CKLIST

HEADQUARTERS
ALLIED CONTROL COMMISSION
LABOR SUB-COMMISSION
APO 394

Cross Reference Sheet

File: 412

Subject: Utilization of undesirable railway employees

Date: 28 Dec 44

To: Transportation S/C

From: Labor

Documents Filed: 466

HEADQUARTERS
ALLIED CONTROL COMMISSION
LABOR SUB-COMMISSION
APO 394

Cross Reference Sheet

File: .412

Subject: Utilizzazione eventuali (utilization of undesirable railway-employees)

Date: 7 Dec. 44

To: Labor

From: Cindacato ferrovieri

Documents Filed: .466

2913

File

JYEB/le

HEADQUARTERS
ALLIED CONTROL COMMISSION
LABOR SUB-COMMISSION
APO 394

21 August 1944

SUBJECT: Dino Gentili

TO : Vice President, Economic Section

1. The above named Dino Gentili has been the subject of previous correspondance (copy attached) and recently has had no contact with this Sub-Commission. He has however been seen in and about this building frequently and it is thought that his business cannot always have been of a nature in which this Sub-Commission has no interest.

2. Gentili is regarded as an untrustworthy person and so long as this Sub-Commission continues to be responsible for Labour Relations in Italy it is urged that all contacts with him be routed through us. Divided control in such matters can only weaken the organization.

3. It is known, for example, that he wants to go to Florence, a goal he can reach only through A.C.C. In no circumstances should he be permitted to travel on an A.C.C. "ticket", an appearance of official blessing and status which he has already exploited.

J. T. R. BAIN,
Colonel,
Director Labor Sub-Commission

DISTRIBUTION:

Acting Chief Commissioner.....2
Political Section.....1

2014

HEADQUARTERS
ALLIED CONTROL COMMISSION
LABOUR SUB-COMMISSION
APO 394

ZZ04/ma

6 July 1944

Ref : G3/340.1.2.

Subject : Dino GUZZILI

To : Col. A.H. Young, Director, Security Branch.

1. Ref my report of 27 June 1944 respecting the above named and to Labour Sub-Commission letter LAB 091.4111 date 10 June 1944.

2. GUZZILI travelled to Palermo by military aircraft on 27 May 1944, on a travel order issued by Adjutant's Department, HQ. ACC.

3. The travel order, copy of which I have inspected, is dated 25 May 1944, and attaches GUZZILI to H.Q., A.C.C., for temporary duty and authorised him to travel on military aircraft on or about 26 May 1944.

4. The above order was issued as the result of a request addressed to the Adjutant's Department by Col. Poletti, Regional Commissioner, Region 3, dated 24 May 1944.

5. I suggested that copies of this report be forwarded to:

a. Civil Affairs Branch, HQ. A.C.C. } For
b. Col. Adams, Economic Section " } Information.

Labour Sub-Commission
for Information

/s/ A.H. [illegible]

A.H. [illegible]
Captain,
SECURITY TRAINING.

July 9, 44

John A. McKay
Major

2913

File

HEADQUARTERS
ALLIED CONTROL COMMISSION
LABOR SUB-COMMISSION
APO 394

LAB
091.4111

JOB/sa

SUBJECT : Defascism

TO : Administrative Section

22 August 1944

Reference your DF/3,17/AS dated 15 Aug.44 this Sub-Commission will only be interested in the following cases:

a. All Social Insurance Agencies.
b. Ispettorati del Lavoro.
c. All officials under the Director-General of Labor within the Ministry.
d. Syndical federations and confederations.

2. We are attaching a list of "enti parastatali" in which we are interested. The list submitted by you had duplications and incorrect titles.

3. All other concerns on the list will be referred to other Sub-Commissions.

J.T.R. BAIN
Colonel,
Director, Labor Sub-Commission

Copy to: Industry Sub Commission
Commerce Sub Commission

912

Istituto Nazionale della Previdenza Sociale

Istituto Nazionale Infortuni

Istituto per l'assistenza malattia ai lavoratori.

Ente Nazionale di previdenza ed assistenza per i dipendenti statali.

Ente Nazionale di previdenza e di assistenza per i dipendenti da enti parastatali ed assimilati.

Istituto nazionale di assistenza dipendenti enti locali.

Istituto per l'assistenza sociale nell'Africa Italiana.

Ente Nazionale della Cooperazione.

Ext: 469

SR/1a

SUBJECT : Defascism.

DF/3.17/AS

TO : Commerce Sub-Commission.

Enclosed is a list received from the Italian Government of Public Concerns for the defascising of which the Ministry of Industry, Commerce & Labour is responsible and which therefor will be supervised by your sub-Commission. Will you please consult as to how responsibility should be divided.

ADMIN SEC
15 Aug 44

S.H. WHITE Lt Col.
for A/Hd Admin Sec.

Copy to: Industry Sub Comm.
Labour Sub Comm.

MINISTERO LAVORO, INDUSTRIA E COMMERCIO

Ente Nazionale Piccole Industrie

Istituto Nazionale Esportazioni

Istituto Nazionale Cambi con l'Estero

Istituto Nazionale Assistenza contro gli infortuni sul lavoro

Istituto Nazionale Assicurazioni

Istituto Nazionale Previdenza Sociale

Istituto di Credito Imprese di Pubblica utilita'

Istituto Mobiliare Italiano

Istituto Opere Pubbliche dei Comuni

Istituto di Credito Fondiario ed Agrario

Istituto di Credito di Diritti Pubblico (Banca Italia, Banco Napoli, Banco di Roma, Banco di Sicilia, Banca Nazionale del Lavoro, Monte dei Paschi di Siena, Istituto di S. Paolo in Torino).

Istituto di Credito per la Cooperazione

Istituto di Credito per i Lavori Italiani all'Estero

Azienda Carboni Italiani

Azienda Generale Italiana Petroli (A.G.I.P.)

Ente Nazionale Risi

Ente Nazionale Serico

Ente Nazionale Cellulosa e Carta

Associazione Nazionale Consorzi Bonifica

Casse di Risparmio, Monte dei Pegni

Ente Radio Rurale

Unione Cinematografica Educativa

(Cassa Nazionale Assicurazioni Sociali)

Segue: Ministero Lavoro, Industria e Commercio

Cassa Previdenza e Mutualita'

Cassa Malattie

~~Patronato Nazionale Assistenza Sociale~~

Confederazioni e Federazioni Sindacali

Consigli Provinciali delle Corporazioni

Istituto Nazionale Infortuni

Ispettorato Industria e Lavoro

Istituto Nazionale Assicurazioni

Assicurazioni d'Italia

Unione Commercianti

Soc. Italiana Ass. Alleanza

Ente Mutualita'

Istituto Nazionale per gli Sociali (Previdenza Sociale)

Patronato Nazionale Ass. Sociale

An. Infortuni e Agenzie Gen.

