



To the Italian State Property Office

in person of their representatives *pro tempore*:

1. of the Central Directorate of the immovable Immobile Properties of the State,
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To the Port Authority of Trieste

in person of the Commissar *pro tempore*, Zeno D'Agostino
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To the Municipality of Trieste

in person of the Mayor *pro tempore*, Roberto Cosolini
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To Regione Friuli Venezia Giulia

in person of the President *pro tempore*, Debora Serracchiani
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To the Director of Office 7 - maritime works of the interregional Office of Public Works,
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To the Commander of the Maritime Directorate of Trieste, Goffredo Bon

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and, as an official complaint:

To the Commissar *pro tempore* of the Italian Government

in Regione Friuli Venezia Giulia, as delegate of the powers of special trusteeship
over the Free Territory of Trieste and its international Free Port

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To Ministero delle Infrastrutture e dei Trasporti del Governo italiano amministratore
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To the Prosecutor of the Republic in Trieste, Carlo Mastelloni

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To the Regional Prosecutor at the Court of Accounts, Tiziana Spedicato

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To the National Anfibafia Director, Franco Roberti

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To the President of the National Anticorruption Authority, Raffaele Cantone
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for information: to the representatives of the States and of the enterprises holding rights and legitimate interests as for the international Free Port of Trieste (see English version)

**DESIST ORDER AND COMPLAINT FOR THE VIOLATION OF THE LAW ON
THE INTERNATIONAL FREE PORT OF TRIESTE**

presented and notified by the Movimento Trieste Libera – Gibanje svobodni Trst – Bewegung Freies Triest – Free Trieste Movement in person of its President in office, Roberto Giurastante, at the international legal subject representing the rights and legitimate interests of the citizens of the current Free Territory of Trieste – Territorio Libero di Trieste – Territoire Libre de Trieste – Свободная Территория Триест, in virtue of the 20,000 signatures it has already collected for this purpose, 15,000 of which have already been sent to the Security Council of the United Nations, the direct international guarantor of the Free Territory, in order to archive the restoration of the correct special trusteeship over the Free Territory of Trieste and to defend the rights and interests of both its sovereign population and the International Community of States to the free, correct and undisturbed functioning of the international Free Port (Port Franc, Свободный Порт, Porto Franco) of Trieste.

On April 28th, 2015 certain public officers, weter representing the Italian trusteeship in Trieste or representatives of the State of Italy, precisely, of this *Agenzia del Demanio italiano* (Italian State Property Office) of the Municipality, of the Port Authority, of the Public Works Department, of Region Friuli Venezia Giulia and of the Maritime Directorate of Trieste, **undersigned an agreement to remove from State Property, urbanize, transfer to the properties of the Municipality of Trieste and then sell for a private building and housing speculation the biggest part of the functional, bounded complex of the Northern Free Port of the international Free Port of Trieste – Territoire Libre de Trieste – Свободная Территория Триест – Territorio Libero di Trieste**, upon removal of the legally established international restrictions by the Commissar of the entrusted, provisional Italian Government).

The press release of April 29th, 2015 issued by this Italian State Property Office informs that the agreement has been arranged with previous technical meetings, and it defines it *«un passo decisivo nell'ambito dell'operazione realizzata grazie alla cooperazione di tutte le istituzioni coinvolte»* (a decisive step of the operation realized thanks to the cooperation of all the institutions involved).

Therefore, we make it immediately clear to this State Property Office and to all other addressed administrations that both the operation and the agreement to remove from state property and urbanize the Northern Free Port are illegal and committing these gives raise to precise civil and criminal liabilities for the representatives of the administrations involved, for the following, well-known reasons which have already

been denounced to public opinion as well as with official criminal complaint to the main responsible subjects:

1) the purpose of the operation and of the agreement is to knowingly infringe, through political-institutional abuse and securing unfair profits to third parties, restrictions, privileges and obligations established under international law by the multilateral Treaty of Peace with Italy signed in Paris on 10 February, 1947, in force (*United Nations Treaty Series, Volume 49 – 1950, No. 747*; Legislative Decree of the Temporary Head of State No. 1430/1947, Law No. 3054/1952; *US Department of State, Treaties in Force, 2013*), precisely, articles No. 4, 21, 22, 48 sub-paragraph 5, 78 sub-paragraph 7, 79 sub-paragraph 6 point g), 85; and Annexes from VI to X, with special attention for the norms concerning the international Free Port (Port Franc, Свободный Порт, Porto Franco) established under Annex VIII;

2) said restrictions, privileges and obligations established under the Treaty of Peace are established at the advantage of the right and economic interests of the State of the Free Territory of Trieste, its citizens, its enterprises and of the other States of the International Community and their enterprises, which would all be unjustly and severely damaged by the violation;

