

**TO THE SUPREME COURT OF CASSATION**  
**CIVIL SECTION**

**WRIT OF SUMMON FOR ANNULMENT**  
**ex art 391-*bis* of the Italian Code of Civil Procedure**

of civil judgment No. 8600/2022, Joint Session

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[SG/2022/LC/WS-IV-Rev-en]

Promoted by:

**1) International Provisional Representative of the Free Territory of Trieste – I.P.R. F.T.T.** [*Rappresentanza Internazionale Provvisoria del Territorio Libero di Trieste – Začasno Mednarodno Predstavništvo Svobodnega Tržaškega Ozemlja – Provisorische Internationale Vertretung des Freien Territoriums Triest*] as legal subject delegated to represent and to defend, in all international and diplomatic forums or judicial proceedings, the rights and legitimate interests of the citizens *de jure*, of the residents, of the enterprises, and of the organizations of the Free Territory of Trieste and of other States (Italian Fiscal Code: 90157930323), appearing before Court represented by its General Secretary and legal representative Paolo G. Parovel, (Italian Fiscal Code: PRVPLA44H19L424C), born in Trieste on June 19th, 1944, represented and defended, pursuant to the special mandate at the end of this act, by lawyer Walter Zidarich with office in Trieste, via San Francesco 11, Italian Fiscal ZDRWTR50P22L424, office that is also chosen as address for service to receive all legal acts and communications regarding this proceeding, wither by mail of by fax and phone, at No. 040/2410914 or by Italian certified emails (p.e.c.): [walter.zidarich@pectriesteavvocati.it](mailto:walter.zidarich@pectriesteavvocati.it)

**2) Paolo G. Parovel**, born in Trieste on 19 June 1944, who appears in this proceeding also for himself, his heirs, and for other persons entitled, as bearer of the right and legitimate interest of a citizen *de jure* of the present-day Free Territory of Trieste, to whom Italian citizen was assigned *ex officio* and due to being subject to the tax obligations of the Italian Republic, with Italian Fiscal Code PRVPLA44H19L424C, also for his businesses registered since 1972 at the Trieste Chamber of Commerce, Industry and Agriculture as well as for his activity as journalist, which he exercises as member of the Italian Press Association since 1979, represented and defended, pursuant to the special mandate at the end of this act, by lawyer Walter Zidarich with office in Trieste, via San Francesco 11, Italian Fiscal ZDRWTR50P22L424, office that is also chosen as address for service to receive all legal acts and communications regarding this proceeding, wither by mail or by fax and phone, at No. 040/2410914 or by Italian certified emails (p.e.c.): [walter.zidarich@pectriesteavvocati.it](mailto:walter.zidarich@pectriesteavvocati.it)

**3) Movimento Trieste Libera** (C.F. 90132610321) with office in piazza della Borsa 7, Trieste represented by its President and legal representative *pro tempore* Mr. Roberto Giurastante, born in Trieste on 24.03.1965 (Italian Fiscal Code GRSRRT65C24L424Z), represented and defended, pursuant to the special mandate at the end of this act, by lawyer Walter Zidarich with office in Trieste, via San Francesco 11, Italian Fiscal ZDRWTR50P22L424, office that is also chosen as address for service to receive all legal acts and communications regarding this proceeding, wither by mail of by fax and phone, at No. 040/2410914 or by Italian certified emails (p.e.c.): [walter.zidarich@pectriesteavvocati.it](mailto:walter.zidarich@pectriesteavvocati.it)

**As well as** for the following 495 claimants, natural and legal persons, appearing through the I.P.R. F.T.T. upon their legally certified delegations, which are included in the documentation of the proceeding, all of whom are represented and defended, pursuant to the special mandate at the end of this act, by lawyer Walter Zidarich with office in Trieste, via San Francesco 11, Italian Fiscal ZDRWTR50P22L424, office that is also chosen as address for service to receive all legal acts and communications regarding this proceeding, wither by mail of by fax and phone, at No. 040/2410914 or by Italian certified emails (p.e.c.): [walter.zidarich@pectriesteavvocati.it](mailto:walter.zidarich@pectriesteavvocati.it)

