

**1) To the Commissar *pro tempore* of the Italian Government**  
in Region Friuli Venezia Giulia  
as delegate of the powers of temporary civil administration  
over the Free Territory of Trieste and over its international Free Port  
on behalf of the Italian Government,  
entrusted with their temporary civil administration  
on behalf of the Security Council of the United Nations  
[commissariato.fvg@mailbox.governo.it](mailto:commissariato.fvg@mailbox.governo.it)

and, through them:

**to the President *pro tempore* of the Council of Ministers**  
of the Italian Government, as special trustee  
of the Free Territory of Trieste and over its international Free Port  
entrusted with the a special temporary civil administration  
on behalf of the Security Council of the United Nations

and, for information:

**to the President and, through her, to the Councillors  
of the Province of Trieste**  
[provincia.trieste@certgov.fvg.it](mailto:provincia.trieste@certgov.fvg.it)

**to the Conservator of the Land Registry Office  
and, through him, to the Land Registry Judge of Trieste**  
[ufficiotavolare.trieste@civile.ptel.giustiziacert.it](mailto:ufficiotavolare.trieste@civile.ptel.giustiziacert.it)

**REQUEST TO RESTORE THE CORRECT ADMINISTRATION  
AND TO CEASE ALL ABUSES AS FOR THE AUTONOMOUS PUBLIC BODY  
OF THE FREE TERRITORY OF TRIESTE "PROVINCE OF TRIESTE"**

presented and notified via certified email to the Authorities addressed by the Movimento Trieste Libera / Gibanje Svobodni Trst / Bewegung Freies Triest / Free Trieste Movement, as political organization with the character of an international subject, which represents the rights and legitimate interests of the citizens *de jure* and of the residents of the current Free Territory of Trieste on a mandate received with more than 20,000 signatures, as well as protecting the interests of all States of the International Community and of the European Union to the full, correct and undisturbed functioning of the international Free Port of Trieste.

---

**Synthesis of the contents:** unlike the Provinces of the Republic of Italy, the "Province of Trieste", is *de jure* a local autonomous administrative body, established in 1948 by the AMG FTT and it directly depends on this Commissar of Government as part of its special functions of temporary civil administration of the Free Territory of Trieste.

Notwithstanding this, said body acts as if it were a Province of the State of Italy, thus the nullity and voidness of its acts, as well as illegitimately taking ownership of State properties of the Free Territory of Trieste and of properties of third subjects, like houses to be redeemed. Also, the body interferes, with no title and in breach of the law, in the management of the international Free Port of Trieste. At the same time, both the State of Italy and Region Friuli Venezia Giulia want to illegitimately suppress that body as if it were one of the Provinces of Italy. Therefore, this Commissar of Government has the institutional duty to re-establish the now violated legality, as well as that to respond of any omission of said duty.

---

**As is known to this Commissar of the Government due to her own duties (Decree of the President of the Republic of 27 October 1954; Constitutional Law No. 1/1963, article 70):**

1. The public body currently called "*Provincia di Trieste*" does not have the legal status of a Province of the Republic of Italy established with a law of the State of Italy, but that of an autonomous body established in the Free Territory of Trieste by its first provisional Government of State, the AMG FTT - Allied Military Government of the Free Territory of Trieste, under a legislative measure dated 25 June 1948.

2. The "Province of Trieste" so established as an autonomous body of State of the Free Territory of Trieste does not have juridical and historical continuity nor territorial identity with the "Province of Trieste" of the Kingdom of Italy with the same name, which was established in 1922 and expanded by the Fascist regime in 1923 reducing that of Gorizia, was not an elective body, but assigned to public officials appointed by the State, as well as the corresponding Prefect Office (*Prefettura*) and, along with it, ceased to exist as a legitimate institution of the State of Italy in September 1943.

3. At the coming into force of the Treaty of Peace of 15 September 1947, the territory of the former Province of Trieste of the Kingdom of Italy was divided into three parts: the main part coincided with the Municipalities of the main Zone "A" of the newly established Free Territory of Trieste, another part was ceded to Yugoslavia and the remaining part remained within the borders of the State of Italy.

4. The State of Italy suppressed its remaining part of the former "Province of Trieste" restituting it to the Province (as well as to the Prefecture) of Gorizia with the dedicated Legislative Decree of the Provisional Head of State No. 1485/1947, which rules:

*«Art. 1. - Il territorio della provincia di Trieste compreso entro i confini dello Stato italiano è aggregato alla provincia di Gorizia. / Art. 2. - I beni patrimoniali, già appartenenti alla provincia di Trieste e situati entro il territorio indicato dall'articolo precedente, sono attribuiti alla provincia di Gorizia.»*

*«Article 1. - The territory of the province of Trieste within the borders of the State of Italy is aggregated to the province of Gorizia. / Art. 2. - The assets, already belonging to the province of Trieste and currently within the territory defined in the previous article, are attributed to the province of Gorizia.»*

5. The movable and immovable properties of the former "Province of Trieste" in the Free Territory of Trieste qualify among the properties of former Italian public bodies which, since 15 September 1947, by virtue of the Treaty of Peace were transferred and became State and demanial property of the Free Territory of Trieste (Annex X, article 1) ope legis, prescinding the updating of cadastral and land registry records.

