



I.P.R. F.T.T. Member State *de jure*
of the United Nations

International Provisional Representative of the FREE TERRITORY OF TRIESTE

Rappresentanza Internazionale Provvisoria del Territorio Libero di Trieste
Začasno Mednarodno Predstavništvo Svobodnega Tržaškega Ozemlja
Provisorische Internationale Vertretung des Freien Territoriums Triest

SG/2016/17-en

To the authorities delegated to exercise the administrative powers of the General Commissioner of the Government for the Territory of Trieste pursuant the mandate of temporary civil administration of the present-day Free Territory of Trieste entrusted to the temporary civil administration of the Italian Government (Italian Constitutional Law No. 1/1963, published on the Official Bulletin of the General Commissioner of the Government for the Territory of Trieste, No. 7/1963, pag. 70):

- Commissar of the Government in Region Friuli Venezia Giulia and Prefect of Trieste.
- Region Friuli Venezia Giulia, represented by the President *pro tempore*.

act notified via certified email, with 1 annex.

This international Representative of State has the honor and the duty to inform the administrative bodies addressed that on 22 August 2016 it had to send to the Italian Government and to the President of the Italian Republic an official request to order an urgent verification of the conduction of the temporary civil administration of the present-day Free Territory of Trieste and of its international Free Port, which is entrusted to the Italian Government by the Governments of the United States of America and of the United Kingdom of Great Britain and Northern Ireland as primary administrators on behalf of the United Nations, which therefore were informed of the request of verifications as well.

The request of verification is a consequence of the fact that the administrative, judicial and fiscal bodies delegated by the Italian Government to enforce the special trusteeship regime act as if the administered Free Territory and its international Free Port, instead, were subject to the sovereignty of the Italian State, which is a third Country, and by doing so they cause extremely relevant damages to the citizens, residents, enterprises and institutions of the Free Territory of Trieste, of its international Free Port and of all other States holding general or special rights on it.

However, waiting the results of this verification, this Representative has the duty to prevent, even with official, direct interventions, the continuation of the violations that cause the most serious economic damages.

For this purpose, this Representative invites all local officers and public administrators who might be responsible - whether actively or passively - for those violations:

1) to fully and promptly take note, for all legal intents and purposes, of the contents of the annexed I.P.R. F.T.T. analytic document with protocol number SG/2016/LC/M-IV.1-en, already sent to the Italian Government and to the President of the Italian Republic, as well as to the pertinent international authorities.

The document provides evidence that the theses declaring the persistence or re-establishment of Italian sovereignty over the present-day Free Territory of Trieste, which ended at the coming into force of the Treaty of Peace with Italy, on 15 September 1947, are based on systematic and scandalous falsifications and violations of the instruments of international law, of the legal system of the Free Territory and of the Constitutional legal order of the Italian Republic itself.

The Treaty of Peace that establishes the Free Territory of Trieste is ratified and executed, without reserves, in the legislation in force of the Italian Republic, and this includes also the temporary civil administration entrusted to the Italian Government, under Constitutional constrain and ranking higher than domestic law (Decree of the Provisional Head of State 890/1947, Law 811/1947, Law 3054/1952, Decree of the President of the Italian Republic 1630/1948, Decree of the President of the Italian Republic 27 October 1954, etc.; Constitution of the Republic of Italy, arts. No. 10, paragraph 1, No. 117 paragraph 1, and No. 101, paragraph 2).

For instance, there is no instrument of international law that amended the multilateral Treaty of Peace establishing Italian sovereignty over the present-day Free Territory of Trieste. That is only an opinion of some Italian jurists and magistrates, with lacks legal consistence because the Treaty reserves the subject to international arbitrations (arts. 87, Annex VIII art. 24), and because in the Italian legal system, which is the *civil law* system, judgments are no sources of law.

This is why in June 2013 the Free Trieste Movement did officially protest the simulation of Italian sovereignty over the Free Territory of Trieste by notifying a “Act of complaint and formal notice of default” to the administering Italian Government, to the local bodies delegated to the administration and, instead, commit the simulation breaching the Treaty of Peace and the very mandate of temporary civil administration, as well as to all pertinent international offices.

The local administering bodies responsible for the violations reacted by declaring, falsely and as agreed between them, that the Free Territory of Trieste «*does not exist and never existed*», used two administrative judgments to formalize this false thesis (Regional Administrative Court for Friuli Venezia Giulia - TAR FVG Nn. 400/2013 and 530/2013), and used the two judgments as a surrogate for a non-existing title of sovereignty. The absolute falsity of this thesis is demonstrated in the annexed I.P.R. F.T.T. document with protocol number SG/2016/LC/M-IV.1-en.

2) to promptly order the suspension or to revoke for self-protection the issuing or the execution of the acts falling under their own competences, or under the competences

of their subordinates, that were ordered or committed illegally in the name, on behalf and for the advantage of the Italian State causing therefore unfair economic damages to the Free Territory of Trieste, to its institutions, citizens and residents, to its enterprises, to those of the other States holding rights over the international Free Port of the Free Territory.

Also, this Representative had to examine the behaviors of the bodies delegated to exercise the administrative powers of the General Commissioner of the Government for the Free Territory of Trieste with the Italian Constitutional Law No. 1/1963, published on the Official Bulletin of the General Commissioner of the Government for the Territory of Trieste, No. 7 of 11 March 1963, from this date, and in execution of the mandate of temporary civil administration of the present-day Free Territory of Trieste, entrusted to the responsibility of the Italian Government.