*[omissis: the names of 495 claimants]*

**- Claimants -**

versus:

**1) Italian Government**, represented by the President of the Council of Ministers *pro tempore*, in the role of Government of the Italian Republic and by virtue of the powers at art. 120, second paragraph of the Italian Constitution, based in Piazza Colonna 370, Palazzo Chigi - 00187 Rome – [presidente@pec.governo.it](mailto:presidente@pec.governo.it), with address for service at the *Avvocatura Generale dello Stato* (Central Office of the State Legal Service), in Rome via dei Portoghesi 12, p.e.c. [ags.rm@mailcert.avvocaturastato.it](mailto:ags.rm@mailcert.avvocaturastato.it)

**2) Italian Government**, represented by the President of the Council of Ministers *pro tempore*, in the role of provisional administering Government of the Free Territory of Trieste based in Piazza Colonna 370, Palazzo Chigi - 00187 Rome - [presidente@pec.governo.it](mailto:presidente@pec.governo.it), with address for service at the *Avvocatura Generale dello Stato* (Central Office of the State Legal Service), in Rome via dei Portoghesi 12, p.e.c. [ags.rm@mailcert.avvocaturastato.it](mailto:ags.rm@mailcert.avvocaturastato.it)

**3) Ministry of Economy and Finance**, represented by the Minister *pro tempore*, in the role of Ministry of the Government of the Italian Republic, based in Via XX Settembre 97 - 00187 Rome - [mef@pec.mef.gov.it](mailto:mef@pec.mef.gov.it), with address for service at the *Avvocatura Generale dello Stato* (Central Office of the State Legal Service), in Rome via dei Portoghesi 12, p.e.c. [ags.rm@mailcert.avvocaturastato.it](mailto:ags.rm@mailcert.avvocaturastato.it)

**4) Ministry of Economy and Finance**, represented by the Minister *pro tempore*, in the role of Ministry of the Government of the Italian Republic provisional administering Government of the present-day Free Territory of Trieste based in Via XX Settembre 97 - 00187 Rome - [mef@pec.mef.gov.it](mailto:mef@pec.mef.gov.it), with address for service at the *Avvocatura Generale dello Stato* (Central Office of the State Legal Service), in Rome via dei Portoghesi 12, p.e.c. [ags.rm@mailcert.avvocaturastato.it](mailto:ags.rm@mailcert.avvocaturastato.it)

5) **Tax Revenue Office**, represented by the Director *pro tempore*, Fiscal Code 06363391001 with *siège social* in via Cristoforo Colombo n. 426 C/D C/D 00145 Rome - [agenziaentratepec@pce.agenziaentrate.it](mailto:agenziaentratepec@pce.agenziaentrate.it), with address for service at the Avvocatura Generale dello Stato (Central Office of the State Legal Service), in Rome via dei Portoghesi 12, p.e.c. [ags.rm@mailcert.avvocaturastato.it](mailto:ags.rm@mailcert.avvocaturastato.it)

6) **State Property Agency**, represented by the Director *pro tempore*, Fiscal Code 06340981007 with registered office in Via Barberini 38 - 00187 Rome - [agenziademano@pce.agenziademano.it](mailto:agenziademano@pce.agenziademano.it), with address for service at the Avvocatura Generale dello Stato (Central Office of the State Legal Service), in Rome via dei Portoghesi 12, p.e.c. [ags.rm@mailcert.avvocaturastato.it](mailto:ags.rm@mailcert.avvocaturastato.it)

7) **Customs and Monopolies Agency**, represented by the Director *pro tempore*, Tax Code 97210890584, with registered office in Via Mario Carucci, 71, 00143 Rome - [dogane@pce.agenziadogane.it](mailto:dogane@pce.agenziadogane.it), with address for service at the Avvocatura Generale dello Stato (Central Office of the State Legal Service), in Rome via dei Portoghesi 12, p.e.c. [ags.rm@mailcert.avvocaturastato.it](mailto:ags.rm@mailcert.avvocaturastato.it)

