



**1) to the Commissar *pro tempore* of the Italian Government**  
in Region Friuli Venezia Giulia  
as delegate to the powers of temporary civil administration  
over the Free Territory of Trieste and over its international Free Port

and, through them, to the **President *pro tempore* of the Council of Ministers**  
of the Italian Government, as temporary civil administrator  
of the Free Territory of Trieste and of its international Free Port  
on behalf of the Security Council of the United Nations

**2) to the Municipality of Trieste**  
represented by the Mayor *pro tempore*, Roberto Cosolini  
[comune.trieste@certgov.fvg.it](mailto:comune.trieste@certgov.fvg.it)

**3) to the Italian Port Authority in Trieste**  
represented by the Commissar *pro tempore*, Zeno D'Agostino  
[protocollo@porto.trieste.it](mailto:protocollo@porto.trieste.it)

**4) to the State Property office of the State of Italy**  
represented by the Director *pro tempore*, Roberto Reggi  
[agenziademanio@pce.agenziademanio.it](mailto:agenziademanio@pce.agenziademanio.it)

**5) to Region Friuli Venezia Giulia**  
represented by the President *pro tempore*, Debora Serracchiani  
[gabinetto@certRegion.fvg.it](mailto:gabinetto@certRegion.fvg.it)

and, for information: to the Ministry of Infrastructure and Transportation, to the Anti-mafia Parliamentary Commission, to the National Anticorruption Directorate, to the Prosecutor of the Republic in Trieste.

**LETTER OF FORMAL NOTICE, IN THE FIELDS OF CIVIL AND  
CRIMINAL LAW, TO REFRAIN FROM COMMITTING FURTHER  
ILLEGAL ACTIONS AS FOR THE ATTEMPT TO MODIFY THE  
OWNERSHIP AND LEGAL STATUS OF THE PERMANENT FREE  
ZONES OF THE INTERNATIONAL FREE PORT OF THE FREE  
TERRITORY OF TRIESTE**

[international law and laws of the Free Territory of Trieste: Charter of the United Nations, UNSC Resolution n. 16/1947, Treaty of Peace of Paris of 10 February 1947, Memorandum of Understanding of London of 5 October 1954, Vienna Convention on the Law of Treaties; law of the Republic of Italy: Law No. 811 of 2 August 1947, Legislative Decree of the Provisional Head of State No. 3054 of 28 November, 1947, Law No. 3054 of 25/11/1952, Decree of the President of the Republic of 27 October 1954; Constitutional Law No. 1/1963 article 70, articles 10, sub-paragraph 1 and 117, sub-paragraph 1 of the Constitution of the Republic of Italy and criminal laws recalled in the text]

**presented and notified** via certified email 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, 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,

**towards:** Municipality of Trieste, Italian State Property office, Port Authority of Trieste, Region Friuli Venezia Giulia, Commissar of the Italian Government in Region Friuli Venezia Giulia, Italian Government.

1. The current Mayor of the Municipality of Trieste, Roberto Cosolini, announced that on July 9th, 2015 he is signing with other public officers an executive agreement to declare as removed from State Property the Northern Free Port, and to assign its ownership to the Municipality, to downgrade its areas and buildings to urban use and then sell those as soon as possible.

2. The agreement, prepared in spite of the motivated and documented warnings of the Free Trieste Movement, would be signed and executed - through their respective representatives - by the Municipality of Trieste, by the Italian Port Authority in Trieste and by Region Friuli Venezia Giulia who, until today, July 8th, did all confirm or not deny the announcement of the Mayor.

3. The promoters of this operation continue to justify it with propagandas and declarations aiming to persuade that the Northern Free Port belongs to the State of Italy, and that territorial administrations (Municipalities, Province, Region) have the right to take part to its management, that the area has become unusable for port activity and that, due to those reasons, it can and must be suppressed, urbanized and sold in fulfilment of recent, appropriate Italian law (Law 190/2014, article 1, sub-paragraphs 618, 619 and 620).

