



1) **To the Commissar of the Italian Government and Prefect in Trieste**
*for the rights and duties established under articles 1, 2 first paragraph
and 70 of the Italian Constitutional Law1/1963.*

2) **To the President of Region Friuli Venezia Giulia, and
through them, to the Council and Regional Council**
*for the rights and duties established under articles 1, 2 first paragraph
and 70 of the Italian Constitutional Law1/1963.*

3) **To the Mayors, and through them to the members of the respective
Councils and Municipality Councils of the Municipalities of the Free
Territory of Trieste** entrusted to the provisional civil administration of the
Italian Government: *Trieste-Trst, Muggia-Milje, Dolina, Repentabor
(Monrupino), Zgonik (Sgonico), Devin Nabrežina – Duino Aurisina.*

4) **To the Commissar of the Port Authority of Trieste**
*as provisional responsible for the management of the
international Free Port of the Free Territory of Trieste.*

5) **To the Italian State Property Office**
*as illegal holder of the properties of State of the
Free Territory of Trieste.*

6) **To the Prosecutor of the Republic in Trieste**
to exercise the mandatory criminal prosecution.

7) **To the International Provisional Representative
of the Free Territory of Trieste**
as delegation for all consequent international actions.

**LETTER OF FORMAL NOTICE
AND INVITATION TO COMPLY WITH THE LAW
in carrying out the temporary civil administration
of the international Free Port of the Free Territory of Trieste
for all related civil and criminal liabilities**

notified by the Free Trieste Movement, as representative of the legitimate interests of the citizens and enterprises of the Free Territory of Trieste and of the States holding general and special interests on its international Free Port for all legal purposes and for all consequent civil, criminal and international legal actions,

with main references to:

– **the general and specific obligations** of international law, of the regulation of the Free Territory of Trieste, of the mandate of temporary civil administration

entrusted to the responsibility of the Italian Government on behalf of the United Nations, as well as of the Constitutional and legal order of the Republic of Italy;

– **to public document S/2015/809 of the United Nations Security Council** confirming once again the legal status of the present-day Free Territory of Trieste and of its international Free Port, entrusted under the provisional administration of the Italian Government on behalf and under the protection of the United Nations;

– **to Official Letter // Lettera Ufficiale of date 10 January 2016** about the “*Urgency to protect the international Free Port of the Free Territory of Trieste / Tutela urgente del Porto Franco internazionale del Free Territory of Trieste*” sent by the International Provisional Representative of the Free Territory of Trieste – I.P.R. F.T.T. to the President of the Council of Ministers of the provisional Italian Government through the Commissar of the Government in Trieste, to the Governments of the United States of America and of the United Kingdom through the respective Ambassadors in Rome and to the United Nations Security Council through the General-Secretary;

– **to all other acts on the matter notified before** to the Commissar of the Government in Trieste, to the Mayor of the City of Trieste, to the Commissar of the Port Authority in Trieste, to Region Friuli Venezia Giulia and to all other bodies of the temporary civil administration of the Italian Government, as well as to bodies of the State of Italy;

– **to the documented criminal complaints already presented on the matter** to bodies of the temporary civil administration of the Italian Government or of the State of Italy, precisely, the Prosecution Offices of Trieste, Bologna, Rome, Milan, to the Anti-Mafia Investigation Department and to the National Anticorruption Department.

With note of date 11 January 2016 protocol No. 19/8-5-2016 addressed to the other public bodies involved, the Commissar of the Italian Government in Trieste, Francesca Adelaide Garufi, who in compliance with article 70 of the Italian Constitutional Law No. 1/1963 is mainly delegated to exercise the normative powers of the legislative branch of the provisional regime of Government of the present-day Free Territory of Trieste, has formalised the intention to use said power to issue decrees about “*Spostamento del regime giuridico internazionale del Punto Franco dal Porto Vecchio di Trieste ad altre zone*” (Displacement of the international legal regime of the Free Zone of the Old Port of Trieste to other zones), in execution of a law of the Republic of Italy, which is a third State.

Those decrees would therefore be legally contradictory, deceptive, illegitimate as well as null and void, for law infringement on all levels – starting from the jurisdiction of State – and they would be issued due to the illegal pressing of a consociation of Italian political-speculative circles who are attempting a massive international fraud at the expenses of the Free Territory of Trieste and of all other States.

The civil and criminal liabilities of the attempted international fraud, about which there are, since time, also relevant antimafia and anticorruption questions, documented complaints and investigations, do mainly fall on those Italian public officials (public functionaries, public administrators, parliamentarians) who, instead of preventing it, become its active or passive accomplices.