8) **INPS (Italian National Institute of Social Insurance)**, represented by its President *pro tempore*, defendant only as for the verification of the impose tax burdens of the Italian Republic in the present-day Free Territory of Trieste on pensions provided, on Pension Funds, on Italian severance indemnities (*trattamenti di fine rapporto*), and on other economic performances entrusted to the INPS. Fiscal Code 02121151001, with registered office in Via Ciro il Grande, n. 21, 00144 Rome - [ufficiosegreteria.presidenza@postacert.inps.gov.it](mailto:ufficiosegreteria.presidenza@postacert.inps.gov.it), with address for service at the Institute's own legal office in Rome, via C. Beccaria 29, p.e.c. [coordinamentogenerale.legale@postacert.inps.gov.it](mailto:coordinamentogenerale.legale@postacert.inps.gov.it)

- **Summoned**

**Decision impugned:** civil judgment No. 8600/2022 RG, joint section, on matters of jurisdiction in proceeding R.G. No. 3337 (hearing: on Feb. 8th, 2022), published on Mar. 16th, 2022, and not notified yet.

**Subject:** esercizio della giurisdizione in materia di accertamento ed esecuzione delle leggi vigenti e prevalenti dell'ordinamento italiano che riconoscono lo status giuridico di Trieste e del suo Porto Franco internazionale e ne regolano l'amministrazione fiduciaria in esecuzione di obblighi internazionali specifici della Repubblica Italiana e del Governo italiano.

**Deadline to seek the decision's annulment:** October 16th, 2022.

## I. **SYNTHESIS**

The appellants are instituting legal proceedings to protect their relevant rights and economic, civil, and moral interests, which are being violated with severe breaches of law by bodies and officers in charge of exercising the temporary civil administration of the present-day Free Territory of Trieste, established and recognizes as a sovereign State since September 15th, 1947 and, since 1954, sub-entrusted to the Italian Government under a special trusteeship mandate, which that maintains into force to our days (2022).

The sub-mandate of temporary civil administration is entrusted to the Italian Government, and not to the Italian State, by the Governments of the U.S. and of the United Kingdom as part of the exercise of the United Nation's special trusteeship system, which establishes a Provisional Regime of government for the Free Territory of Trieste as a State already established and recognizes.

This means this is a different case than ordinary trusteeship mandates, with which the UN entrust States with administering territories that are not autonomous yet, e.g. Somaliland from 1949 to 1960.

The special trusteeship mandate sub-entrusted to the Italian Government's responsibility for the present-day Free Territory of Trieste's administration does also include the exercise of Government powers in the management of the international Free Port, which is established as the Free Territory of Trieste's State corporation, as well as being subject to both the general rights of all States, and special rights vested upon some of them.

Both the Italian Republic's legal system and the measures adopted by the Italian Government in its role of sub-administering authority recognize and enforce, since 1947 and since 1954 respectively, with their own coherent and univocal *corpus juris* the establishing instruments of the Free Territory of Trieste's legal status.

This is confirmed once more by the most recent (2017) legal measures issued by the Italian Government and by the Italian Republic's Parliament as for the international Free Port's management.

The coincidence, on these subjects, of the legal orders of the Italian Republic and of the Free Territory of Trieste allowed the Italian Government to be sub-entrusted with the special trusteeship mandate for the temporary civil administration of the present-day Free Territory, and to exercise it through bodies and officers of the Italian Republic who, in this role, are therefore bound, as is the Italian Government, to know and to comply in good faith with the pertinent laws of both legal orders, respecting the administered State's sovereignty.

Since the sub-mandate of temporary civil administration entrusted to the Italian Government's responsibility includes the exercise of jurisdiction, the aforementioned condition and obligation regards also Italian judicial bodies, including all Courts in all instances of judgment whenever they are called to exercise their jurisdiction in the administered Free Territory or in matters regarding it.

