



To the Prosecutor of the Republic in Trieste

notified via certified email: prot.procura.trieste@giustiziacert.it

and, for information, with delegation to all pertinent international actions, to:

**I.P.R. F.T.T. - International Provisional Representative
of the Free Territory of Trieste**

notified via certified email: IPR-FTT.Italianaffairs@pec-legal.it

CRIMINAL COMPLAINT

**for the aggravated crimes of ideological falsehood, refusal and omission to perform
Official Functions, abuse of office and threatens, aggravated with serious and
unjustified harm committed by Italian public officers assigned to the temporary
civil administration of the Free Territory of Trieste, entrusted to the Italian
Government, to be identified and punished**

presented by the Free Trieste Movement, in person of its legal representative Roberto
Giurastante, with head office and legal domicile in Trieste, piazza della Borsa 7, where
we ask be notified all acts related to this proceeding, including eventual requests of
extension of the investigations or request of closure.

1. Premise regarding jurisdiction.

This complaint is presented to the Prosecutor of the Republic in Trieste:

a) for the exercise of the judicial functions concerning the temporary civil
administration of the present-day Free Territory of Trieste entrusted to the Italian
Government, as part of the legal system of the Free Territory itself, which includes the
general principles of the Italian legal system, correctly extended to it by the
Commissioner of the Government delegated for this purpose;

b) for him to forward a copy of all acts to the competent courts of the Republic of Italy
in regard to the violations of the Constitution of the Italian Republic (article 10,
paragraph 1, and article 117, paragraph 1) on international obligations of the State of
Italy, in force, committed in its name by Italian public officers assigned to the temporary
civil administration of the Free Territory of Trieste.

2. The pertinent international legal actions against the administering Italian Government
for breach of its international mandate, and against the Italian State for breach of the
Treaty of Peace of 10 February 1947, are delegated to the I.P.R. F.T.T. - International
Provisional Representative of the Free Territory of Trieste.

3. Fact.

On the 6th of July 2016, at 11.55.38AM, on the official website of the Prefect Office -
Territorial Office of the Government in Trieste, registered in the name of the Italian

Ministry of the Interior, at link http://www.prefettura.it/Trieste/news/1996950.htm#News_60379 was published the short, 6-paragraph "COMMUNICATION" attached in the form of screenshots and translation in English (*annex 1*). The fact and the text were redundantly broadcast by the media.

The "Communication" results to be issued in the name of the "Office of the Commissar of the Government", but it is not signed by the person who released it. Due to this, it is impossible knowing, thus the request to find out, whether the document and its publication can be attributed or were requested by the Commissar of the Government *pro tempore*, Anna Paola Porzio, or any of her subordinates.

However, there is no doubt that this "Communication", unless officially and promptly repudiated by the Commissar of the Government, is under all respects and for all consequences a public act, carried out by Italian public officers assigned to the temporary civil administration of the Free Territory of Trieste, entrusted to the Italian Government.

Also, the Commissar of the Government, Anna Paola Porzio released a declaration on this matter to local newspaper *Il Piccolo*, which published them on 7.7.2016, page 2.

4. Relevant crimes denounced.

4.1. The "Communication" complains in the first two paragraphs due to the fact that certain citizens present to the Office of the Commissar of the Government «*writings with heading "declaration of tax objection with reasons "*» with which they «*claim the lack of sovereignty of the State of Italy calling it a «political-juridical pretense» and declare to suspend «the payment of all direct and indirect taxes of the State of Italy, of its bodies, of its public administrations and of its concessionair of public services. the suspension of the collection of taxes, information, as well as the appointment of a "neutral judge" to settle possible disputes on the matter of taxation.»*

4.2. This opening part of the text is deliberately omissive and deceptive, as results comparing it with the "declaration of tax objection with reasons", a copy of which is attached to our complaint (*annex 2*).