So. Ass. Venezia

2908

MINISTERO LAVORO, INDUSTRIA E COMMERCIO

Elenco funzionari proposti per l'immediata sospensione:

Ceccn Nazionale Malattie addetti al Commercio

1) - CAPASSO DELLE PASTENE Luigi — Capo Servizio - (gia' vice-federale di Benevento).

Enclosure 1, 9 of 4

Istituto nazionale della previdenza sociale
Istituto nazionale infortuni
Istituto per l'assistenza malattie ai lavoratori.

Ente nazionale di previdenza ed assistenza per i dipendenti statali.
Ente nazionale di previdenza e di assistenza per i dipendenti da enti parastatali ed assimilati.
Istituto nazionale di assistenza dipendenti enti locali.
Istituto per l'assistenza sociale nell'Africa italiana.
Ente Naz. della Cooperazione.

File

HEADQUARTERS
ALLIED CONTROL COMMISSION
LABOR SUB-COMMISSION
APO 394

LAB 091.4111 19 August 1944

SUBJECT: Ex Fascist Organisation. Payment of Employees.

TO : Reg. IV Labour Office (Att. Lt. MOFFITT).

1. Lt. Col. STEPHAN, Chief Budget Officer, states that the procedure for dealing with the payment of employees of such Organisations is as follows.

2. Those employees who are not Squadristi, Marchers on Rome, Solarpalittorio or otherwise undesirable who were actually working in June may be paid. The head of each organisation should present the payroll to the Intendenza, Roma whose decision regarding eligibility for payment is final.

J.O. BABCOCK,
Major U.K.,
A/D/Director,
Labor Sub-Commission

This is the File Copy

SEEN

Col. Tom

2005

6

Lt. Col. Stephan
Chief Budget Office

481894

2504

HEADQUARTERS
ALLIED CONTROL COMMISSION
LABOR SUB-COMMISSION
APO 394

JOB/tbw

MEMORANDUM:

TO : Capt. Toplies

Please discuss the attached schedule with representatives in the Finance Sub-Commission and get word back to Region IV as to what should be done about the case. This is essentially a Finance problem, and Colonel Smith and I believe they should handle it. When you have reached an agreement with Finance, please inform Lt. Col. Lane who sent these data to us.

JOB

JAMES O. BABCOCK,
Major, S.R.,
Labor Sub-Commission.

ONS

2903

Dr Edwards
Take up with Finance

To

Dr SMITH

Subject - Employees of Fascist Organisation

1. The attached list contains names of workers in Fascist Organisation in ROME. Active party members have been weeded out and those detailed are alleged to be those who worked in the Fascist organisations but have no particular Fascist leanings.

2. It is suggested that these people should be paid their salaries for June last.

3. May a ruling be given, please?

Captain Caperes

Ang

HEADQUARTERS
ALLIED CONTROL COMMISSION
LABOR SUB-COMMISSION
APO 394

LAB 091.4XII 13 August 1944

SUBJECT: Defascistization

TO : Economic Section

In compliance to your E3/7 of 3 August 1944, above subject, a nil return is rendered.

J. T. R. BAIN,
Colonel,
Director, Labor Sub-Commission

HEADQUARTERS
ALLIED CONTROL COMMISSION
LABOR SUB-COMMISSION
APO 394

11 August 1944

LAB 091.4111

SUBJECT: Defascistization

TO : Economic Section

In compliance to your ES/7 of 3 August 1944, above subject, a nil return is rendered.

J. T. R. BAIN,
Colonel,
Director, Labor Sub-Commission

LAR 091.411
Subject: Reference data
To: Economic Section

In compliance to your E.S. 4 of 3 August 1944, above subject, a nil return is rendered.

A. T. B. Bacon
Colonel
Director, [illegible]

LABOR SUB-COMMISSION
A.C.C.
Routing Slip

From		To
	Colonel BAIN	
	Colonel SMITH	
	Major BABCOCK	
	Major ALBRIGHT	
	Capt. DORF	
	Capt. SCICLUNA	
	Capt. ADAMS	
	Capt. TOPLISS	
	Capt. WILLIAMS	
	Lt. GIARDIARCO	
	Lt. SOLENBERGER	
	Chief Clerk	

REMARKS :

HEADQUARTERS
ALLIED CONTROL COMMISSION
COMMERCIAL SUBCOMMISSION
APO 394

CCS/141

Ref. ACC/5092/Com

2 August 1944

SUBJECT: Defascistization

TO : ~~Administration Bari Center~~

1. With reference the A/CC letter 250 of July 15.

2. The Ministry of Industry, Commerce and Labour has now set up its committees for the purpose of the defascistization of its personnel.

3. In order to expedite matters it has been considered advisable by the Ministry to appoint sufficient members to constitute three boards.

4. Appended below are the names of the Ministry's nominees. It will be noted that there are three judges, nine Ministry officials and only one appointment by the High Commissioner for Defascistization. A request has been forwarded by the Ministry to the High Commissioner for the appointment of two further members in order to complete the three boards. Their names will be communicated to you as soon as we are notified.

Judges:

S.E. Ferraro Emilio
Presidente della Corte di Cassazione (a riposo)
Functions: President

S.E. Damiano Carmelo
Procuratore Generale della Corte di Cassazione (a riposo)
Functions: Presidente supplente

Comm. Assisi Armando
Consigliere della Corte di Cassazione (a riposo)
Functions: Presidente supplente

Ministry Personnel

Comm. Dott. Meran Giuseppe
Capo Personale Ministero Industria
Functions: Membro effettivo

Comm. Dott. Rubino Francesco
Ispettore Generale Ministero Industria
Functions: Membro supplente

Dott. Simone Francesco
Ispettore Generale Ministro Industria
Functions: Membro supplente

289

Ministry Personnel (Cont'd)

Dott. Andreomai Antonio
Capo Divisione Ministero Industria
Functions: Membro supplente

Dott. Massini Clemente
Ispettore Superiore Centrale Ispettorato dell'Industria e Lavoro
Functions: Membro supplente

Ing. Ricci Emanuele
Ispettore Superiore Regio Corpo Miniere
Functions: Membro supplente

Dott. Tredso Guido
Ispettore Generale Ministero Industria
Functions: Membro supplente

Dott. Altarelli Angelo
Capo Sezione Commissariato Migrazioni e Colonizzazioni
Functions: Membro supplente

Dott. Jarzetti Birosallo Alberto del ex Ministero Scambi e Valute
Functions: Membro supplente

Appointed by High Commissioner for Defascistization

Avv. Vincenzo Chieppa

To be appointed

To be appointed

W. P. EVANS
Colonel - Director
Commerce Subcommission

Copy to: ~~Economic Section~~
~~Industry Subcommission~~
Labour Subcommission

2898

ES/7

HEAD QUARTERS
ALLIED CONTROL COMMISSION
ECONOMIC SECTION
APO 394

WHS/lab

3 AUG 44.

SUBJECT: Defascistization.