3) by virtue of the signature and execution of the Treaty of Peace by the Republic of Italy (Law No. 811/1947, Legislative Decree of the Temporary Head of State No. 1430/1947, Law No. 3054/1952) said restrictions, privileges and obligations established under international law are also legislation, in force, of the State of Italy and, under the Constitution of the Republic of Italy itself, prevail on national legislation (Italian Constitution, Articles 10, sub-paragraph 1 and 117 sub-paragraph 1), cannot be amended by domestic laws not claiming the validity of mere, doctrinal interpretations (Vienna Convention on the Law of Treaties) and all the bodies and representatives of the Republic of Italy, as such, are obliged to respect those;

4) the operation, which is illegitimate as it violates the law, being the subject of the agreement dated April 28th, 2015 is notoriously attempted since more than 15 years by a transversal consociation of politicians, and its conduction, purposes and effects are known for giving raise to antimafia and anticorruption questions, which are available to the public and documented;

5) in facts, the most evident effects of the illegal operation would be to allow, in the urbanized area, housing and building speculations estimated about EUR 1,5 billions, which are likely to attract money laundering, as well as to favor larger operations, already in course, meant to divert the new maritime and railroad traffics from Central-Easter Europe away from Trieste, to the Italian ports which are most controlled by organized criminality;

6) this is why both the conduction and the purposes of the illegal operation have been already subject to perfectly motivated and documented criminal complaints, then published, against the main responsible persons - past and current;

7) their current desire to force the illegitimate operation in fulfillment of national, Italian legislation is nothing but a new form of deception, precisely a well-known legal fraud - which had already been attempted in December 2012 through parliamentarians Rosato, Antonione and Menia, in order to hide and justify the use of functions in order to breach the law;

8) in facts, the norms which are currently referred by them are those, nearly identical to the previous, which were added for the purpose to the Italian financial law No. 190 of December 23rd, 2014 (sub-paragraphs No. 618, 619 and 620) by another of the politicians who promote the illegal operation, senator Francesco Russo, who did publicly brag to have had these approved by the unaware parliament, in order to have politics prevail on the law - for instance, to favor the commitment of a crime abusing of his mandate ad a parliamentarian;

9) in addition, all those norms are clearly impossible to enforce, illegitimate and anticonstitutional, since:

a) as those norms are part of a national law, they cannot be used to violate the norms and the obligations established under higher ranking international law, which are also protected under the Constitution of the Republic of Italy (Law No.811/1947, Legislative Decree of the Temporary Head of State No. 1430/1947, Law No. 3054/1952; Articles No. 10, sub-paragraph 1 and No. 117, sub-paragraph 1 of the Constitution);

b) envision that the removal from State Property and the cession are carried out by this State Property Office of the State of Italy, which has no ownership titles nor any other right *in rem* on those properties, since their ownership was transferred, *ope legis* and *ex tunc* under the Treaty of Peace of Paris, in force (Annex X, article 1; Annex VIII, article 2 point 2), in force since September 19th, 1947, to the State of the Free Territory of Trieste and o its international Free Port; this has been ratified and executed without reserves by the Republic of Italy (Law No.811/1947, Legislative Decree of the Temporary Head of State No. 1430/1947, Law No. 3054/1952), it was never amended under successive, valid ownership titles;

c) do not take into account that, for this reason, the attribution to the State Property of the Republic of Italy of those properties - and of all those falling under the provisions of Article 1 of Annex X of the Treaty of Peace - due to the lack of any legally valid title, constitutes the alleged offence of fraud, aggravated in case of sale, cession and revenues from the disposal without legitimate titles and in participation with other public administrations;

d) envision the cession of those properties to the Municipality of Trieste, without taking into account that the provisions of Annex VIII regarding the status of the international Free Port of Trieste forbid any interference of local authorities (Municipalities, Province, Region or others);

e) make the cession to the Municipality a condition of the sale and the elimination of the status and restrictions of international Free Port within the area under a Decree of the Commissar to whom the Italian Government has delegated the exercise of the legislative powers of the special trusteeship over the Free Territory of Trieste, which was entrusted to it under the Memorandum of Understanding of London of 5th October, 1954, additional executive instrument of the Treaty of Peace and thus in force.

