



JUSTICE OF THE PEACE OF TRIESTE CIVIL REGISTRY

NO. 199/15 R.G.
NO. 1356/14 N.R.

MINUTES OF THE HEARING

Today, 11th June, 2015 at 9.54 AM before the Justice of the Peace, lawyer Carla Milocco, with the assistance of Registrar Enzo Fedel, in the criminal proceeding against: Giurastante Roberto
After summoning the parties, it is stated that: the Public Prosecutor, represented by Dr. Martina, is present and correctly appointed with delegation document No. 15/15 dated 26.05/2015;
the accused person, his own trusted defense lawyer, Longo Edoardo is present;
the offended person, Sponza Nicola, the defense lawyer of the offended person/civil complainant, lawyer Bridda Gigliola, is present, they have already brought forward the civil action.

Lawyer Bridda lodges the request for civil action with a notification.

The Justice of the Peace declares the opening of the proceeding.

The Public Prosecutor demands to acquire the complaint and its attachments, demanding the examination of witnesses on their list.

The civil complainant examines the list of witnesses, the Public Prosecutor cross-examines the witnesses of the accused person, producing and lodging a document.

The defense objects nothing as for the preliminary requests of the Public Prosecutor, when it comes to the witnesses of the Civil Complainant, they oppose to their admission due to them being summoned to refer about an email and circumstances without being not those, as well as objecting the alleged defamatory nature of the email which lead to the trial.

Lawyer Bridda objects affirming that she questions the exception of the defense in regard to her own preliminary request, observing that the witnesses listed and requested shall refer about the context in which the facts took place.

Continues Lawyer Longo, raising the exception of lack of jurisdiction of the office of the Justice of the Peace of Trieste, the reasons are the same brought forward by Mr. Giurastante in his communication dated 29.05.2015 with the document attached.

He raises the exception of the lack of jurisdiction and demands that the present proceeding is suspended, pending decision of the Prefect of Trieste and demands that this justice rules on the lack of jurisdiction.

The Public Prosecutor demands that the exception is rejected due to being unfounded.

Lawyer Bridda demands to proceed further, reserving to produce ordinances issued by the judges of the Civil and Criminal Court of Trieste on the same questions.

The defense demands the examination of their own list of witnesses, the counter-examination of the witnesses of the Public Prosecutor and of those of the counterpart.

The Justice of the Peace reserves to decide in chambers and suspends the trial to proceed with other trials at 10.30AM.

At 11.35 the proceeding is open again, the Justice admits the test of the witnesses evidences as previously requested and postpones the hearing of the witnesses of the Public Prosecutor and of the Civil complainant, and the summoning of the witnesses by the parties is postponed to 23.06.2012 at 12AM, the Justice of the Peace attaches an ordinance, issued on this date.

RGNR 1456/2014

RGGDP 199/2014

Accused person: GIURASTANTE ROBERTO.

THE JUSTICE OF THE PEACE

In regard to the exception of the lack of jurisdiction raised by the defense of the accused person, and by the accused person himself

A) Observes, as for the first point of the exception, being the lack of jurisdiction of Italian judicial bodies over the “free Territory of Trieste” allegedly established and currently in force that with the Memorandum of London of 1954 first and then with the Treaty of Osimo in 1975 this question has been surpassed.

In substance, with this last act the Italian territory is completed within its current territorial borders, without restrictions on government and jurisdiction, to the point that at article 7 of the mentioned Treaty of Osimo is written “On the date of the entry into force of this Treaty () the Memorandum of Understanding signed at London on 5 October 1954 and its annexes shall cease to have effect in relations between the Italian Republic and the Socialist Federal Republic of Yugoslavia” while at article 8 of the same Treaty is written “...the expired Special Statute” with clear reference to the Statute of the Zone of the free Territory of Trieste -

B) In regard to the exception founded on the alleged circumstance that the Office of the Justice of the Peace of Trieste has no jurisdiction on the mentioned “free Territory of Trieste” is observed *in primis* that the free territory of Trieste does not exist and *in secundis* that neither the Constitution, nor the Codes of Criminal Law and of Criminal Procedure contemplate any norm limiting the jurisdiction of the Justice of the Peace due to matters of territorial competence or in regard to its decisional powers, therefore that is legitimated to issue “judgments”, in the technical and legal sense of the term.

Considering unfounded the exception of lack of jurisdiction
rejects it-

signed the Justice.

Minutes closed at 11.40AM.

The Registrar
signed Enzo Fedel

The Justice of the Peace
signed MILOCCO lawyer Carla

As requested by Mr. Giurastante Roberto on [stamp: **29 JUN. 2015**] I certify that the hereby stated typescript Minutes accurately corresponds to the original, handwritten on 11 June 2015.

Trieste_[stamp: **30 JUN. 2015**]

The Registrar
Enzo Fedel
[signature]

[hand-filled stamp:
1 certified copy requested
by **Mr. Giurastante Roberto**
rights paid **3.68 Euro**
Trieste, **30 JUN. 2015**]