

ACC 10000/145/488

CIVIL AFFAIRS HANDBOOK ON ITALY

SECTION THREE - ON LEGAL AFFAIRS

-1-1-

5

CONFIDENTIAL

Preliminary Draft

CIVIL AFFAIRS HANDBOOK

on

I T A L Y

Section Three

on

2921

L E G A L A F F A I R S

10000

/ 145 / 488

THIS FOLDER
CONTAINS PAPERS
FROM
TO *No date*
CATALOGUE-

Preliminary Draft

CONFIDENTIAL

CONFIDENTIAL

CIVIL AFFAIRS HANDBOOKS

TOPICAL OUTLINE

1. Geographical and Social Background
2. Government and Administration
3. Legal Affairs *
4. Government Finance
5. Money and Banking
6. Natural Resources
7. Agriculture
8. Industry and Commerce
9. Labor
10. Public Works and Utilities
11. Transportation systems
12. Communications
13. Public Health and Sanitation
14. Public Safety
15. Education
16. Public Welfare

* This study on Legal Affairs in Italy was prepared for the Military Government Division of the Office of the Provost Marshal General by the Office of Strategic Services.

CONFIDENTIAL

CIVIL AFFAIRS HANDBOOKSTOPICAL OUTLINE

1. Geographical and Social Background
2. Government and Administration
3. Legal Affairs
4. Government Finance
5. Money and Banking
6. Natural Resources
7. Agriculture
8. Industry and Commerce
9. Labor
10. Public Works and Utilities
11. Transportation systems
12. Communications
13. Public Health and Sanitation
14. Public Safety
15. Education
16. Public Welfare

CONFIDENTIALINTRODUCTIONPurposes of the Civil Affairs Handbook.

International Law places upon an occupying power the obligation and responsibility for establishing government and maintaining civil order in the areas occupied.

The basic purposes of civil affairs officers are thus (1) to assist the Commanding General of the combat units by quickly establishing those orderly conditions which will contribute most effectively to the conduct of military operations, (2) to reduce to a minimum the human suffering and the material damage resulting from disorder and (3) to create the conditions which will make it possible for civilian agencies to function effectively.

The preparation of Civil Affairs Handbooks is a part of the effort of the War Department to carry out this obligation as efficiently and humanely as is possible. The Handbooks do not deal with planning or policy. They are rather ready reference source books of the basic factual information needed for planning and policy making.

Revision for Final Publication.

Significant area information is immediately needed (a) for civil affairs officers charged with policy making and planning, (b) for the use of civil affairs officers-in-training and (c) to make certain that organized data is in hand, whenever events require it.

Arrangements were therefore made with the cooperating agencies to organize all immediately available material in accordance with a prepared outline. Hence, this section on Public Welfare in Italy was hastily assembled to meet emergency needs and should be considered a preliminary draft only. It is being revised with special emphasis upon recent developments in the field of Public Welfare.

OFFICERS USING THIS MATERIAL ARE REQUESTED TO MAKE SUGGESTIONS AND CRITICISMS INDICATING THE REVISIONS OR ADDITIONS WHICH WOULD MAKE THIS MATERIAL MORE USEFUL FOR THEIR PURPOSES. THESE CRITICISMS SHOULD BE SENT TO THE CHIEF, SURVEY AND RESEARCH SECTION, MILITARY GOVERNMENT DIVISION, F.M.G.O., 2805 MUNITIONS BUILDING, WASHINGTON, D. C. (OR PHONE WAR DEPARTMENT EXTENSION 76370).

CONFIDENTIAL**LEGAL AFFAIRS -- ITALY****CONTENTS**

a. Judicial System	Page 1
(1) General Principles.	1
i. A national judicial system	1
ii. Constitutional provisions	1
iii. The Ministry of Justice	1
iv. Jury.	1
v. Judicial employment of public force	1
vi. Capital punishment	2
vii. The judicial system under Fascism.	2
(i) The rise of Fascism	2
(ii) Appointment and removal of judges	2
(iii) Corruption and interference.	3
(iv) Actions against state or party	3
(2) The Magistracy	3
i. A career service	3
ii. Qualifications.	4
iii. Grades and hierarchies of magistracies	4
iv. Remuneration.	4
v. The Pubblico Ministero.	4
(3) The Courts	4
i. Organization.	4
(i) Local magistrates or justices	4
(ii) Praetors	5
(iii) Tribunals	5
(iv) Courts of Appeal.	6
(v) Assize Courts.	7
(vi) Supreme Court of Cassation	7
ii. Civil jurisdiction.	7
(i) Offices of Conciliation.	8
(ii) Praetorates.	8
(iii) Tribunals	9
(iv) Courts of Appeal	9
(v) Supreme Court of Cassation.	9
iii. Criminal jurisdiction.	9
(i) Praetorates	9
(ii) Tribunals.	10
(iii) Courts of Assize	10
(iv) Supreme Court of Cassation	10
(4) Special Jurisdictions.	10

