



1) To the commissar *pro tempore* of the Italian Government
in Region Friuli Venezia Giulia, as delegate to exercise the powers
of temporary civil administration over the Free Territory of Trieste and its
international Free Port entrusted to the responsibility of the Italian Government
on behalf of the United Nations Security Council

and, through them

to the President *pro tempore* of the Council of Ministers
of the Italian Government for its role of temporary civil administrator
of the Free Territory of Trieste and of its international Free Port
on behalf of the United Nations Security Council

2) To the President of the Court of Appeal of Trieste
presidente.ca.trieste@giustiziacert.it

3) To the President of the Court of Trieste
tribunale.trieste@civile.ptel.giustiziacert.it

4) To the General Prosecutor of the Republic
at the Court of Appeal of Trieste
prot.pg.trieste@giustiziacert.it

5) To the Prosecutor of the Republic in Trieste
prot.procura.trieste@giustiziacert.it

**6) To the President of the Jurisdictional Section
of the Court of Accounts of Friuli Venezia Giulia**
friuliveneziagiulia.giurisdizione@corteconticert.it

**7) To the Regional Prosecutor of the Court of Accounts
of Friuli Venezia Giulia**
friuliveneziagiulia.procura@corteconticert.it

8) To the Italian Port Authority in Trieste
represented by the Commissar *pro tempore*
protocollo@porto.trieste.it

9) To the Italian State Property Office
represented by the responsible persons *pro tempore*
of the Central Directorate of Public Property Assets
and of the Regional Directorate in Friuli Venezia Giulia
dg.GestionePatrimonioImmobiliareStato@agenziademanio.it
dre_FriuliVeneziaGiulia@pce.agenziademanio.it

10) To the Revenue Agency

represented by the Director in the Province of Trieste
dp.trieste@pce.agenziaentrate.it

And, for information:

**To the International Provisional Representative
of the Free Territory of Trieste – I.P.R. F.T.T.**

NOTICE TO FULFILL

**to all obligations established under the international law, under the mandate of
temporary civil administration and of the Italian legal order concerning the
Free Territory of Trieste**

On 29 June 2015, the Free Trieste Movement notified, in Italian and English, a certified email to the addressed Italian authorities the invitation to regularize, in accordance with their competences, the exercise of the temporary civil administrative jurisdiction over the present-day Free Territory of Trieste and over its international Free Port, in order to prevent further violations, being these direct or indirect, active or omissive, official or unofficial, of the rights of the citizens, residents, enterprises and institutions of the Free Territory of Trieste, and/or of the rights of the States and enterprises of the international Community over the international Free Port of Trieste.

In view of this, the Free Trieste Movement,

observing

a) that most of said breaches continued to this day, 10 February 2016;

b) that said breaches were aggravated even further by the Commissar of the Government in Region Friuli Venezia Giulia, Francesca Adelaide Garufi, who, not long before concluding her office and in spite of official, documented warning notices, did use the special normative powers of the Free Territory of Trieste, delegated to her office pursuant art. 70 of Italian Constitutional Law No. 1/1963, to violate, in clear breach of the very same powers, of the sovereignty of the Free Territory of Trieste, of international law and of the Italian Constitutional legal order, a decree registered under No. 19/8-5/2016 and dated 26 January 2016 to illegally move away, and with deceptive motivations, the international legal regime of the Northern Free Port, also known as the “old” port, which his part of the international Free Port of Trieste;

c) that said violations are still founded, in large part, on the intentional simulation of the sovereignty of the State of Italy over the present-day Free Territory of Trieste, notwithstanding that such sovereignty, established under the Treaty of Rapallo of 12 November 1920, ceased on 15 September 1947 at the coming into force of the Treaty of Peace with Italy signed at Paris on 10 February 1947,

warns

the Italian authorities addressed to cease immediately all direct or indirect, active or omissive, official or unofficial breaches of the rights of the citizens, residents, enterprises and institutions of the Free Territory of Trieste, and/or of the rights of the States and enterprises of the International Commission over the international Free Port of Trieste;

confirms

for the purposes of the present warning, all contents and motivations of the previous act of date 29 June 2015, and

integrates

the motivations, precisising the following legal evidences about the Constitutional extension of the borders of the State of Italy and about the absolute lack, in the Italian legal system, of legal instruments of annexation of the present-day Free Territory of Trieste, with particular reference to Italian Constitutional Law No. 1/1963, establishing autonomous Region Friuli Venezia Giulia, to the bilateral Italian-Yugoslav Treaty signed at Osimo on 10 November 1975, and to the annexed document S/2015/809 of the United Nations Security Council:

1. The extension of the territorial sovereignty of the Republic of Italy, declared as one and indivisible on the bases of the principles of its own Constitution is that stated by the Constitution of the Republic of Italy, in force since 1 January 1948, after the laws of ratification and execution without reserves (Law No. 811 of 2 August 1947; Legislative Decree of the Temporary Head of State No. 1430 of 27 November 1947) of the Treaty of Peace that caused the ceasing of Italian sovereignty over the newly established Free Territory of Trieste and the Constitutional obligation to comply with it.

