

To the Ufficio Tavolare (Land Registry office) of Trieste

**REQUEST OF REGISTRATION
to complete the Land Registry (*Grundbuch*)
by immediately registering this request in the Land Registry itself
in regard to the Land Registry Numbers to be established**

presented, under and in fulfillment of the Austrian Land Registry Law - *Grundbuchgesetz* in force in Trieste (*General Law of July 25th, 1871, Bulletin of Imperial Laws No. 95, new text referred to in Regal Decree No. 499 of March 28th, 1929, and successive amendments or extensions*) under which, contrarily to the provisions of the Italian Civil Code, in Trieste it is the registration in the Land Registry (*Libro Fondiario*) to authenticate the right of ownership and other rights *in rem* on properties,

for the annotation in the Land Registry of the right of ownership on public properties recorded but not yet registered in the census districts of Trieste, Gretta and Barcola, and of the limitations and rights related to these, therefore, to be all recorded *ex officio* as well as on demand, in force and execution of the above referred Land Registry Law in force in Trieste and of the titles legitimizing the property listed in the following act, in the name of the owner *ex lege* “Demanio dello Stato del Territorio Libero di Trieste – Porto Franco internazionale di Trieste” - (State Property of the Free Territory of Trieste – international Free Port of Trieste),

and precisely of all the properties within the perimeter of the Northern Free Port, namely said Old Free Zone, (no street number) identified in the Land Registry and listed in this request, of the related prohibitions and restrictions on use as well as of the rights *in rem* of the Free Territory and of other States, and of their trading, maritime, processing - manufacturing - of goods and industrial enterprises related to these properties,

without prejudice for the rights already existing or accrued by third parties *bona fide*, and for the “final clauses” of this request,

and requesting the immediate registration of this request for the Land Registry Numbers to be established in the Land Registry in regard to the properties of which we are requesting the Land Registry to be completed.

A. Petitioners together and separately, for the registration, as the ones holding the legitimate interests, due to their titles to promote and achieve it:

1. Roberto Giurastante, born in Trieste on 3.24.1965, citizen *de iure* and *ope legis* of the Free Territory of Trieste (Territoire Libre de Trieste, Свободная Территория Триест, Territorio Libero di Trieste), as well as equipped of

accessory Italian citizenship, acting as himself and as legal representative of the non-profit political organization “Movimento Trieste Libera”, established to represent the legitimate interests of the Free Territory of Trieste and of its sovereign population, and delegated to act in realisation of this purpose with more than 20,000 signatures of the citizens, 15,000 of which have already been lodged before the United Nations, who as petitioner in both roles, states his address for service related to his demand in Trieste, piazza della Borsa 7, at the Movimento Trieste Libera;

2. Paolo (G.) Parovel, born in Trieste on 6.19.1944, citizen *de iure* and *ope legis* of the Free Territory of Trieste (Territoire Libre de Trieste, Свободная Территория Триест, Territorio Libero di Trieste), as well as equipped of accessory Italian citizenship, Foreign Affairs Commissioner of the Free Trieste Movement, who as petitioner, states his address for service related to his demand in Trieste, piazza della Borsa 7, at the Movimento Trieste Libera;

B. Titles of ownership *ex lege* and of legitimate interest in force whose registration is being requested as properties of the “Demanio dello Stato del Territorio Libero di Trieste – Porto Franco internazionale di Trieste” - “State Property of the Free Territory of Trieste – international Free Port of Trieste”.

Are integral titles for the registration of this request as well as titles of the legitimate interest of the petitioners to demand and obtain it:

1) the Treaty of Peace between the Allied and Associated Powers and Italy, in force, signed in Paris on February 10, 1947, which has come into force with the deposit of the instruments of ratification by the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America and France (Article 90) as well as Yugoslavia, India, Canada and Italy, on 15 September, 1947, ratified and enforced by Italy with: Law No. 811 of 2 August, 1947, authorising the Government of the Republic of Italy to ratify the Treaty (in Official Gazette No. 200 of 2 September, 1947); Legislative Decree of the Temporary Head of State No. 1430 of 28 November, 1947, full implementation of the Treaty (ordinary supplement to Official Gazette No. 295 of 24 December 1947); Law No. 3054 of 25 November, ratifying Legislative Decree No. 1430 of 28 November, 1947 (in Official Gazette No. 10 of 14 November, 1953), registered at the United Nations by the Union of Soviet Socialist Republics and by France on 15 March, 1950 (United Nations Treaty Series, Volume 49 – 1950, N° 747, Treaty of Peace with Italy, signed at Paris, on 10 February. 1947).

Precising that this request recalls the pertinent provisions of the Treaty of Peace, which is a multilateral normative Treaty, in force (cfr. anche *US Department of State, Treaties in Force, 2013*), as written, published and registered at the United Nations, in its French, English and Russian version, authentic, and in Italian as a non-authentic text, yet, officialized by the Republic of Italy with the Legislative Decree of the Temporary Head of State No. 1430/1947, ratified with Law No. 3054/1952.