The dispute brought before Court by the appellants arises from unfaithful and essentially subversive of bodies and officers of the Italian Republic who take advantage of the exercise of the Free Territory of Trieste's temporary civil administration so simulate that they exercise the Italian State's sovereignty over it instead.

With this simulation they simultaneously violate the Italian State's legal order, the administered Free Territory's legal order and sovereignty, the related rights of its citizens and residents, of its enterprises, and also the rights of all States and their enterprises over its international Free Port.

It results that this simulation is forced by a consolidated network of political and economic interests that, across the board, illegal interferences with the exercise of the functioning of constitutional bodies, of public authorities, and of the public bodies in charge of exercising the present-day Free Territory of Trieste's temporary civil administration, which is sub-entrusted to the Italian Government's responsibility.

The aforementioned interferences consist in driving those public authorities, including Courts, to breach the legislation on the subject justifying this behavior with infamous legal doctrines of political origin that use gross falsification of the law to falsely claim that the Free Territory of Trieste either never existed or ceased to exist, which does also imply that its international Free Port has no legal existence either.

Such political interferences have also occurred in breach of the Magistracy's independence, achieving the upholding, without prior verification and with different degrees of emphasis, those false claims in certain decisions of different Courts and instances of judgment, which are then improperly used in a circular reasoning (*circulus in probando*) to justify the simulation of sovereignty.

The judge's adhesion to political theses does as well constitute a breach of the fundamental human right to have their case discussed before an independent and impartial tribunal.

This political, organized simulation, which is subversive in nature, causes evident and very serious damages to the administered Free Territory of Trieste, violating the rights of its citizens and enterprises, as well as the rights of other States and their enterprises over the international Free Port.

The consequent damages are especially relevant on the economic side, because the aforementioned simulation is used to unfairly force the burdensome taxation of the Italian State also to the Free Territory of Trieste, and to illegally limit the development of the international Free Port and the exercise of the rights of all States over it.

In view of this, there is no doubt that the severe violations of law and rights that are being committed by Italian bodies and officers in charge of the Free Territory of Trieste's temporary civil administration do also constitute a subversive violation of the international legal order that may justify the revocation of the special trusteeship mandate sub-entrusted to the Italian Government's responsibility.

This means that the appellants brought proceedings against the administering Italian Government and its bodies seeking compliance for their own rights and the cessation of damages through the re-establishment of the rule of law.

For this purpose, and with the support of an extraordinary number of natural and legal persons joining suit, the appellants initiated three civil legal actions before the Italian judicial bodies in charge of the Free Territory of Trieste's temporary civil administration seeking the demonstration, thus the prompt enforcement, of the legislation on the matter.

The three lawsuits, pending before different instances of judgment, are about the general taxation enforceable to the administered Free Territory of Trieste, the applicability of the IVA (Italian Value Added Tax), and the management of the international Free Port.

The request to demonstrate the laws in force is based on lodging of the whole Italian *corpus juris* on the subject, which does itself prove the radical, evident falsehood of the aforementioned political-inspired, pseudo-legal claims about the Free Territory of Trieste's alleged nonexistence.

Furthermore, all three lawsuits are brought forward with the expected invitation to settle the dispute out of Court, and reserving the right to bring the case before the competent European and international Courts.

The demonstration and the enforcement of the laws in force on the subject can indeed take place peacefully, between the parties concerned, while judgments refusing to do so become consolidated evidences of the aforementioned violations.

However, it happened that both in the three instances of the present case regarding the overall taxation regime, as in the cause of first instance regarding the IVA - VAT (thus impugned in second instance) the addressed judges rejected the request to demonstrate the laws in force declaring their absolute lack of jurisdiction on the subject.

The justification to this claim justify this action for annulment ex art. 391-*bis* of the Italian Code of Civil Procedure following decisive factual errors, which are described in detail at the following title V. (Grounds of appeal).

