

TRIENT NGO – Comunicazione formale all'ONU del 2017

Richiesta di chiarimenti sulla violazione del Trattato di Pace del 1947

(Indirizzi email visibili in quanto pubblici)

To UNOG – UNITED NATIONS OFFICE AT GENEVA

Palais des Nations, 1211

Geneva 10, Switzerland

Email: protocol@unog.ch

To PERMANENT REPRESENTATIVES OF STATES

See the addresses at the bottom

C.c. UNITED NATIONS HUMAN RIGHTS

OHCHR REGISTRY

Geneva, Switzerland

Email: registry@ohchr.org

Trieste, 11 July 2017

Dear Sirs,

On 31 March 2017, TRIEST NGO filed at the OHCHR Registry Office a petition signed during the period 2013-2014 by more than 14.000 citizens of the FTT's "zone A" (see Doc. 1 in attachment). With this petition, the citizens have reported to the persons in charge Italy's violations of the civil administration in zone A, entrusted by the Memorandum of Understanding of London, initialled on 5 October 1954.

Among the violations, the most significant are:

- 1) Simulated sovereignty over the Territory of Trieste: the Territory was occupied *manu militari* and illegally annexed by Italy since 26 October 1954. The civil administration has never been implemented as intended by the Memorandum of Understanding of London;
- 2) Inclusion of the Free International Port among 24 Italian Ports, which has been administered according to Italians Law, instead of those provided by Annex VIII to the Peace Treaty of Paris of 10 February 1947 (Instrument for the Free Port of Trieste);
- 3) Arbitrary denial of the Right of Citizenship, established by the article 6, Annex VI of the Peace Treaty and all their relative civil and political rights as citizens of the Free Territory of Trieste.

These non-fulfilments, reported by the FTT's citizens, are clear violations of:

- a) the decisions of the Council of Foreign Ministers (United States of America, United Kingdom, France and Union of Soviet Socialist Republics), agreed upon at New York on 12 December 1946 (S/224/Rev. 1);
- b) the Security Council Resolution 16 (S/RES/16) of 10 January 1947;

- c) the Peace Treaty with Italy signed in Paris on 10 February 1947;¹
- d) the Memorandum of Understanding initialled in London on 5 October 1954 (S/3301 and S/3301/Add.1);
- e) the Charter of the United Nations;
- f) the fundamental Human Rights of the citizens of the Free Territory of Trieste (Right of Citizenship);
- g) the Right to economic development of the citizens of the Free Territory of Trieste ;
- h) the Italian Law: *Decreto Legislativo del Capo Provvisorio dello Stato del 28 novembre 1947, n. 1430* (Italian Official Gazette n.295 of 24.12.1947), ratified with the *Legge del 25 novembre 1952, n.3054* (Italian Official Gazette n.10 of 14.01.1953).

Note 1: 1947 Peace Treaty and its Annexes <https://treaties.un.org/doc/Publication/UNTS/Volume%2049/v49.pdf>

This year, in early April, we came to know that, on 23 January, a FTT's citizen addressed some written questions to the *Commissario di Governo* of Trieste, Mrs. **Annapaola Porzio**. On 8 March 2017 she, in her role as *Prefetto* of Trieste (*Prefetto* is a typical Italian role, a regional governor in certain countries) - not as *Commissario di Governo* - answered with the following statements (see Doc. 2 in attachment):

- "1. The so-called "free territory of Trieste" does not exist as a legal reality.*
- 2. For more juridical analysis, you may want to consult various jurisdictional pronouncements (see TAR FVG n. 400/2013 e n. 530/2013, C.d.S. n. 1350/2014.)*
- 3. It is absolutely unfounded any information about the claimed existence of "free territory of Trieste", which challenges and questions the full, undisputed and unconditioned sovereignty of the Italian Republic."*

It is worth of note that the Peace Treaty of Paris of 10 February 1947 has been acknowledged by Italian legislation by the *Decreto Legislativo del Capo Provvisorio dello Stato del 28 novembre 1947, n. 1430* (Italian Official Gazette n.295 of 24.12.1947), ratified with the *Legge del 25 novembre 1952, n.3054* (Italian Official Gazette n.10 of 14.01.1953), and it entered into force on 15 September 1947, thus instituting (and recognised by Italy) the establishment of the Free Territory of Trieste, along with the dispositions provided by its Annexes VI, VII, VIII and the crucial **Art.21, Para.2**, which states:

"Italian sovereignty over the area constituting the Free Territory of Trieste, as above defined, shall be terminated upon the coming into force of the present Treaty."

The statements pronounced by Mrs. Annapaola Porzio prove therefore to be untrue, both juridical and historically. The *mala fides* of the Italian *Prefetto* is nevertheless evident, as in her letter she deliberately writes "free territory" without capital letters, denying as well the Security Council Resolution n.16, by which the Free Territory of Trieste was established. It is hard to consider it a mere oversight; on the contrary, it reflects the occupying/annexationist nature of the Italian Republic towards this Territory and it confirms Italians Authorities' disdain and insolence towards the respect and application of the international Laws and Treaties.

The answer of the Italian *Prefetto* Mrs. Annapaola Porzio is a clear indication of the simulated sovereignty, reported by thousands of FTT's "zone A" citizens with the sign of the petition, of which the OHCHR has been informed, as well as of the constant violation of the Rights of this territory's citizens.

In view of the above, we ask:

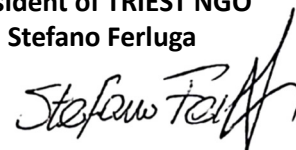
- When did Italian Republic obtain the full sovereignty over the "zone A" of the Free Territory of Trieste?
- When did the twenty-one States signatories of the Italian Treaty of Peace revise the articles and Annexes (VI, VII, VIII) about the Free Territory of Trieste?
- By what resolution did the Security Council give the mandate of administration to Italy for "zone A" and to (former) Yugoslavia for "zone B"? And when and how to Slovenia and Croatia?
- When did the administration of 1954 given to Italy and (former) Yugoslavia become sovereignty?
- When and how did the Security Council's responsibility of the independence and integrity over Free Territory of Trieste fail and with which procedure?

The citizens of the Free Territory of Trieste are, these days, thanks to the access to information, fully aware of the utter contempt of the Italian authorities towards them, Mrs. Annapaola Porzio being an appropriate example, and of the rising suffer this colonisation has caused during more than half a century, abandoned to their destiny, like persecutions, mass migration, dismantling of industry and economic crises, leading to impoverishment, depression, unemployment and hopelessness regarding the future.

The ultimate responsibility is to be ascribed to whom allowed Italy and former Yugoslavia to torn into pieces this corner of the world, marked out by centuries-old delicate cultural equilibriums, meeting point of the Latin, Slavic and German worlds; an International Port in the hearth of Europe, the furthest thing from the nationalist Italian-Yugoslavian barbarisation, here fomented mostly by United States of America and United Kingdom. This guilty indulgence, from who should have applied and controlled, has relentlessly caused here, for the people of this Territory, the failure in the letter and spirit of the United Nations. Today these people are stubbornly determined to proceed by any legal and licit mean the actions for the restoration of justice and truth.

Best regards,

President of TRIEST NGO
Stefano Ferluga



See the addresses of the Permanent Representatives, Doc.1 and Doc.2 in the following pages