Precising that this subject is also regulated by the principles of customary international law, codified, in particular, by two multilateral normative treaties: the *Charter of the United Nations* of June 26th, 1945, which binds all the the Member States, undersigned by Italy on February 22nd, 1956 and ratified with Law No. 848/1957, and the *Vienna Convention on the Law of Treaties* adopted on May 22nd, 1969, ratified and implemented by Italy with Law No. 112/1974 and in force since January 27th; the same principles were also confirmed with the Final Act of 1975, which concluded the Conference on Security and Co-operation in Europe.

For the purposes of this request, **sub 1 and 2 a) b) c) d) are annexed copies** of the multilateral Treaty in force, registered by the Organization of the United Nations as well as the three, above mentioned implementing measures of enforcement and ratification on the part of Italy, published respectively on the UN Treaty Series and in the *Gazzetta Ufficiale della Repubblica Italiana* (Official Gazette of the Republic of Italy), which, as official means of publication of international legal instruments (under Article 102 of the Charter of the United Nations) and of Italian laws and, as for this case, these serve as proof of the existence of the titles of legitimacy on which this request is founded.

2) in particular, the following Articles and Annexes of the multilateral Treaty of Peace itself, in force, concerning the establishment, the legal order and the rights of the Free Territory of Trieste (Territoire Libre de Trieste, Свободная Территория Триест, Territorio Libero di Trieste) as well as the duties and rights of the other States towards it: Articles No. 4, 21, 22, 48 point 5, 78 point7, 79 point 6 g), 85; Annexes No. I-Maps, VI-Permanent Statute of the Free Territory of Trieste, VII-Instrument for the Provisional Regime of the Free Territory of Trieste; VIII-Instrument for the Free Port of Trieste; IX-Technical dispositions regarding the Free Territory of Trieste; X-Economic and financial provisions relating to the Free Territory of Trieste.

3) in particular, the following provisions of the same multilateral Treaty of Peace, in force, and of its Annexes concerning the real properties, as well as the related prohibitions and restrictions on use as well as of the rights *in rem* of the Free Territory and of other States, of which we request the registration:

a) Article 21, point 1, of the multilateral Treaty, in force, which rules the establishment, at the coming into force of the same Treaty, of the Free Territory of Trieste (Territoire Libre de Trieste, Свободная Территория Триест, Territorio Libero di Trieste) as a sovereign State provided with its own territory, population, legal system and government, recognises by the Signatory States and by the United Nations and under the direct protection of the Security Council, which accepted this responsibility with Resolution No. 16 of January 10th, 1947, **a copy is annexed sub 3.**

b) Article 21, point 2, of the multilateral Treaty, in force, which rules the contextual termination without conditions of Italian sovereignty over the area of the Free Territory of Trieste since the coming into force of the Treaty;

c) of Article 1 of Annex X of the multilateral Treaty in force, which rules and, at the coming into force of the Treaty of Peace, has the effect of ceding *ex lege*, the immediately transfer to the Free Territory of, without payment, all Italian State and para-statal, movable and immovable property (specifying the nature of the organizations of origin) within the Free Territory, therefore, since that moment, these are excluded *ex lege* from the Public/State property of the Republic of Italy and its organs, becoming eligible *ex officio* to constitute the Public/State property of the Free Territory of Trieste which, as such, is a common property of its sovereign population - the community of its citizens *de iure*.

d) Article 90 of the multilateral Treaty, in force, establishing the conditions and time of it's coming into force;

e) Article 34 of Annex VI and the whole Annex VIII of the multilateral Treaty, in force, which establish the creation and international regime of the Free Port (Port Franc, Свободный Порт, Porto Franco) of Trieste;

f) Article 85 of the multilateral Treaty, in force, which, among the miscellaneous economic provisions of the Treaty does clearly include the provisions of Annexes M VIII and X ruling that, likewise to these of the other Annexes, these are to be considered integral part of the Treaty and therefore have the same value and effect;

g) Article 2, point 1 of Annex VIII of the multilateral Treaty, in force, which rules the creation of the Free Port of Trieste as a State Corporation of the Free Territory of Trieste, with having all the attributes of a juridical person;

h) Article 3, point 1 of Annex VIII of the multilateral Treaty, in force, which regulates the definition of the area of the permanent Free Zones of the international Free Port of Trieste within the limits of the Free Zones of the Port of Trieste in existence in 1939, **a copy is annexed sub 4**, therefore, binding the areas to this exclusive use;