All explicit or implicit legal statement of the sovereignty of the State of Italy over the Free Territory of Trieste does therefore contradicts the laws in force in the State of Italy, which recognize the sovereignty of State of the Free Territory of Trieste under an international obligation of the Republic, which as such prevails on national and regional legislation under Constitutional constrain.

For those reasons, in Constitutional Law No. 1/1963 the expression of integrity and indivisibility of the Republic of Italy under the principles of the Italian Constitution cannot but refer to the Italian Provinces of Udine and Gorizia, not to the additional, therefore different, administrative aggregation of the Municipalities of the Free Territory of Trieste, entrusted under a mandate of temporary civil administration to the Italian Government, to be administered with the powers and instruments provided at article 70 of the same law.

2. As confirmed in the first paragraph of article 70 of Italian Constitutional Law No. 1/1963 and by examining its preparatory acts, in order to consider the Free Territory of Trieste annexed to the Republic of Italy there should be a special law, namely a law of annexation, which has never been adopted;

Said law of annexation has never been adopted because it would constitute a legal certification of the previous abuse of sovereignty, and because it remains subordinated to the following preliminary conditions under international and Italian law:

- explicit, formal consent of all Signatory States of the Treaty of Peace of Paris of 10 February 1947 and of all of their successor States, following the procedures established under the Vienna Convention on the law of Treaties;
- explicit, formal consent of all other States of the International Community, as holders of general and specific rights over the international Free Port of the Free Territory of Trieste (Treaty of Peace, Annex VI article 34, Annex VIII, articles. 1, 3 n.3, 5 n. 1, 16, 21-24);
- ultimate, explicit consent of the United Nations Security Council, as legal guarantor of the integrity and independence of the Free Territory of Trieste (Resolution S/RES/16 (1947); Treaty of Peace of Paris of 10 February 1947, article 21 n. 1;
- referendum for the self-determination of the people of the Free Territory of Trieste, under the control of the United Nations Security Council, in accordance with the right recognized and granted with international instruments and agreements in force, which constitute legal obligations for Italy as well: *Charter of the United Nations; Declaration of Principles of International Law, Friendly Relations and Co-operation Among States in Accordance with the Charter of the United Nations* (UN General Assembly Resolution 2625/1970); International Covenant on Civil and Political Rights; Final Act of the Conference on Security and Co-operation in Europe.

Those conditions were fulfilled, constituting also a precedent case, only when it comes to the supervening inefficacy, since 1992, of the parts of the norms of the Treaty of Peace with Italy the included within the borders of the Free Territory of Trieste, along with its main area (Zone A) consisting in the capital city, Trieste, with the international Free Port and five smaller Municipalities, another agricultural-coastal accessory area (Zone B).

For instance, this accessory area became subject to the sovereignty of the new independent Republics of Slovenia and Croatia as a result of referendums followed by the international recognition of all United Nations Member States, and with them, of all signatory or obliged parties of the Treaty of Peace, as well as upon the official recognition of the United Nations Security Council, formalised with Resolutions S/RES 753, 754 and 777 (1992).

None of this has happened for the main area, which therefore constitutes the present-day Free Territory of Trieste, which remains entrusted under the temporary civil administration of the Italian Government (not of the State of Italy).

3. For the same reasons, the Italian-Yugoslav bilateral treaty signed at Osimo on 10 November 1975 is not eligible to constitute a law of annexation, or to substitute one, and it is formulated in order to nor constitute a breach of the multilateral instrument the is the Peace Treaty, or the consequent obligation of its Signatory States, of the Free Territory of Trieste and of the United Nations.

The 1975 bilateral Italian-Yugoslav treaty does actually omit to mention the Free Territory of Trieste, as well as the other States and the United Nations, and at article 7 it declares that the Memorandum of Understanding of London of 1954 ceases to have efficacy only between the two States, which were not its contracting parties.

With this declaration, Italy and Yugoslavia did recognize the international validity of the Memorandum of London, and consequently the validity of the mandate of temporary civil administration over the Free Territory of Trieste entrusted to their Governments.

The bilateral Italian-Yugoslav treaty of 10 November 1975 does therefore represent only a political, bilateral act to give up territorial claims over the territory of an unmentioned third State, therefore the UN Security Council did only are note of that and did temporarily remove from the agenda of urgent matters of discussion the questions concerning the Free Territory of Trieste.

4. The legal status of the present-day Free Territory of Trieste represented here and recalled in the previous act of date 29.6.2015 is confirmed once again by the recent document S/2015/809, a copy of which is annexed to this act.

In view of all of this,

in case of failure to fulfil, completely or in part, the contents of this notice, the Free Trieste Movement reserves to activate all legitimate instruments, including appeals to the pertinent international Courts, in defence of the violated rights of the citizens, residents, enterprises and institutions of the Free Territory of Trieste, and/or of the rights of the States and enterprises of the International Community over the international Free Port of Trieste.

Trieste, 10 February 2016

(one annex ut supra)

Roberto Giurastante
President of the Free Trieste Movement

