Declassified E.O. 12356 Section 3.3/NND No. 785021

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AUG. 1944

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POWERS AND RIGHTS OF ALLIED FORCES AND AMG IN UNOCCUPIED ITALY

SECRET.

HQ., ALLIED ARMIES IN ITALY

AAI/3064/A(O)

8 Aug. 44.

ADMINISTRATIVE INSTRUCTION NO. 42

POWERS AND RIGHTS OF ALLIED FORCES AND ALLIED MILITARY GOVERNMENT IN UNOCCUPIED ITALY

This Instruction supersedes Administrative Instruction No. 6, reference AAI/3064/A(O) dated 15 Mar. 44.

1. Definition

For the purposes of this Instruction the term "Italian Government Territory" refers to territory forming part of ITALY, SICILY and adjacent islands handed over to ITALIAN Government and jurisdiction, subject to the guidance and instruction of the Allied Control Commission under the Chief Commissioner acting for the Commander-in-Chief, A.A.I.

2. General.

The object of this Instruction is to clarify the more important rights reserved to the Allied Forces by agreement with the ITALIAN Government, in such territory forming part of Italian Government Territory which may be handed over to the ITALIAN Government from time to time, in respect of which full powers of Government will otherwise be possessed by the ITALIAN Authorities.

Apart from these reserved rights, Allied Military Government in ITALIAN Government Territory comes to an end. All Proclamations and Orders of the Military Governor and those made by his authority cease and are no longer operative; no such Proclamation or Orders can be issued in the future.

Although there will be officers of the Allied Control Commission in ITALIAN Government Territory, they will be there to advise and control the ITALIAN Government, and not as Governors. One of the most important functions of the Regional and Provincial Officers of the ACC will be liaison between Allied Military Formations in the area and the ITALIAN administrative officials. All but the most routine dealings between the ITALIAN administration and the Allied Military authorities must be conducted through the local ACC. When the ITALIAN Government is directly represented on a control board or committee the Military may, of course, deal directly with that organisation without the intervention of ACC.

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3. Requisitioning

The Allied Forces have retained the power and right to requisition private and public property and services in ITALIAN Government Territory - this right must be exercised sparingly and only for reasons of genuine military necessity. This right will be exercised through the ITALIAN authorities. If, for example, a building is needed by the Military, it should be requisitioned through the Sindaco of the town where the building is situated, with the assistance of the

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4. Allied Military Courts

As the Proclamation of the Military Governor ceases to operate in ITALIAN

/Government

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Government Territory, all crimes will normally be tried under ITALIAN law and in ITALIAN Courts. The Allied Forces, however, have reserved to themselves the right to hold Allied Military Courts in ITALIAN Government Territory for the trial of civilians who commit acts seriously hostile to the Allied Forces and to punish them in accordance with the ITALIAN Penal Codes.

The reservation of this right is not intended to encourage the trial of of civilian offenders by Allied Courts, but is to enable them to deal with the most serious offences against Allied personnel or property which cannot be dealt with by the ITALIAN Courts. If such an offence has been committed the military authorities will give a full statement of the facts to the local representative of the ACC with the request that an Allied Military Court be convened to hear the charges. It will be the responsibility of ACC to frame the charges and constitute the Court. It is emphasized that only in the most exceptional circumstances will any case in ITALIAN Government Territory be referred to AMG Courts and then only on order of ACC.

Consequent on reservation of the power to try such offenders there is reserved to the Allied Forces the power to arrest persons who are believed to have committed such offences. High ranking ITALIAN officials and officers of the ITALIAN Armed Forces should, however, only be arrested in collaboration with the appropriate ITALIAN official (e.g. the Prefect or the Commanding Officer of the officer concerned). In all cases of arrest the agreement of the local ACC officer will be obtained beforehand, except in an emergency, when he will be informed immediately after the arrest.

5. Military Zones.

The right is reserved by the Commander-in-Chief to declare specific areas in ITALIAN Government Territory to be Military Zones. Upon the issue of such a declaration, the right to exercise the powers of military government in the Zone in question becomes once more vested in the Commander-in-Chief. It is hoped that the need for the establishment of such Zones will never arise, but should the situation in any area become such as to convince the District Commander that such action is necessary, he should, after consulting the Regional Commissioner, report accordingly to HQ AAI giving full reasons to justify his view. The Allied Forces may also re-occupy any part of ITALIAN territory, but the right to constitute a Military Zone will render it unnecessary to exercise this right in respect of any local disorders.

6. Military and Civilian Internees

The Allied Forces may continue to hold or require the ITALIAN Government to hold in custody military or civilian internees in ITALIAN Government Territory. If the Allied Forces require to arrest any person for security or other reasons such arrest should be carried out in collaboration with ITALIAN officials unless, in any particular case, it is thought that a request to the ITALIAN police to arrest a suspect would be ineffective. In all such cases the local ACC officer must, except in emergency, be informed of the intention to make the arrest, whether it is to be effected by the Allied or ITALIAN authorities. If he is not in agreement, the matter will be referred to higher authority. Normally such persons will be detained in 371 PW Camp.

7. Use of Troops in Aid of the Civil Power.

It may happen that the local ITALIAN authorities may ask for the assist-

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7. Use of Troops in Aid of the Civil Power.

It may happen that the local ITALIAN authorities may ask for the assistance of Allied troops in quelling civil disturbances.

If such a request is made the local commander will point out that the quelling of civilian riots or disturbances is a matter for the ITALIAN Administration and he will refuse such assistance, unless he is of the opinion that it is necessary for the protection of Allied Military interests. Furthermore, before rendering such assistance the local commander will warn the local official requesting his assistance that the territory in question will be made forthwith an Allied Military Zone (see para 5 above).

/If time

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para 7 contd.

If time permits the local commander will consult the local ACC officer and seek instructions from his Superior Commander before giving assistance; in any event he will inform his Superior Commander of any request made to him and the action taken thereon without delay.

8. Process in ITALIAN Courts

No member of the Allied Forces may be prosecuted or sued in ITALIAN Courts.

9. Emergency Action

It is appreciated that an emergency may arise which requires immediate action by the Allied Forces for their protection and security, but except in such emergency all action required from the ITALIAN Administration should invariably be taken through the medium of the Regional or Provincial Commissioner. Where immediate action is taken without previous reference to ACC for emergency reasons, the appropriate ACC Officer will be informed as soon as possible.

10. Assistance to ITALIAN Authorities.

Apart from the powers and rights described above, it should be remembered that the transfer of territory to the ITALIAN Government is made as part of the policy of the Allied Governments.

It is the duty of all Allied officers to assist the central and local Government authorities in acquiring and maintaining authority, and to avoid thoughtless acts which may undermine the authority of the police, the Sindaco, or the Prefects.

W.D. Forbes

Major General.
Chief Administrative Officer.

/VRT

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DISTRIBUTION

5 (US) Army	(5)
Eighth Army	(5)
5 Corps	(3)
2 Polish Corps	(3)
1 District	(5)
2 District	(5)
3 District	(5)
NZEF Adv. Base	(5)
Adv. Adm HQ UDF CMF	(5)
FBS	(5)
C-in-C MED	(5)
HQ MAAF	(5)
AAF/MTO	(5)
26 B.L.U.	(2)

Copies to:-

AFHQ G1 (Br)	(25)
ACC	(12)
List 'B'	
War Diary	(2)
File 3078/A(O)	(1)

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