



To the Commissar of the Italian Government *pro tempore*
in Autonomous Region Friuli Venezia Giulia
prefetto Francesca Adelaide Garufi

Subject request of legal measures concerning taxation, to be rightfully enforced at the earliest possible time with the entrusted powers for the special administration of the Free Territory of Trieste assigned to this Commissar of Government under Article 70, sub-paragraph 1 of Constitutional Law No. 1/1963.

Main legal references to binding Italian laws, in force, on this subject :

Law No. 811/1947; Legislative Decree of the temporary head of State No. 1430/1947; Constitution of the Republic of Italy, articles No. 10, sub-paragraph 1 and No. 117; Law No. 3054/1952; Decree of the President of the Italian Republic dated October 27, 1974 (no number); Constitutional Law No. 1/1963, Article 70; Law No. 73/1977; Law No. 190/2014, sub-paragraph 618.

The President and legal representative of the Free Trieste Movement, Roberto Giurastante, *de jure* citizen of the Free Territory of Trieste, acting as such and in its own name, or the legitimate interest of the organization he represents, as well as for that of the citizens and enterprises of the Free Territory of Trieste,

Informs

this Commissar of Government that on March 6th, 2015, he has lodged the annexed act before the Trieste Province Tax Commission for the «*Clarification and proposing of the exception of jurisdiction of the State of Italy, in favor of the jurisdiction of the Italian Government as temporary, special trustee of the Free Territory of Trieste under a mandate of the Security Council of the United Nations.*»

In its final instances, the act does address, besides the Tax Commission and defendant Equitalia Nord S.p.A. this very Commissar of Government, and now is notified to competent, international organizations and institutions.

The act address this Commissar of Government for them to take care «*in their rightful exercise of the powers of trusteeship over the Free Territory of Trieste, that the Trieste*

Province Tac Commission receives from the administering Italian Government the jurisdictional powers it needs to exercise their duty in the Free Territory of Trieste and towards both its citizens de jure and enterprises».

Confirms

his request in the present document, under the factual and legal motivations contained in the annex.

As well as noticing

that this Italian Commissar of Government, in person of the person who, *pro tempore*, has this role, cannot be unaware to have the above mentioned special powers when it comes to law-making, since it exercises these to this day, as well as not being possibly unaware of the special sources of international law currently in force, whose respect and execution are also granted by the Constitution of the Republic of Italy.

This same Commissar of Government did also show to public their personal awareness with recent declarations to the local press (newspaper Il Piccolo, December 30th, 2014, page 19) with which they did therefore confirm that the current Commissar of Government has and exercises, an execution of the Treaty of Peace of Paris of 1947, these powers, “inherited” from the previous General Commissar of Government for the Territory of Trieste.

Yet, it is surprising that in their declarations, the Commissar did as well express things which are against the truth (unless these are mistakes of the journalist who wrote the interview) stating that would be an «*old General Commissar of the Allied Military Powers*», which did never actually exist, that the Free Territory of Trieste had never been established and, therefore, the provisions of the multilateral Treaty of Peace of 1947 can be “interpreted” rather than enforced.

Because this Italian Commissar of Government cannot be unaware that the special powers that they continue exercising as representative of that Government, especially these concerning the international Free Port of the Free Territory of Trieste (as well as the very existence of the Free Port) are grounded solely on the legal existence of the Free Territory itself as a sovereign State, currently entrusted to the Italian Government (not to the Republic of Italy) under a special mandate of temporary administration, in force: the Memorandum of Understanding of London of October 5th, 1954, which executes the Treaty of Peace of Paris - in force as well as being a law of the State of Italy.

Therefore

addressing this Commissar of Government for them to correct their public declaration which do not correspond to the truth, and to never release others like these again.

This request does as well take into account that on September 22nd, 2014, the current Commissar of Government did, as *Prefetto* - which it their other, but different role -

issue a circular letter that was sent to organizations (including Equitalia Nord S.p.A.) who levy or collect the taxes of the Republic of Italy in Trieste and in this letter it declares, with arguments ungrounded in both fact and law, the legal nonexistence of the Free Territory of Trieste as well as the uninterrupted Italian Sovereignty over it after the War.

This is why, acting in accordance with their duty, the Commissar of Government should declare this circular letter null and void as soon as possible, since the untrue statements of the *Prefetto* lead the receivers to commit mistakes, and this causes unfair damages to both the citizens and the enterprises of the Free Territory of Trieste, as well as exposing the same organizations to legal actions.

Said untrue statements do as well constitute a clear violation of the Italian legal order, to which the *Prefetto* in Trieste declares to identify themselves. Because these statements violate the laws in force which establish the Free Territory of Trieste and the related Constitutional guarantees, while under criminal legislation, these do at least prefigure the alleged 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 proof the truthfulness, undergoes the punishments established at Article(s) 476 [487, 493].»*.

Trieste, March 9th, 2015.

Roberto Giurastante
president of the Free Trieste Movement

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