i) Article 3, point 4 of Annex VIII of the multilateral Treaty, in force, which allows to eventually increase the Free Port outside its permanent Free Zones mentioned in Article 3, point 1, but does not allow to eliminate or substitute these, confirming once again the permanent nature of the restriction on use of these areas to the exclusive use as international Free Port established and regulated under Annex VIII itself;

j) Article 2, point 2 of Annex VIII of the multilateral Treaty, in force, which establishes to transfer *ex lege*, without payment, to the international Free Port of the Free Territory of Trieste all Italian state and para-statal property transferred to the Free Territory of Trieste under Article 1 of Annex X which is within the boundaries of its permanent Free Zones (Article 3, point 1), to form the original,

permanent and essential resource of the Free Port itself, as a State Corporation of the Free Territory of Trieste (Article 2, point 1);

k) Articles 1, 3 points 2 and 3, 5 points 1 and 2, 6, 7 points 1 and 2, 10, 12, 22 and 24 of Annex VIII of the multilateral Treaty in force, which establish the destinations, restrictions on use as well as of the rights *in rem* of third parties, to bring and to the benefit of all the permanent and additional areas of the international Free Port of Trieste, in particular:

- the exclusive destination of the immovable properties as customary Free Port destined to be used “on equal terms by all international trade and by Yugoslavia, Italy and the States of Central Europe, in such manner as is customary in other free ports of the world”, with the international regime governed by the provisions of Annex VIII itself, which clearly includes the activities of warehousing, storing, examining, sorting, packing and repacking and similar activities, as well as the procession of goods and authorises manufacturing activities (taking into account that “Yugoslavia” now refers to its Successor States);

- the rights merchant vessels and goods of all Countries of the world, therefore extended to all the enterprises which carry on their maritime traffic, trade, transformation - processing - and industrial activities of the unrestricted access to the Free Port for loading and discharge both for goods in transit and goods destined for or proceeding from the Free Territory without the levy on such goods customs duties or charges other than those levied for services rendered.

- the prohibitions to establish special zones in the Free Port under the exclusive jurisdiction of any State, as well as the prohibition to discriminate on the nationality of the vessels, the ownership of the goods or on any other grounds when it comes to determine and receive the pertinent rights and fixing and levying harbour dues and other charges in the Free Port;

- the right of Italy and of Yugoslavia to request and obtain, if allowed, the exclusive use of berthing spaces within certain parts of the area of the Free Port. (taking note that here the name “Yugoslavia” refers to its Successor States);

- the right of the citizens of any State who are engaged in any legitimate pursuit in the Free Port to access it without unduly impediments;

- the right of the International Commission in charge of the administration of the Free Port referred to in Articles 21, 22 and 23 of Annex VIII, consisting in the representatives of the following States: the Free Territory of Trieste, France, the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics, the United States of America, the People's Federal Republic of Yugoslavia, Italy, Czechoslovakia, Poland, Switzerland, Austria and Hungary, to have its seat and offices in the Free Port and exempt from local jurisdiction (taking note that the names “Union of Soviet Socialist Republics”, “People's Federal Republic of Yugoslavia”, “Czechoslovakia,” now refer to their successor States);

- the obligation to subject to the procedures of resolution envisioned in Article 24 of the same annex any dispute relating to the interpretation or execution of the provisions of Annex VIII of the Treaty of Peace concerning the regime and consistency of the international Free Port of Trieste and its areas.

l) Articles 1, 3, 6, 7, 8, 9, 11, 13, 14, 18, 19, 20, 21, 22, 23, which establish the exclusive powers of administration of the international Free Port of Trieste and, with it, of immovable properties, assigned to the Director of the Free Port referred to Article 18, as part of the provisions of the State legal order and of the executive and jurisdictional bodies of the Free Territory of Trieste and with the power to control the management of the Free Port which are assigned to the International Commission referred to Article 21;

m) Articles 21 and 90 of the multilateral Treaty, in force, and Annexes VI and VII, which establish the Free Territory of Trieste, a parliamentary democracy provided with its own legal order, territory, sovereign population consisting in the people entitled *ope legis* to its citizenship, and of the current provisional regime of Government as preparatory administration for the permanent regime;

n) Article 2 of Annex VII of the multilateral Treaty, in force, which establishes as main direct beneficiary of the temporary administration of the Free Territory of Trieste its sovereign population consisting in the people entitled *ope legis* to its citizenship, who therefore are directly entitled of the legitimate interest to the enforcement of all the provisions of the Treaty of Peace concerning - directly or indirectly - their rights and their moral and material wellbeing, including the direct and indirect rights of work and free enterprise through the regime and areas of the international Free Port;

o) Article 2, sub-paragraph 3, of Annex VII, which establishes the obligation, for the Authority in charge of the provisional government of the Free Territory of Trieste, to enforce also in the Provisional Regime all applicable provisions of the Permanent Statute referred to in Annex VI, therefore, establishing the consequent right and legitimate interest of the citizens, States and enterprises to their enforcement.