4. Mayor Cosolini, as well as the other public officers involved, are fully aware, both due to their roles and of the previous formal motives and complaints they received:

a) that all of their claims, listed at previous point 3, are false;

b) that the attempt to eliminate the Northern Free Port is an illegal political-speculative operation which violates both international and Italian law, and that it would cause severe economical damages to the Free Territory of Trieste, to its international Free Port, to its citizens and residents, to its enterprises and to the States holding general and special rights over the international Free Port of Trieste, as well as to their enterprises;

c) that the civil liability deriving from said serious economical damages would attach to the State of Italy, to the Italian Government and to the Italian public bodies on behalf of whose the public officers who commit or allow said breaches of the law are working;

d) that the announced agreement has been set up in total violation of the law to attempt forcing, by political means, the illegal elimination of the Northern Free Port and the sale of the area fraudulently eluding the legal defenses activated by the Free Trieste Movement on all the local, Italian, European and international level;

e) that the unlawful agreement is deemed to be invalid and might be declared void at the initiative of any damaged subject, and the possible purchasers of the port property illegally removed from State Property and sold cannot be considered in good faith, therefore, the transactions would be subject to declarations of nullity and voidness;

5. Also, both Mayor Cosolini and the other Italian public functionaries who commit or allow the unlawful action cannot be unaware that they are personally assuming the criminal responsibility of said actions, as well as the joint civil liability for the consequent damages.

6. Therefore, under the investigative point of view, it is important noticing that their political attempt to force said illegal actions regardless to that is committed by relying on conditions of abnormal judicial impunity or under the abnormous pressing of subjects who have interests in the commitment of the illegal actions who do also have an actual power to reward or punish them.

7. For the purposes of this letter of formal notice, the Free Trieste Movement recalls in full the contents of all the previous warnings/complaints on the matter, which have already been notified to Mayor Cosolini, to the other Italian public officers involved and/or to Italian magistracy, as well as recalling all the public defensive procedures which have already been activated locally, in Europe and internationally.

8. To make it instantly clear, the Free Trieste Movement underlines that the real, legal and factual situations that demonstrate that Mayor Cosolini and the other Italian public officers involved are attacking by illegal means the Northern Free Port in order to eliminate, remove from State Property, and sell it are the following:

**8.1.** The Northern Free Port is bounded by law as a sector of the international Free Port of Trieste, which is a state corporation of the Free Territory of Trieste (Treaty of Peace of Paris, Annex VIII, article 2, point 1);

**8.2.** The sovereignty of the State of Italy over the current Free Territory of Trieste and over its international Free Port, which had started on 5 January 1921 at the coming into force of the Treaty of Rapallo, ceased on 15

September 1947 at the coming into force of the Treaty of Peace between the Allies and Associated Powers and Italy, signed at Paris on 10 February, 1947, in force, which established the Free Territory of Trieste;

**8.3.** The norms of the Treaty of Peace establishing and regulating the FTT are articles No. 4, 21, 22, 48 point 5, 78 point 7, 79 point 6 g, 85 and Annexes I D (Borders), VI (Permanent Statute), VII (Provisional Regime), VIII (Instrument for the international Free Port), IX (Technical dispositions), X (Economic and Financial Provisions);

**8.4.** The Treaty of Peace of Paris is a multilateral normative treaty in legal force (cf. also: U.S. Department of State, *Treaties in Force*, 2013) and the obligations it establishes cannot be amended with international instrument ranking below it, and not even with instruments or interpretations of domestic law, but only under the multilateral procedures of international law consolidated in the Vienna Convention on the Law of Treaties;

**8.5.** The Treaty of Peace of Paris is also a law in legal force of the Republic of Italy by virtue of the laws of ratification and execution (Law No. 811 of 2 August, 1947; Legislative Decree of the Provisional Head of State No. 3054 of 28 November, 1947, Law No. 3054 of 25/11/1952) and the obligations it establishes rank higher than Italian laws, as well as bounding national and regional legislation under Articles 10, sub-paragraph 1 and 117 sub-paragraph of the Constitution of the Republic of Italy.

