

ACC

10000/143/1072

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REPORTS BY CCRR, AC CIRCULAR
MAY 1946

MINUTE 1

TO : CIVIL AFFAIRS SECTION

Please see 1a. Some weeks ago the C I C agent in Florence and Pisa requested from the CC.RR. Legion Commander, a copy of his monthly political report to H/Q Rome. This report is confidential, and the Legion Commander feared that the particulars of his report would become known to Italian civilian personnel in the employ of C I C. He therefore consulted CC.RR. H/Q Rome, who replied that information could be supplied verbally to authorized Allied officers, but copies of confidential reports should not be supplied. Before this reply was sent by the Commanding General, the matter was discussed with this Sub-Commission and our agreement obtained.

Experience has shown that American Military Police in the area in question are not particularly well aware of the limits of their responsibility as far as the public and civil police forces are concerned.

2A has been prepared for signature.

Ext. 866
14/5/1946

E. J. Byrne
E. J. BYRNE Colonel

2812

Public Safety S/C

HEADQUARTERS
MEDITERRANEAN THEATER OF OPERATIONS
UNITED STATES ARMY
APO 512

*ADP ETO 3^A
Bel 1
2 1st*

AG 384/062 C/S-0

9 May 1946

SUBJECT: Procedure on Arrests, Searches and Seizures of Italian Persons and Property.

TO : Commanders of all Major Commands, Separate Units and Installations

1. Pursuant to the Terms of Restoration of Additional Italian Territory, the Supreme Allied Commander has restored to the jurisdiction of the Italian government certain territory embracing all the mainland of Italy and adjacent islands, except for the Provinces of Udine and Venezia-Giulia, without prejudice to any rights and powers of the Allied Nations under the Italian Armistice, and subject to the right to maintain and quarter troops and to maintain and operate facilities, utilities, installations and supplies as may be required by the Allied Forces in the unoccupied territory. Pursuant to the resumption of jurisdiction by the Italian government, and apart from the powers stated, the authority over Italian persons and property by the United States Military Authorities in Italy, exclusive of the Provinces of Udine and Venezia-Giulia is, in the absence of the exercise by the Supreme Allied Commander of any reserved powers, limited to that described in this order.

2. The United States Military Forces have the right to arrest and detain for trial by Italian courts or request the Italian Government to arrest and detain for trial any Italian persons suspected of committing an offense or crime against United States Military laws and regulations, or against Italian laws and regulations, within United States military installations, camps, and other areas and buildings especially used by such forces.

3. Outside of locations listed in paragraph 2 above, all searches, seizures, arrests, and/or detention by United States Military Forces of Italian persons and property are prohibited except as hereinafter authorized.

4. United States Military authorities are authorized to search, detain and/or seize Italian held property and search, seize and/or arrest, independent of Italian authorities, Italian persons where a criminal act is committed in their presence.

5. The "hot pursuit" of a suspect is authorized, independent of Italian Authorities. "Hot Pursuit" is defined as the right to pursue any person in flight where reason exists to suspect his connection with a criminal act.

6. Except as authorized herein, arrest, detention and/or search of Italian military personnel, and search of Italian military property will be handled exclusively by the Italian authorities. Cooperation and assistance by United States military personnel when requested by the Italian authorities will be furnished only when the security of United States persons or property is involved.

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7. Arrest, detention and/or search of Italian civilians and detention, search and seizure of Italian civilian vehicles or property, except as authorized herein will not be made except in conjunction with, and with the approval of, the proper Italian authorities.

8. Whenever there is reason to believe that crimes or offenses against United States military persons or property have been or are about to be committed, except as covered in paragraphs 2, 4 and 5 of these instructions, it is the duty of the proper United States military official to make known immediately the situation to the Italian law enforcement agencies and to request and urge necessary action. While cooperation will be given the Italian officials in such cases, the power of arrest, detention and seizure remains with the Italian authorities.

9. Brutality, unnecessary roughness and other similar "third degree" methods will not be engaged in by United States military personnel.