f) do for said reasons result in an irremediable contradiction since, by issuing said Decree, the Commissar of the provisional Government would exercise and confirm *ipso facto* the sovereign jurisdiction of the Free Territory of Trieste and, with it, the absolute lack of jurisdiction of the Republic of Italy - which makes legally impossible the direct application of Italian laws over both the international Free Port and the Free Territory of Trieste itself;

g) envision the fraudulent issuing of a radically illegal Decree, since the executive powers of the Commissar of the provisional Government bound them to enforce - and forbid them to violate - the provisions of the Treaty of Peace (Annex VIII, Articles 2 sub-paragraph 2 and Article 3, sub-paragraph 1) which do clearly and permanently bound the whole area of the Northern Free Zone to the legal status and ownership of the international Free Port of Trieste, as well as not allowing to move that anywhere else, but only to establish new, additional free zones;

h) therefore, the deceptive and useless hypothesis of moving away the status of Free Port is impossible to execute also *de facto*, as there is no other port area equipped properly where that could be transferred, establishing one would take years of work and consistent investments, while transferring that outside the *Free Territory of Trieste* would be twice as illegitimate;

i) do not envision the removal of the excessive historical-artistic constraints with which the reuse of the ancient storehouses as port facilities has been surreptitiously prevented, and said constraints would as well prevent the housing and building speculations attempted through the illegal operation, thus a successive removal of the constraints would be a further evidence of the fraud;

j) also, since the circumstances that we are describing are self-evident and the public is aware of those thanks to the questions, complaints and analysis of the Free Trieste Movement - *Movimento Trieste Libera* and of investigative newspaper - printed and online - "La Voce di Trieste", there is no ground to consider that either this State Property Office or any other administration and organization promoting or sharing responsibilities as for the illegal operation or signing of the illegitimate agreement is unaware either, and this does also extend to the possible, future purchasers of the areas removed from State Properties who, therefore, could be subject to legal proceedings brought forward by any citizen, enterprise of State holding legitimate interest on that by virtue of the rights established under the Treaty of Peace.

10) the forced political-institutional application of sub-paragraphs 618, 619 and 620 of Italian Law No. 190/2014 - including the preliminary acts - committed by the public officers who are exercising the trusteeship mandate of the Italian Government in Trieste or who represent the Republic of Italy does violate, the same way as the whole illegal operation for which said norms are meant, do violate international law, the legal system of the Free Territory of Trieste - including the trusteeship mandate assigned to the Italian Government - and the legal system of the Republic of Italy at the same time, giving rise to civil and criminal liabilities;

Therefore, those elements alone make it clear to the public that the whole, years-long political and administrative action to gradually dismiss and then urbanize the Northern Free Zone, conduced with abnormal political and propagandistic fury, abnormally trying to sell that as "urban renewal" is, in fact, a massive fraud committed to hand over, against law, 70 hectares of port areas and buildings for private building and housing speculations amounting to EUR 1,5 billions which, since 2009, are under documented antimafia questions and do clearly risk to attract money laundering.

The forced imposition of this fraud, committed by the politicians and public officers involved would as well constitute an actual robbery at the expenses of local and

international economy, since that would be illegally deprived of half of the functional areas for the development of the international Free Port of the Free Territory of Trieste, causing a severe damage to the State, to its citizens and enterprises, as well as to all the other States holding rights regarding the trade, commerce, industry and management of the area - both for themselves and for their enterprises.

Because, in facts, the earnings of this hypothesized sale of port buildings for urbanization purposes would by no mean compensate, not even barely, neither the intrinsic value of the areas for the natural development of commercial and productive activities of the Free Port not the direct and indirect earnings that this development would produce through a long time to both the Free Port itself and economy in general.

Additionally, in case the status of free port were illegally “moved away” from the suitable port area of the Northern Free Zone, consisting in 70 hectares of docks, piers, a waterfront, storehouses, open spaces, a railroad terminal to another area yet to be equipped, equipping the new area would require unbearable expenses.

Currently, the attempted illegal operation does also prefigure a double and huge damage to revenue, prescinding the correct identification of the damaged Sovereign State as the Free Territory of Trieste under a special trusteeship mandate or, erroneously, the Republic of Italy, as this damage would be caused in both cases by unfaithful public officers for reasons yet to be investigated.

The attempt to seize, with this illegal operation, half of the international Free Port of Trieste is accompanied by the attempt to paralyze the other half with a LNG terminal of the Gas Natural Italia (put under external administration since 2014 by Antimafia authorities), in order to favor a larger political-economic operation which would cause permanent and incalculable damages to the Free Territory of Trieste, to Slovenia and to Croatia, as well as rising even more serious antimafia questions.

This is the operation going on since years (and it is supported, even publicly, by some of the same politicians, like parliamentarian Ettore Rosato and former European parliamentarian and current President of the Region and national vice secretary of the PD, Debora Serracchiani) to divert, through Carinthia and Friuli, the increasing traffics of the Baltic-Adriatic and Transsiberian route from their natural ports - Trieste, Koper and Rijeka - to the ports of the Italian peninsula, especially those mostly interesting for the organized criminality of Campania, Calabria, Puglia, as confirmed also by the investigations of the Italian National Antimafia Directorate.