The third legal action for demonstration, regarding the management of the international Free Port, is still pending before the Court of first instance; in this proceeding, the judge cannot deny the Free Territory of Trieste's legal existence without denying also the international Free Port's and, therefore, the consequent rights of all States.

## **II.** **FACTS IN BRIEF**

For the sake of brevity, we recall in full all acts and documents already submit in the three instances of this proceeding, underlining here only the facts most essential for this action for the annulment of the impugned judgment, which revolves on the question of jurisdiction.

The Treaty of Peace between the Allied and Associated Powers with Italy, signed in Paris on 10 February 1947, establishes since that date the Free Territory of Trieste - Territorio Libero di Trieste as a new, recognized, independent, and neutral sovereign State, placed under the United Nations Security Council's direct protection, provided with an International Free Port and with an appropriate Provisional Regime of government entrusted, for the present-day Free Territory, to the Governments of the United States of America and of the United Kingdom of Great Britain and Northern Ireland.

The Treaty of Peace's provisions establishing and providing for the Free Territory of Trieste, all directly and fully recalled, are arts. 4, 5, 21, 22 48.5, 78.7, 79.6.g), arts. 86 ed 87 and Annexes I D, VI, VII, VIII, IX and X.

The present-day Free Territory of Trieste, which borders with Italy and with Slovenia, following the territorial changes occurred under United Nations Resolutions S/RES/753(1992), A/RES/46/238, S/RES/754(1992), A/RES/46/236, S/RES 777(1992), A/RES/47/1, consists of its formerly main area.

The actual establishment of the Free Territory of Trieste, in compliance with the Italian Peace Treaty, as a Sovereign State in its first phase of Provisional Regime, was declared and notified to the United Nations 15 September 1947 with Proclamation No. 1 of the newly-established A.M.G. F.T.T. - Allied Military Government Free Territory of Trieste.

Indeed, with this univocal proclamation act, attached to this Writ of Summon, (**document 1-R**) and fully recalled, the legal regime of the A.M.G. V.G. - military occupation lasting from 1945 - ended; the A.M.G. F.T.T. was established and took seat as the first provisional Government of the new State, vested with all the pertinent legislative and administrative powers, including jurisdiction.

The Provisional Regime of government of the Free Territory of Trieste does also rule that all compatible norms of its Permanent Statute are immediately enforceable.

Furthermore, as a successor State of the Italian State, the Free Territory of Trieste has maintained its legal order, as well as receiving ownership of its local State assets.

The provisions of the Treaty of Peace establishing and providing for the Free Territory of Trieste have established, since 15 September 1947, the undeniable and well-defined rights in favor of the Free Territory of Trieste itself, of its people, of its enterprises, as well as general rights in favor of all States, and especially in favor of some of them, over the international Free Port established as the Free Territory's State Corporation.

Furthermore, the Treaty of Peace clearly reserves to special arbitrariness procedures controversies arising from the interpretation or enforcement of its measures, denying local Court's authority on the subject.

Therefore, since 15 September 1947 the Free Territory of Trieste is for all purposes a sovereign State with a territory, people, government, independent legal order, State properties, founding instruments, and internationally recognized by the Signatories of the Treaty of Peace with Italy, by other Peace Treaties that recall it, and by the United Nations.

Therefore, with its legal acts, the A.M.G. F.T.T. has also taken care of ultimately separating of the Free Territory of Trieste's jurisdiction from the pre-existing one of the Italian State.

In particular, the A.M.G. F.T.T. with its Order No.146 of 11 March 1948 took care of confirming, as provisional Government of the Free Territory of Trieste, the revocation of the Court of Cassation in Rome's competence on judgments issued by Trieste's judicial authorities, which had already been revoked by the occupation government A.M.G. V.G. with its own Order No. 59 of 18 June 1945. Find attached both measures, (**documenti 3-R and 4-R**) which are fully recalled.