CONFIDENTIAL

-3-

Removal of judges who act incompatibly with the Government's policy is authorized by the law of December 24, 1925, no. 2300, which made judges dismissable by summary action of the Government after a special meeting of the Cabinet. This law deprives judges of their constitutional guarantee of irremovability (sec. 11, above), which was always considered the best defense of their independence.

(iii) Corruption and interference.

Judicial corruption for the sake of money is still rare. Attempts by political personages to interfere with the course of justice are common, however, especially in the Fascist-created Labor Courts (see 3, below). Litigants in important civil cases frequently engage an outstanding political figure as counsel for the sole purpose of influencing the judge; whereupon the other party will often engage another political figure on his side in order to reestablish the balance of political influence. The same methods are used with expert witnesses, arbitrators, etc.

In criminal cases things are somewhat worse. The Fascist Party can stop a suit or distort its character. Fascist influence is frequently brought to bear before the case reaches the court for trial -- i.e., during the period of investigation (fase istruttoria) -- when pressure is put on the Public Prosecutor to shelve the case. The Party itself also commits illegal acts and abuses, with which the criminal judges are relatively powerless to deal.

(iv) Actions Against State or Party. Generally speaking, it is possible to go to law against the Crown. In some cases, however, a direct administrative action or some form of pressure has prevented any possibility of rights being obtained.

A legal action against bodies connected with the Fascist Party (except for a possible action brought by employees to secure what was due them) would be difficult to conceive. Anyone bold or rash enough to sue the Fascist Party or its emanations would be penalized by political action, such as the withdrawal of his Party membership card or the loss of his job.

(2) The Magistracy.

i. A career service. Judicial positions are ordinarily filled by career men, who start in the lowest rank of a professional hierarchy and rise through a regular succession of grades. (Exception is made for certain law professors and distinguished court attorneys.) Candidates are selected on the basis of open competitive examination, but their political orientation is also closely scrutinized (see sec. (1) above). Magistrates above the lowest grade are chosen, promoted, changed, and recalled by the King-Emperor, on the proposal of the Minister of Justice.

CONFIDENTIAL

CONFIDENTIAL

-4-

ii. Qualifications. The following personal, educational, and political qualifications are required for admittance to judicial functions: Italian citizenship, Italian race, male sex, Fascist Party membership, exercise of civil rights, and exemplary civil, moral, and political conduct.

iii. Grades and hierarchies of magistracies. Following are the several grades in the judicial hierarchy, from lowest to highest (for their functions see sec. (3), below):

Judicial Auditor (uditore giudiziario).
 Judicial Assistant (aggiunto giudiziario).
 Judge (giudice); Praetor (pretore).
 Councilor (consigliere) of a Court of Appeal; First Praetor (primo pretore).
 Councilor of the Supreme Court of Cassation.
 First President of a Court of Appeal; Section President of the Supreme Court of Cassation.
 (See sec. (v), below).
 First President of the Supreme Court of Cassation.

iv. Remuneration. The extremely low remuneration of the lower categories of the judiciary (up to and including the third grade) has always been a noteworthy feature of the Italian judicial system, resulting in scarcity and overwork of judges.

v. The Pubblico Ministero (Public Ministry). This agency represents the executive power (under the Ministry of Justice) before the judicial authority. Its functions resemble those of the American Public Prosecutor. It initiates and prosecutes criminal actions, and also prosecutes civil actions on behalf of the state. Positions in the Pubblico ministero, as in the judiciary, are filled by career men, who rise through the following grades:

Judicial Auditor.
 Judicial Assistant.
 Deputy Procurator of the King-Empereor (sostituto procuratore del Re Imperatore).
 Deputy Procurator General of a Court of Appeal.
 Deputy Procurator General of the Supreme Court of Cassation.
 Procurator General before a Court of Appeal; Attorney General (avvocato generale) before the Supreme Court of Cassation.
 Procurator General before the Supreme Court of Cassation.

(3) The Courts.