10. Road blocks for the search, and seizure of Italian persons and Italian held property will be operated only with the cooperation of Italian authorities. When so operated they shall be governed by specific instructions from the proper United States military authority. The policy will be that so far as practicable all interrogation, searching and seizing of Italians and property held by them shall be done by the Italian authorities. Where, in the operation of a road block, it is necessary for United States military personnel to participate actively, care will be taken to assure that such participation is in conformity with the desires of the local Italian authorities. Italians arrested or property seized will be held by the Italian authorities. Where property is of undoubted United States Government ownership it may, at the discretion of the United States authorities, be taken under United States military custody.

11. Italians arrested or detained will be turned over to Italian custody at the earliest practicable time, with a statement of the offense for which they are arrested or the reason why detention is desirable and with a request for confinement where appropriate. All cases of continued confinement by United States military authorities will be reported promptly to the Commander of the Major Command concerned.

12. Interrogation of Italian persons in connection with the investigation of matters within the limitations of these instructions may be conducted by United States military authorities without the presence or assistance of Italian authorities. Force or coercion may not be exercised to secure the attendance of persons aforesaid, or to obtain testimony. Full use of Italian law enforcement agencies will be made to secure witnesses and evidence.

13. It is for the mutual benefit of all concerned that interrogation, searches, seizures, detentions and/or arrests of Italians shall be in conformity with Italian law. Any failure of Italian authorities to cooperate or to

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perform their legal duties will be reported through channels to this head-
quarters without delay.

BY COMMAND OF LIEUTENANT GENERAL LEE:

Ralph C. Tilley
RALPH C. TILLEY
Colonel, AGD
Adjutant General

DISTRIBUTION:
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HEADQUARTERS ALLIED COMMISSION
Civil Affairs Section
APO 394

AC/14349/ES

16 May 1946

SUBJECT : Reports by Carabinieri - A.C. Circular.
TO : Assistant Chief of Staff, G-3, H/Q P.B.S.

1. Reference is made to your EPSCOT dated 7th May 1946.
2. There is no Allied Commission circular dated 31st March 46 forbidding investigations by Carabinieri.
3. With the exception of the province of Udine, the control of the Italian Police Forces has now passed from the Allies to the Italian Government. Accordingly the Italian Police Forces cannot be "required" to make investigations for, or give information to Allied agencies.
4. In practice it has always been found that the Italian police are only too willing to co-operate in any way with Allied Police agencies. The Commanding General Carabinieri has ruled that information of a confidential nature, such as political information, may be given verbally to authorized Allied officers but written information or copies of reports should not be supplied by Legion Commanders. This ruling is supported by this Headquarters. *See 3^A*
5. Your attention is called to STOUA Circular AG 384/062 G/S-3 dated 9 May 46 which was issued after the receipt of your letter.

For the Chief Commissioner

M. CARR, Brigadier
V.P., Civil Affairs Section.

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HEADQUARTERS PENINSULAR BASE SECTION
Office of the Assistant Chief of Staff, G-3
APO 782, US Army

BPGCT

HJE/cwk
7 May 1946

SUBJECT: Allied Commission Circular.

TO : Public Safety Sub-Commissioner, Allied Control Commission,
APO 794, US Army.

1. Harry A. BRUBAKER, Special Agent in Charge of the Florence Office of the Counter Intelligence Corps, reported to this office that the Carabinieri Reale in Florence has been forbidden to make investigations for, or give information to, Allied agencies. It was explained to Mr. BRUBAKER, that such investigations were forbidden by an Allied Commission circular dated 31 March 1946.

2. It would be appreciated by this office if you would check your files for the existence of such a circular, or any directive on which the above interpretation might have been placed, and forward a copy of same.

Albert Whipple Morse Jr.
ALBERT WHIPPLE MORSE JR.,
Lieutenant Colonel, G.S.C.,
Acting AC of S, G-3.

Hollister

Any knowledge please

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