In particular, the "Communication":

a) makes it seem like, presenting those acts, the citizens question without ground the existence of the sovereignty of the State of Italy itself and anywhere, however the truth is that what they question, on the bases of legal instruments that are in force in both the international and Italian legal order, is the simulation of sovereignty of the State of Italy over the present-day Free Territory of Trieste, entrusted to the Italian Government under a mandate of temporary civil administration, and exercised mainly through the very Commissar of the Government;

b) makes it seem like by those acts, the citizens refuse to pay any tax, per se, however, the truth is that they affirm to be willing to pay only the correct taxes due to the administered Free Territory of Trieste, not the unfair, undue taxes of the Republic of Italy, which is a third Country;

c) omits to explain that the “declarations of tax objection, with reasons” and other pertinent declarations presented by citizens to the Commissar of the Government in Trieste and correctly registered by its offices are thousand, awaiting an answer since longer than one year, therefore far beyond the terms of the law, and were explained and solicited with further, specific acts (**annex 3**) to which the Commissar did again omit to comply with, and also to reply to;

d) the omission of individual replays to the written requests of the citizens cannot be remedied with a collective, public answer with the generic “Communication” in question, published on the website of the Prefect Office.

4.3. At the following paragraphs, the “Communication” mentions in a form of a threaten *«the effects envisioned by the law for the citizens do not comply with their duties regarding taxes or fiscal matters»*, and she formulates, sub 1) and 3) two false statements concerning the rights of the citizens and the duties of the Commissar of the Government, in addition, sub 2) she adds a resinous and unfair threaten to intimidate the citizens who complain.

The text, in facts:

a) does falsely and generally claim that *«1) Any consideration, news, assertion or communication concerning the alleged existence of a “free territory of Trieste” that contexts and questions the complete, pacific and unconditioned sovereignty of the Republic of Italy has absolutely no ground.»* when it comes to that territory, and that *«3) The Office of the Commissar of the Government has no obligation, cannot, and is not willing to adhere to the requests of implementing acts informing or appointing “neutral judges”. Also, it is not going to suspend, nor it could do otherwise, executive, forced executions.»*

These claims, significantly expressed without recalling any law, are absolutely false for the reasons expressed in the same “declaration of tax objection with reasons” (**annex 2**) and in the additional declarations of the citizens (**annex 3**), and the officers of the Office of the Commissar of the Government cannot be unaware of it. We reserve, in the merit, to lodge any other evidences or integrations to this complaint.

The above-mentioned declarations constitute, manifestly, the consequent intentional crimes of ideological falsehood committed by a public officer in a public act (art. 479 of the Italian Code of Criminal Law) and of refusal to perform Official Functions (art. 329 of the Italian Code of Criminal Law).

b) the declaration, connected with the previous, that *«2) The failure to comply with one’s fiscal and tax obligations is activating the procedures prescribed by the law, including the consequent possibility of executive actions and the imposition of sanctions.»*

This declaration that would be true in abstract terms, in this specific act corresponds to a direct consequence of the false statement of the alleged non-existence of the Free Territory of Trieste: therefore, the State of Italy shall punish with executive actions and with sanctions the citizens who claim the opposite, resisting and calling for justice as prescribed by the law.

Also, the Commissar of the Government strengthened her threaten alarming the citizens with the claim, contained in her declarations to newspaper Il Piccolo, that the failure to pay Italian taxes «*constitutes a crime*». This claim is false, because the tax objection of the citizens of the Free Territory of Trieste, supported by laws in force, does not fall under the circumstances that give raise to the crime of tax evasion.

Due to this, these affirmations do clearly constitute a threaten with unfair economic and criminal sanctions for a legitimate behavior of the citizens, thus giving raise to the aggravated crime of threaten (art. 612 of the Italian Code of Criminal Law).

4.4. In the behaviors of the Commissar of the Government there was a continue, intentional omission of the required individual answers, with reasons and within the legal terms, but these answers were arbitrarily substituted with a generic “Communication” published on the website of the Prefect Office with false statements and threatens in it.

These behaviours of the Commissar of the Government constitute the crimes of omission of official acts (art. 328 of the Italian Code of Criminal Law) and abuse of office (art. 323 of the Italian Code of Criminal Law).