1. Organization. Ordinary justice is administered by

(i) Local magistrates or justices (giudici conciliatori), sitting at the Offices of Conciliation (Uffici di conciliazione), for civil cases only.

CONFIDENTIAL

CONFIDENTIAL

-5-

There are about 7600 Offices of Conciliation. At least one local magistrate functions in every commune; where a commune has more than one judicial district (mandamento giudiziario), there is a magistrate for each; where communes are subdivided into villages or boroughs (borghate), fractions (frazioni), or quarters (quartieri), district Offices of Conciliation can be established by Royal decree.

Most Offices of Conciliation have one or more vice magistrates (vice conciliatori), who presumably can act when no magistrate is available.

The office of magistrate and vice magistrate is honorary and without pay. Qualifications are Italian citizenship, Italian race, male sex, Fascist Party membership, residence in the commune, and age not less than 25 years. A pointment is made for a term of three years by decree of the First President of the district Court of Appeal, upon designation of the district Procurator General.

(ii) Praetors (pretori), sitting as single magistrates at the Praetorates (preturati), for civil and criminal cases.

There are 986 praetorates, each in a judicial district (mandamento); also 360 detached praetorates (sedi distaccate di pretura), making 1346 in all. Detached praetorates can be created or suppressed by Royal decree on the proposal of the Minister of Justice, by agreement with the Minister of Finance. Thirty-seven of the praetorates are divided into civil and criminal sections, and there may be special civil sections.

Each praetorate is administered by the titular praetor, or praetor in charge, except that in some praetorates there are first praetors (primi pretori) who outrank the regular praetors. Each praetorate may also have one or more subordinate magistrates and honorary vice praetors. Judicial assistants (magistrates of the second grade) serve as subordinate magistrates; certain qualified judicial auditors (magistrates of the first grade) can act as vice praetors. Honorary vice praetors cannot as a rule hold hearings except in the absence or incapacity of the titular magistrate and the subordinate magistrates.

(iii) Tribunals (tribunali), comparable to county courts, for civil and criminal cases.

There are 142 tribunals, one for each judiciary division. A tribunal can be constituted in sections for civil matters, for corporate controversies, for criminal matters, and for appeals.

The number of magistrates assigned to each section depends on the requirements of the service. Where a tribunal is constituted in sections, the president of the tribunal (chief magistrate) normally presides over the first section, but may preside over any section. The other sections are normally presided over by their respective presidents.

CONFIDENTIAL

CONFIDENTIAL

-6-

Decisions are rendered by a vote of three magistrates.

(iv) Courts of Appeal (corti d'appello), for civil and criminal cases.

There are 18 regular courts of appeal, and six detached sections of courts of appeal. In general each administrative region has one court of appeal, but Veneto has three and Lombardy two, while the court of appeal of Bari (Apulia) also provides for the region of Basilicata. Detached sections of courts of appeal are located in the most important districts.

Following are the locations of the courts of appeal and detached sections:

- | | |
|------------------------------|--------------------------------------|
| 1. Genoa | 13. Perugia (detached section) |
| 2. Turin | 14. L'Aquila |
| 3. Milan | 15. Naples |
| 4. Brescia | 16. Potenza (detached section) |
| 5. Venice | 17. Bari |
| 6. Trento (detached section) | 18. Lecce (detached section) |
| 7. Trieste | 19. Catanzaro |
| 8. Fiume (detached section) | 20. Messina |
| 9. Bologna | 21. Catania |
| 10. Florence | 22. Palermo |
| 11. Ancona | 23. Caltanissetta (detached section) |
| 12. Rome | 24. Cagliari |

The courts of appeal are subdivided into several sections (not to be confused with the six detached sections), including the Courts of Assize, the Juvenile Courts, the Magistracies of Labor, and the sections functioning as Regional Tribunals for Public Waters.

Judges of the courts of appeal have the title of councilor (magistrate of the fourth grade). The first president of a court of appeal (a magistrate of the sixth grade) presides over the first section of the court, and can also preside over other sections. Otherwise, the other sections are presided over by their respective section presidents, who are specially designated councilors.

Certain special tribunals emanate from the courts of appeal:

Juvenile tribunals. A tribunal for minors is located in every seat of a court of appeal or detached section. It consists of a presiding magistrate with the grade of councilor of the court of appeal (fourth grade); a magistrate with the grade of judge (third grade); and an expert qualified by law (chosen for three years by Royal decree on the proposal of the Minister of Justice), who has the title of honorary judge and serves gratuitously. One or more deputies can be chosen.