**8.6.** All references to the norms of the Treaty of Peace within this formal letter do therefore refer also to bounding laws of the Italian legal system;

**8.7.** The Free Territory of Trieste is established since 15 September, 1947, as an independent Sovereign State, member *de jure* of the United Nations, under a Provisional Regime of Government, established under Resolution 16/1947 of the Security Council and under Annex VII of the Treaty of Peace of Paris;

**8.8.** Since 1992, the current Free Territory of Trieste consists in the capital city, Trieste, the international Free Port and five smaller Municipalities;

**8.9.** The function of provisional Government of the current Free Territory of Trieste on behalf of the Security Council of the United Nations is entrusted as civil administration to the Italian Government (not to the State of Italy) by virtue of the Memorandum of Understanding of London of 5 October 1954, in force, which is an additional executive instrument of the Treaty of Peace of Paris, as well as being also recognized and executed as part of the laws of the State of Italy (Decree of the President of the Republic, 27 October 1954, Constitutional Law No. 1/1963, article 70);

**8.10.** This mandate on behalf of the Security Council of the United Nations does also bound, at article 5, the entrusted provisional civil Government to maintain the international Free Port of the Free Territory of Trieste in general accordance to the articles from 1 to 20 of Annex VIII of the Treaty of Peace

**8.11.** Follows that all legislative and administrative regarding the international Free Port of the Free Territory of Trieste can be issued only by the Italian Government as temporary civil administrator or by a Commissar of the Government delegated by them, not by the legislative bodies of the State of Italy, as that has neither sovereignty nor jurisdiction over it;

**8.12.** No law of the State of Italy has legal efficacy within the Free Territory of Trieste and in its international Free Port, temporarily entrusted to the Italian Government, unless prior extension and adaptation to its legal system with the pertinent legislative act of the temporary civil administration (cf. also: Italian Supreme Court of Cassation, I Civil Section, judgment No. 323 of September 26th, 1965).);

**8.13.** There cannot be a valid extension to the legal system of the Free Territory of Trieste when it comes to laws which are in contrast with it or with the norms of the Treaty of Peace which established it, or with the administrative obligations deriving from the Memorandum of Understanding of London of 1954;

**8.14.** The sub-paragraphs 618, 619 and 620 of Italian Law No. 190/2014 were introduced in it with a political fraud, in order to make possible the elimination and illegal sale of the Northern Free Port but, at the same time, those cannot affect it due to being unenforceable, illegitimate and anti-constitutional (see following point 8.25);

**8.15.** The areas, buildings and infrastructures of the international Free Port, including the Northern Free Port, belong *ope legis* to the State Property of the Free Territory of Trieste (Treaty of Peace, Annex X, article 1 and Annex VIII Article 2 point 2), thus not to the State Property of the Republic of Italy, which has no right to control those;

**8.16.** Under the law (Treaty of Peace, Annex VIII, article 18) the international Free Port of Trieste has a technical international management under international law, which does not depend on the administration of local bodies (Municipalities, Province, Region) or on the politicians who, therefore, have no right to interfere;

**8.17.** The Northern Free Port is by no means unusable: its seabed are 14 meters deep and it consists in 70 hectares of port and railway areas and infrastructures, it is currently active (Adria Terminal) as well as being the main area of strategic development on a short and medium term of the international Free Port of Trieste on the bases of recent technical projects (2009) which include the fast construction of a new logistic platform with seabeds up to 20 meters deep;

**8.18.** Contrarily to that, Mayor Cosolini himself, as well as the other public functionaries involved, admit that in regard to their attempt to eliminate and sell the Northern Free Port Nord as soon as possible there are no economical projects yet.