TO : Agriculture Sub-commission
Commerce Sub-commission
Finance Sub-commission
Food Sub-commission
Industry Sub-commission
Labour Sub-commission
Public Works & Utilities
Transportation Sub-com.

1. Reference A/ec 250 dated 13 Jul and D7/4/1A/13 dated 20 Jul.

2. Sub-commissions will render progress reports to reach this Section by 0900 hrs each Sunday until further notice.

P. G. ANTOLINI,
Executive Director,
Economic Section.

2897

Subject:- Civilian Labour.

Ref. 4/127/7.

To:- Labour Officer,
AMG Labour Office.

Please note, hereunder is copy of a letter received in this office from 312 F.S. Section and forwarded for your information.

In the Field.
20.3.'44.

L. Hammersley Major, DAIL.
2804 D.A.D.L.(Civil), Labour Unit, 5th Area.

COPY.

Subject:- Civilian Labour

312FS/3.

D.A.D.L. (Civil)
C.I.C. det P.O.S.

MERCADENTE Raffaele fu Vincenzo
of 297 Corso Garibaldi,
or 71 Via Tutti i Santi, NAPLES

1. Information has been received suggesting that the a/m may try to obtain employment with an American unit. He is in possession of a membership card of the "Quattro Giornate Napoletane" and is a self-styled 'jack-of-all-trades'.

2. It is highly undesirable from a security point of view that this individual should be given employment with any allied unit.

Signed ??????????????????????? Capt.
O.C.
312 F.S. Section.

GHF.
18 Mar 44.

SEEN

Col. Bunn.	
Lt. Col Smith	
Major Babcock	
~~Capt~~	
Capt. Scicluna	
Lt Colonel [illegible]	

1852

Capt Gilles of Security Branch 26/6/45
now investigating Blame —
— not Lt Capt Sachura and
Major Bateed in turn

Security Branch Did not issue Rank Ticket
Capt Gilles

March 2/44

DINO GENTILI (new Prefettura)

Viale Calascione 7 (Off Kinte di Dio)

I st floor

for emergency call: 16455

(Mr. Hatfield)
PWB
Press News

CONFIDENTIAL

HEADQUARTERS
ALLIED CONTROL COMMISSION.
SECURITY BRANCH.
APO 394.

27 June 1944

Ref : SB/140.I.

Subject : Dino GENTILI.

To : Col. A.B. Young, Director, Security Branch.

1. Ref Labour Sub Commission letter LAB 091.4111 dated 15 June 1944.

2. GENTILI is an Italian Jew living at VIA CALABRESE 7, Naples. He has lived in America and England. A brother is connected with a publishing business in London.

3. No confirmation can be obtained here that he left the United States at request of F.B.I.

4. GENTILI on first arrival in Italy used the name of GARRONI. His family remained in Northern Italy and during the latter part of 1943 he learned of their escape to Switzerland. As the result of this he resumed his own name.

5. GENTILI arrived in Italy at the time of the Allied landings as a contact with underground organisations for British and American authorities. He was employed by P.W.B. (Intelligence Section) where he was regarded as being very useful owing to his contacts with labour, very persuasive, stubborn, honest and a man with many enemies. Owing to his gradually growing activities in the labour movement his employment with P.W.B. was terminated and he personally expressed the opinion that he could do more for Italy in organising labour than continuing his work with P.W.B.

6. From the information I have been able to obtain it seems that he came to Italy under Allied auspices but it is thought that Major MANLEY of P.W.B. now in Rome can give more information on this point.

7. His stay in Italy is permitted as an Italian national.

8. The source of his backing cannot be established, however, it is not in any way substantial as he has recently been endeavouring to obtain consent to visit the United States or England with a view to raising funds through the labour organisations of these two countries. It is not anticipated that these facilities will be forthcoming.

9. Records at Public Safety, Naples, have been thoroughly searched and an application or issue of a pass to enable him to visit Sicily in May last cannot be traced.

894

10. After leaving P.W.B. he became the organiser and driving force [illegible] of Labour (Confederazione Generale del

2. GENTILI is an Italian Jew living at VIA CALABRINE 7, Naples. He has lived in America and England. A brother is connected with a publishing business in London.

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9. Records at Public Safety, Naples, have been thoroughly searched and an application or issue of a pass to enable him to visit Sicily in May last cannot be traced.

10. After leaving P.W.B. he became the organiser and driving force behind the General Federation of Labour (Confederazione Generale del Lavoro) of which Enrico MIRKO a Communist is the head. This organisation represents the Action Party, Communist and Socialist elements of labour. It has the largest membership of any labour party in Naples. The Federation, has official approval to publish a weekly paper "BATTAGLIA SINDICALE", which has a circulation of 12,000 to 15,000 copies. The organisers of this movement claim that it is non-political but in fact it represents all those political factions outside of the Christian Democratic Party which is interested in the Union of Italian Workers (Unione dei Lavoratore). GENTILI is still the power behind the General Federation of Labour.

11. Up to the present he must be considered as representing organised labour but I understand he is greatly concerned at not being invited to become a member of the recently formed Rome Labour Confederation.

2894

CONFIDENTIAL

Unconfirmed rumour has it that he is now in Rome. An application has not, however, been made to this office for permission to visit Rome, neither has a pass been issued.

12. Regarding the report of dissension amongst members of GENTILI'S organisation, at the moment it is considered that this refers to a very small minority and the membership is cited as a factor substantiating this. It is possible that the Rome Confederation may now considerably alter the status of GENTILI, all sources report that it is too early to form any concrete ideas on this.

13. It is thought in some circles that GENTILI has done some good work on behalf of the labour movement and his persistence in pressing his demands and asking for quick action appeals to quite a number.

14. I suggest that copies of this report be forwarded to the following:

a. Civil Affairs Branch, HQ. A.C.C., [illegible]
b. Col. Adams, Economic Section.
c. Director, Security Branch, A.C.C. Adv. H.Q. [illegible] for enquiries of Major Manley, P.S.B. and urgent reply.
d. Regional Commissioner, Region I, for report on GENTILI'S activities in Palermo during May 1944. [illegible]

A. H. ELLIS.
Captain,
SECURITY BRANCH.

1st Ind.

Ref : SB/140.I.

Hq., ACC., Security Branch, APO 394. 28 June 1944 2893

To : Col. Adams, Economic Section.,

1. For information. A further report will be submitted on this [illegible]

For the Director:

and asking for quick action appears to give a answer.

14. I suggest that copies of this report be forwarded to the following:

a. Civil Affairs Branch, HQ. A.C.C., [illegible]
b. Col. Adams, Economic Section.
c. Director, Security Branch, A.C.C. Adv. H.Q. [illegible] for enquiries of Major Manley, P.W.B. and urgent reply.
d. Regional Commissioner, Region I, for report on GENTILI'S activities in Palermo during May 1944. [illegible]

A. H. ELLIS.
Captain,
SECURITY BRANCH.

1st Ind.