CONFIDENTIAL

CONFIDENTIAL

-7-

Magistracy of Labor (magistratura del lavoro). A special section of each court of appeal functions as a magistracy of labor. It renders decisions with three magistrates (president of the section and two councilors), and two experts added from time to time.

Regional Tribunals for Public Waters. Sections of the courts of appeal in eight communes (Cagliari, Florence, Milan, Naples, Palermo, Rome, Turin and Venice) act as territorial tribunals for disputes relative to the utilization of public waters. Each such tribunal is supplemented by three functionaries of the Royal Corps of Civil Engineers (Corpo Reale del Genio Civile), who are designated by the president of the Superior Council of Public Works and named for a five-year term by Royal decree, upon the proposal of the Minister of Justice. This tribunal decides with three voting, including a technical functionary. Its decisions can be appealed to the Supreme Tribunal of Waters (Tribunale superiore delle acque pubbliche), which is composed of a first president of the court of appeal (presiding), four councilors of the Court of Cassation, four councilors of state, and three members of the Supreme Council for Public Works.

(v) Assize Courts (corti d'assise), for criminal cases only.

There are 91 assize court circuits, covering the whole territory of the kingdom.

The assize courts are, strictly speaking, sections of the courts of appeal.

(vi) Supreme Court of Cassation (Corte di cassazione), for civil and criminal cases.

There is a single Court of Cassation for the whole kingdom, with its seat at Rome. Its jurisdiction extends over all territory subject to the sovereignty of the Italian state.

The Court consists of several sections, civil and criminal. It is composed of the First President of the Supreme Court of Cassation (a magistrate of the highest grade), of eleven section presidents (magistrates of the sixth grade), and 87 councilors (magistrates of the fifth grade). The First President presides at hearings of all the sections together, and can preside at hearings by separate sections. Decision by a single section is rendered by seven voting; decision by all the sections together is rendered by 15 voting.

ii. Civil Jurisdiction.

[Note.--In studying the jurisdictions exercised by the different courts, it should be kept in mind that the praetorates, tribunals, and courts of appeal mentioned in this and in the following section are actually the same courts, acting in a dual capacity. In smaller towns the same court often has the same judges for both civil and criminal cases.]

CONFIDENTIAL

CONFIDENTIAL

-8-

Ordinary jurisdiction in civil matters is exercised in the first instance by either the Offices of Conciliation, the Praetorates, or the Tribunals.

(i) Offices of Conciliation.

The local magistrate has conciliatory and judicial functions in civil matters. He seeks an amicable composition of small controversies and, if conciliation fails, functions as a judge. In the exercise of his judicial functions, he must render decisions according to law and equity. His competency extends:

— with respect to personal property (movables), to cases involving not more than L 1,000, when by law competency does not lie with another judge;

— to cases of eviction upon termination of rental, and, in general, all cases of agreements for the rent of real property (immovables), the value of which does not exceed L 2,000.

He decides, according to equity, cases involving not more than L 600.

Appeal can be made from the local magistrate to the praetorate, provided the value involved is above a certain minimum.

(ii) Praetorates.

The praetor has both original and appellate jurisdiction in civil matters. His competency extends to cases involving not more than L 10,000, when they are not within the competency of the local magistrate. He has original jurisdiction in controversies involving corporative matters, and acts as a judge in guardianship matters (di giudice tutelare).

The praetor is competent, regardless of the value involved, in possessory actions; in cases concerning the fixing of boundaries (apposizione di termini) and the observance of distances fixed by law (planting of trees and hedges, etc.); in cases of eviction upon termination of a partnership in farming, and upon termination of rental when not within the competency of the local magistrate; and in cases relating to the measure of services, and to usages with respect to services, of the joint dominion of houses (cotenancy).

The praetor cannot deal with tax questions, which must go before the Tribunal.

Judgments rendered by the praetors in the exercise of their original jurisdiction can be appealed to the Tribunals.

CONFIDENTIAL

CONFIDENTIAL

-9-

(iii) Tribunals.

The tribunals have both original and appellate jurisdiction, and are competent in all matters not within the competency of a local magistrate or praetor. They have original and appellate jurisdiction in civil matters; original jurisdiction in individual controversies regarding corporative matters. They have exclusive competency in all tax and customs matters; in matters of status and capacity of persons; in actions of deceit (*querela di falso*); and, in general, in all matters where the value involved is undeterminable.