Italy has fully implemented and enforced the Peace Treaty in its legal order, by firings of DlgsCPS (Legislative Decree of the Provisional Head of State) No. 1430/1947, in force and ratified with Law No. 3054/1952.

Legislative Decree of the Provisional Head of State No. 1430/1947 assieme the Peace Treaty pre-constitutional and constitutional primacy respect to all other Italian laws in force, and therefore reserves its enforcement to decrees of the Head of State, thus excluding also ordinary lawmakers. All while art. 75 of the Italian Constitution bars the subject from being the subject of popular consultation.

The consequent legal regulations have consolidated in the Italian legal order, since 1947, a coherent, univocal *corpus juris* a systematic, updated review of which the appellants have already lodged before Court and, for the sake of brevity, is re-attached to this Writ of Summon (**document 2-R**) and fully recalled.

This *corpus juris* does also include the Decree of the President of the Italian Republic No. 1630 of 13 December 1948, which approves the State level, bilateral agreements on currency, concluded in compliance with the pertinent obligations established under the Peace Treaty, and based on the recognition of the establishment, since 15 September 1947, of the new sovereign State and of its first provisional Government.

This *corpus juris* includes the Legislative Decrees of the Head of State Nos. 1319/1947 and 1641/1947 which adjust Italian legal district to the loss of sovereignty and hence, of the loss of jurisdiction over the Free Territory of Trieste.

Furthermore, the same *corpus juris* confirms, beyond any reasonable doubt, that the Italian Republic's State borders are those established and recognized by its Constitution, which is in force since 1 January 1948, after the territorial changes illustrated in the 1947 Treaty of Peace, because those Constitutional borders of the Italian Republic were never amended by laws declaring the annexation or cession of other territories.

Indeed, the trusteeship mandates entrusted to Italy for Somaliland's provisional administration and the 1954 mandate sub-entrusting to the responsibility of the Italian Government the Free Territory of Trieste's temporary civil administration were not, and are not such instruments, thus they cannot give raise to such effects.

In 1954 the U.S. and British Governments disengaged from direct provisional Government obligations regarding the present-day Free Territory of Trieste, and sub-entrusted its temporary civil administration to the responsibility of the Italian Government (not to the Italian State) with a Memorandum of Understanding as an additional instrument for the enforcement of the Treaty of Peace.

With separate acts, the two primary administering Governments have provisionally entrusted NATO of the present-day Free Territory of Trieste's military defense.

Being an additional executive instrument to the 1947 Treaty of Peace, the 1954 Memorandum is enforced in the Italian legal order with a Decree of the Head of State: the Decree of the President of the Italian Republic of 27 October 1954 (without number) which established for the purpose a Commissioner General of the Italian Government vested with normative, administrative, and jurisdictional powers (and thus the obligations) «*with the same powers assigned to the Government for the purposes of the administration of the same territory, and also with the powers previously exercised by the former Allied Military Government.*». For the sake of brevity, the measure is attached here (**document 5-R**) and fully recalled.

The Commissioner General of the Italian Government has exercised his legislative powers to renew the Free Territory of Trieste's institutions and legal order to adjust



them to the exercise of the special trusteeship mandate through bodies and officers of the Italian Republic, and this includes the exercise of jurisdiction.

The aforementioned adjustments occurred following autonomous, legislative and administrative measures, and the extension, with or without modifications, of Italian laws to the administered Free Territory, which took place via publication on the specific Official Bulletin of the Italian Government' Commissioner General for the Territory of Trieste.

This is how the Free Territory of Trieste developed its own legal order, "parallel" to the Italian Republic's, and consisting of the establishing Peace Treaty, non-repealed Italian laws in force before 15 September 1947, later laws of the Italian State, non-repealed legal measures of the A.M.G. V.G., of the A.M.G. F.T.T., of the del Commissioner General, and of other bodies of the sub-administering Italian Government.