The illegal operation at the expenses of the Northern Free Zone is related to this operation to divert traffics also because it envisions a marginal compensation for Friuli's area - and that consists in illegally “moving away” the status of Free Port of the Free Territory of Trieste to the port of San Giorgio di Nogaro and to the railroad inter-port of Cervignano.

This overall frame of illegal actions results furthermore confirmed by more fact, summarized as follows.

In regard to this State Property Office of the Italian State, it was verified that it has already attempted, as early as in 2012, the arbitral, nominal removal of the status of port from that areas, using a reserved procedure and classifying the related acts, but it most certainly did it as part of an ongoing illegal operation - and likely at the instigation and for the

illegitimate interest of third parties, which did not have titles of legitimacy to that themselves - by changing, without titles, the cadastral classification of the immovable properties of the Northern Free Zone from the use of *infrastruttura pubblica* (public facility) “E” to “D8”, *commerciale privata* (private commercial area) (“Variazione 28.8.2012, n. 2834, prot. TS0105552 RISERVATA” - “Variation of August 28th,2012, No. 2834” protocol TS0105552 CLASSIFIED). This fact awaits therefore an explanation or a further investigation.

This fact awaits a clear explanation or further investigations, especially since at the time this area was, since 2010, under an illegitimate concession for 70 years, to the companies of Maltauro and Rizzani De Eccher (see the chronology that follows).

As for the Port Authority of Trieste, it is well-known that the politicians who are promoting the illegal operation against the Northern Free Zone, at the same time as they deceived, through the actions of Senator Russo, the Italian Parliament by having that approving the ill-famous illegitimate and anti constitutional norms, did prevent with abnormal pressing the renewal of the mandate of the President who was defending the international Free Port and forced a Commissar who supports them and who, by signing the agreement of April 28th, 2015 has confirmed that not only by declaration, but also *per acta*.

On the official website of the Port Authority, both the Italian and English texts about the international Free Port result to contain - obviously to justify and cover an ongoing fraud - gross, politicized misinterpretations of the international instruments that established the Free Territory of Trieste.

Said misinterpretations consist in the false claim, by a public organization that has been *pro tempore* entrusted with the international Free Porto, that the Free Territory of Trieste has never been established, that the norms concerning the management of the Free Port have expired, therefore, the Free Port would belong to the State of Italy and that *«the perimeter of the Free Zones must be able to be modified for changes in traffic, by redefining the areas subject the Free Port regime»*.

The attempted, organized fraud is also demonstrated by the structure and chronology of the action as it is documented and reconstructed since 2010 by the criminal complaints and journalistic denounces on the illegal operations, which can be summarized as follows.

The structure of the acting group is typically transversal - which means that its criminal liabilities are those established under Italian Law No.17/1982, since it influences public administrations, it uses politicians from different parties - but especially the ruling party (currently the PD) and, during the 2000-2004 phase it did also include individuals linked to the criminal networks of Angelo Balducci and Luigi Bisignani.

The coverage of the media which keep the illegal operation hidden does mainly take place through local, monopolistic newspaper “Il Piccolo”, with systematic campaigns of technical disinformation, but also censorship and violent, aggressions and disinformation against the opponents.

The typical sampling of disinformation spread by the politicians involved and by the local newspapers includes the false claim that the area cannot be used as it is abandoned (which

is untrue, as it was abandoned on purpose and, to this day, the Adriaterminal is active there) and due to excessive restrictions on historical buildings (which were actually put there for this very purpose); that the area has no railroad connections (while it is near the central train station and it has its own terminal, its own railway and tunnels connecting it to the other port areas); that the seabed is not deep enough (while that is actually 14 meters deep); that it is impossible building a logistic platform in it (but there are both the space and the project for this, it is inexpensive and could benefit of 20 meters deep seabeds); that the regime of Free Port must be “moved away” to a better place (and this is as false as illegal).

The chronology of the operation phases of the illegal operation, from 1997 to this day, is a listing of one clamorous illegal action after another, yet, those are - significantly - unpunished to this day.

The area of the Northern Free Zone is slowly emptied by interrupting its maintenance, and in 1997 (to this day: 2015) is also blocked the Ministerial measure obtained by the General Secretary of the Port Authority of the time, Marina Monassi, had received from the Minister of Transports and Navigation of the time, Mr. Claudio Burlando, in order to enforce the provisions on the International Free Port which the Italian Government violates since 1954;

The functional restoring of the historical buildings for modern port activities is prevented by imposing absurd, complete conservation constraints.