Ref : SB/140.I.

Hq., ACC., Security Branch, APO 394. 28 June 1944 2893

To : Col. Adams, Economic Section.,

1. For information. A further report will be submitted on this count.

For the Director:

JOHN A. McKAY,
Major,
SECURITY BRANCH.

CONFIDENTIAL

C O P Y

HQ ACC, APO 394
Sec'y Gen.
Rec'd 24 June 1200
By----?

HEADQUARTERS
ALLIED CONTROL COMMISSION
LABOR SUB COMMISSION
APO 394

LAB 091.4111

15 June 1944

SUBJECT: Dino Gentili

TO : Chief Commissioner (Thru: Economic Section)

1. The Labor Sub-Commission wishes to protest vigorously against the procedure which has made it possible for a recent visit made by Dino Gentili to Sicily.

2. Mr. Gentili came to our office early last month seeking clearance and assent for a proposed visit to Sicily. He was informed that authority for such a trip was not within our province but that if it were, we were definitely and determinately opposed to such a trip. Subsequently, it appears that he did secure permission, and according to a recent report from our Labor Officer in Sicily, did visit and conduct activities in Palermo.

3. Our protest is based on a series of actions undertaken by Mr. Gentili ever since his arrival in Naples in connection with his labor activities. He has constantly taken a leading hand in initiating labor unrest, in misrepresenting both the condition of the workers and the views and statements of the A.C.C. He has constantly and most adroitly maneuvered A.C.C. and the Labor Sub-Commission into an unfavorable light with the workers, has played one official against the other in ACC/AMG, has exerted undue pressure to force certain issues, and has utilized the Confederation of Labor paper "Battaglie Sindacali" to present half-truths regarding the entire labor situation.

4. It is understood that Mr. Gentili was at one time away from the United States at the request of the F.B.I.; it is also reported that he has operated in Italy under the alias of Gasparini. We are further informed that the membership of his own Confederation of Labor have become resentive of his methods and of his obvious attempts to utilize the Labor Movement as a stepping-stone to his own political ambitions.

5. The knowledge which the Labor Sub-Commission has of Mr. Gentili is certainly not complete. This Sub-Commission wants to know who he really is. Why did he leave England? Under what authority did he come to Italy? What [illegible] purpose in being in Italy? Why is he permitted to stay? Who is

SUBJECT: Dino Gentili

TO : Chief Commissioner (Thru: Economic Section)

1. The Labor Sub-Commission wishes to protest vigorously against the procedure which has made it possible for a recent visit made by Dino Gentili to Sicily.

2. Mr. Gentili came to our office early last month seeking clearance and assent for a proposed visit to Sicily. He was informed that authority for such a trip was not within our province but that if it were, we were definitely and determinately opposed to such a trip. Subsequently, it appears that he did secure permission, and according to a recent report from our Labor Officer in Sicily, did visit and conduct activities in Palermo.

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5. The knowledge which the Labor Sub-Commission has of Mr. Gentili is certainly not complete. This Sub-Commission wants to know who he really is. Why did he leave England? Under what authority did he come to Italy? What is his real purpose in being in Italy? Why is he permitted to stay? Who is backing Mr. Gentili and for what purpose? Why was he given authority to go to Sicily? Did he ever state his purpose in writing? What did he do while he was in Sicily? What is he doing now? Does he really represent organized labour? Is there any way to tighten up on the granting of authority for such persons to travel freely throughout Occupied Italy?

6. It is earnestly requested that no assistance of any kind be given this individual by any official in A.C.C. or A.M.G., and that a careful check be instituted as to his future movements.

Copy to: Politi -cal Branch
Security Branch.

S/ James O. Babcock
T/ James O. BABCOCK
Major Spec. Res.
A/D/Director Labor
Sub-Commission.

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommission
APO 394

WGB/ap

10 June 1944

ACC/4010/4/L

SUBJECT : Royal Decree Law No. 134
Unofficial translation.

TO : Labor Sub-Commission.

1. Reference your letter dated 8 June 1944 please find one copy of the unofficial translation of the above law.

W. G. BRYCE,
Lieutenant,
for Chief Legal Officer.

UNOFFICIAL TRANSLATION

Decree-Law 26 May 1944, No. 144. Punishment of offences and illegalities of fascism.

Victor Emanuel III
by Grace of God and will of the nation
King of Italy.

Having considered R. decree law 22 Dec. 1943, No. 29/B;
Having considered Art. 18 of the Law 19 Jan. 1939, No. 129;
Having considered R. decree law 27 Dec. 1943, No. 2/B;
Having found that a state of emergency exists because of the war;
Having heard the opinion of the Council of Ministers;
Upon proposal of the Prime Minister, President of the Council, Minister of Foreign Affairs and Minister Ad Interim for Italian Africa, and of the Ministers without portfolio; of the Ministers of Interior, Pardon and Justice, Finance, War, Navy, Air Force, National Education, Public Works, Agriculture and Forests, Communications and Industry, Commerce and Labour.

WE HAVE DECREED AND WE DO ENACT:

Part I

Rules of Substantive Law

Chapter 1

Offences and Illegalities Committed by Fascists.

Art. 1

There are hereby abrogated all penal provisions enacted for the purpose of protecting the institutions and organs created by fascism; all sentences of condemnation rendered on the basis of such provisions are annulled.

Art. 2

Whoever promoted or directed the armed insurrection of 28 Oct. 1922 against the authorities of the State shall be punished by imprisonment with hard labour for life, and the death penalty may be imposed on such a person if he continued to hold high fascist responsibilities after fascism had introduced such penalty.

Art. 3

The organizers of fascist bands who promoted or committed serious acts of violence to the prejudice of bodies (enti), organizations or individuals, shall be punished by reclusion from 5 to 15 years and shall be forever barred from the exercise of their political rights.

Art. 4

Whoever promoted or directed the coup d'etat of 3 Jan. 1925 and thereafter contributed by significant acts to maintain fascism in power shall be punished by reclusion for a term of from 5 to 15 years and shall for ever be barred from the exercise of their political rights.

2890

Art. 5

Part I

Rules of Substantive Law

Chapter 1

Offences and Illegalities Committed by Fascists.

Art. 1

There are hereby abrogated all penal provisions enacted for the purpose of protecting the institutions and organs created by fascism; all sentences of condemnation rendered on the basis of such provisions are annulled.

Art. 2

Whoever promoted or directed the armed insurrection of 28 Oct. 1922 against the authorities of the State shall be punished by imprisonment with hard labour for life, and the death penalty may be imposed on such a person if he continued to hold high fascist responsibilities after fascism had introduced such penalty.

Art. 3

The organizers of fascist bands who promoted or committed serious acts of violence to the prejudice of bodies (enti), organizations or individuals, shall be punished by reclusion from 5 to 15 years and shall be forever barred from the exercise of their political rights.