Judgments rendered by tribunals in the exercise of their original jurisdiction can be appealed to the courts of appeal.

(iv) Courts of Appeal.

The courts of appeal have appellate jurisdiction in civil matters in the case of sentences pronounced by the tribunals. They also have original jurisdiction in certain special cases concerning domestic relations, ecclesiastical law, etc., and are divided for such purposes into several sections.

(v) Supreme Court of Cassation.

This is Italy's high court of appeal, with jurisdiction over all territory subject to the Italian state. It is charged with maintaining the exact observance and uniform interpretation of the law, maintaining the observance of jurisdictional limits, and resolving conflicts of competency. It decides only on points of law and not on points of fact.

The court pronounces in civil matters against judgments delivered in second instance by the courts of appeal, the tribunals, and the praetors, and in judgments against which there is no appeal.

The court has three civil sections, each composed of seven members. Two civil sections act together in conflicts of jurisdiction, in decisions concerning competency, and in appeals against decisions of special jurisdiction; also in the case of judgments upheld by a re-sitting of the same court, where the second sentence is contested on the same grounds as the first.

iii. Criminal jurisdiction. In criminal matters the local magistrates have no jurisdiction, and ordinary jurisdiction is exercised by the praetors (minor crimes), tribunals (average crimes), and courts of assize (major crimes).

(1) Praetorates.

The praetors, sitting as single magistrates, exercise jurisdiction within their respective mandates in criminal matters involving a sentence of imprisonment or restriction of personal liberty of less than three years, or a fine of less than L10,000 (as of 1939).

CONFIDENTIAL

CONFIDENTIAL

-10-

Sentences pronounced by the praetors can be appealed to the tribunals.

(ii) Tribunals. The tribunals, with a bench consisting of a president and two judges, exercise original jurisdiction within the territory of their respective districts in criminal matters which do not fall within the competence of either the praetors or the courts of assize. They have appellate jurisdiction in the case of sentences delivered in first instance by the praetors.

(iii) Courts of Assize.

The courts of assize are strictly speaking sections of the courts of appeal, which have appellate jurisdiction with respect to criminal matters within their competency under the Code of Criminal Procedure and special laws.

They are competent in all ordinary cases involving capital punishment, life sentences, or imprisonment for not less than ten years (as of 1939). They also exercise exclusive jurisdiction over all political offenses, except those which come before the Special Tribunal for the Defense of the State or the Senate.

A court of assize is composed of a section president of the respective court of appeal; of a councilor of the court of appeal, a tribunal president, or a section president; and of a panel of five assessors chosen in accordance with law among men in private life.

There is no appeal against the sentences of the courts of assize.

(iv) Supreme Court of Cassation.

In criminal matters of the third instance the Court of Cassation pronounces (from the standpoint of law and not of fact) on all sentences in appeal, and on sentences against which there is no appeal.

The court has two criminal sections, composed of seven members each. Both sections unite in certain cases (one of which is that of an appeal against the sentence of a special jurisdiction.)

The lower magistracies must conform to sentences delivered by the Criminal Court of Cassation.

(4) Special jurisdictions.

i. Administrative bodies. The numerous special jurisdictions within the Italian legal system are generally composed of judicial and technical elements. Some of the most important, such as the Council of State, the Provincial Administrative Councils (Giunte provinciali amministrative), the Board for the Audit of Accounts (Corte dei conti), and the OVRA, are not discussed in this section.

CONFIDENTIAL

CONFIDENTIAL

-11-

ii. Political tribunals. Several judicial bodies outside the regular judicial system are particularly concerned with political offenses:

(i) The Senate. The Senate sits as a High Court of Justice in cases involving high treason, attempts against the security of the state, trials of ministers, and trials of its own members.

(ii) The Special Tribunal for the Defense of the State (Tribunale speciale per la difesa dello stato).

This "political" court, established by the Fascists in 1926 (in disregard of Article 71 of the Constitution), tries cases involving major political offenses. It is competent to judge crimes against the integrity, independence, and unity of the state; offenses against the person of the King, Crown Prince, Queen, Regent, Princes of the Royal Family, the Head of the Government, and the heads of foreign states; and, in general, all crimes against the state. It has power to impose the death penalty and sentences up to 30 years imprisonment. Its broad jurisdiction and star chamber procedure are such as to bring all political behavior under Fascist Party scrutiny.

The court is directly controlled by the Head of the Government. It is presided over by a General of the Army, Navy, Air Force, or Voluntary Militia, and is composed of five judges selected from the various forces.