**8.19.** After the ceasing of Italian sovereignty at the coming into force of the Treaty of Peace of Paris (15 September 1947) the simulation of the sovereignty of Italy over the Free Territory of Trieste carried out by Italian public officers, including the intromission of territorial bodies and politicians in the management of the international Free Port constitutes a crime, since it is a violation of the international and constitutional obligations of the State of Italy which those officers must fulfill as their duty of office and to fulfill their oath of office;

**8.20.** The members of the Italian Government and the functionaries who exercise the temporary civil administration of the Free Territory of Trieste do have the additional role, obligation and are subject to the same sanctions as international functionaries of the United Nations;

**8.21.** Said simulation of Italian sovereignty is presented and used with pretentious arguments by Italian bodies and functionaries in order to unlawfully suffocate the economy and the international Free Port of the Free Territory of Trieste in favor of its competitors, the Italian ports.

**8.22.** Among said illegal actions, there is also the artificial emptying of the Northern Free Port in order to attempt its elimination, by destining it to housing speculations and urban constructions, which are a typical source of funding of the Italian system of political-institutional corruption.

**8.23.** This kind of illegal activities intensified since 2012, following the concentration of government powers of local bodies (Municipality, Province), of the Region and of the State of Italy in the hands of representatives of one only party, the PD - *Partito democratico*, which committed or favored increasing abuses:

a) to divert the new, massive traffics envisioned on the Baltic-Adriatic and Transsiberian routes, as well as with the doubling of the Suez Canal (August 2015) from the ports of Trieste (Free Territory), Koper (Slovenia) e Rijeka (Croatia) to the ports of the Italian peninsula, especially the ones most used by Italian mafias (Napoli, Gioia Tauro, Taranto, Bari);

b) to illegally move away the status of Free Port of the Free Territory of Trieste from the Northern Free Port Nord to Italy, precisely, to the port of Monfalcone, the interport of Cervignano and in Porto Nogaro, to build up with Gorizia a new Italian industrial and post center as an alternative to Trieste, transforming the autonomous Port Authority of Trieste in to an "*Autorità di sistema portuale del Friuli Venezia Giulia*" - "Authority of the Port system of Friuli Venezia Giulia";

c) to silence the public denounces and documented anti-corruption and anti-mafia questions of investigative newspaper "La Voce di Trieste";

**d) to stop the local, Italian, European and international defenses which the Free Trieste Movement has systematically activated since June 2013;**

**8.24.** This increasing of the illegal operations and deceptive propagandas to support them was less with increasing aggressiveness and abnormous impunity by a core of political representatives of the PD lead by Mayor Roberto Cosolini, the President of the Region and national vice-secretary of the same party Debora Serracchiani as well as by two parliamentarians, Deputy Ettore Rosato and Senator Francesco Russo, who used their publican roles in order and with the result of:

**a) prevent, disturb and cancel the regular calls for concession of the Northern Free Port Nord for the legitimate port uses, summoned in 2014 by the President of the Port Authority, Marina Monassi;**

**b) obtain from the Regional Administrative Court of the Friuli Venezia Giulia two abnormous, illegitimate judgments (No. 400/2013 and 530/2013) which do falsely declare legitimate moving to Italy the status the Free Port of Trieste and do falsely accuse the opponents to be committing serious crimes against the State of Italy;**

**c) obtain from certain local magistrates unfair and persecutory charges against activists and journalists who defend the Free Territory of Trieste and its international Free Port;**

**d) substitute, by abnormous political-media pressures the President of the Port Authority Monassi and Minister Lupi, who were not in favor of he illegal operations against the Northern Free Port Nord, with a extraordinary commissar (D'Agostino) imposed by Cosolini and Serracchiani and with a minister of the PD (Delrio) who declare themselves in favor of the operation;**