The illegal operation would cause an immeasurable and permanent economical damage to the citizens, to the enterprise and to the State of the Free Territory of Trieste and of all other State holding general and special rights on the international Free Port, allowing the Italian political-speculative consociation to earn huge illegal profits.

This, as well as other illegal operations at the expenses of the Free Territory of Trieste were made possible by the fact that its provisional Italian Government and the bordering Republic of Italy, so far, granted cover and complete impunity to the political-speculative circles that are committing it.

The operations at the expenses of the international Free Port of the Free Territory of Trieste are therefore one of the greatest and best covered scandals of the political-institutional system of corruption that devastates the Republic of Italy and, at the same time, constitutes an increasing strategic risk for the political, economic and strategic balances of the Euro-Atlantic area.

1. Subject, development and purposes of the international fraud.

The Northern Free Port, misleadingly called also "*porto vecchio*" (old port), is one of the two main areas of the International Free Port of Trieste which are irreversibly bind to this legal status by the provisions of international law that establish and regulate the Free Territory of Trieste.

Therefore, those constrains cannot be amended by the Italian Government as temporary civil amministrar of the Free Territory of Trieste under an international mandate, not by the Republic of Italy for which those constitute international obligations, which under the Constitution prevail on domestic law.

The Northern Free Port is indispensable for the development of trades and productions of the international Free Port of the Free Territory of Trieste, both with reference to the current trades and in respect to the new, massive trades following the doubling of the Suez Canal (2015) and to the development of the Baltic-Adriatic (also due to the gradual opening of the Arctic route to the Americas and the Far East) and transsiberian traffic routes.

The illegal operation to eliminate the free port regime of the Northern Free Port for its "dislocation" to non-port areas of non-equipped areas has the actual purpose to divert those traffics to certain Italian Ports by subtracting to the international Free Port of Trieste the structure of the Northern Free Port, and destination it to illegal housing and building speculations amounting to about EUR 1.5 billions.

This action to divert the traffics is expressly prohibited by the provisions of international law that establish the Free Territory of Trieste and its international Free Port, which the Republic of Italy is bound to observe as international

obligations of its own legal system, which as such prevail on domestic national and regional law.

After the “dislocation” of the regime of free port, the fraud to eliminate the Northern Free Port would be completed by removing the area from the state properties of the Free Territory of Trieste with an act of the State Property Office of the State of Italy, which would transfer the title of ownership to the Municipality of Trieste, which would then sell it to private parties.

Removing the areas of the Northern Free Port from the State Properties of the Free Territory of Trieste and trading them would constitute breaches of the provisions of international law, implemented in the Italian legal system, which establish the international Free Port as State Corporation of the Free Territory of Trieste, bound the areas to this use and assign the property to the State of the Free Territory. The whole operation is therefore illegal under all aspects.

The political-speculative consociation computing the fraud and the Italian public officials who support it are attempting to justify the operation with three false arguments: the current status of semi-abandonment of the Northern Free Port; the claim that it would be legitimate and necessary removing from it the regime of free port to use it in other areas; the claim that the dislocation would have been made possible by a dedicated Italian legal measure.

The first claim is deceptive, because the present-day abandonment of the Northern Free Port is not natural, rather, it has been gradually caused in order to facilitate the fraud, through twenty years of illegal administrative measures and illegal obstructions of tenders for port concessions.

The second claim is twice as much false, because the legal status of the international Free Port of Trieste allows to extend the regime of free port to other areas of the Free Territory of Trieste without removing it from the others, as well as prohibiting to remove it to the main areas under constrain.

The third constrain is false as well, because the Italian law they refer to, paragraph 618 of article 1 of Law 90/2015 is inapplicable due to the lack of jurisdiction of the State and for breach of the Constitutional legal order of the Republic of Italy on the matters of sovereignty and international obligations. The same applies to the related paragraphs 619 and 620.

The unenforceable law has been introduced in Italian legislation by an operation of the political-speculative consociation that is committing the international fraud, deceiving the Italian Parliament through politicians who are protected by Parliamentary Immunity.

2. Liability of the Commissar of the Italian Government.

The Commissar of the Provisional Government who is delegated to exercise the related legislative powers also on the international Free Port of Trieste, as for their role, is perfectly aware of this situation.

This notwithstanding, the previous Commissar of the Italian Government, Alessandro Giacchetti (2010-2012) did openly support the fraud at the expenses

of the Northern Free Port, while the current Commissar, F.A. Garufi promises to grant its completion by issuing the illegitimate decrees.

The criminal investigations on the matter have already been requested since 2011 with documented complaints to the Prosecution Offices of Roma, Trieste, Bologna, Milano, to the Anti-Mafia Investigation Department and to the National Anticorruption Department.

