



Trieste Libera
Svobodni Trst
Free Trieste

To the Italian Government

for its role of trustee of the Free Territory of Trieste
represented by the President of the Council of Ministers pro-temp;

To the United Nations Security Council

as international guarantor of the Free Territory of Trieste
represented by its President pro temp;

To the Prosecutor of the Republic at Trieste

dr. Carlo Mastelloni
as for the alleged crimes described in the present document and allegedly committed
by the Mayor and other administrators of the Municipality of Trieste

INTERNATIONAL COMPLAINT

**versus the Italian Government as trustee of the Free Territory of Trieste
under an international mandate**

AND CRIMINAL COMPLAINT

versus the mayor and other administrators of the Municipality of Trieste

**FOR VIOLATION OF THE FUNDAMENTAL ECONOMIC RIGHTS
OF THE CITIZENS OF THE FREE TERRITORY OF TRIESTE**

**as for the right to work, equal retribution and taxation,
social assistance, basic income, right to house.**

presented by the Movimento Trieste Libera – Gibanje Svobodni Trst – Bewegung Freies Triest - Free Trieste Movement, as representative of its members and supporters, which are citizens of the Free Territory of Trieste - Territorio Libero di Trieste, Svobodno Tržaško Ozemlje (FTT – TLT – STO), sovereign State, ex officio member of the United Nations and, since 1947, entrusted through a special trusteeship mandate.

1. Synopsis.

The Free Territory of Trieste is a Mediterranean City-State with 240.000 inhabitant and with an international Free Port, established by the Treaty of Peace of Paris of 1947 under direct guarantee of the Security Council of the United Nations and, since 1954, its administration is entrusted to the Italian Government.

The direct and derivate activities of the international Free Port are sufficient to grant the prosperity of the Free Territory of Trieste and of its population, despite the circles of regional and global economic crises.

The administering Italian Government violates the international trusteeship mandate, simulating the sovereignty of the Italian State (ceased since 1947), whom illegally paralyses the economic development of Trieste to favor the competing, Italian ports.

By doing so, the Italian Government which administers the Free Territory of Trieste and the State of Italy cause an artificial economic paralysis that affects all enterprises of the Free Territory, as well as forcing increasing, dramatic unemployment and misery to larger and larger number of citizens.

Currently, this situation affects thousands of individuals of all ages and their family which have lost or are about to lose their means of subsistence, facing deep social marginalization or falling to depressive psychosis, even to the point they commit suicide.

This spiral of local, economic recession, caused by political and illegal decisions of the entrusted, administering Italian Government must be urgently stop through fair social assistances, that the administering Government is obliged to provide to the population in need and these are usually assigned to the management of municipal administrations.

The entrusted, administering Italian Government and its administrative, local bodies do even violate said obligation and they worsen the vicious spiral of recession by providing assistances which are inferior to the actual finances available for that.

In particular, the administration of the main municipality, that of Trieste (201.000 inhabitants) does illegally divert the sums that it should destine to social assistance to secondary, unneeded or parasitic expenses.

For said reasons, the Free Trieste Movement presents the present, international complaint versus the Italian Government for violating the mandate it was entrusted with as for the right to work, equal retribution and taxation, social assistance, basic income and right to house and criminal complaint versus the mayor and other municipal administrators for the alleged Due to this, said actions committed by public administrators and officers configure may constitute criminal or culpable offences of forgery, omission or refusal of Official Deeds, fraud, personal injury and inciting suicide.

2. Previous act recalled:

As for the normative references concerning international, internal and Italian law, we recall the following acts, previously notified by the Free Trieste Movement to the Italian Government for its role of entrusted administrator of the Free Territory, as well as to the Security Council of the United Nations as international guarantor appointed with the Treaty of Peace of Paris of February 10th, 1947:

a) «*Complaint and Notice of Default*»

http://www.movimentotriestelibera.net/wp-content/uploads/2014/09/Complaint_Notice_Default.pdf

b) «International Formal Notice»

http://www.movimentotriestelibera.net/wp/wp-content/uploads/2014/09/Draft_Port_COMPLETE_ENG.pdf

3. The Free Territory and international Free Port of Trieste.

The Free Territory and international Free Port of Trieste, currently consisting in the Municipality of Trieste and five smaller Municipalities in its surroundings, is established since September 15th, 1947 as a sovereign State recognized and member ex officio of the United Nations – essentially, it is a State-City port like Singapore – and it is regulated through the special constitutive international instruments in force which are being executed – since 1954 – through the civil administration mandate entrusted to the Italian government.