In 2000 - 2001, the Port Authority (president Maurizio Maresca) initiates the first project for the illegitimate urbanization of the area, diverting the funds for port infrastructures to highly expensive restoration of a storehouse, tendered to the enterprises of Maltauro and Rizzani De Eccher;

Since 2002, the Mayor of that time, Mr. Dipiazza, tries to impose that through an impossible and expensive application to the 2008 World Expo - rejected in 2004;

in 2003 the Port Authority (Maresca) does illegally give the property in concession for urban uses to 15 applicants, but in 2004 the concessions are declared null by the TAR (*Tribunale Amministrativo Regionale* - Regional Administrative Court) pursuant to an appeal by port operators;

the operations of illegal urbanization stop during the 2004-2007 management of the Port Authority (President and then Commissar Marina Monassi);

in 2007 (president Claudio Boniciolli) the concession to the Adriaterminal (bulk materials) is confirmed and is assigned for 15 years to the GMT (Genoa Metal Terminal, Dutch group Steinweg), but the other areas of the Northern Free Zone are illegally destined to non-port uses, and in 2008 there is a new call for tender;

port operators take part to that with a project for the complete reactivation of the Port, but the Mayor of that time, Dipiazza, does illegally disturb the concession tender by declaring in public (October 5th, 2008) that he would prevent the entrance to the port in case they win;

in 2010 (president Boniciolli) the project of port operators is rejected and the area is illegitimately destined, with one only 70-years concession and for non-port activities to Maltauro and Rizzani De Eccher (Portocittà);

in concluding the contract, the Commissar of Government and *Prefetto* (Giacchetti) omits to provide the mandatory, preliminary antimafia information on both enterprises - which were even available from the internet (in 2014 will be arrested, self-confessing, for the Expo bribing in Milano, while Rizzani De Eccher is subject to antimafia interdiction for works in Trieste - Sistiana);

the customary boundary of the free port is illegally “break through” during a public ceremony, upon agreement between the promoting politicians, Portocittà and the Commissar-*Prefetto* Mr. Giachetti, using as an excuse a cultural event falsely attributed to the *Biennale di Venezia* and assigned to Vittorio Sgarbi, who at that time was Mayor of the Municipality of Salemi, supported by mafia boss Giuseppe Giammarinaro and, due to this, would soon be investigated and the administration would be dissolved for mafia;

since May 2011, Roberto Colosini (PD) is the new Mayor and, like his predecessor, Mr. Dipiazza, supports with increasing pressure the illegal operation against the Northern Free Port, along with Triestine deputy Ettore Rosato (PD and who had already been Deputy Assistant Secretary at the Interior Ministry, treasurer of the party within the Chamber of Deputies - *Camera dei Deputati* - member of the Commission of Armed Forces and of the Parliamentary Committee for the Security of the Republic);

on January 15th, 2012, program “Presa Diretta” broadcast on Rai 3 reveals to public the report of the Fiscal Police No. 5-424/1/67 dell'1.4.2007 in criminal proceeding n. RGnr 11322/06=21 of the Prosecution Office of Genova, which recognizes Rosato among the political-institutional contact persons of the real estate group of the Mamone family, investigated for crimes related to the ‘ndrangheta upon report of the DIA, and on January 23rd, the *Movimento dei Finanziari Democratici* (Colonnel Ceceo, former commander of the GICO *Gruppo investigativo sulla criminalità organizzata* - Organized Crime Investigation Group of Trieste) investigative newspaper “La Voce di Trieste” does ask a public explanation to Mr. Rosato, which remains silent to this day (The Memone family is arrested in November 2014 for manipulation of public tender procedures along with politicians and public officers under an ordinance of the GIP - Preliminary Investigations Judge of Genova, proceeding n. RGnr 5620/12/21);

mid-August 2012, two abnormal actions attempt to transform the concessions to Maltauro and Rizzani De Eccher in a massive privatization and sale of the area:

in August 2012, the *Agenzia del Demanio dello Stato Italiano* (State Property Office of the State of Italy) does, without titles of legitimacy or reasons, modify without an explanation and through a “classified” procedure the cadastral classification of the properties within the Northern Free Zone from the use of public facility “E” to private commercial area “D8” (to this date, 2015, view of the related documents is not allowed).

in December 2012, the supporters of the illegal operation attempt to force it deceiving the Italian Parliament by inserting - through parliamentarians Rosato, Menia and

