

## OHCHR REGISTRY

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Geneva, Switzerland  
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11 JAN. 2022

Recipients : **ECA**.....  
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Enclosure **PP**.....  
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Dear Sirs

Questions posed to the Parliament of the Republic of Italy by the Independent Senator of the Mixed Group, Francesco Paragone, in connection with the events of 18 October at the International Port of Trieste.

The full text of the parliamentary questioning is hereby published seeking a written answer from the Defense Minister, Lorenzo Guerini, the Minister of Interior, Luciana Lamorgese and the Foreign Minister, Luigi Di Maio. The intervention of the forces of the Italian order and the consequent forced eviction of demonstrators from the area in front of gate 4 of the international port of Trieste on 18 October 2021, must be fully and satisfactorily explained.

In doing so, Senator Paragone demonstrates his intellectual honesty and honors the public office he holds, and its firmly based on the constitutional values on which the Italian Republic is founded. This question is decisively aimed at shedding light on the current real legal status of the "Free Port of Trieste" and the "Free Territory of Trieste".

(The questions were drafted by TRIEST NGO, and then revised by the Senate Advocate, Mr. Paragone)

"QUESTIONS DEMANDING A WRITTEN ANSWER"

PARAGONE:

To: The Ministers of the Interior, Defense and Foreign Affairs

## PREAMBLE

1 - On Monday 18 October, men and means of the State Police, the Carabinieri and the Financial Police entered the Port of Trieste gaining access through the Gate 1. The Port itself was crossed and, by brute police force, the area in front of gate 4 of pier VII, located in front of the port, where citizens and workers were peacefully protesting against the use of green certification in the workplace since Friday 15 October, was cleared;

2 - The United Nations Security Council, in its Resolution 16 of 10 January 1947, recognized the creation of the "Free Territory of Trieste";

3 - The "Paris Peace Treaty", signed by the victorious powers of the Second World War and Italy on 10 February 1947 established, in its article 21, the "Free Territory of Trieste", deciding that its "integrity and independence will be ensured by the Security Council of United Nations" and governed in accordance with an instrument for the provisional regime, to be drawn up by the Council of Foreign Ministers and to be subsequently approved by the United Nations Security Council". This was determined in Annex VIII of the Treaty, of which it is an integral part;

4 - With its Legislative Decree of the Provisional Head of the State (C.p.S.) November 28, 1947, n. 1430, Italy recognized full and complete execution of the Peace Treaty between Italy and the Allied and Associated Powers, signed in Paris on 10 February 1947 and entering into force on 16 September 1947;

5 - Due to the outbreak of the Cold War it was never possible to translate the clauses of the "Paris Peace Treaty" into actions, i.e. to appoint the intended figure of the Governor of the "Free Territory of Trieste". For this reason, with the "London Memorandum" of 5 October 1954, signed by the governments of Italy, Yugoslavia, Great Britain and the United States, it was decided to pass the administration of Zone A, corresponding to the province of Trieste, from the Allied Anglo-American military to a civilian administration by the Italian government;

6 - The Memorandum, although a legal document has, by definition, the value of a letter of intent and does not and does not call for ratification. The "London Memorandum", signed by the ambassadors of Italy, Yugoslavia, the United States and England, on behalf of their respective governments is, therefore, not a multilateral treaty signed on behalf of the Italian State and ratified by law by both Chambers as required by the Italian Constitution. Therefore, it is not part of the Italian internal legal system as well as does not hold the character of a legitimate instrument with international recognition. On the other hand, the "Paris Peace Treaty" is instead a mandatory law calling for international respect, observation and enforcement;

7 - Following the failure of the UN Security Council to appoint the Governor of the "Free territory of Trieste", on 27 October 1954 Italy established the figure of the Government Commissioner for the territory of Trieste, corresponding to that of prefect, with the the task of having the provisions of the Peace Treaty applied on the territory and on the international port in a sort of Italian governorate;

8 - Article 3 of Annex VI to the Paris Peace Treaty states: "The Free Territory will be demilitarized and declared neutral. No armed forces will be authorized in the Free Territory, except following instructions from the Security Council [...]. The area of the free / demilitarized international port of Trieste is under the aegis of the United Nations Security Council which has explicitly assumed its responsibility";

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1. Questions:

- A) - Whether the Ministers questioned are aware of the legal status of the port of Trieste;
- B) - Whether the Ministers questioned requested the United Nations Security Council authorization to use brute force in an extraterritorial area, manifested by teams of armed agents in riot gear and with attack vehicles such as water cannons and tear gas, to clear a peaceful demonstration of peaceful citizens, families and solidarian workers who were simply defending their constitutional right to work and exercising their right to expressing their thoughts, in dissent with the use of the Green Certification for accessing their workplace, a discriminatory policy itself in flagrant violation of our Constitution;
- C) - Clarifications are needed regarding the legal bases on which Italy has allowed the entry of its armed forces into the territory and demilitarized "Free Port of Trieste" and on the basis of which agreement has the Italian Government extended the authority of its police forces over the "Free Territory of Trieste", given the dissolution in 1963 of the Civil Police established by the Anglo-American Allied Military Government;
- D) - Whether the Commissioner of the Italian Government in the Trieste area has responded to an order from the Ministry of the Interior, or, in his capacity as governor, has he exercised his prerogatives;
- E) - To clarify whether the departments of the police, carabinieri and finance guard in riot gear, who crossed the port of Trieste were aware that they were on an extraterritorial area under the aegis of the United Nations Security Council."