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To the Honorable Commissario Generale di Governo,
Dott. Valerio Valenti
Piazza dell'Unità d'Italia n.8 - 34121 Trieste

On copy:

Mayor of the City of Trieste,
Sig. Roberto Di Piazza
Piazza Unità d'Italia 4
34121 Trieste

Subject: Art.5 Decreto commissariale n.36 – 1954 November 24

We are writing on behalf of the Assembly Project Association, based in Trieste in via Trebiciano 60/2. This letter is related to the safeguard of the citizens of the Free Territory of Trieste in order to receive clarity in regards to the following issues.

The first question is the request sent from our clients on 29th October 2019 and again on 7th January 2020 related to a Negotiating Table. The second question is in relation to the citizenship status in the Free Territory of Trieste.

We want to remind that the General Commissary for the Territory is designated according to the International Treaty London's Memorandum 1954, that guarantee the application of the Peace Treaty n.747 signed in Paris on February 10th 1947 (italian authorization law n.811, August 2th, 1947; Executive order Law n.1430, November 29th 1947; today in accordance by Constitutional italian Law, Ratification Law n. 3054, November 25th, 1952); furthermore, he is commit to undertake the administration of the Territory as per Annex VII of the Peace Treaty. Therefore, the powers of the "Commissario Generale" derives from an international title, "*Having regard to the Memorandum of Understanding of London signed on October 5, 1954 between the Governments of Italy, the United Kingdom, the United States and the People's Federative Republic of Yugoslavia, concerning the provisional administration regime of the free territory of Trieste, envisaged by the Annex VII of the peace treaty between Italy and the allied and associated powers, signed in Paris on February 10, 1947;*" (MINISTRY OF INFRASTRUCTURE AND TRANSPORT DECREE, 13 July 2017, Administrative organization for the management of free points included in the free port area of Trieste.)

In fact, with the Commissioner's Order n.36, 24th November 1954, the General Commissary for Trieste's Territory exercises all the powers conferred by the decree of the President of the Republic (October 27th, 1954). (according to the N. 53 JUDGMENT 9 – June 29th , 1964 - CONSTITUTIONAL COURT)

As stated by the COURT OF PENAL CASSATION: “ *Therefore, in the opinion of this Court, there is actually a legal title under which Italy has been administering, since 1954, this part of the territory and it administrates it legitimately precisely because of the aforementioned Memorandum.*” (COURT OF PENAL CASSATION ord.Sez.7 Num. 2163 - Year 2019)

Therefore, our clients request to legitimate the Free Territory of Trieste citizenship on the legal basis of international Law based on art.10 and art.117 of the Italian Constitution.

Moreover, the ordinary legislator cannot dictate norms in contrast with the generally recognized norms of international law: and, if he did, the law would be disputed at the Constitutional Court for the violation of the provision contained in same artt.10, 117. In any case the responsibility of the State towards the international community would arise.

We remind that failing to provide Free Territory of Trieste citizenship to the applicant as per art.2 Law 218/1995, would incur in violating the same Italian Law (Reform of the Italian system of private international law – Law n.218 May 31, 1995 - art.2 - International conventions).

Refusing to comply with the Law above mentioned or not responding to the request will be considered as refusing to apply the law itself, so as Responsibility of State for internationally wrongful acts, falls through their peripheral body, therefore will be dealt within the designated courts.

Failing to apply Annex VII of the Peace Treaty executive law No. 1430 of 1947 ratified in the Italian legal system following the constitutional provisions of Article 10 of the Italian Constitution, is a serious wrongful act of international obligations by the State through its peripheral bodies.

We remind that, according to the Supreme Italian Court of Cassation which indicated to the former Yugoslavia the aims of the administration of the Free Territory of Trieste Zone B: “ *The governing power of the administrative power is exercised for the achievement of the purposes imposed on it from the outset by international law, and is conditioned by the corresponding obligations, generally aimed at the future destination of the territory to a person other than the administering one. In such cases, the same power of government is limited, as it cannot take place in contrast to the conditions set for the future layout of the territory, and the situation has an imminent transitory nature which is incompatible with the concept of sovereignty, which has instead, the character of stability.*” (See Supreme Court of Cassation Labor Section Hearing – 22.2.1978)

Our Law Firm, due to above mentioned circumstance, ask you formally on behalf of Popular Assembly Project, to set up a negotiating table and have a general discussion on the correct administration of the Trieste's Territory, through following Annex VII, integrated in the Costitutional Law n. 3054, November 25th, 1952.

We stay at your disposal for futher clarification and we hereby request your answer within 30 days after receiving the present letter.

Your Sincerely


Dr. Andrea Sannia
Maggi Kathollnig RechtsanwaltsGmbH