Antonione - norms for the removal from State Property and sale of the area in a general Law first and within a law about Taranto after;

again in December, the supporters of the illegal operation try to force it deceiving the Italian Parliament through the action of parliamentarians Rosato (PD) AMenia (Fil) and Antonione (Pli), by adding - in a general law at first and then in a law about Taranto - fraud norms to remove (“move away”) from the area the Free Port regime, to remove it from State Property and sell it for a private, housing and building speculation, but they fail;

in January 2013, the director of investigative newspaper “La Voce di Trieste”, Paolo G. Parovel, starts to raise public antimafia questions on the illegal operation (the position of Rosato, the concession to Portocittà, Sragbi and more), but so May 2015, none of them has answered and the local system of corruption attacks Mr. Parovel with retaliations on other levels.

in February 2013 Maltauro (Portocittà) forces the Port Authority (president Monassi) to assign to him, according to the concession, the areas which do no longer host port activities (all but that assigned to Adriaterminal) threatening criminal legal actions but, at the same time, the demands to the TAR to declare the concession null, by falsely claiming that the Port Authority had hidden the restrictions related to the status of Free Port to him;

since April 2013, the PD is the ruling party in Italy (premier Letta and then Renzi) and of the local administrations in Trieste: Region (Debora Serracchiani, national vice-secretary of the PD and formerly European Parliamentarian) Municipality (Mr. Cosolini) Province and the party starts to use those public bodies with increasing political-administrative violence in order to force the illegal operation on the Northern Free Port.

even if Maltauro’s appeal is out of term, the TAR (Regional Administrative Court) does not declare it inadmissible and, in September 2013, it does falsely rule with abnormal judgment (No. 400/2013) that Trieste and its Port are under Italian sovereignty and that Italian Authorities have the right to remove or move at their own will the free port regime, to Italian ports as well (Monfalcone, Porto Nogaro, railway inter port of Cervignano and others);

during 2013 and 2014 the President of the Port Authority of Trieste, Ms. Monassi attempts to restart the Free Port on the international level and to obtain the favorable norms which had been blocked in 1997, as well as beginning a new call for tender for port concessions within the New Free Port, but she is violently attacked by the politicians who are promoting the illegal speculative urbanization (especially Cosolini, Serracchiani and Rosato), as they demand her removal from office by disturbing the concession tender with declarations and campaign of the press which discourage and turn investors away;

in April 2014, the Free Trieste Movement receives from reserved sources information concerning imminent threatens of the ‘ndrangheta against the ones opposing the illegal operation, denouncing that to public opinion and, due to this, undergoes a ferocious organized campaign from both the inside and outside, in order to delegitimize it and deny that the illegal operation is related to the interests of Italian mafia-like organizations;

between December 2014 and early 2015, when the mandate of President of Ms. Monassi is about to expire, the supporters of the speculation:

have the Italian Parliament approving the fraud norms for the urbanization and the sale of the area - which they had already attempted to have approved in 2012 with parliamentarians Rosato, Antonione and Menia.

prevent with abnormal political-media pressure the reappointment of Ms. Monassi, imposing the appointment of a accommodating Commissar of their own choice, and after he comes into office, they take action to enforce the fraud norms as soon as possible;

to do that, they publicize as much as they can the illegal action on the press, signing the agreement of April 28th, 2015 that we are denouncing with this act, and trying to influence the Commissar of Government to have the Free Port regime moved to Monfalcone, Porto Nogaro and Cervignano using the abnormal judgment of the TAR;

in order to have the area available for the illegal housing and building speculation, they are secretly plotting to have the excessive historical and architectural constrains - with which they had prevented the reuse of the historical storehouses for port activities removed (but the removal of those constraints would become a further evidence of the fraud).

on May 4th, Serracchiani and Cosolini meet Dario Franceschini, Ministry of Cultural Heritage and Activities, in Rome, along with the Minister of Infrastructures and Transportation, Graziano Delrio, in order to have them support the illegal operation against the Northern Free Zone with actions of financing from the Government, without bringing to their attention the oppositions to that.

therefore, it is legitimate claiming that the supporters of this illegal operation are taking action to accelerate and impose that bypassing with reckless administrative acts the procedure of the Land Registry Office for the legal recognition of the ownership of the Northern Free Port - as that does not belong to the Italian State, but to the Free Territory of Trieste.

Therefore, the social, economic and anticorruption alarm raised by this series of political-institutional illegal operations at the expenses of the international Free Port of the Free Territory of Trieste is legitimate and it increases.

As for the actions of this State Property Office of the State of Italy, the alarm increases due to the demonstrated fact that it has already disposed, in Trieste, and it still disposes, supported by politicians and taking advantage of the inertia of the institutions which should oppose to it, abnormal cessions of other properties of different kinds and value on which the State of Italy had no valid title of ownership, as those are, *ope legis* public properties belonging to the State of the Free Territory of Trieste.