C. Obligation to attribute *ope legis* the status of State Property of the Free Territory of Trieste to all movable and immovable public properties that were transferred to it since 15 September 1947 under the multilateral Treaty of Peace in force, ex Article 1 of Annex X.

All public State and para-statal immovable properties referred to at Article 1 of Annex X of the Treaty of Peace with Italy signed in Paris on 10 February, 1947, which has come into force on 15 September, 1947, being or not registered on the *Libro Fondiario* (Land Registry) and/or are recorded as a property of the State or other subjects governed by Public Law referred to in the norm (local authorities and of public institutions and publicly owned companies and associations), are *ipso facto* to be considered transferred, *ope legis*, since that moment, as well as the movable properties of the same subjects, to the exclusive property of the Free Territory of Trieste (Territoire Libre de Trieste, Свободная

Территория Триест, Territorio Libero di Trieste) constituting, *ex lege* its State/demaniaal property.

That for this reason, since 15 September, 1947, all cadastral registration and registrations of property rights or any other related right related to the above mentioned immovable properties which were previously or successively concluded in the name of the “State Property” and/or of the “State Demaniaal Property”, or in the name of the other public subjects referred to at Article 1 of Annex X of the multilateral Treaty of Peace in force, must obligatorily be intended *ope legis* no longer as the State/demaniaal property of the Republic of Italy (whose titles of sovereignty and ownership have ceased on that date, respectively, under Article 21, point 2 and of Article 1 of Annex X of the same Treaty) nor of said authorities, but to the State/demaniaal property of the newly established owner *ex lege*, which is the Free Territory of Trieste (Territoire Libre de Trieste, Свободная Территория Триест, Territorio Libero di Trieste).

Since this is a transfer of ownership *ope legis*, under the multilateral normative Treaty, in force, which is a Constitutional, binding and superordinate part of the Italian legal system, it has effect on the ownership and availability of the movable and immovable properties referred to at Article 1 of Annex X of the Treaty *ipso facto* and *ex tunc*, even prescindig the actual, careful and rightful full registration of the of the ownership or the open explanation of the implicit fact that since 15 September, 1947, the term “Stato” within the Free Territory of Trieste is exclusively used and cannot but refer to the Free Territory of Trieste as exclusive holder of the sovereignty.

As for this matter, it is of use mentioning, among the registrations of public properties in the Land Registry of Trieste, in the name of public administrations which, after 15.9.1947 were transferred under the Treaty of Peace to the *Demanio dello Stato del Territorio Libero di Trieste* (State Property of the Free Territory of Trieste), the registration, in force, of the property classified as cat. 304, now p.c.n. 915/3 in PT 751 of the *c.c. di Cologna* (census district of Cologna), to the “*Demanio dello Stato – Sovraintendenza dell'Amministrazione delle Poste e Telecomunicazioni – Territorio Libero di Trieste*” - “*Demaniaal Property - Superintendency of the Post and Telecommunications - Free Territory of Trieste*”, registered in 1950, erroneously modified in 1994 assigning it to the “*Ente Poste Italiane, con sede in Roma*” and restored, in 1995, to its original form by the *Giudice tavolare* (Land Registry Judge) upon notice of the *Conservatore del Libro Fondiario* (Registrar of the Land Registry). A copy of the registration, as it appears on the ledger, **is annexed sub 5** to provide an example.

D. Obligation to register and titles of jurisdiction of the Land Registry Judge in Trieste.

The present request regards ownership rights established *ex lege* on the immovable properties listed at the end of this document of which, therefore, in Trieste must undergo the registration in the Land Registry, *ex officio* and upon request, this does also apply to all other immovable goods belonging to the

categorie lister at point C, under the fundamental principles of the Land Registry Law (principle of consensus; principle of speciality; principle of application; principle of registration; principle of legality; principle of the publicity).

The obligation does salo prescind from the verification of the title of jurisdiction exercised by the Italian Land Registry Judge currently in charge of Land Registry proceedings, which means weather he believes - rightfully or falsely - to exercise the jurisdiction of the Free Territory of Trieste or that of the Republic of Italy.

The performances required to enforce the provisions of the Treaty of Peace with Italy, signed in Paris on 10 February 1947 are equally binding and have legal efficacy under both legal systems.

The Memorandum of Understanding signed in London on 5 October 1954 as an additional executive instrument of the Treaty of Peace has entrusted the temporary civil administration of the Free Territory of Trieste, including the international Free Port, to the responsibility of the Italian Government (not to the Republic of Italy) and, by accepting the duties of this mandate, the Italian Government has taken on itself and in the name of the bodies it has delegated for the purpose, became responsible for that to the delegating authority, the Security Council of the United Nations, to the administered Free Territory of Trieste, to its sovereign population and to all third parties governed by private, public or international law.