In particular, one such legal measures is Decree No. 2 of 29 October 1954, in force, with which the Government's General Commissioner restores the faculty to appeal to the Italian Court of Cassation against judgments issued by the administered Free Territory's judicial authorities. The measure is attached here (**document 6-R**) and fully recalled.

Indeed, this proves that ever Ince 1954 the Court of Cassation in Rome has competence over decisions of Trieste's judiciary by virtue of a legislative at of the temporary civil administration of the Free Territory of Trieste, which is sub-entrusted to the Italian Government under an international mandate, and that this administration is since exercised under the same title.

It follows that also the powers and roles of the Court of Cassation itself as judge of legitimacy respect to judgments issued by Trieste's judicial authority, as is the case into question, fall within the very same legal framework.

With Constitutional Law No. 1/1963 the Italian Republic complied with the Constitutional Obligation of establishing Autonomous Region Friuli Venezia Giulia, providing it with a Statute as one of its amministrava bodies «*within the Italian Republic's unity, one and indivisible, on the bases of the Constitutional principles*» which does not include Trieste within the Italian State's territory, and provides for compliance with all generally recognized provisions of international law.

This is why the same law «*In harmony with the Constitution, with the general principles of the State's legal order, and with the State's international obligations*» has maintained the normative and administrative powers of the Commissioner General of the Italian Government for the Territory of Trieste, entrusting and splitting their exercise among three newly established subjects: a Commissioner of the Government in the Region, a Prefect, and the Region itself.

The consequent, unaltered continuation of the present-day Free Territory of Trieste's legal status, sub-entrusted to the Italian Government's temporary civil administration, is once again confirmed because even Italian Constitutional Law No.1/1963 needed to be extended to it via publication on the Official Bulletin of the Commissioner General of the Italian Government for the Territory of Trieste No.7 of 11 March 1963.

One further evidence is the interministeriale decree regarding the management of the international Free Port, issued on 13 July 2017 by the summoned Ministry of Economy

and Finance together with the The Italian Ministry of Infrastructures and Transport of the Italian Government, and expressly recalling the establishing Treaty of Peace in force and its Annex VII regarding the Provisional Regime of government of the Free Territory of Trieste.

### **III.** **FACT**

**III/1.** With their Writ of Summon of 22 May 2017 the claimants summoned the defendant before the Court of Trieste for them to accept the following conclusions:

**“In the merit**

To preliminarily verify:

**a)** that, to this date and on the date of the judgment, the following legal instruments of the Italian Legal System are in force: Law No. 811/1947; Legislative Decree of the Provisional Head of State No. 1430/1947; Constitution of the Italian Republic, arts. 10 first paragraph, 117 first paragraph, 120, second paragraph; Law No. 3054/1952; Decree of the President of the Republic October 27th, 1954, Constitutional Law No. 1/1963, arts. 1, 2, 4, 70.

**b)** the fact that those legal instruments in force in the Italian legal system establish and regulate also the implementation of international obligations of the Italian Republic and of the Italian Government towards the present-day Free Territory of Trieste, the temporary civil administration of which is entrusted, since October 5th, 1954, to the Italian Government, that exercises it to date, as well as the related obligations towards other States and the United Nations;

**c)** the fact that in the Italian legal system, those legal instruments in force are also the highest-ranking within the hierarchy of sources of law by virtue of an autonomous, pre-constitutional norm (art. 2 of Legislative Decree of the Provisional Head of State No. 1430/1947 ratified with Law No. 3054/1952) and by virtue of successive Constitutional principles and provisions (arts. 10 first paragraph, 117 first paragraph and 120, second paragraph of the Italian Constitution; art. 4 of Italian Constitutional Law 1/1963);

To declare:

1) the consequent, absolute lack of any title of the Italian Government, of its bodies, or of any other subject delegated by it, to establish, collect, and keep taxes and other fiscal revenues in the present-day Free Territory of Trieste, the administration of which is entrusted to the responsibility of the Italian Government, and in the international Free Port of the Free Territory of Trieste, on behalf, in the name, and in the budget of the State or of territorial public bodies or other administrative authorities (including Province and Municipalities) and concessionaires of public services of the Italian Republic.