Due to this, the Italian Government is bounded to conduce the entrusted administration of the Free Territory of Trieste and of its international Free Port respecting the legal order of the Free Territory and keeping it separate from the administration of the Italian State, as well as responding of that to the Security Council of the United Nations.

The instrument establishing the Free Territory of Trieste is the Treaty of Peace of Paris of February 10th, 1947 between the Allied and Associated Powers and Italy (see Articles 4, 21, 22, 48 No. 5, 78 No.7 and Annexes I, VI, VII, VIII, IX, X); the additional executive instrument (to convert the special, trusteeship mandate from Military to civil) is the Memorandum of Understanding of London of October 5th, 1954.

The main economical resources of the Free Territory of Trieste are – once again, like for Singapore – its status of sovereign State, its international Free Port and its special condition of international free zone.

4. Economical and social rights of the population of the Free Territory.

The economical and social rights of the population of the Free Territory of Trieste are defined by specific sources of international law and by sources of law extended and adapted to the Free Territory by its trustee, the administering Government; this includes the sources of law of the European Community.

4.1. The international instruments establishing and regulating the Free Territory of Trieste and its special trusteeship:

a) as for the regime of provisional Government, these bound the action of governing (Treaty of Peace, Annex VII, Article 2) to the primary social obligation to take provide to *«the needs of the population and its well being»*;

b) consider as population of the Free Territory of Trieste its citizens and its residents;

c) include as part of the legal order of the Free Territory of Trieste the respect of human rights (Treaty of Peace, Annex VI, Article 2) under the conventions of the United Nations, in particular the Universal Declaration of Human Rights that, at Articles 22, 23 and 25 establishes the rights of individuals and families to benefit social security, work,

social care against unemployment, illnesses, handicap, the status of widow, oldness, poverty, the right to a fair and sufficient retribution, to a fair and honorable lifestyle (as for nutrition, clothing, housing, healthcare and social services), special care and social assistance for maternity and infancy:

4.2. with Decree No. 100 of 1955 issued by the *Commissario Generale di Governo* (Commissar-General of Government) the trusteeship administration of the Italian Government - which is, as such, bounded it to grant the exercise of criminal, civil and administrative justice – has extended the general principles of the Italian legal system to the legal system of the Free Territory of Trieste.

By doing so, the principles of the Italian legal that were extended to the Free Territory of Trieste in regard to economic and social rights are:

- a) the same principles established by the Universal Declaration of Human Rights mentioned above at paragraph 4.1.c, as it is implemented within the Italian legal system;
- b) the principles established with the Italian Constitution, as its Articles 4, 36, 38, 53 establish the right to work, to a fair retribution granting a honorable lifestyle to an individual and its family, the right being sustained and other forms of social assistance in case of inability to work, poverty, accidents, illnesses, handicaps, ageing, unwanted unemployment, as well as the right to an equal taxation grounded of the principles of one's ability to pay and progressivity;
- c) the principles of Communitarian norms implemented in the Italian legal system, which, as for social protections are these of Recommendation CEE No. 441 of 1992 defining the common criteria concerning resources and actions sufficient in the systems of social protection, among these is established the right to minimum income, or citizenship income;
- d) the administrative principles that delegate the exercise of preliminary obligations as for social assistance to the Municipal Administrations, as autonomous, territorial bodies.

Due to this, the intervention of social assistance within the Free Territory of Trieste are both an obligatory part of the administration and a primary expense for the entrusted administrator, the Italian Government, as well as for its bodies, delegated to fulfill this role and for the bodies of the Italian State convinced to be acting within the Free Territory due to the Italian Sovereignty that did, actually, cease in 1947.

5. Trusteeship of the Italian Government and social assistances.

The entrusted administrator is bounded to fulfill the duties of a good government even as for the rightful and fair distribution of social assistances, which have the double purpose to grant vital needs, social dignity and the fundamental rights of persons facing poverty, as well as reverting the recessive, economic spiral caused by the increasing impoverishment of the citizens under the survival income defined on the grounds of minimum consumes for daily needs.

To obtain said positive effects it is necessary that the action of the Government:

- includes in social assistances both material forms of support such as money and essential goods and services, including housing, and socio-psychological or cultural forms of support;
- provides said assistance proportionally to the needs and within the actual possibilities of expenditures of the Administration;
- accompanies the efficacious distribution of social assistance with the highest possible valorize the possibilities for the economic and professional development of the community.