Currently, the complaints and letters of formal notice presented by the Free Trieste Movement and by the newly established International Provisional Representative of the Free Territory of Trieste, as well as the investigations of investigative newspaper La Voce di Trieste are efficaciously blocking the international fraud in course, as well as raising increasing international attention.

The Italian political-speculative consociation is therefore attempting to speed up the completion of the fraud by having the Free Trieste Movement charged with “subversion” and La Voce di Trieste charged with “defamation”, as well as taking advantage of the retirement, at the end of January, of the Commissar of the Government F.A. Garufi to induce her by the means of severe pressing, to issue the illegitimate decrees in the last days of her mandate.

3. International dispute.

Issuing illegal decrees, the current Commissar of the Italian Government in Trieste, or her successor, would give rise to international dispute regulated by special procedure provided by the Treaty of Peace that establishes the Free Territory of Trieste, its international Free Port and the connected rights of all other States. In such disputes, the Italian Government and the Republic of Italy would not be the judiciary, but the accused party.

4. Crimes against the Italian Government and the State of Italy.

However, the illegal actions committed by Italian public officials in support of the Italian political-speculative consociation that attempts the fraud at the expenses of the Northern Free Port of the Free Territory of Trieste fall under the exercise of the jurisdiction of the provisional administration mandate of the Government of Italy and, at the same time, in the jurisdiction of State of the Republic of Italy.

The activities of the political-speculative transversal consociation consists in an attempt to earn illegal profits, for itself and others, at the expenses of the Free Territory of Trieste and other States by influencing constitutional bodies, public administrations and bodies of the Republic of Italy.

Said interferences do also expose the Italian Government and the Republic of Italy to be involved in international disputes for serious responsibilities and for causing serious damages to the Free Territory of Trieste and to the other States.

Therefore, under Italian law, the illegal activities of this consociation do not only constitute a breach of criminal law No. 17/1982, article 1 regarding all private and public subjects, the alleged offences of corruption and involvement with the mafia and related active or passive offences (article 40, second paragraph, Italian

Code of Criminal Law) committed by public officials, but also the crimes of treason and attempt to change the constitution by unlawful means.

This does especially apply to public officials who continued to carry out or did not prevent the illegal actions after being warned about them with formal acts, of which they had the duty to promptly verify truthfulness, correctness and legal grounds.

Therefore, the responsibilities of the public officials with a professional knowledge of the law, like the Commissars of the Government, Judges, the heads of legal departments of the public bodies involved, or the current President of the Region, lawyer Debora Serracchiani.

Also, under Italian law, the production of public acts (decrees, decisions, ordinances, judgments, circular letters, etc.) which do directly or indirectly state the truthfulness of the false premises of the international fraud under question (Italian sovereignty over the Free Territory of Trieste and over its international Free Port, the possibility to remove the regime of free port from the areas under constrain, etc.) constitute the criminal offence of ideological falsehood, defined under Article 479 of the Italian Criminal Code: *«the public officer, who [...] drawing up an act in the conduct of his duties [...] falsely states facts of which said act shall prove the truthfulness, undergoes the punishments established at Article(s) 476 [487, 493].»*.

In particular, the premise of the sovereignty of the State of Italy (ceased on 15 September 1947) over the present-day Free Territory of Trieste and over its international Free Port, entrusted under a mandate of provisional civil administration to the Italian Government on behalf of the United Nations is proved false by the whole Italian constitutional and legislative apparatus of on the matter, precisely:

- **by the laws in force ratifying and executing without reserves the Treaty of Peace** with Italy of 10 February 1947, which recognize the end of Italian sovereignty since the day of the coming into force of the Treaty, 15 September 1947 (Law No. 811 of 2 August, 1947, authorising ratification of the Treaty; Legislative Decree of the Temporary Head of State No. 1430 of 28 November, 1947, implementing the Treaty; Law No. 3054 of 25 November, ratifying Legislative Decree No. 1430 of 28 November, 1947);
- **by the consequent laws of implementation** of the ending of sovereignty on the matter of maritime and land borders, diplomatic representation, citizenship, civil, criminal and military jurisdiction, administrative districts, customs, elections, monetary sovereignty, vehicles plates, postal services, railroad facilities, etc.;
- **by the Constitution of the Republic of Italy**, which has come into force on 1 January 1948 within the new borders of State with the Free Territory of Trieste established under the Treaty of Peace, therefore constituting the subject of the unity and indivisibility of the State proclaimed at article 5, while article 10, paragraph 1 conforms the Italian legal order to the general accepted principles of international law, while the successive article 117

subordinates the legislative powers of both State and Regions to the constraints deriving from international obligations;