6. The head offices and the name of the former "Provincia di Trieste" were used by the AMG FTT to establish a new, autonomous body as part of the local administration of State of the main Zone of the Free Territory of Trieste as part of the Provisional Regime with Order No. 259 of 25 June 1948 – *Local Government // Amministrazione locale*, which rules:

*«1. For the purpose of local government that part of the Free Territory of Trieste administred by the British-United States Forces shall constitute one single Zone composed of the Commons comprised within its boundaries and including the autonomous body "Provincia di Trieste" // 1. Ai fini dell'amministrazione locale la parte del Territorio Libero di Trieste amministrata dalle Forze Britannico-Americana è costituita in un'unica Zona composta dai Comuni compresi entro i suoi confini ed includente l'ente autarchico "Provincia di Trieste".»*

7. This new body established by the AMG FTT using the name of "Provincia di Trieste" for administrativ and political purposes does no longer have juridical bounds with the State of Italy, but only with the State of the Free Territory of Trieste and with its Provisional Regime of Government.

8. Since 1954 this Provisional Regime of Government of the current Free Territory of Trieste (corresponding to main "Zone A") is entrusted, by virtue of an additional executive instrument of the Treaty of Peace, to the responsibility of the Government (not of the State) of Italy as a temporary civil administration on behalf of the Security Council of the United Nations.

9. The Italian Government has delegated the exercise of the legislative and administrative powers of this temporary civil administration to a proper *Commissario Generale del Governo nel Territorio di Trieste* (General Commissar of the Government in the Territory of Trieste), appointed with Decree of the President of the Republic of 27 October 1954 and since 1964, substituted, as for said functions, by this Commissar of the Government in Region Friuli Venezia Giulia by virtue of article 70 of Constitutional Law No. 1 of 1963.

10. For instance, both the instruments of international law which establish the Free Territory of Trieste (Resolution UNSC No. 16/1947, Treaty of Peace of Paris of 10 February 1947) and those about its temporary civil administration entrusted to the Italian Government (Memorandum of Understanding of London of 5 October 1954), and the Italian laws of ratification and execution of the same international laws and the deriving international obligations (Law No. 811 of 2 August 1947, Legislative Decree of the Provisional Head of State No. 1430 of 28 November 1947; Law No. 3054 of 25/11/1952) are in legal force, thus ranking higher than the domestic law of the Republic of Italy (articles 10, sub-paragraph one and 117, sub-paragraph 1 of the Constitution of the Republic of Italy).

11. Even the new "Provincia di Trieste" existing since 1948 as an autonomous body of the Free Territory of Trieste did therefore remain subject to exclusively the temporary civil of the Free Territory entrusted to the Italian Government and to the Commissar it has delegated, which carried it out also by issuing their decrees to modify electoral constituencies of the province, which, in the contrary, when it comes to Italian provinces, are established with decrees of the President of the Republic.

12. Likewise, are in legal force the specific legislative measures of the Italian legal system (Legislative Decree of the Provisional Head of State No. 1485/1947) and of the legal system of the Free Territory of Trieste (Order No. 259/1948 of the AMG FTT), and the Republic of Italy has never re-established its own body namely said "Provincia di Trieste".

13. Therefore, there is no doubt as for the legal fact that, by virtue of the norms in legal force on the matter, both under international and Italian law:

a) all the powers and legislative, administrative and supervisory powers on the autonomous body namely said "Provincia di Trieste", belong to this Commissar of Government as for the functions of the temporary civil administration of the Free Territory of Trieste, who is delegated for this by the provisional Italian Government, on behalf of the Security Council of the United Nations;

b) the autonomous body of the Free Territory of Trieste namely said "Provincia di Trieste" is completely subtracted to the jurisdiction of both the State of Italy and to the legislative power of State and Region of the Republic of Italy (articles 10, sub-paragraph 1 and 117, sub-paragraph 1 of the Constitution of the Republic of Italy), whose bodies do not, therefore, have title to directly enforce to that body their laws, especially not to modify its assets or suppress it;

c) the simulation of the jurisdiction of the State of Italy over the autonomous body namely said "Provincia di Trieste" does have no legal grounds, it violates both international law and the legal system of Italy, including breaches of the Constitution, resulting in actions vitiated with absolute nullity *ab origine* any administrative act adopted under this simulated title;