The powers of the General Commissioner of the Government for the Territory of Trieste that were delegated with this procedure are of both normative and administrative nature, and the bodies delegated to exercise them are, for the main part, the Commissar of the Government in Region Friuli Venezia Giulia, and, as for the secondary parts, Region Friuli Venezia Giulia and the Prefect of Trieste, the three of them were all established *ex novo* with the same law that delegated them to each role. Ever since, the roles of Commissar of the Government in the Region and of Prefect of Trieste are entrusted to the same Italian officer.

The normative powers to extend and to modify the areas of the international Free Port of the Free Territory of Trieste that are not subject to the constraints established at art. 3.1 of Annex VIII of the Treaty of Peace with Italy of 10 February 1947 are assigned to the Commissar of the Government.

When it comes to the behaviors of the three delegated bodies described above, this Representative has especially found that:

a) all three delegated bodies (Commissar of the Government, Prefect, and Region) continued to exercise, issuing normative and administrative acts, the jurisdictional functions of the Free Territory of Trieste that are entrusted to them, however, they did constantly omit to precise in their acts that, in Trieste, they exercise the jurisdiction of the Free Territory, not that of the Italian State.

b) since January 2010, the Italian officers appointed as Commissar of the Government and Prefect, as well as the politicians who administer the Region started to actively violate the duties they are entrusted with by supporting, in public acts and official declarations, illegal political operations consisting in the elimination of an extended area of the international Free Port of Trieste under constraint (the Northern Free Port, namely said the “old” port) for the satisfaction of Italian public and private interests, which do therefore constitute a crime.

c) it is for this purpose that the President of the Region has also made an official declaration of adhesion to the deceptive judgements of the Regional Administrative Court for Friuli Venezia Giulia (TAR FVG) Nn. 400/2013 and 503/2013, while the

Commissar of the Government, on 26 January 2016, issued a Decree with protocol number 19/8-5/2016 with which she does illicitly declare that *«the international legal regime of free zone is moved from the Free Port of Trieste»*.

d) since September 2014, due to the evident pressing of those public and private interests, the officers in charge of the duties of Commissar of the Government and of Prefect are issuing official acts in which they do, illogically and against truth, deny the very existence of the mandate that delegates to them the administration of the Free Territory of Trieste, going as far as claiming that the Free Territory *«does not exist and never existed»* and claiming it to be under the sovereignty of the Italian State; such false statements are identical to those in the two deceptive administrative judgments.

e) the Commissar and Prefect uses those false claims to deny the rights of the citizens of the administered Free Territory of Trieste, to force on it the illegal payment of the taxes of the Italian State and to provide instructions of the same nature to other administrative bodies and to the concessionaires of public services of the Free Territory (see, in particular: Prefect Office of Trieste, circular letter prot. No. 0039024 of 29.09.2014 and letter prot. No. 0043536 of 24.10.2014 and prot. No. 0014787 of 7.4.2015; Office of the Commissar of the Government, letters with prot. No. 0029786 of 23.07.2015 and No. 0000824 of 11.01.2016).

f) for those reasons, since March 2015, the citizens of the administered Free Territory are presenting to the Office of the Commissar of the Government thousand of complaints and request for the re-establishment of the correct trusteeship regime, for the suspension of the illicit collection of the taxes of the Italian State in the Free Territory of Trieste, to prevent the illicit trade of the properties of State of the Free Territory and the abuses at the expenses of its international Free Port, but the Commissar of the Government has never implemented, or answered to them.

g) on 6 July 2016, the Commissar of the Government published on the official website of the Prefect office - Territorial Office of the Government in Trieste an official "Communication" in which she falsely claims that *«Any consideration, news, assertion or communication concerning the alleged existence of a "free territory of Trieste" that contexts and questions the complete, pacific and unconditioned sovereignty of the Republic of Italy has absolutely no ground.»*, that she cannot replay nor implement the requests that were presented to her and the tax objections of the citizens, adding that they will be punished with forced executions and sanctions.

The economic damages caused to the Free Territory of Trieste, to its international Free Port, to its citizens and residents, and to its enterprises by those behaviors of the public administrators of Region Friuli Venezia Giulia and by the officers who were entrusted with the duties of Commissar of the Government and Prefect in the administered Free Territory of Trieste after year 2000 are extremely relevant.

Therefore, this Representative is confident that, pending the verifications requested to superior authorities, the Italian officers who are delegated to the exercise of the administration of the present-day Free Territory with the roles of Commissar of the

Government in Region Friuli Venezia Giulia, of Prefect of Trieste, of President of Region Friuli Venezia Giulia, are willing to desist from all the infringements reported to them, to have their subordinates desisting as well, as promptly and with the most suitable means to prevent giving raise to further moral and legal liabilities for other unfair damages to citizens, residents, enterprises and institutions.

This Representative is sending directly an equivalent invitation to all other local bodies delegated to exercise the temporary civil administration of the Free Territory of Trieste entrusted to the responsibility of the Italian Government.

In legal disputes regarding the legal status of the Free Territory of Trieste and of the related rights, all damaged subjects raise can refer to this official communication that this international Representative of State has notified to the addressed administrative bodies.

Trieste, 29 August 2016.

A handwritten signature in black ink, appearing to read 'Paolo G. Parovel', with a stylized flourish at the end.

Paolo G. Parovel
Secretary General of the I.P.R. F.T.T.