- **by the bilateral Agreements of date 9 March 1948** between the Republic of Italy and the Free Territory of Trieste, in which is recognized that the Treaty of Peace is in force since 15 September 1947 and that *«pursuant article 21, from this date the Free Territory of Trieste is established and the instrument concerning the provisional regime of Government, provided at article VII of the same Treaty, has come into force»*;
- **by the Decree of the President of the Republic of Italy of date 27 October 1954**, which has recognized and implemented in the Italian legal system the Memorandum of Understanding of London of 5 October 1954 concerning the temporary civil administration of the present-day Free Territory of Trieste on behalf of the United Nations, sub-delegated to the responsibility of the Italian Government (not the State), providing the Government of Italy with an official (Commissar General) to exercise the consequent legislative and administrative duties.
- **by Italian Constitutional Law No. 1/1963**, which, at article 1 establishes Autonomous Region Friuli Venezia Giulia within the unity of the Republic of Italy under the principles of the Constitution (therefore including the borders and international obligations: see above) and at article 2 does therefore include in it the Italian provinces of Udine and Gorizia, aggregates to them the six Municipalities of the present-day Free Territory of Trieste for administration purposes and, at article 70, recognizes the implementation of the Memorandum of London of 1954 by transferring and delegating the legislative and administrative powers of the Commissar General mainly to the Commissar of the Government in Friuli Venezia Giulia, and in part to the prefect and the Region (therefore, the Commissar, the prefect and the Region exercise the powers of the five municipalities of the Free Territory of Trieste, not the powers of the State of Italy).
- **by article 7 of the bilateral Italian-Yugoslav Treaty of 10 November 1975**, which confirmed once again the international legal force of the Memorandum of London of 1954.
- **by paragraph 618 of article 1 of Law 90/2015**, for the part in which the Italian Parliament recognizes the special, exclusive powers of the Commissar of the Government over the international Free Port of Trieste.

The international legal status of the Free Territory of Trieste as a sovereign State, recognized by this unambiguous corpus of laws in force within the Italian legal system has never been amended with new laws, the permanence of the provisional regime of Government of the present-day Free Territory of Trieste is confirmed again by the fact that the Italian Government continues to exercise the legislative and administrative powers both directly and through the Commissar of the Government (cfr. recent Commissarial Decrees No. 20/2014, concerning the *Fondo Trieste*, and No. 19/8-33/2015, which extended the regime of free port for the benefit of Samer Seaport & Terminal s.r.l.).

Therefore, there is no doubt that, prescinding from notorious Italian doctrinal exercises with political purposes, each and all formal acts relating to the simulation of sovereignty of Italy over the Free Territory of Trieste and over its international Free Port after 15 September 1947 have no legal ground, neither in international or in Italian law, thus constituting serious breaches of both.

5. Formal notice and invitation to comply with the law.

For all those reasons, the Free Trieste Movement, as representative of the legitimate interests of the citizens and enterprises of the Free Territory of Trieste as well as of the States holding general and special rights on its international Free Port:

- **CAUTIONS the Commissar of the Government in Region Friuli Venezia Giulia, prefect Francesca Adelaide Garufi, and all other public officials** of the provisional Government of the Free Territory of Trieste, or of the State of Italy, warned about their civil and criminal liabilities, to abstain, respectively, from issuing, requesting, enforcing illegal Commissarial Decrees of suspension and/or dislocation of the regime of free port from the international Free Port of the Free Territory of Trieste, from carrying out the illegal removal of the area from State Property, its illegal assignation or registration as a property of other bodies, its illegal destination tuo uses different from those of international Free Port and its illegal transfer to third parties;
- **INVITES the Commissar of the Government in Region Friuli Venezia Giulia, prefect Francesca Adelaide Garufi, and all other public officials** of the provisional Government of the Free Territory of Trieste, or of the State of Italy, to firmly respect the law for all matters regarding the international Free Port of Trieste, in compliance with the general and specific provisions of international law, of the legal system of the Free Territory of Trieste and of the legal system of the Republic of Italy;
- **REQUESTS to the magistracy to exercise the mandatory prosecution** against all those who committed the breaches of law denounced in this act and of any other criminal action that is found, also as extension and renewal of all the precedent complaints and investigation on the matter, informing of all extensions of requests of dismissal to be notified to the head office of the Free Trieste Movement / Movimento Trieste Libera, Trieste, piazza della Borsa 7;
- **DELEGATES the International Provisional Representative of the Free Territory of Trieste - I.P.R. F.T.T.** to perform all international actions needed for the protection of the rights and legitimate interests represented in this act.

Trieste, 19 January 2016

Roberto Giurastante
President of the Free Trieste Movement