On the other side, the Republic of Italy has recognized the Free Territory of Trieste, assuming all the consequent obligations under international and domestic law towards it, its citizens *de iure* and all third parties governed by private, public or international law, under the laws, in force, which with it ratified and fully enforced the Treaty of Peace: Law No. 811 of 2 August, 1947, authorising the Government of the Republic of Italy to ratify the Treaty (*in Official Gazette No. 200 of 2 September, 1947*); Legislative Decree of the Temporary Head of State No. 1430 of 28 November, 1947, full implementation of the Treaty (*ordinary supplement to Official Gazette No. 295 of 24 December 1947*); Law No. 3054 of 25 November, ratifying Legislative Decree No. 1430 of 28 November, 1947 (*in Official Gazette No. 10 of 14 November, 1953*).

Also, those international obligations did became binding and prevail on the domestic legislation of Italy under Article 10, sub-paragraph 1 and then also Article 117, sub-paragraph 1 of the Constitution of the Republic of Italy.

The obligation to register the title as well as the consequent restrictions and rights *in rem* leading to the present demand do therefore prescind from preliminary or successive verifications of the title of jurisdiction of the Italian Land Registry Judge serving in Trieste, since the purposes of the rightful implementation of this demand does not envision that they do - or think to - exercise, in carrying out they duty and in completing the precise, requested act, the jurisdiction of the Italian Government under the mandate of special trusteeship (temporary civil administration) entrusted to its responsibility under

the Memorandum of Understanding of London of 1954 on behalf of the Security Council of the United Nations, or the jurisdiction of the Republic of Italy.

Because the full enforcement of the Treaty of Peace, even when it comes to the Land Registry Law, is at the same time a duty of both the Italian Government as provisional Government (temporary civil administrator) of the Free Territory of Trieste and its organs, and of the Republic of Italy and its organs, under its binding Constitutional laws, in force.

Therefore, any and water exception of the title of exercise of the State jurisdiction within the Free Territory of Trieste cannot affect the right of the petitioners, or any other subject, to demand and obtain this registration, nor the duty of the Land Registry Judge to fulfil it, but only possible, successive and consequent legal facts once the registration in the Land Registry is complete.

Also, due to this, the petitioners state underline neither this demand nor the eventual payment of levies, taxes, rights or other charges to the Republic of Italy or its organs, requested rightly or wrongly, in regard to the procedures resulting from it would not represent a recognition of the sovereignty of the Republic of Italy over neither the Free Territory of Trieste nor over the International Free Port of Trieste.

E. Impossibility to bring forward or receive oppositions of the Italian State and its bodies and stratal or para-statal bodies, or even third parties.

The transfer, since 15 September 1947 of the ownership *ex tunc* to the Free Territory of Trieste of all Italian movable and immovable, Stata and para-statal properties takes place under a multilateral intenrational Treaty, in force, ratified and enforced by the Republic of Italy, which is bounded to observe it through all of its bodies and its own Constitution (Articles 10, sub-paragraph 1 and 117, sub-paragraph 1), and cannot oppose an equal, actual title to that.

Therefore, eventual oppositions raised by either the Republic of Italy or its organs and State or para-statal organization to the acts recognizing the transfer of these properties to the ownership of the Free Territory of Trieste - as is this registration - would be improbable, inadmissible and null as if would violate both the legal order of the Free Territory of Trieste and of the Republic of Italy.

Also, since the properties on which is pending this request of registration are State properties, these cannot even be *usucapted* by third parties, nor expropriated, and the rights on these which are as sight to the Owner do not expire.

F. Objective and well-known condition of *periculum in mora*.

The tangible objects asked to be registered have a clear and very relevant function and value for both local and international economy and they are in a condition such that any further delay of the - to this moment omitted - registration *ex officio* of their legal property would be itself a serious, objective and well-known danger (*periculum in mora*) as these could be misused and damaged by public or private entities that have no title of ownership.

G. Demand.

For those reasons, the underwritten petitioners, bearers of the legitimate interests to present this demand and to have it fully and promptly accepted,

after documenting in the premise

that under the titles invoked - consisting in public, valid norms of international law in force within both the international legal order and in the domestic legal order of the bounded signatory States, including Italy - the ownership of the immovable goods to be registered has arguably assigned *ope legis* since 15 September 1947 to the “*Demanio del Territorio Libero di Trieste*” - “State Property of the Free Territory of Trieste” and, precisely, to the permanent property of the international Free Port of Trieste, therefore it has been pertinently subject to the restrictions and limits of use and administration, to the obligations and rights *in rem* of the third parties mentioned in the titles themselves, precisely Annex VIII – *Instrument for the International Free Port of Trieste* of the Treaty of Peace of Paris of 10 February 1947,

and taking into account the well-known facts

that in the time span between the transfer *ope legis* of the property and this registration request of the property it lists for the purpose, the rights *in rem* of certain States (Union of Soviet Socialist Republics, Czechoslovakia, Yugoslavia) have passed to their successor States,

and that during this time the area of the Free Port to be registered, certain natural or legal persons obtained or accrued *bona fide* concessions of other rights that must and can be preserved, even in the Land Registry, as long as these do not conflict with the title of ownership and with the restrictions and the obligations to be registered,

annexed sub 6 to this demand are the cadastral maps which identify the above listed properties to be registered,

