

COURT OF TRIESTE

criminal proceeding No. 840-14 Rgnr
judge Dr. Marco Casavecchia

final hearing held on July 10th, 2017

Final statement by defendant Roberto Giurastante under article 523, paragraph 5, Italian Code of Criminal Procedure

As defendant, and as President of the organization that has held the demonstration to protest in defense of legality that is also the subject of this trial, I consider it appropriate expressing a final statement and conclusion about the fact, divided into different points:

1. I consider that the evidences and witnesses presented during the discussion in the merit did all (except the claims of two, manifestly hostile witnesses) confirm that during the demonstration held on February 10th, 2014, none of the criminal behaviors charged by the Prosecution has taken place.
2. The demonstration requested the complete implementation of the regime of the international Free Port, and it is general knowledge that the legal ground of this legal and economic claim has just been confirmed by the very administering Italian Government, by issuing a decree that contains the provisions for its management, after a 23 years wait.
3. Therefore, the question that the judgment revolves around is the democratic freedoms to opinions and to their demonstration as such. And it is general knowledge that, since 1948, demonstrations are no longer subject to the requests recalled by the prosecution.
4. As for the alleged minor misconducts, which were not found, they were used to support an accusation of subversion against the Italian State. Such accusation cannot be supported, since it conflicts with the whole *corpus* of laws that recognize and implement in the Italian legal system in force all international obligations of the Italian Republic and of the Italian Government respect to the present-day Free Territory of Trieste under administration, distinguishing the two jurisdictions.
5. In particular, we are talking about the following legal instruments in force: Legislative Decree of the Provisional Head of State No. 1430/47 ratified with Italian Law No. 3054/1952 and with art. 70 of Italian Constitutional Law No. 1/1963, which ranks higher than other Italian laws in force by virtue of pre-Constitutional (art. 2 Legislative Decree of the Provisional Head of State No. 1430/47) and Constitutional law (arts. 10 first paragraph, and 117, first paragraph of the Italian Constitution). I do therefore request the Judge to take this into account for all legal intents and purposes.

Thanks.