To : Col. P. Kirk,
Chief, Public Safety Sub-Commission,
Allied Control Commission, Headquarters.

At present in Region 2, I have 3 persons under sentence of death, which in each case awaits confirmation by C. in C.

Will you therefore, please forward to me the directions on the subject of execution, in order that I may readily be able to put into operation the sentences, should they be confirmed.

P.E. Corhead

P.E. Corhead,
Major,
R.C.P.S.

PMC/GAS

7721

Headquarters
Allied Control Commission
Public Safety Sub-Commission

Administrative
of Public Safety

Folio for action/information.

- ~~C.S.~~.....
- ~~D.C.P.S.~~.....
- ~~Civil Police~~.....
- ~~Special Police~~.....
- ~~Prisons~~ 4.7.58.....
- ~~Fire & CB~~.....
- ~~Reg. & Licensing~~.....
- ~~Police~~.....

Remarks... Please keep in touch with major Wright, legal re these cases. Capt. Coxhead has been told verbally that special instructions will be issued if it is necessary to carry out the death sentence.

PA \$ 25/2

ALLIED CONTROL COMMISSION
SALERNO PROVINCE

PS/Q/16/44

8 APRIL 1944

OGGETTO: Condanna a Morte di DI LANDRO Filippo di Luigi e di
Cuomo Ausilea.

AL : Signor Questore - Provincia di Salerno.

Crediamo necessario attirare la sua attenzione circa il fatto che la condanna della Corte sul conto del sopra notato non è stata effettuata.

Una lettera mandata dall'ufficio di Pubblica Sicurezza, Commissione Alleata di Controllo, Salerno, il 15 marzo, richiesi che questa condanna sia stata eseguita senza indugio.

Resta inteso che la pratica è stata riferita dal Ministero di Grazia e Giustizia al Procuratore Militare del Re.

La prego informarmi della posizione attuale e quando crede che l'Ordine della Corte, che è stato confermato dal Commandante Capo, sarà eseguita.

Major CAMPBELL
LEGAL.

H. P. Archiburn

Ten. Colonello - Commissario
Provinciale.

EGG
EMP



MINISTERO DI GRAZIA E GIUSTIZIA

DIREZIONE GENERALE AFFARI PENALI

Proloc. N. 25035

Risp. al foglio N. 5523/314. Sub. Salerno 11, 17 marzo 1944
del 15-3-1944

OGGETTO: Esecuzione della condanna a morte di
DI LANDRO Filippo fu Luigi.-

AL QUESTORE DI = SALERNO =

ALLA SOTTOCOMMISSIONE LEGALE DI
CONTROLLI = SALERNO =

AL PROCURATORE DEL RE

= SALERNO =

La richiesta della esecuzione della pena
di morte relativa al condannato in oggetto da
voi essere rivolta al competente Procuratore
Militare del Re sia perché la legge italiana
ha abolito la pena di morte per i civili, sia
perché trattasi di un condannato dal Tribunale
Militare Allente.-

IL MINISTRO

7710

F/te Gasti Ettore

MEMORIA

E' venuto il Procuratore del Re di Salerno, accompagnato da un commissario di P.S., latere quest'ultimo di una lettera della locale Questura con cui si chiedeva l'intervento del Procuratore del Re per l'esecuzione capitale di tal Di Landro, condannato a morte da un tribunale militare Alleato (condanna confermata dalla competente Corte in seconda istanza).

Il Proc. Del Re ha fatto presente di non essere egli competente per l'esecuzione della suddetta condanna, in quanto dopo il 25 luglio la pena di morte prevista dal cod. pen. comune è stata abrogata. Ritiene che nel caso la competenza dovrebbe essere del tribunale militare (procura del Re).

avv. 584 x 88

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MINISTERO DI GRAZIA E GIUSTIZIA

IL Sig. Questore Comm. Palermo

da chiede di conferire

con il Comm. Spinelli

sul seguente oggetto (precisare l'oggetto):

rapporto di servizio

Quintana

il 1944.

771



R. QUESTURA DI SALERNO

Divisione Cap. N. di Prot. 5223/2

Addi 15 Marzo 1944.

Risposta a nota

Al ON. IL MINISTERO SPAZIA E GIUSTIZIA

OGGETTO: Condanna a morte di Di Landro Filippo di Luigi e di Onomo Ausilia, nato a Maioni il 31.7.1900, residente ad Analfi, faccino-Executione.

di

SALERNO

Allegati n° 6

RISERVATA

Trasmetto l'unito incarto pervenutomi dal Maggiore Green, Ufficiale di Polizia Provinciale presso la Commissione Controllo Alleata della Provincia di Salerno, relativa alla esecuzione della condanna di morte del connazionale Di Landro Filippo in oggetto generalizzato, per le opportune disposizioni, facendo presente che per l'esecuzione bisognerà richiederne l'intervento dello special plotone di esecuzione di Agenti di P.S. presso la R. Questura di Napoli.

Tavio anche la traduzione in italiano della nota del Maggiore Green a me diretta, nonché della copia della decisione dell'esame e della conferma della condanna, e resto in attesa di conoscere tempestivamente la data in cui dovrà essere eseguita la condanna.

RE. =

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IN AUTORE
W. Salvo

ALLIED CONTROL COMMISSION
SALERNO PROVINCE

4A

COPY ORDER CONFIRMING DEATH SENTENCE

Form No. J 3
Serial No. 620

ALLIED MILITARY GOVERNMENT

DECISION ON REVIEW

To the S.C.A.O. (for S.L.O.) Province of SALERNO

From H.Q.

Court (state whether General, Superior or Summary) GENERAL Court

sitting at SALERNO

Name of Accused DI LANDRO Filippo

Date of Conviction 25 January 1944

Sentence DEATH

Decision on Review CONVICTION AND SENTENCE AFFIRMED. Death sentence confirmed by C.C. on 27 February 1944

Signed: G. R. Upjohn
(Colonel)
Date: 27 February 1944 "

Certified true copy of order

H. Green.

7710

ALLIED MILITARY GOVERNMENT

DECISION ON REVIEW

To the S.C.A.O. (for S.I.O.) Province of SALERNO

From H.Q.

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Signed: G.R. Upjohn
(Colonel)

Date: 27 February 1944 "

Certified true copy of order

H. Green.

Major - Provincial Police Officer.

7710

ALLIED CONTROL COMMISSION
SALERNO PROVINCE

3A

15 MARCH 1944

SUBJECT: SENTENCE OF DEATH

TO : SIGNOR PALMA Umberto - Questore di Salerno

I have to hand to you herewith copies of two orders received by me confirming the sentence of death passed on one DI LANDRO Filippo, who was sentenced to death by an Allied Military General Court at Salerno on the 25th January 1944, and to ask that you make the necessary arrangements to have the sentence executed forthwith.

H. Green.

Major - Provincial Police Officer

ALLIED CONTROL COMMISSION
SALERNO PROVINCE

2A

COPY ORDER CONFIRMING DEATH SENTENCE

" SUBJECT : Confirmation of Death Sentence imposed on DI LANDRO FILIPPO

TO : Chief Legal Officer

In accordance with Article VIII of Proclamation No. 4 and the powers delegated to me thereunder by General ALEXANDER on 7 February 1944 I hereby confirm the sentence of death imposed on DI LANDRO FILIPPO by a General Military Court at Salerno on 25 January 1944.

(Signed) Noel Mac Farlane,
Lieutenant General
Chief Commissioner.

27 FEBRUARY 1944"

Certified true copy of order.

H. Green
Major - Provincial Police Officer.

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