DEMAND

1) in the *comune censuario* - census district of Trieste:

TO COMPLETE THE LAND REGISTRY AND REGISTER THE RIGHT OF OWNERSHIP in regard to the immovable properties within the perimeter of the Northern Free Port, often called Old Free Zone, part of the international Free Port of Trieste, identified with the following numbers of the Cadastral Units on the maps annexed to this demand:

abstract of map TRIESTE/A - Foglio 10, c.c. di Trieste:

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abstract of map TRIESTE/A – Foglio 6, c.c. di Trieste:

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abstract of map TRIESTE/A – Foglio 3, c.c. di Trieste:

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all shall be registered c.t. (corpo tavolare - registered unit) No. 1 under a new Land Registry Number, in the name of:

“Demanio dello Stato del Territorio Libero di Trieste – Porto Franco internazionale di Trieste” (*State Property of the Free Territory of Trieste - international Free Port of Trieste*)

completing the Land Registry on the bases of the notes at point 4)

2) in the comune censuario - census district of Gretta:

TO COMPLETE THE LAND REGISTRY AND REGISTER THE RIGHT OF OWNERSHIP in regard to the immovable properties within the perimeter of the Northern Free Port, often called Old Free Zone, part of the international Free Port of Trieste, identified with the following numbers of the Cadastral Units on the maps annexed to this demand:

abstract of map TRIESTE/I – Foglio 8, c.c. di Gretta

omissis

all shall be registered c.t. (corpo tavolare - registered unit) No. 1 under a new Land Registry Number, in the name of:

“Demanio dello Stato del Territorio Libero di Trieste – Porto Franco internazionale di Trieste” (*State Property of the Free Territory of Trieste - international Free Port of Trieste*)

completing the Land Registry on the bases of the notes at point 4)

3) in the comune censuario - census district of Barcola:

TO COMPLETE THE LAND REGISTRY AND REGISTER THE RIGHT OF OWNERSHIP in regard to the immovable properties within the perimeter of the Northern Free Port, often called Old Free Zone, part of the international Free Port of Trieste, identified with the following numbers of the Cadastral Units on the maps annexed to this demand:

abstract of map Trieste/C – Foglio 12, c.c. di Barcola

omissis

it shall be registered c.t. (corpo tavolare - registered unit) No. 1 under a new Land Registry Number, in the name of:

“Demanio dello Stato del Territorio Libero di Trieste – Porto Franco internazionale di Trieste” (*State Property of the Free Territory of Trieste - international Free Port of Trieste*)

completing the Land Registry on the bases of the notes at point 4)

4) **register in all the new Land Registry Numbers** so established, on all the registered immovable properties, the exclusive, permanent and absolute destination of the area and of the buildings to the uses, prohibitions, administrative restrictions, obligations and to the rights *in rem* of third parties as established in Annex VIII – *Instrument for the Free Port of Trieste* of the Treaty of Peace between the Allied and Associated Powers and Italy signed in Paris on 10 February 1947, in particular:

a) the exclusive use of the immovable properties to the use of customary Free Port to be used “*on equal terms by all international trade and by Yugoslavia, Italy and the States of Central Europe, in such manner as is customary in other free ports of the world*”, under the international regime regulated by the provisions of Annex VIII itself, which includes warehousing, storing, examining, sorting, packing and repacking and similar activities, as well as the processing - manufacturing - of goods and authorized industrial activities (taking note that the name of “Yugoslavia” now refers to its successor States;

b) the right of Merchant vessels and goods of all countries in the World - therefore extended to the enterprises in charge of their maritime traffics, trading, processing, and industry, to benefit unrestricted access to the Free Port for loading and discharge both for goods in transit and goods destined for or proceeding from the Free Territory, without customs duties or charges other than those levied for services rendered being levied on these goods;

c) the prohibitions to establish special zones within the Free Port under the exclusive jurisdiction of any State, to discriminate in respect of the nationality of the vessels, the ownership of the goods or on any other grounds, in the fixing and levying in the Free Port of harbour dues and other other charges;

d) the right of Italy and Yugoslavia to request and obtain, if allowed, the exclusive use of berthing spaces within certain parts of the area of the Free Port. (taking note that here the name “Yugoslavia” refers to its Successor States);