**e) deceive the Italian Parliament, unaware of the matter, having it approving right before Christmas 2014, on proposal of Senator Francesco Russo, three illegitimate, additional sub-paragraphs to the Italian Financial Law for 2015, which simulate the legitimacy of the illegal elimination of the Northern Free Port;**

**f) violating the same illegal norms to accelerate and force their application with the agreement of removal from State Property that is the subject of this formal letter.**

**8.25.** The deceptive norms had approved by the Italian Parliament to simulate the legitimacy of the elimination of the Northern Free Port Nord (in which that is namely said "*Porto Vecchio*" - "Old Port") are sub-paragraphs 618, 619 and 620 of Article 1 of the Italian Financial Law No.190/2015. Those norms are manifestly unenforceable, deceptive, contradictory and illegitimate, since:

**a)** they were issued by the Parliament of the State of Italy, which has no jurisdiction over the international Free Port of the Free Territory of Trieste, as well as being never extended to the Free Territory of Trieste with a decree of either the entrusted Italian Government or their Commissar of the Government;

**b)** sub-paragraph 618 envisions as a preliminary act a decree of the Commissar of the Government in Region Friuli Venezia Giulia to rule the "moving away" to other areas the regime of international Free Port;

**c)** this norm omits to precise that the decree of the Commissar of the Government would be issued in its role of special delegate (Decree of the President of the Republic, 27 October 1954; Constitutional Law No. 1/1963, article 70) to exercise the sovereign legislative powers of the Free Territory of Trieste entrusted under temporary civil administration to the Italian Government;

**d)** also, this decree would be also null void and illegitimate, as well as having no legal ground, because:

- the provisional Italian Government and the delegated Commissar of the Government have no power to remove the regime of Free Port to the port areas which are permanently bounded under the Treaty of Peace (Annex VIII, article 3, point 1);
- therefore, the decree would constitute a serious violation and would be a reason for the revocation of the international mandate;
- the Treaty of Peace allows (Annex VIII, article 3, point 4) to extend the regime of Free Port to new areas, without moving it away from the existing areas;
- the provisions regarding the international Free Port of the Free Territory of Trieste cannot be amended by the provisional Government without the formal consent of all the States holding general and special rights on it (respectively, all Member States of the International Community and the ones with the right to directly control its management);

**e)** sub-paragraph 619 establishes, without tilt of jurisdiction, that "consequently" to the provisions of sub-paragraph 618, the areas, buildings and port facilities are removed from State Property, but it does not claim that those belong to the State Property of the State of Italy, since those do actually belong to the State Property of the Free Territory of Trieste, which is only entrusted to the Italian Government;

**f)** again sub-paragraph 619 establishes, without title of sovereignty, that the properties removed from State Property are "assigned" to the properties of the Municipality of Trieste with the responsibility to urbanize and sell those, but even this assignation is illegitimate, as those properties are part of the State Property of the Free Territory of Trieste, assigned to the international Free Port of Trieste under a permanent bound (Annex X article 1, Annex VIII article 2, point 2 and article 3, point 1);



**g)** sub-paragraph 620 does unlawfully bound the remaining demanial areas of the Northern Free Port to the laws on port of the State of Italy, which has no jurisdiction on those;

**h)** the whole sequence of actions envisioned by the three norms is anti-constitutional (article 10, sub-paragraph 1 and 117, sub-paragraph 1 of the Constitution of the Republic of Italy) since it violates the international obligations assumed by the State of Italy with the Treaty of Peace and by the Italian Government under the Memorandum of Understanding of London of 1954 towards the Free Territory of Trieste and, as for tis Free Port, towards the International Community.

**8.26.** Taking into account that said three norms are therefore actual fraud-norms, unenforceable and illegitimate, Mayor Cosolini and the other Italian public functionaries involved in the illegal operation against the Northern Free Port decided to force by political means the situation with a further fraud, which does paradoxically violate the three norms as well, and then attempted to cover it by an intense activity of political pressing and propaganda of the media.