14) The current administration of the autonomous body namely said Province of Trieste results to be operating with acts that are adopted under this simulated title as part of the general frame of simulation of the sovereignty of the Italian State over the Free Territory of Trieste, entrusted to the responsibility of the Italian Government under a mandate of temporary civil administration;

15) On the bases of this simulated title, the namely said body "Provincia di Trieste" holds and illegitimately treats as its own properties belonging, *ope legis* and since 15 September 1947, to the State Property and assets of the Free Territory of Trieste;

16) On the bases of the same, simulated title, the current administration of the body namely said "Provincia di Trieste" results to have violated, amend others, the titles and pacts of ownership of the immovable properties of other subjects, precisely of houses to be redeemed, in order to arbitrarily sell those for the body's own profit.

17) As part of said simulations, the current administrators of the autonomous body namely said "Provincia di Trieste" would be willing to unlawfully obey to the legislative measures of the State of Italy and of Region Friuli Venezia Giulia which would order the dissolution of Italian provinces. therefore illegally handing over to the bodies of the State of Italy the assets and properties of an administrative body of State of the Free Territory of Trieste, as well as the properties of third parties which the same body would have unfairly taken possession of.

18) Also, the current administrators of the autonomous body namely said "Provincia di Trieste" did interfere in the management of the international Free Port of Trieste as it has no title to do so and therefore in breach of the international laws, implemented and bounding under the Italian Constitution for the legal system of Italy, which forbid any intromission of local bodies in this management (Treaty of Peace, Annex VI, article 34 and Annex VIII, article 2 point 2 and article 18, points 1 and 2; Italian Law No. 811 of 2 August 1947, Legislative Decree of the Provisional Head of State No. 1430 of 28 November 1947; Law No. 3054 of 25/11/1952) are in legal force, thus ranking higher than the domestic law of the Republic of Italy (articles 10, sub-paragraph one and 117, sub-paragraph 1 of the Constitution of the Republic of Italy; Memorandum of Understanding of London of 5 October 1954, article 5).

#### **For those reasons**

the Movimento Trieste Libera / Gibanje Svobodni Trst / Bewegung Freies Triest / Free Trieste Movement, as political organization with the character of an international subject, which represents the rights and legitimate interests of the citizens *de jure* and of the residents of the current Free Territory of Trieste on a mandate received with more than 20,000 signatures, as well as protecting the interests of all States of the International Community and of the European Union to the full, correct and undisturbed functioning of the international Free Port of Trieste,

#### **demands**

to this Commissar of the Italian Government and, through them, to the entrusted provisional Government, to promptly take all necessary and rightful formal measures falling under their responsibilities in order to:

A) recognize and declare the inefficacy of legislative measures of the State of Italy and of Region Friuli Venezia Giulia on the autonomous administrative body of the Free Territory of Trieste namely said "Provincia di Trieste", starting with those concerning their abolition and/or the devolution of their powers and the transfer of their staff to other bodies;

B) completely restore the correct administration of the "Province of Trieste" as an autonomous body of the Free Territory of Trieste entrusted under temporary civil administration to the Italian Government on behalf of the Security Council of the United Nations;

C) recognize and declare the legal inefficacy and nullity and voidness for absolute lack of titles and breach of the law all acts of intromission of the autonomous body namely said "Provincia di Trieste" as for the management of the international Free Port of the Free Territory of Trieste;

**D) verify and declare null and void the act of property and of disposal illicitly committed or started by the autonomous body "Provincia di Trieste" of the Free Territory of Trieste:**

a) regarding all movable and immovable properties of the former Province of Trieste of the State of Italy, established in 1922 and ceased in 1943 which, on 15 September 1947, were within the current Free Territory of Trieste and which, therefore, belong *ope legis* to its State Property (Treaty of Peace of Paris, Annex X, article 1);

b) regarding all movable and immovable properties of third parties, as in the case of the houses to be redeemed located in Trieste, via Margherita nn. 4, 4/1, 4/2 and 4/3, built by government non-repayable grants of the AMG FTT and a loan of the Province of Trieste for the benefit of the legal subject «*Cooperativa Edilizia fra Dipendenti dell'Amministrazione Provinciale di Trieste*», yet, then claimed as a property and put on sale by the "Provincia di Trieste" without title to do so, or under a simulated, deceptive or fake title, causing a serious and unfair damage to the original right holders, or to their descendants or successors who, in fulfilment of the agreement with purchase option did pay the envisioned rents which included the repayment of the loan; as for all analogue cases.

Trieste, July 1st, 2015.

The President of the Free Trieste Movement

Roberto Giurastante

A handwritten signature in black ink, appearing to read 'Giurastante', written in a cursive style.