e) the right of the citizens of any State who are engaged in any legitimate pursuit in the Free Port to access it without unduly impediments;

f) the exclusive reservation under the law of the powers of administering the international Free Port of Trieste and, along with it, its immovable properties, to the Director of the Free Port referred to at Article 18 of Annex VIII, as part of the Legal system of State and of the future decisions of the jurisdictional and

executive bodies of the Free Territory of Trieste and with the powers to supervise the management of the Free Port which are assigned to the International Commission under Articles 21, 22 e 23, consisting, *ex officio*, in the representatives of the following States: Free Territory of Trieste, France, United Kingdom of Great Britain and Northern Ireland, Union of Soviet Socialist Republics, United States of America, the People's Federal Republic of Yugoslavia, Italy, Czechoslovakia, Poland, Switzerland, Austria and Hungary, having their seats and offices in the Free Port exempted from local jurisdiction (taking note that the names "Union of Soviet Socialist Republics", "Federal Republic of Yugoslavia", "Czechoslovakia" do now refer to their successor State);

g) the right of the International Commission to supervise the management of the Free Port referred to at Articles 21, 22 and 23 of Annex VIII, consisting in the representatives of the following States: the Free Territory of Trieste, France, the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics, the United States of America, the People's Federal Republic of Yugoslavia, Italy, Czechoslovakia, Poland, Switzerland, Austria and Hungary, to have their seats and offices in the Free Port exempt from local jurisdiction (taking note that the names "Union of Soviet Socialist Republics", "Federal Republic of Yugoslavia", "Czechoslovakia" do now refer to their successor States);

h) the obligation to subject to the procedures of resolution envisioned in Article 24 of the same annex any dispute relating to the interpretation or execution of the provisions of Annex VIII of the Treaty of Peace concerning the regime and consistency of the international Free Port of Trieste and its areas;

and taking note, without prejudice to third parties, of the right of subjects whose titles of legitimacy shall be verified, to register in future all the concession rights they received or accrued *bona fide* by either natural or legal persons and regarding the immovable properties that are being registered, as long as these concession rights, their purposes and means of fulfilment do not contrast with the restrictions and prohibition or the rights *in rem* that were previously established *ex lege* that are asked to be registered with this demand.

G. Final Clauses.

a) any refusal of the requested registrations within the Land Registry, prescinding the motivation, constitutes the right and title of the appellano to enforce, pertinently, the procedure to solve the dispute established at Article 24 of Annex VIII of the multilateral Treaty of Peace with Italy, in force, signed in Paris on 10 February 1947;

b) in the unfortunate event that the Land Registry Judge, in his ruling about this demand, adheres to the opinion, proposed at that time by certain Italian jurists, that the area that the Treaty of Peace with Italy of 10 February 1947, destined to become the Free Territory of Trieste, including the areas of its international Free

Port, did become *res nullius* due to the ceasing of Italian sovereignty and the alleged failure in establishing the Free Territory of Trieste (which would have therefore lead to the legal inefficacy on all the provisions on the subject, including these regarding the establishment, the privileges and the regime of the international Free Port), this demand is to be considered, *ipso facto*, since it is a priority demand of registration of the right of ownership of all the immovable properties which are part of this demand itself, as presented in the name of the natural persons who are bringing the demand itself forward, and the registration must include the same restrictions as well as the related public commitment of the petitioners, who do declare for themselves, their heirs and other parties involved, to transfer, within one year since the registration, the right of ownership on these properties, with the above mentioned restrictions, to the Free Territory of Trieste – international Free Port of Trieste or, in the case this were not possible yet, to an authority of their choice to be established as representative, providing the needed guarantees, of the legitimate interests of the population of the Free Territory of Trieste and of all the States to which the Treaty of Peace has assigned the general and specific rights over the international Free Port of Trieste.

We demand that the decreto tavolare and any other legal measure of communication regarding this demand are notified to:

1) the petitioners, one only copy to the address for service they chose for this purpose in Trieste 34121, piazza della Borsa 7, at the Movimento Trieste Libera.

2) the third parties holding legitimate rights *in rem* on on the properties to be registered, precisely:

a) to the **Commissar of Government in Region Friuli Venezia Giulia** with office in Trieste, 34121, piazza dell'Unità 8, as delegate of the exercise, over the areas of the Free Port, the legislative powers of the *Commissario Generale del Governo* - General Commissar of the Government (DPR 27 October 1954, Constitutional Law No. 1/1963, Article 70) for the Free Territory of Trieste, entrusted to the Italian Government.

b) to the **Security Council of the United Nations** represented by its President *pro tempore*, at its office building in 405 East 42nd Street on the South, New York NY 10017, USA, as direct international guarantor of the Free Territory of Trieste (UNSC Resolution No. 16/1947; Treaty of Peace with Italy of 10 February 1947, Article 21, point 1).