**8.27.** For this purpose, they organized and announces the signature of an ac of removal from State Property and immediate handover of the Northern Free Port to the Municipality, stipulated by the Municipality itself (which has no rights to obtain those properties), the State Property office of the State of Italy (which, as it does not own those properties, it not explicitly in the above mentioned norms), Region Friuli Venezia Giulia (which has no legitimate jurisdiction over the Free Port) and the Port Authority of the Italian Government in Trieste.

**8.28.** Therefore, the act would be undersigned only by representatives of the PD: Cosolini, Serracchiani, the director of the Italian State Property office, Reggi, and functionaries imposed by them (D'Agostino).

**8.29.** Signing this act does violate the same norms of Law 190/2015 which asserts to be enforcing, since it would take place under sub-paragraph 619 before and without the issuing of the necessary preliminary decree (which would be illegitimate anyways) envisioned at sub-paragraph 618 to move away the regime of Free Port.

**8.30.** Therefore, the act would constitute a new fraud, in addition to the previous frauds, and it is a cleat political attempt to create a *fait accompli* to force or justify the successive issuing of the legitimate decree to move away the Free Port by either the provisional Italian Government of the Commissar of Government.

**8.31.** The absolute illegitimacy of the whole action would lead to its nullity and voidness anyways, upon appeal of any damaged subject, as well as

subject to indemnification for those damages, from both the Italian public officers involved and the Italian public bodies that they represent.

**8.32.** The fundamental logical conditions for the commission of a similar cumulation of crimes by a transversal consociation of Italian politicians and public officers, who are personally liable for that, are therefore:>

- a) their submission to interest as much illegal as the envisioned actions;
- b) the political certainty that Italian magistracy is willing or forced to keep covering them by an abnormal impunity, which violates the principle of the rule of the law, as well as the Constitution of the Republic of Italy and international law;
- c) the political certainty to be able to ignore and silence the legitimate defenses of the population of the Free Territory of Trieste, activated by the Free Trieste Movement.

**8.33.** The criminal grounds of the illegal action verified to this moment do clearly include the alleged offenses organized and committed through abuse of office, ideological falsehood in public acts, taking advantage of the people's credulity, fraud, obstruction of public concession procedures, criminal organization, in violation of article 1 of Law No. 17/1982 and under relevant anti-mafia and anti-corruption questions, in order to distract, for the profit of third-parties, a big, international production complex of unavailable public goods, of value about 1.5 billions Euro, causing an even further damage due to the consequent, permanent subtraction of maritime traffics, manufactures, production and opportunities of employment.

### **FOR THESE 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, 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,

### **WARNS**

**A.** - the Municipality of Trieste, represented by the Mayor *pro tempore*, Roberto Cosolini, the Italian State Property Office, represented by the Director *pro tempore*, Roberto Reggi, the Port Authority of Trieste, represented by the Commissar *pro tempore* Zeno D'Agostino, and Region Friuli Venezia Giulia, represented by the president *pro tempore*, Debora Serracchiani against undersigning and enforce any act having the purpose of removing from State Property, assign to the Municipality of Trieste, urbanize and sell the areas,

buildings and port facilities of the Northern Free Port Nord of the Free Territory of Trieste, entrusted under a mandate of temporary civil administration to the Italian Government;

**B. - the Commissar of the Government in Region Friuli Venezia Giulia, as delegate to the powers of temporary civil administration over the Free Territory of Trieste, and, through them, the provisional Government, against issuing any legal measure to eliminate or move the regime of Free Port away from the Northern Free Port of the international Free Port of the Free Territory of Trieste,**

### **AND RESERVES**

locally, in Italy, in Europe and internationally, all civil and criminal legal actions of defense and compensation versus the liable Italian public officers and versus the public bodies that they represent in case other fail to fulfill the warning;., Trieste, 8 July 2015.

The President of the Free Trieste Movement

Roberto Giurastante

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