4.5. The crimes are aggravated by the nature and relevance of the threatened damages, which in part were already caused by the same behaviors.

The damages do mainly consist in:

a) denying justice to the citizens of the Free Territory of Trieste under administration, denying their right to citizenship and the right to be represented, as themselves and as a State, as well as forging on them the unfair payment of undue taxes that are illegally levied and collected by a third Country;

b) in the implicit accusation to the citizens of the Free Territory di Trieste to support not only tax evasion, but also of committing crimes against the integrity of the State of Italy which, in accordance with the Fascist laws in force in the Italian Code of Criminal Law envision harsh punishments with imprisonment. The accusation is unfair, has absolutely no legal ground and it breaches the very Constitution of the Republic of Italy, which all officers of the Republic of Italy, have sworn to respect;

c) in the fact that the false statement of the non-existence of the Free Territory of Trieste expressed by the Commissar of the Government can influence upcoming acts that are part of an attempt to subtract to the Properties of State of the Free Territory the Northern Free Port of Trieste, for a value of several billions Euro (see following point 5.2.);

d) in the fact that the public body that threatens with these unfair, very relevant damages the citizens and the Properties of State of the Free Territory of Trieste is the very same Commissar of the Italian Government who is delegated to administer and protect them in execution of an international mandate.

4.6. We do also note that the behaviors of Italian authorities who try to repress the peaceful and legitimate claims of the citizens by the mean of falsifications of the laws,

threatening them with the use of force or any other means, do not only constitute specific crimes as themselves, but do also violate the democratic and constitutional order, as well as being prerogatives of the past Fascism regime.

5. Requests to extend the investigations to related facts.

5.1. The unfair, serious accusation of committing crimes against the integrity of the State (point 4.5.b) is based on the implicit claim of extending the borders of the Republic of Italy established with its own Constitution in force by considering the Free Territory of Trieste as re-included in them. This claim is known to be supported by transversal organizations of different nature that influence the democratic Italian institutions in breach of Law 17/1982 and, therefore, were already denounced many times to this same Prosecution Office.

Therefore, we request the investigations be extended, for the pertinent alleged crimes, to the fact that this accusation is repeated, identical and connected, in acts of three institutional subjects that should be independent from one another: the Office of the Commissar of the Government, the abnormal initiative that we are denouncing with this complaint, the Regional Administrative Court of Friuli Venezia Giulia, with abnormal judgment No. 530/2013 (judges Zuballi, Settesoldi, Di Sciascio), and the Prosecution Office due to abnormal initiatives on the matter by Public Prosecutor Frezza (in particular, see the letter of date 17.12.2013 sent by him to Italian political police DIGOS, included in legal proceeding No. 876/13 NCR).

5.2. The Commissar of the Government is directly involved in Land Registry Procedure recorded sub “4/COMP/2016” aiming at subtracting to the Properties of State of the Free Territory of Trieste – international Free Port the area of the Northern Free Port, also referred to as the “old port”. The dispute is worth billions of Euro and it revolves on the legal existence of the Free Territory, which the Commissar of the Government and its partners in the illegal operations do therefore have interest in describing as non-existent. The parts involved in the dispute were summoned for a meeting scheduled on July 19th with an act of date 6.7.2016, only a few hours before the “Communication” of the Commissar of the Government.

Therefore, we request the investigations are extended, for the pertinent alleged crimes, to the facts that were already denounced by the I.P.R. F.T.T to this Prosecution Office with the “Criminal Notification” sent via certified email on 25.6.2016 at 13:43:02AM of the document concerning Observations in opposition to the above-mentioned Land Registry Procedure, which is vitiated with serious illegalities.

In view of all of this, we request this Prosecution Office to take care, with respect to the pertinent alleged crimes, to ascertain the facts and responsibilities described, and to punish those at fault.

Trieste, 7 July 2016.

Roberto Giurastante
President of the Free Trieste Movement

