



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 Predstavnistvo Svobodnega Tržaškega Ozemlja
Provisorische Internationale Vertretung des Freien Territoriums Triest

SG/2016/18-en

1) To the liquidator of the EZIT, Dr. Paolo Marchesi

2) To the responsible public bodies:

- Tax Revenue Office, represented by its director *pro tempore*
- Region Friuli Venezia Giulia, represented by its president *pro tempore*

3) reporting:

- to the Prosecutor of the Republic at the Court of Trieste
- to the Regional Prosecutor of the Court of the Accounts for Friuli Venezia Giulia

4) for information:

- to the Mayor of the Municipality of Trieste
- to the Mayor of the Municipality of Dolina
- to the Mayor of the Municipality of Muggia

act notified via certified email, with 3 annexes

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:

A tale scopo questa Rappresentanza invita tutti i funzionari ed i pubblici amministratori locali che possono avere responsabilità attive o passive in dette violazioni:

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 (see: annex 1).

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.

The liquidation of the Organization for the Development of the Industrial Zone of Trieste (Ente per la Zona Industriale di Trieste – EZIT) is one of the violations that must be immediately stopped to prevent enormous and irreversible economic damages to the Free Territory of Trieste and to its international Free Port.

The EZIT is a corporation of State of the present-day Free Territory of Trieste and it was established in 1949 by the first provisional Government of State of the Free Territory (A.M.G. F.T.T.) as “*Ente del Porto industriale di Trieste*” (Organization for the industrial Port of Trieste), and its purpose is to factor the development of productive activities in the Free Territory without warning its own profits from it.

Since the present-day Free Territory of Trieste is entrusted to the responsibility of the Italian Government under a special trusteeship mandate of temporary civil administration, is not subject to the sovereignty of the Italian Republic, the administering Italian Government cannot subject the EZIT the payment of taxes of the Italian State.

The ongoing procedure to liquidate it due to tax debts to the Italian State, activated by the Tax Revenue Office of Trieste and by Region Friuli Venezia Giulia, assigned to Liquidator Dr. Paolo Marchesi, is therefore completely and manifestly illegal.

The consequent civil and criminal liabilities, including those for the compensation of the damages caused to subjects of public and private law, rest with all officers and public administrators involved committing the infringements or not preventing them.

Therefore, it appears to this Representative that the main liable subjects involved in the procedures for the illegal liquidation of the EZIT are:

- a) the Tax Revenue Office of Trieste, because it has perpetrated an aggression to the EZIT, requesting the payment of absolutely undue taxes that are unsustainable for the organisation’s budgets;
- b) the administrators of the organization, because they omitted to raise the exception of the lack of sovereignty of the Italian State over the Free Territory of Trieste and resigned from their roles;

c) Region Friuli Venezia Giulia, because instead of raising the exception of the lack of sovereignty of the Italian State over the Free Territory, ordered to pay the non-existing tax debt by dissolving and liquidating the public body and by selling its assets, as well as hiding to potential buyers that the sales are illegitimate and therefore potentially subject to eviction;

d) the other Italian public offices that have not prevented those illegal actions, their legal duty to prevent them notwithstanding;

e) the liquidator, in case he does not interrupt the liquidation procedure entrusted to him after being informed that it is illegitimate, as well as if he does not interrupt the sale of the assets of the EZIT, and does not warn all potential buyers of the possibility of eviction.

Both administrative bodies involved, the Tax Revenue Office and Region Friuli Venezia Giulia, did as well violate their mandate to exercise the administration of the temporary civil administration of the Free Territory of Trieste by acting in the name, on behalf and for the advantage of the Italian State instead of defending the public interests of the administered Free Territory, causing extremely serious damages to the whole economic system of the Free Territory, but also to the enterprises settled in the areas of the EZIT and to third parties (workers, suppliers, service companies).

Also, the most involve bodies, so the Office of the Commissar of the Government and the competent judicial authorities, had already been correctly and promptly informed of the illegitimacy of the taxation and of the liquidation of the EZIT, and they were invited to prevent both with acts notified to them and, for information, to this Representative on 9.10.2015 and on 6.11.2015 by the Free Trieste Movement. Find attached the two acts sub 2 and 3.

Also, further verifications should ascertain the conditions, timing, prices and results of the sale of the assets of the EZIT that were already completed, organized or arranged by the liquidator, on behalf of the Region.

For this reason, this Representative invites the Tax Revenue Office, the Regional administration, and the liquidator to interrupt and to spontaneously revoke all acts concerning the tax demands of the Italian State to the EZIT, the dissolution and the liquidation of the organization and any other consequent and related harmful act, as well as to inform with proper means that the sales of the assets of the organization might be subject to eviction.

Also, this Representative invites the Tax Revenue Office to cease the analogous tax demands that, in the name and on behalf of the Italian State, it repeats to the Port Authority of Trieste annually, in regard to the international Free Port of the Free Territory of Trieste.

Since the illegal liquidation is in progress and must be stopped, this Representative does directly report it to the Prosecution Office of the Republic and to the Prosecution Office

of the Court of the Accounts that act in the Free Territory of Trieste on behalf of the provisional, administering Italian Government.

This communication is also sent, for information, to the Mayors of the Municipalities that are partially included within the EZIT area, inviting them to keep it into consideration in all decisions related to it.

In case of legal disputes concerning the violation of the legal status of the Free Territory of Trieste and of all connected rights, all damaged subjects can refer also to this official communication, notified to the addressed bodies by this Representative.

Trieste, 29 August 2016.



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