Art. 4

Whoever promoted or directed the coup d'etat of 3 Jan. 1925 and thereafter contributed by significant acts to maintain fascism in power shall be punished by reclusion for a term of from 5 to 15 years and shall for ever be barred from the exercise of their political rights.

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Art. 5

The rules of the penal code in respect to prescription (Statute of Limitations) shall not apply to the offences set out in Art. 2, 3, and 4.

The amnesties and pardons (indulti) granted after the 28 October 1922 shall not be applicable to such offences and if already applied, the relative pronouncements are hereby revoked. The High Commissioner may propose to the King the revocation of royal pardons already granted.

The sentences rendered in respect to such offences may be declared as legally nonexistent if the decision was influenced by the moral coercion exercised by fascism.

The rules set out in the preceding paragraph shall equally apply to offences committed at any time for fascist motives or involving an exploitation of political opportunities created by fascism, provided that such offences were punishable at the time of their commission according to the then prevailing law by imprisonment for a maximum term not less than three years.

Art. 6

Whoever, subsequently to the 8th of September 1943, even though not possessing military status, committed offences against military loyalty and defense shall be punished in accordance with the provisions of Part 2 of Book 3 of the Military Penal Code of War.

For the purpose of this article an offence against military loyalty or defense shall be any form of active collaboration, help or assistance rendered to the German invader.

Art. 7

If the offender held a fascist position (carica) the penalties fixed for offences set out in Art. 3 & 6 shall be increased by not more than one third.

Art. 8

If the offender who committed any of the offences set out in Art. 2, 3, 4, 5 and 6, distinguished himself after the 8th of September 1943 in the fight against the Germans, reclusion for a term of from 10 to 20 years shall be imposed instead of the death sentence or imprisonment with hard labour for life and other penalties shall be reduced by two thirds.

If the offender was severely wounded or performed acts of valour in the fight against the Germans, reclusion for a term of from 3 to 5 years may be imposed instead of the death penalty or imprisonment with hard labour for life and other penalties may be reduced to a term of not more than three years.

If the offender has received a promotion for meritorious action in war or a military award for acts of valour performed under the above circumstances he may be declared exempted from punishment.

If the offender who committed any of the offences set out in Art. 2, 3, 4 and 5 had retired from political life or had adopted an attitude hostile to fascism before the beginning of this present war, the reduction of penalties as set out in the first paragraph of this article shall apply. If as a consequence of the aforesaid attitude he has been subjected to a penal sentence or police measures, the reductions set out in the second para shall apply.

For the said offences the judge, having taken into consideration such circumstances as are set out in Art. 133 of the penal code may substitute reclusion for thirty years for imprisonment with hard labour for life and may reduce other penalties by one sixth.

Art. 9

Whoever acting with fascist motives and taking advantage of the political situation created by fascism, committed particularly serious acts which, though not constituting crimes in themselves were contrary to the rules of public or private rights, of political probity or rectitude, shall be subject to the penalty of temporary interdiction from any public office or interdiction from exercising any profession or art, or to being deprived of his political rights for a period not exceeding ten years.

Furthermore if the individual concerned is deemed to be dangerous to society he may be assigned to an agricultural colony or labour institution for a period of not less than one year but not exceeding 10 years.

In such cases the third paragraph of Art. 8 may apply.

Chapter 2

The Mechanism for the Punishment of Offences and Illegalities of Fascism.

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For the said offences the judge, having taken into consideration such circumstances as are set out in Art. 133 of the penal code may substitute reclusion for thirty years for imprisonment with hard labour for life and may reduce other penalties by one sixth.

Art. 9

Whoever acting with fascist motives and taking advantage of the political situation created by fascism, committed particularly serious acts which, though not constituting crimes in themselves were contrary to the rules of public or private rights, of political probity or rectitude, shall be subject to the penalty of temporary interdiction from any public office or interdiction from exercising any profession or art, or to being deprived of his political rights for a period not exceeding ten years.

Furthermore if the individual concerned is deemed to be dangerous to society he may be assigned to an agricultural colony or labour institution for a period of not less than one year but not exceeding 10 years.

In such cases the third paragraph of Art. 8 may apply.

Chapter 2

The Mechanism for the Punishment of Offences and Illegalities of Fascism.

Art. 10

A High Commissariat for the punishment of offences and illegalities of Fascism headed by a High Commissioner is hereby established to put into effect the provisions of this Decree.

Art. 11

The High Commissioner shall be selected from among those citizens whose aversion to fascism has been demonstrated by a blameless life and political attitude maintained after 28 October 1922, and preferably from amongst those who have been persecuted by reason of such aversion.

The High Commissioner shall be appointed by D.D. upon proposal of the Prime Minister, President of the Council in agreement with the Minister of Pardon and Justice after consultation with the Council of Ministers. For the period of his term of office he shall hold, to all intent and purposes, the rank of judicial official of the first grade, and shall enjoy the prerogatives and guarantees of such rank.

Art. 12

The High Commissioner shall direct and supervise the operation of the organization set up to effect the punishment of fascist offences and illegalities.

He shall be assisted by a deputy High Commissioner whom he may delegate to act for him.

The deputy High Commissioner shall be appointed by the Prime Minister, President of the Council on the proposal of the High Commissioner and shall have equal status for the period of his term of office to a judicial official of the third grade.

Art. 13

An adequate number of Commissioners shall be appointed to the High Commissariat to assist the High Commissioner.

The Commissioners are appointed by decree of the Prime Minister, President of the Council from among magistrates of not less than 6th Grade, upon proposal of the Minister of Pardon and Justice and after consultation with the High Commissioner.

The Commissioners shall enjoy the constitutional guarantees that safeguard the judicial power from interference by the executive power.

A staff chosen from judicial chancellary personnel and secretaries shall be attached to the High Commissariat; its members are chosen and appointed by the Minister of Pardon and Justice after consultation with the High Commission

The latter can select personnel in whom he has confidence, to be appointed by Decree of the Prime Minister, President of the Council, for the functioning of the office of the Secretariat.

A nucleus of Judicial Police personnel composed of Officers, NCOs and men of the Royal Corps of Carabinieri, and officials and agents of the Service of Public Security shall be placed at the disposal of the High Commissioner. Their number shall be determined by the Prime Minister, President of the Council, after consulting with the High Commissioner. The High Commissioner or the offices under his control may call upon the judicial police who must obey their orders.

Art. 14

The powers of the High Commissioner shall be the following.

(a) to commence, on his own initiative or upon reports from the Public Administration or on denunciation from private citizens, all judicial proceedings for offences under Art. 2, 3, 4, 5 and 6 or illegalities under Article 9.

(b) to commit the accused to the jurisdiction of the competent authority if this step is justified by the results of the investigations.

(c) to make changes among the members of the said bodies and to decide on their abstention.

(d) to pronounce the nullity of sentences mentioned in Art. 1.