c) to the **General Assembly of the United Nations** represented by its President *pro tempore*, at its office building in First Avenue at 46th Street, New York NY 10017, USA, to inform, through it, all the Member States, about their role as they hold the rights *in rem* to be registered on the properties that are requested to be registered, precisely, the right of these States and their enterprises to use on equal terms of the areas of the Free Port for their vessels, goods and all the activities relating to trading,

manufacturing - processing of goods - and industrial activities in a regime of fiscal exemption therein permitted;

d) **to the Governments** of the Countries holding the right to be *ex officio* members of the International Commission in charge of supervising the management of the international Free Port of Trieste, and to have their seats and offices in the Free Port exempt from local jurisdiction, to be informed at their representation offices in Italy:

- United States of America, Embassy, 00187 Rome, Via Vittorio Veneto 119/a;
- United Kingdom of Great Britain and Northern Ireland, Embassy, 00187 Rome, Via XX September 80/a;
- France, Embassy, 00186, Rome, piazza Farnese 67;
- Switzerland, Embassy, 00197 Rome, Via Barnaba Oriani 61;
- Austria, Embassy, 00198 Rome, Via g. Pergolesi 3;
- Hungary, Embassy, 00161 Rome, Via dei Villini 12/16;
- Poland, Embassy, 00197 Rome, via P. Paolo Rubens 20
- Lithuania, Embassy, 00198 Rome, Viale di Villa Grazioli 9;
- Latvia, Embassy, 00198 Romae, via G. B. Martini 13;
- Estonia, Embassy, 00198 Rome, via Liegi 28, int. 5;
- Czech Republic, (as Successor State of Czechoslovakia), Embassy, 00192 Rome. Via dei Gracchi 322;
- Republic of Slovakia, (as Successor State of Czechoslovakia), Embassy, 00135 Rome. Via dei Colli della Farnesina 144;
- Russia (as Successor State of the USSR), Embassy, 00185 Rome, via Gaeta 5;
- Belarus, (as Successor State of the USSR), Embassy, 00141 Rome, via delle Alpi Apuane 16;
- Ukraine, (as Successor State of the USSR), Embassy, 00198 Rome, via Guido d'Arezzo 9;
- Kazakhstan, (as Successor State of the USSR), Embassy, 00189 Rome, via Cassia 471;
- Slovenia (as Successor State of Yugoslavia), Embassy, 00197 Rome. Via Leonardo Pisano 10;
- Croatia (as Successor State of Yugoslavia) Embassy, 00191 Rome. via L. Bodio 74/76;
- Bosnia–Herzegovina (as Successor State of Yugoslavia), Embassy, 00195 Rome. Piazzale Clodio 12/III;
- Serbia (as Successor State of Yugoslavia), Embassy, 00197 Rome, via dei Monti Parioli 20;
- Montenegro (as Successor State of Yugoslavia), Embassy, 00197 Rome. via A. Gramsci 9;
- FYROM (as Successor State of Yugoslavia), Embassy, 00198 Rome, via Bruxelles 73-75;
- Italia, *Presidenza del Consiglio dei Ministri*, 00187 Rome, Palazzo Chigi - piazza Colonna 370;

3) to the competent and responsible offices.

Trieste, 17 April 2015.

The petitioners:

Roberto Giurastante

Paolo G. Parovel

No. 6 annexes *ut supra*:

1. *United Nations Treaty Series, Volume 49 – 1950, N° 747, Treaty of Peace with Italy, signed at Paris, on 10 February, 1947, and abstract from Volume 50 – Maps: C. - Yugoslav-Italian frontier; D. - Frontiers of the Free Territory of Trieste;*
2. Leggi e comunicazioni pubblicate sulla Gazzetta Ufficiale:
 - a) Law No. 811 of August 3rd, 1947 - Official Gazette No. 200 of 2.9.1947;
 - b) Note of the Minister of Foreign Affairs in Official Gazette No. 231 of 3.10.1947;
 - c) DLCPS No. 1430 of 28 November 1947, Ordinary Supplement of Official Gazette No. 295 of 24.12.1947;
 - d) Law No. 3054 of 25 November 1952, Official Gazette No. 10 of 14.1.1953;
3. *UN Security Council – Resolution No. 16/1947;*
4. Map of the Free Zones in 1930;
5. Copy of registration in the Land Registry under the name of “Demanio del Territorio Libero di Trieste” - “State Property of the Free Territory of Trieste”, renewed since 1995 and in force;
6. Abstract of cadastral maps referring to the above listed properties that are requested to be registered:
 - in the census district of Trieste, TRIESTE/A - Foglio 10; TRIESTE/A - Foglio 6; TRIESTE/A - Foglio 3;
 - in the census district of Grotta, TRIESTE/I - Foglio 8;
 - in the census district of Barcola TRIESTE/C - Foglio 12.