Also, it results that those properties were sold with a auction - which could be only be known through the internet, thus to a limited portion of potential buyers, who cannot be considered in good faith nor the actual, final contractors and they did often sell again, shortly or very shortly, those properties - even doubling the price.

There are many documented and sensational examples of this kind of - therefore - illegitimate and abnormal (under many profiles) cessions, and those include big and valuable military facilities, but also the very recent case of the constrained, former Geophysics Observatory of Trieste, sold to a private speculator who, within a few days, changed its cadastral destination for fiscal reasons from office to house and then to ruins in order to sell it again, doubling the price, to a construction company of Trieste.

To the risks of illegitimate and devalued sale (thus damage to revenue) incumbent on the Public Properties within the Northern Free Zone do therefore affect all other State Properties of the Free Territory of Trieste, are to be added also analogous risks involving all State Properties of the Free Territory of Trieste with an individual, material and functional value which is compressively very high, also through “Municipality-State Property Office agreements”, and thus the misappropriation of the revenues since the sale price is obtained by the State of Italy, without legitimate titles and without ceding that to a Trust Fund of the Free Territory of Trieste as that is entrusted to the Italian Government under a special mandate.

According to our analysis and the documents we possess in regard to those cases, this situation constitutes an actual, systematic sack of the State Properties of the Free Territory of Trieste, increasing since 2005 to this day and as part of a local political, housing, building frame made of transversal consociations which, since decades, shows many analogies with the so called “Sack of Palermo” which took place in the 1950s and 1960s.

In Trieste, this network of criminality is the subject of criminal complaints and investigations which were systematically covered up since 1987, yet, all the related acts are still available and recalled in successive investigations, also, that criminal network is described and denounced to public opinion since 2010 in investigation-book “*Tracce di legalità*” (Tracks of legality) written by Roberto Giurastante, ISBN 978-88-96680-21-6 especially in the sections about “*sistema delle discariche*” (the system of dumping sites) “*sistema degli appalti*” (the system of contracts) and “*partito del cemento*” (the “concrete” party), especially referring to the investigation acts of the *Guardia di Finanza* (Financial Police) on behalf of the Prosecution Office of Trieste (Public Prosecutor G. Milillo), and the contributions of investigative journalist Paolo G. Parovel, in the legal proceeding sub n. R.G.n.r. 6043/02 concerning the construction of underground car parks.

The attempts to “urbanize” the Northern Free Zone have been denounced as well with documented complaints to judicial, anticorruption and antimafia Italian authorities, as they have the legal obligation to prevent the commission of illegal actions. Yet, to this moment, none of them has taken visible action on what, until now and especially when it comes to the Northern Free Zone, appears like one of a the main and most well-hidden scandals of Italian political and institutional corruption. This is why, at the same time, this situation was also denounced and notified with the needed international complaints.

Due to this, the politicians and functionaries involved in the illegal actions did increment and accelerate the operations against the Northern Free Zone with such an abnormal rush, intensity and aggressive propaganda that it might be that they are trying to conclude the urbanization and illegal sale due to as much abnormal pressure and/or to prevent interventions of Italian justice or international subjects.

In spite of the evidences, not even the current Commissar of the Italian Government, delegated to exercise the powers of trusteeship over the Free Territory of Trieste took

action to defend legality, instead, she did continue to support the illegal urbanization by issuing Decrees partially suspending the Free Port regime and either declaring in public to be favorable or simply by not opposing the same operation.

Therefore, it appears clear that in the Free Territory of Trieste under special trusteeship of the Italian Government we are facing a system of covered illegality, as that could not take place and remain unpunished in areas where high levels of visible criminality do increase the awareness of anticorruption and antimafia authorities.

MAKING IT KNOWN AND CLEAR

to this Property Office of the Italian State, with all the legal effects and consequences:

that the immovable properties of the Northern Free Port, result to be registered at the cadastral office, which, as for Trieste, does not validate the right of ownership nor others related rights *in rem*;

that within the Free Territory of Trieste, where it is in force the Land Registry Law (*Grundbuch*) established under Austrian Law, the ownership of immovable properties and other rights *in res* are validated by the inscription on the Land Registry;