(e) to review decisions made by ordinary judges after the 28 of October 1922 for offences described in Art. 2, 3, 4 & 5 and whenever it appears that circumstances such as are set out in 3rd para of Art. 5 so demand to declare the nullity of the sentence in accordance with the provisions of this decree.

(f) to review the decisions made by the competent organizations of Defascistization of Public Administrations under DLL of 28 Dec. 43 No. 29[illegible] and whenever it shall appear that certain important facts have been ignored or have been disregarded to require the organization concerned to proceed with a new investigation of the case. However, in every case the application of this decree shall be in no way prejudiced.

(g) to inform competent authorities of any case justifying the application

A staff chosen from judicial chancellery personnel and secretaries shall be attached to the High Commissariat; its members are chosen and appointed by the Minister of Pardon and Justice after consultation with the High Commission.

The latter can select personnel in whom he has confidence, to be appointed by Decree of the Prime Minister, President of the Council, for the functioning of the office of the Secretariat.

A nucleus of Judicial Police personnel composed of Officers, NCOs and men of the Royal Corps of Carabinieri, and officials and agents of the Service of Public Security shall be placed at the disposal of the High Commissioner. Their number shall be determined by the Prime Minister, President of the Council, after consulting with the High Commissioner. The High Commissioner or the offices under his control may call upon the judicial police who must obey their orders.

Art. 14

The powers of the High Commissioner shall be the following.

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(b) to commit the accused to the jurisdiction of the competent authority if this step is justified by the results of the investigations.

(c) to make changes among the members of the said bodies and to decide on their abstention.

(d) to pronounce the nullity of sentences mentioned in Art. 1.

(e) to review decisions made by ordinary judges after the 28 of October 1922 for offences described in Art. 2, 3, 4 & 5 and whenever it appears that circumstances such as are set out in 3rd para of Art. 5 so demand to declare the nullity of the sentence in accordance with the provisions of this decree.

(f) to review the decisions made by the competent organizations of Defascistization of Public Administrations under DLL of 28 Dec. 43 No. 29/8[illegible] and whenever it shall appear that certain important facts have been i[illegible]ored or have been disregarded to require the organization concerned to proceed with a new investigation of the case. Moreover, in every case the application of this decree shall be in no way prejudiced.

(g) to inform competent authorities of any case justifying the application of the laws providing for the surrendering to the State of any property the ownership of which cannot be legally justified.

The denunciations by private individuals set out in para (a) shall not be receivable after the expiration of one year from the coming into force of the present decree. In Provinces still occupied by the Germans the above period shall commence to run from the coming into force of this decree in each one of them.

Art. 15

An investigation office shall be created in each provincial capital to which shall be appointed one or more investigating commissioners chosen and appointed under the provisions of Art. 13.

Art. 16

A District Court for Punishment of offences of Fascism shall be created in every Court of Appeal District, with its seat in the capital town.

It shall be presided over by a judicial official of fifth or higher rank selected from the roll of judges on the Bench and it shall be composed of several lay judges. Two judicial officials holding the same grade as the President shall also be appointed to the Court, of whom one, selected from the roll of judges on the Bench, shall replace the President, whenever necessary, and the other, to be selected from the roll of prosecuting judges, shall act as public prosecutor (Pubblico Ministero) unless the High Commissioner shall decide to delegate one of the Commissioners appointed by virtue of Art. 13 to exercise such functions.

Art. 17

A Provincial Commission for Punishment of Illegalities of Fascism shall be created in each Provincial Capital. It shall be composed of a Judicial Official of the sixth or higher Grade, selected from the roll of judges on the Bench, who shall sit as President, and two lay judges.

The functions of the Prosecution (Pubblico Ministero) shall be exercised by Investigating Commissioners referred to in Art. 15.

Art. 18

Lay judges shall be selected from among citizens possessing the required qualifications as set out in Article 11.

Art. 19

A list of lay judges shall be made up at the seat of each District Court.

The number of lay judges shall be determined for each district by Royal decree, proposed by the Prime Minister, President of the Council after consulting with the High Commissioner.

The list, which shall be reviewed in January of each year, shall be drawn up by a Commission consisting of the President of the District Court and by four citizens selected by the High Commissioner. The list shall be subject to the approval of the High Commissioner, who shall allot the lay judges inscribed therein between the District Courts and the Provincial Commissions of the District, thus forming the respective lists.

Art. 20

An adequate number of personnel shall be appointed to the Chancery offices attached to the Investigation Offices, District Courts and Provincial Commissions. They shall be selected from the existing personnel of Chancery and judicial secretariat.

Art. 21

The Minister of Pardon and Justice after consultation with the High Commissioner shall provide for the appointment of the judicial personnel, registries and secretaries of the Courts, Commissions and other offices established in virtue of the provisions of Art. 20.

The said judicial officials and other functionaries shall be considered as being detached from the ordinary judicial administration for the duration of their term of office. During the Sessions in which they lend effective service lay judges shall enjoy the prerogatives and privileges described in Art. 13, third para.

A Judge may be recused for reasons set out in Art. 64 of the CPP excluding however reason No. 2.

The [illegible] recused to the "recusation" of the Investigating

by Investigating Commissioners referred to in Art. 15.

Art. 18

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Art. 21

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The said judicial officials and other functionaries shall be considered as being detached from the ordinary judicial administration for the duration of their term of office. During the Sessions in which they hold effective service lay judges shall enjoy the prerogatives and privileges described in Art. 13, third para.

A Judge may be recused for reasons set out in Art. 64 of the CPP excluding however reason No. 2.

The final decision in regard to the "recusation" of the Investigating Commissioners, of Presidents of District Courts or Provincial Commissions rests with the High Commissioner. As far as lay judges are concerned the Presidents of the District Court and the Presidents of the Provincial Commissions as the case may be shall decide.

Part II

Rules of Procedure

Chapter 1

Jurisdiction

Art. 22

The District Court shall have jurisdiction over offences set out in Art. 2, 3, 4, 5 and 6 including cases set out in subpara (c) of Art. 14.

Art. 23

The Provincial Commission shall have jurisdiction over the illegalities set out in Art. 9.

Art. 24

In case of concurrence of offences indicated in Art. 2, 3, 4, 5 and 6 with the illegalities set out in Art. 9 the District Court shall assume jurisdiction.

If it appears as a result of the proceeding (trial) that the act does not constitute an offence, but only an illegality, the District Court shall render its decision as to the merits of the case.

Art. 25

For the purpose of the present decree all privileges accorded by substantive and procedural penal law, including those granted by Art. 36, 37 and 47 of the Statute (Constitution) are hereby abrogated and the rules concerning the jurisdiction of the Juvenile Tribunals shall not apply.

Art. 26

The territorial jurisdiction of the District Court shall extend to the territory of the judicial district of the Court of Appeal to which it is attached; the territorial jurisdiction of the Provincial Commission shall comprise the territory of the Province.

