

## **Note on the Relevance of Prize Court Principles to the Case of the Free Territory of Trieste**

This note outlines the legal and conceptual relevance of the Prize Court mechanism established in the 1947 Treaty of Peace with Italy, specifically Annex XVII, and how its logic applies to the ongoing violation of citizenship and sovereignty rights of the Free Territory of Trieste (FTT).

### **1. The Prize Court in the Peace Treaty**

Annex XVII of the 1947 Peace Treaty allows Allied and Associated Powers to review judgments of Italian Prize Courts relating to the unlawful seizure of property, ensuring compliance with international law. This provision reflects a broader legal principle: no state may retain the fruits of illegality arising from wartime or postwar acts contrary to international norms.

### **2. Extension of the Principle to Juridical Appropriation**

Although originally designed to address material seizures (e.g., ships, cargo), the same principle of restitution and legal review applies to intangible assets such as legal identity, citizenship, and sovereignty. The de facto appropriation by Italy of the citizenship, territory, and port assets of the FTT mirrors the type of unjust enrichment and usurpation addressed by Prize Court review.

### **3. Treaty Violations Supporting the Analogy**

Relevant provisions of the Treaty of Peace include:

- Article 21: Establishes the Free Territory of Trieste, ending Italian sovereignty.
- Article 75–83: Provide for restitution of property and legal remedies.
- Article 40: Renounces all Italian rights to special regimes, such as mandates.

Relevant provisions of the Treaty of Peace include: - Article 21: Establishes the Free Territory of Trieste, ending Italian sovereignty. - Article 75–83: Provide for restitution of property and legal remedies. - Article 40: Renounces all Italian rights to special regimes, such as mandates. The ongoing denial of FTT citizenship and control over its Free Port constitute persistent violations of these provisions, with effects similar to wrongful seizures under Prize Law.

### **4. Conclusion: Legal Framework for Restitution**

The logic of Prize Courts—restoring what has been unlawfully taken—applies to Trieste as a framework for restitution of juridical status, citizenship rights, and property. The United Nations, as the guarantor of the Treaty, bears responsibility to address this sustained violation by restoring the legal status and rights of the Free Territory and its people.

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