6. Extension of social rights to basic income for citizens

Recommendation CEE No. 441 of 1992 has adopted, among European criteria of social protection, also the principles of basic income.

As for basic income for citizens and when it comes to the Free Territory of Trieste, we mean a public, monthly additional amount of money, granted and regularly provided to all residing citizens over the legal age, if and as long as they have no income deriving either from a job or a pension that would possibly grant their ordinary, daily needs in regard to the actual costs of essential goods and services.

A controlled distribution of basic income grants a feedback of constant balancing of the economic and social system; the expense is compensated with the increment of collected consumption taxes and by the reduction of the intrinsic costs of fragmentary social assistance.

Due to this, basic income is suggested by the EU and it is already assigned, by different means, in nearly all States of western Europe, the only exceptions being Greece, Italy and the Free Territory of Trieste, entrusted to the Italian Government.

The powers of special, trusteeship administration assigned to the Italian Government allow it to extend, at any time, within the legal system of the Free Territory of Trieste basic income as well as any other social assistance, regardless to the legal system of the Italian State, as that is a third State.

7. Artificial impoverishment of the Free Territory

Since decades, the Free Territory of Trieste is undergoing an increasing, artificial impoverishment, which is not caused by cyclic crisis of general economy, rather, that is caused by harmful actions of the Italian Government, entrusted with its administration.

The administering Italian Government does actually violate the international mandate, simulating the sovereignty of the Italian State over the Free Territory, despite that having ceased at the coming into force of the Treaty of Peace of Paris on September 15th, 1947.

By simulating that, the administering Italian Government does illegally subjects the Free Territory and international Free Port of Trieste to the direct enforcement of Italian laws, including these concerning ports and undertakings, employment, and taxation, which are

some of the most burdensome in the world and violating, under different perspectives, the fundamental rights to work, fair retribution, equal taxation and other social protections.

By doing so the administering Italian Government does, in particular:

- a)** illegally impose, from all incomes coming from undertakings, work or pensions of the Free Territory of Trieste two or three times greater than what is owed, including the payment to the enormous public debt of Italy, that the Free Territory of Trieste is exempted to pay following a specific norm of international law (Treaty of Peace of February 10th, Annex X, Article 5: “*The Free Territory shall be exempt from the payment of the Italian public debt*”);
- b)** in order to favor the ports of the Italian State, it violates the duties of international law (Annex VIII of the Treaty of Peace, Article 5 of the Memorandum of Understanding of London) concerning the maintenance of the international Free Port of Trieste, which is the main source of direct and indirect work for the Free Territory and, this way, is illegally paralyzed, damaging both Trieste and the International Community;
- c)** subtracts to the Free Territory its properties: real estates (state properties, including the Port and low-income houses), taxes, treasure and reserves, to illegally assign all of that to the Italian State;
- d)** it currently gives back to the administered Free Territory about 10% of the earnings that, by committing illegal actions, it has either subtracted or prevented.

These severe violations of the trusteeship mandate committed by the administering Italian Government do illegally force companies and people of Free Territory to face obstacles as for both law and taxation as well as the unemployment levels and the poverty of the failing economy of the State of Italy, yet, none of this is compatible with either the potential and special economic needs of a City-State with an international Free Port.

8. Obligations of the administrators of the Municipality of Trieste.

Despite the simulation of Italian sovereignty, which does no longer exist since 1947, the bodies of the Italian State grounded within the Free Territory of Trieste by the administering Italian Government do, *de facto* and exclusively, fulfill the functions of bodies of the entrusted administrator. Due to this, these are as well bounded to respect the functions, powers and provisions following from this mandate, as well as to respond to administrative, civil and criminal justice.

As already stated at paragraph 4, the actions of social assistance in the Free Territory of Trieste are an administrative obligations and primary expenditure for all bodies delegated to fulfill these, regardless to the alleged sovereignty that justifies these.

According to the principles of Italian legal system, extended by the Italian Government, entrusted with the administration of the Free Territory of Trieste «*Municipalities are*

entitled of administrative functions concerning social action on a local level (...). Said functions are exercised by Municipalities by adopting, as for their territorial bases, the most suitable assets to manage expenditures and the connection with citizens (...).» (Law. 328/2000, Article 6. No. 1).

The same principles establish that Municipalities act as autonomous bodies (Article 128 of the Constitution of the Republic of Italy) and their own responsibility: *«Municipality is the local body which represents its community, takes care of its interest and promotes its development » (Law 142/1990, Article 2).*

Follows that there is no doubt that the Municipality is directly, exclusively and discretionary subject to the responsibility of establishing, as for its territory, the assistance its citizens need and to do that as an obligatory intervention and primary expenditure of each administrator; due to this, they are also liable for criminal, civil or administrative offences when it comes to the choices they either make or approve through their deliberations.