The High Commissioner may alter the territorial jurisdiction when required.

In other matters concerning the jurisdiction itself and the jurisdiction for"occupations"x provisions of Article 39 and following of CPP shall be followed as far as applicable except in cases provided for in Art. 29 of this Decree.

x Question of plurality of offences or defendants.

Chapter 2

Pretrial Investigation

Art. 27

The High Commissioner shall order the initiation of pretrial investigation unless it appears from the initial inquiries that the alleged facts are obviously nonexistent; in the latter case he moves after consultation with the Investigation Office established by Art. 15 that the record be filed away in the archives.

The pretrial investigation shall be conducted by an investigating Commissioner assigned to that Provincial Commission which has the jurisdiction over the territory concerned.

Art. 28

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At the pretrial investigation such procedure shall be followed and such powers exercised as are provided for by the Code of Penal Procedure in respect of ordinary pretrial investigation.

Any information, documents or procedural records necessary for the pretrial investigation shall be requested from the public administration which cannot refuse to comply with such request.

The right to refrain from giving evidence accorded by Art. 352 of the Code of Penal Procedure shall not be conferred either during the pretrial investigation

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The High Commissioner may alter the territorial jurisdiction when required.

In other matters concerning the jurisdiction itself and the jurisdiction formed pursuant provisions of Article 39 and following of CCP shall be followed as far as applicable except in cases provided for in Art. 29 of this Decree.

x Question of plurality of offences or defendants.

Chapter 2

Pretrial Investigation

Art. 27

The High Commissioner shall order the initiation of pretrial investigation unless it appears from the initial complaint that the alleged facts are obviously not consistent; in the latter case he shall cause after consultation with the Investigation Office established by Art. 15 that the record be filed away in the archives.

The pretrial investigation shall be conducted by an investigating Commissioner assigned by the Provincial Commission which has the jurisdiction over the territory concerned.

Art. 28

2888

At the pretrial investigation such procedure shall be followed and such powers exercised as are provided for by the Code of Penal Procedure in respect of ordinary pretrial investigation.

Any information, documents or prosecutorial records necessary for the pretrial investigation shall be requested from the public administration which cannot refuse to comply with such request.

The right to refrain from giving evidence recorded by Art. 352 of the Code of Penal Procedure shall not be conceded either during the pretrial investigation or during the trial.

Subject to a pass or warrants for arrest shall be issued in such cases and following such procedure as is laid down by the Code of Penal Procedure. In all other cases the accused shall be notified of the results of the pretrial investigation by means of an invitation to plead himself of the charges within a time limit of not less than five and not more than fifteen days.

Art. 29

The Commissioner in charge of the pretrial investigation shall, upon its completion submit to the High Commissioner the case file and a comprehensive report in which he shall propose either that the case be dismissed or referred for trial before the respective [illegible] in accordance with Art. 22 and 25; in the latter case he will draft the charges, not in the form that an offense different from those indicated in Art. 2, 3, 4, 5 and 6 has been committed be should record and that a copy of all or of part of the records be forwarded to the competent Prosecutor's Office in accordance penal proceedings provided the offense has not yet been distinished (statute barred).

The High Commissioner shall decide upon the recommendation and shall either declare the proceedings closed or issue a decree referring the case for trial, and then necessary shall order the arrest or confine such order, or, in cases as in the foregoing paragraph, shall order the transmittal of the documents to the Procuratore del Re. He may grant provisional liberty in such cases as are set out in the code of penal procedure.

Chapter 3

The Trial

Section 1

General Rules

Art. 50

The President of the District Court of the Provincial Commission shall fix the date of the opening of each session and list the cases to be tried granting priority to cases where the accused is in custody.

Art. 51

Not less than fifteen days before the commencement of each session the President of the District Court shall draw by lot the names of 12 lay judges from the list. The President of the Provincial Commission shall so draw the names of five lay judges.

Rules set out in Art. 15 R.D. of 4 October 1935, No. 1899 shall be followed as far as applicable.

The names of the lay judges so selected shall be communicated immediately to the High Commissioner.

Art. 52

The Presidents of the District Court and of the Provincial Commission shall summon in accordance with the procedure set out in Art. 16 of the R.D. 4 October 1935 No. 1899, from among the chosen lay judges, seven judges to serve throughout the entire session and two auxiliary judges for the District Court, and two lay judges plus one auxiliary for the Provincial Commission.

All the designated lay judges shall, immediately upon the opening of the first hearing of the session, take the oath consisting of reading, one after another, the following formula: "I swear to perform the duties of the high offi which has been entrusted to me, as a man of honor and conscience and solely in the interest of Justice."

Art. 53

The President of the District Court and of the Provincial Commission shall make provision for the carrying out of all preliminary formalities of the trial in accordance with Art. 405 and following of the Code of Penal Procedure.

The hearings shall be open to the public and the debates shall be conducted according to Art. 423 and following of the Code of Penal Procedure as far as applicable, unless otherwise provided for in the following articles.

Section 2

The President of the District Court or of the Provincial Commission shall fix the date of the opening of each session and list the cases to be tried granting priority to cases where the accused is in custody.

Art. 31

Not less than fifteen days before the commencement of each session the President of the District Court shall draw by lot the names of 12 lay judges from the list. The President of the Provincial Commission shall so draw the names of five lay judges.

Rules set out in Art. 15 H.D. of 4 October 1955, No. 1899 shall be followed as far as applicable.

The names of the lay judges so selected shall be communicated immediately to the High Commissioner.

Art. 32

The Presidents of the District Court and of the Provincial Commission shall summon in accordance with the procedure set out in Art. 16 of the H.D. 4 October 1955 No. 1899, from among the chosen lay judges, seven judges to serve throughout the entire session and two auxiliary judges for the District Court, and two lay judges plus one auxiliary for the Provincial Commission.

All the designated lay judges shall, immediately upon the opening of the first hearing of the session, take the oath consisting of reading, one after another, the following formula: "I swear to perform the duties of the high office which has been entrusted to me, as a man of honor and conscience and solely in the interest of Justice."

Art. 33

The President of the District Court and of the Provincial Commission shall make provision for the carrying out of all preliminary formalities of the trial in accordance with Art. 405 and following of the Code of Penal Procedure.

The hearings shall be open to the public and the debates shall be conducted according to Art. 425 and following of the Code of Penal Procedure as far as applicable, unless otherwise provided for in the following articles.

Section 2

Special Rules for the District Court

Art. 34

The High Commissioner may direct that the District Courts shall hold the trial in such place, within the territorial district of the Court, either where the accused carried on the most important part of his activities or in any other place which the High Commissioner may consider suitable.

Art. 35

Whenever the activities of the accused have caused damage to property or other rights the constitution of the civil party is admitted in the hearing in accordance with Art. 429 of the Code of Penal Procedure.