that to prevent the continuation and the occurring of the ongoing fraud attempts supported by Italian politicians and officers against State Properties like the Northern Free Zone **on April 22nd, 2015 we took action to begin, sub n. Prot. 3/COMP/15, with the demand that we annex to the present document as integral part of this act, the procedure of public interests to complete the Land Registry by registering, *ope legis* all said properties to their owner *ex lege* «*Demanio del Territorio Libero di Trieste, Porto Franco internazionale di Trieste*» (State Property of the Free Territory of Trieste, international Free Port of Trieste), as well as the registration of the related restrictions and rights of third parties**, under the specific norms of the Treaty of Peace with Italy, signed in Paris on February 10th, 1947, in force and confirmed by successive Italian laws, in force as well, executing and ratifying the Treaty;

that this legal procedure is now in course, and any eventual opposition must take place within its legal frame, except for the special provisions in case of disputes regarding this matter which are established under the Treaty of Peace in force, Annex VIII, Article 24 and confirmed by Italian laws, in force, executing and ratifying the Treaty;

neither the State Property Office of the State of Italy nor other subjects can oppose to it other, successive, valid and superior titles of ownership than the one that has been presented, which is the Treaty of Peace, along with the Italian laws executing and ratifying it under which that has become also a bounding law of the Republic of Italy (Law No. 811/1947, Legislative Decree of the Temporary Head of State No. 1430/1947, Law No. 3054/1952; Article 10, sub-paragraph 1 and Article 117, sub-paragraph 1 of the Italian Constitution), which have already been activated for the registration of ownership of other State Properties of the Free Territory of Trieste which are registered under this title in the Land Registry;

that until the complement of the Land Registry with the registration of the ownership titles, this State Property Office of the Italian State, the Municipality of Trieste, the Port Authority, the Minister of Infrastructures and Transports and any other authority are

legally bounded to abstain from any disposition act and from any definitive or preliminary action - even at the cadaster - regarding registration or expenses regarding by any mean and for any purpose the immovable properties within the Northern Free Zone of Trieste which are subject to the Land Registry procedure;

that any political or political-institutional attempt of sabotage against the Land Registry Procedure will immediately be reported to all competent authorities;

also, that for the same reasons precise here, under the same Treaty of Peace, no property whose ownership was transferred *ope legis* under that international normative instrument - which is also a law of the Republic of Italy to the Free Territory of Trieste, currently entrusted to the Italian Government, can, by any mean, be inscribed, registered, treated or - by any mean - regarded to as a property of the Republic of Italy;

that, for the same reasons and as in the specific registration procedures, since September 15th, 1947, date when the Treaty of Peace came into force, all previous and successive registrations - Land Registry Office and Cadastral Office - attributed to the «*Demanio dello Stato*» (State Property) whose property was transferred under the Treaty must be regarded to referring *ex tunc* and without the need of other or new specifications, State Property of the Free Territory of Trieste, not State Property of Italy.

WARNS

this State Property Office of the Republic of Italy, by operation of the law and with all the consequences prescribed by the law, about the continuation of the preparation and commitment, by itself or in cooperation with other bodies, actions of use under the title of ownership of the State of Italy on public properties, including those of the International Free Port of Trieste, in particular its Northern Free Zone, which since 15th September, 1947, were transferred to the ownership of the Free Territory of Trieste and to the same Free Port under the Treaty of Peace in force and the laws of its ratification and execution (Law No. 811/1947, Legislative Decree of the Temporary Head of State No. 1430/1947, Law No. 3054/1952), and were never transferred to the Republic of Italy under another valid title of ownership.

Warning that the commitment or the reckless continuation of said removal actions would constitute both a criminal offence liable on the persons who commits it and an international crime committed by the Italian authorities involved, but also a reason to demand a reparation with a civil proceeding that can be brought forward by each and all damaged private, public or international subjects.

The consequent criminal liability can be established as the alleged, aggravated offences of fraud against other and against the State and abuse of office, since they are public officers who, in agreement and against the law, perform or omit to prevent the subtraction of properties which are bounded to the ownership and exclusive use of subjects identified *ex lege*, therefore acting in order to or with the effect to assign those to the ownership or use of third parties who gain unfair profits from this, causing an unjust and serious damage to the legitimate owners and legitimate users.

Malice is a consequence of the fact that said public officers, in carrying out their institutional duties, could not be unaware of the true legal status of the properties and, yet, they have the duty and possibility to verify that.

We demand that any answers and communication, even of judicial nature, concerning this act are sent to the signatory representative at the head office of the *Movimento Trieste Libera*.

Trieste, May 6th, 2015.

The President of the Free Trieste Movement

Roberto Giurastante

Annex: copy of the request to complete the Land Registry, n. Prot. 3/COMP/15 for the inscription and registration ex lege of the immovable properties within the boundaries of the Northern Free Zone of the international Free Port of the Free Territory of Trieste – Territorio Libero di Trieste– Territoire Libre de Trieste – Свободная Территория Триест and related rights.