Originally instituted for five years, and subsequently prolonged for further five-year periods, the tribunal was prolonged "until further notice" by a decree law of December 9, 1941.

The King cannot exercise his constitutional right to grant pardons or commute punishments when sentence is pronounced by this tribunal.

(iii) Police "justice".

As the Fascist state is a thoroughgoing police state, much "justice" is meted out by the security police. Powers of police control over the liberty of the citizen are so ample as to warrant inclusion in an account of the legal system. Fascism has extended police measures, formerly applicable only to crimes against persons and property, to cover political offenses as well.

Police intervention can take three forms:

— Reprimand (diffida), accompanied by search and supervision.

— Admonition (ammonizione), which amounts to being "bound over" for two years, with various irksome restrictions on personal freedom.

CONFIDENTIAL

CONFIDENTIAL

-12-

— Administrative deportation (confino di polizia), involving deportation from the offender's home town to some other part of Italy (usually the islands), and complete or partial confinement there from one to five years. Deportation is ordered by Provincial Commissions for Police Measures (Commissioni provinciali per i provvedimenti di polizia), convoked and presided over by the provincial prefect, and composed of the public prosecutor, the local police chief, the provincial commander of the Carabinieri (national police), and a high-ranking officer of the Fascist Militia. An appeal lies to a commission at the Ministry of the Interior, but the chances for success are nil.

(iv) Central Disciplinary Court of the Fascist Party.

According to press reports (May 1943) there has been created a Central Disciplinary Court of the Fascist Party, to try "heretic defeatists," whether civilians or military persons of any rank. The personnel of the court includes the Vice Secretary of the Fascist Party, two Party inspectors, three lawyers (one of whom is chief of the Disciplinary Section of the National Fascist Directorate), and a secretary. It is not clear from available evidence whether the court's jurisdiction extends to non-Party members.

iii. The Supreme Military Tribunal (Tribunale supremo militare).

This court judges appeals against sentences pronounced by the various military tribunals on the basis of the military penal code.

It is presided over by a General commanding an Army Corps, and is composed of eight judges (three generals, two councilors of state, two councilors of the Court of Cassation or the Court of Appeal, and a magistrate from the military judicial department).

b. Legal codes.

(1) Civil Code.

i. A new Italian Civil Code (published in the Gazzetta Ufficiale March 27, 1942) became effective April 21, 1942. It comprises six books, covering (i) persons and the family; (ii) successions; (iii) property; (iv) obligations; (v) labor; and (vi) safeguarding of rights. The Labor Charter (Carta del lavoro) was made the preamble to the new code.

ii. The distinction between purely civil and purely commercial affairs and laws is no longer maintained in the new code, which covers all the ground formerly covered by the old Civil and Commercial Codes, except for bankruptcy. Bankruptcy is governed by a special law appended to the new Code of Civil Procedure.

CONFIDENTIAL

CONFIDENTIAL

-13-

(2) Code of Civil Procedure. A new Code of Civil Procedure (approved by decree of October 28, 1940) became effective April 21, 1942. It comprises five parts, covering (i) general provisions regarding judicial powers and organs; (ii) rules governing the initial stage of investigation; (iii) procedure for disputes in corporative questions; (iv) rules governing the procedures of executions; and (v) special procedures.

(3) Shipping Code. A new Italian Shipping Code became effective April 21, 1942.

(4) Penal Code. A new Italian Penal Code (approved by decree of October 19, 1930) became effective July 1, 1931. It comprises three books, covering (i) offenses in general; (ii) crimes in particular; and (iii) contraventions in particular.

(5) Code of Penal Procedure. A new Code of Penal Procedure (approved by decree of October 19, 1930) became effective July 1, 1941. It comprises five books, covering (i) general provisions; (ii) instruction (investigation); (iii) trial; (iv) execution of judgment; (v) judiciary relations with foreign authorities.

(6) Military Penal Codes. The Military Penal Codes (published in the Gazzetta Ufficiale May 6, 1941) became effective October 1, 1941.

CONFIDENTIAL

CONFIDENTIAL

-14-

SELECTED REFERENCES

Ebenstein, William: Fascist Italy (New York, 1939), pp. 69-93.

Spencer, Henry: Government and Politics of Italy (New York, 1934), pp. 221-231.

Steiner, H. Arthur: Government in Fascist Italy (New York, 1938), pp. 83-87.

Italian Code of Civil Procedure.

Italian Code of Penal Procedure.

CONFIDENTIAL

2111