Similarly the party responsible under civil law may be summoned to appear, but only at the hearing in accordance with Art. 107 and following of the Code of Penal Procedure.

Art. 36

Upon the opening of the hearing and after the juries have been constituted, the President shall, even ex officio, after having heard the public prosecutor (pubblico ministero), the accused and the defending counsel, declare a "nolle prosequi" if the penal proceeding cannot be upheld or pursued or if the offense is extinguished (statute barred), indicating the reasons in the text of the judgment.

This judgment shall be decided upon without intervention by the lay judges.

Moreover, the President shall decide upon objections as to lack of jurisdiction and upon other preliminary matters.

Art. 37

When the evidence has been heard and if necessary the auxiliary lay judges have been asked to withdraw, the President shall request the public prosecutor and other parties to wait their demands for submitting as questions to the lay judges; he shall then draft them and read them.

Art. 38

The questions shall be put in such form as may be answered by "yes" or "no" and there must be separate questions for each defendant, regarding each principal or secondary fact, regarding each circumstance which may exclude, aggravate or extenuate the penalty and regarding the question of his danger to society, if this is not provided for by law. Whenever the question is put concerning the existence of aggravating circumstances as set out in the second part of Art. 2, there must be added a further specific question concerning the application of the death penalty. The questions shall be put in such order as the President considers logical and convenient for the voting.

Art. 39

The public prosecutor and other parties have the right to request that the questions be drafted or presented in a different manner or order.

The President shall decide upon such requests.

Art. 40

The final discussion shall proceed in accordance with Art. 468 of the Code of Penal Procedure after the final draft of the questions has been prepared and signed by the President and by the registrar.

Art. 41

Upon the conclusion of the final discussion the president shall declare the hearing closed; and the voting on the questions shall proceed.

The lay judges shall vote in camera in the presence of the President only who shall supply all appropriate explanations and mark the result of the vote against each question.

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Art. 42

When the voting is finished, which voting may not be suspended, the President shall reopen the hearing and read the results of the vote on each question; he shall then direct the public prosecutor and the counsels for the

have been asked to attend, the President shall request the public prosecutor and other parties to give their demands for submitting as questions to the lay judges; he shall then draft them and read them.

Art. 38

The questions shall be put in such form as may be answered by "yes" or "no" and there must be separate questions for each defendant, regarding each principal or secondary fact, including each circumstance which may exclude, aggravate or extenuate the penalty and regarding the question of his danger to society, if this is not provided for by law. Whenever the question is put concerning the existence of aggravating circumstances as set out in the second part of Art. 2, there must be added a further specific question concerning the application of the death penalty. The questions shall be put in such order as the President considers logical and convenient for the voting.

Art. 39

The public prosecutor and other parties have the right to request that the questions be drafted or presented in a different manner or order.
The President shall decide upon such requests.

Art. 40

The final discussion shall proceed in accordance with Art. 448 of the Code of Penal Procedure after the final draft of the questions has been prepared and signed by the President and by the registrar.

Art. 41

Upon the conclusion of the final discussion the president shall declare the hearing closed; and the voting on the questions shall proceed.
The lay judges shall vote in camera in the presence of the President only who shall supply all appropriate explanations and mark the result of the vote against each question.

2887

Art. 42

When the voting is finished, which voting may not be suspended, the President shall reopen the hearing and read the results of the vote on each question; he shall then direct the public prosecutor and the counsels for the parties to put forward their demands, conclusions or pleas; immediately thereafter he drafts the sentence in accordance with the results of the vote and he shall then render it public by reading it in the Court.
The President shall decide upon the penalties and the security measures after having heard the lay judges in camera.

Section 5

Special Rules for Provincial Commissions

Art. 43

The constitution of a civil party shall not be allowed in trials before the Provincial Commission nor may the party responsible under civil law be summoned to appear thereat.

Art. 44

The President and the lay judges constitute one single bench.

Chapter 4

Appeals

Art. 45

Appeal in Cassation shall be allowed against the verdict of the District Court, solely on the grounds enumerated in nos. 1 and 2 of Art. 524 of the Code of Penal Procedure.

If the Supreme Court of Cassation shall annull the verdict, the case shall be remitted and the records forwarded to the High Commissioner who shall designate another District Court for a new trial.

Art. 46

No challenge shall be made against verdicts of a Provincial Commission other than by demanding a revision.

Art. 47

Revision of verdicts rendered by both District Courts and Provincial Commissions shall be permitted in cases enumerated in Art. 554 of the Code of Penal Procedure.

The High Commissioner shall decide upon the application for revision, and if revision is granted he shall designate another District Court or another Provincial Commission for a new trial and forward the records thereto.

Art. 48

Time limits, formalities and procedure in connection with appeals of cases shall be governed by the rules of the Code of Penal Procedure as far as applicable.

Chapter 5

Execution

Art. 49

The sentences of the District Courts and of the Provincial Commissions shall be executed in accordance with Art. 575 and following of the Code of Penal Procedure.

In respect to cases set out in Art. 14 para (e) of this decree the terms of imprisonment served in execution of a sentence declared legally non-existent shall be deducted in accordance with Article 137 Penal Code; the amount of fine already paid shall be deducted from the total amount of that imposed.

Part III

General Provisions

Art. 50

Reference shall be had to the provisions of the Code of Penal Procedure, in so far as they apply, regarding all matters not provided for in this decree.

Art. 47

Revision of verdicts rendered by both District Courts and Provincial Commissions shall be permitted in cases enumerated in Art. 554 of the Code of Penal Procedure.

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In respect to cases set out in Art. 14 para (e) of this decree the term of imprisonment served in execution of a sentence declared legally non-existent shall be deducted in accordance with Article 137 Penal Code; the amount of fine already paid shall be deducted from the total amount of that imposed.

Part III

General Provisions

Art. 50

Reference shall be had to the provisions of the Code of Penal Procedure, in so far as they apply, regarding all matters not provided for in this decree.

Art. 51

DRL 13th April 1944, No. 110 concerning the institutions of the High Commission for national purging of fascism is hereby repealed.

Art. 52

The complementary rules which might be needed for implementing this decree will be set out in subsequent legislation.

Art. 53

The Minister of Pardon and Justice in agreement with the Minister of Finance and after consultation with the High Commissioner shall establish in a subsequent provision the numerical tables of personnel and their overall remuneration; the funds required for the operation of the High Commissariat shall be earmarked in the budget of the Ministry of Finance under the heading of "Ministry of Pardon and Justice".

Art. 5.

The present decree shall become effective on the day following the date of its publication in the Gazzetta Ufficiale of the Kingdom, Special Series, and its effects shall cease one year after the cessation of the state of war, except for the completion of proceedings pending and execution of sentences already imposed. It shall be presented to the legislative assemblies to be converted into law.

The Prime Minister, President of the Council who proposed the Decree is authorized to present the relative draft bill.

This decree shall have force of law of the State and shall be observed by everyone as such.

23 May 44.