9. Violations of the obligations of the Municipality of Trieste and alleged offences.

Also, there are reliable evidences (both documents and testifies of witnesses) of the fact that, despite the very severe social emergency affecting a very significant part of the citizens of Trieste, the Municipality, in person of the members of the current Municipal Administration, lead by mayor Roberto Cosolini, as well as by the previous two Administrations of then mayor Roberto Dipiazza, through their budgets, destined and keep destining to social assistance sums largely inferior to the needs and legitimate demands of the citizens.

At the same time, these same administrators did continue to add to the budget significant amounts of money to be destined to secondary or unneeded expenditures and, by doing so, these are subtracted to the mandatory, primary expenses, which are related to the constitutional duties as for social assistance.

The consequent refusal to provide economic assistance to citizens in need, supported with the argument that there would not be money for that in the balance causes severe damages to the ones demanding that, as this way they are unable to pay their rents, services and other assistance and, even, some of them cannot buy food for themselves and their families, falling into tragic situations, which do often lead to illnesses or drive them to extreme actions, up to suicide.

Due to this, said actions committed by public administrators and officers allegedly consist in the criminal or culpable offences of forgery, omission or refusal of Official Deeds, fraud, personal injury and inciting suicide. Precisely:

a) the alleged offence of abuse of office (Article 323 of the Italian Criminal Procedure) and fraud (Article 640 of the Italian Criminal Procedure) against the persons entitled to receive assistance when it comes to the deliberative actions of the Municipal administration money that should have been destined to the mandatory expenses

regarding social assistance to use that for non mandatory expenses, allowing the unfair enrichment of third parts;

b) the alleged offence of forgery (Article 479 of the Italian Criminal Procedure) and fraud (Article 640 of the Italian Criminal Procedure) when it comes to the administrative action of restricting the criteria used to provide social assistance by adopting parameters of minimum subsistence figure (line of absolute poverty) which are inferior to the actual cost of living in the Municipality or omitting to update said standards;

c) the alleged offence of forgery (art. 479 of the Italian Criminal Procedure) and fraud (Article 640 of the Italian Criminal Procedure) against the persons entitled to receive assistance when it comes to the adoption of other administrative act falsely portraying as reduced the seriousness of general or individual need to social assistance, in order not to provide that;

d) the alleged offence of forgery (art. 479 of the Italian Criminal Procedure), refusal of Office acts (Article 328 of the Italian Criminal Procedure) and fraud (Article 640 of the Italian Criminal Procedure) against the persons entitled to receive assistance when it comes to the spoken or written refusal of owed social assistance by arguing that the Municipal Administration lacks the money that would require, whenever said lack of money is not absolute, rather, it is the consequence of the choices of Municipal administrators to destine the money they had to use to increase owed, primary expense for social assistance to something else;

e) The illegal actions listed in the three paragraphs above may reasonably cause a serious state of poverty to the citizens and their families, damages to their physical and mental health (Article 582 of the Italian Criminal Procedure) or drive them to suicide (Article 580 of the Italian Criminal Procedure) by unfairly depriving them of inderogable assistances needed for material and social surviving;

10. International complaint and criminal complaint

Following all of the above, as well as recalling all other acts notified before, the Free Trieste Movement:

1. Demands to the Italian Government, entrusted with the administration of the Free Territory of Trieste to take care of regularizing, within six months, the regime of trusteeship administration as for the severe social emergencies affecting the citizens of Trieste, as well as granting to them, for this purpose, a basic income.

2. Demands to the Security Council of the United Nations, as guarantor of the Free Territory of Trieste, to oversee the fulfillment of these and other obligations deriving from the mandate of the Italian Government for its role of trustee, and to envision, in case of default, to assign the trusteeship mandate to the Government of a Country which has no conflict of interest with the Free Territory (Austria, Switzerland or else) or to a special Authority of the United Nations, until the appointment of the Governor;

3. Notices to the Prosecutors Office of the Republic at Trieste, considering this as a complaint-report versus mayor Roberto Cosolini in regard to the aforementioned facts and alleged violations at paragraph 9 and versus the assessors and Councilors of the Municipality of Trieste that might have had a complicity to that through deliberations, even when it comes to budgets.

Trieste, September 15th, 2014

The President of the Free Trieste Movement

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