2) the full title of the Italian Government, and of its bodies or other legal subjects it has delegated, to establish, collect, and keep, in the name, on behalf, and in the separate budget of the temporary civil administration of the present-day Free Territory of Trieste and of its international Free Port, as long as that is entrusted to their responsibility, only

the taxes and other fiscal revenues envisioned or compatible with the laws in force in the Italian legal system that establish the international obligations of the Italian Republic and of its Government towards the present-day Free Territory of Trieste and their related obligations towards other States and the United Nations.

Legal expenses recast pursuant to the law.

The International Provisional Representative of the Free Territory of Trieste – I.P.R. F.T.T. and all other international subjects concerned fully reserve the right to address the authorities and recall the procedures of international law identified and established under the Treaty of Peace with Italy of February 10th, 1947 or with other international conventions, to impugn and to dispute the same alleged violations, or other connected, at any moment in case the time, development, or outcomes of the present legal action or of possible negotiations on the matter prove to be inefficacious to protect the legitimate interests represented.

**As a preliminary and precautionary measure, and possibly as additional argument in the merit**

Whilst the proceedings are pending and in case the addressed authorities of the Italian Republic have not already taken care of that in self-defense, to order all procedures of enforced recovery related to this proceeding or connected with it be suspended, precisely:

- a) the procedures for the enforced recovery of taxes and other revenues in the name, on behalf, and in the budget of the Italian State and of other territorial or institutional public bodies, of public authorities, and of concessionaires of public services of the Italian Republic in the present-day Free Territory of Trieste, the temporary civil administration of which is entrusted to the responsibility of the Italian Government, and in the international Free Port of the Free Territory of Trieste;
- b) the procedures of the State Property Agency, or of any other public or private body, to assign, to sell, or to transfer ownership to third parties the public assets that article 1 of Annex X of the 1947 Treaty of Peace or article 2.2. of its Annex VIII, both ratified and implemented in the Italian legal system with Legislative Decree of the Provisional Head of State 1430/1947 and with Law. 3054/1952, assign without payment to the Free Territory of Trieste and to its international Free Port, respectively;
- c) the enforcement of judgments and of other legal decisions with the same rank that result to be issued by declaring those consist in the exercise of the sovereignty of the Italian Republic over the *Territorio Libero di Trieste* - Free Territory of Trieste requesting the payment of certain amounts of money, acts of seizure, or other capital requirement, that cannot be pronounced by authorities that are not legally entitled with coercive powers on the matter of assets, as established by the legal apparatus mentioned in the premises.

– Legal expenses recast pursuant to the law.”

**III/2.** With judgment No. 587/2018 published on 29/09/2018 the monocratic judge of first instance recognized, among other things, that *«a Court is not bound to enforce only Italian law [...] but, by virtue of the same Constitution, must also adhere to international norms and obligations to the point at times it can (and must) disapply domestic laws of the State. [...]»*, but she did also avoid to examine and to decide the lawsuit in the merit by rejecting it as inadmissible *«due to admissibility criterion, this being, the lack of an interest protectable before this Court»*, and she also ordered the claimants and the intervening parties to refund, jointly, the costs of the proceeding to the defendants.

**III/3.** The claimants and the intervening parties have thus impugned the judgment of first instance before the Court of Appeal of Trieste with the Writ of Summon notified on 07.03.2019, based on the following reasons:

1. The right to judicial protection granted at articles 24 and 113 of the Italian Constitution and in the Decree of the Commissioner General of the Territory of Trieste No. 100/1955.
2. Violation of the Legislative Decree No. 1430/1947 ratified with Law 3054/1952, of the Decree of the President of the Italian Republic of 27 October 1954, of Italian Constitutional Law 1/1963, arts. 1, 2, 4, 70, as well as of arts. 10 first paragraph, 117 first paragraph, and 120 second paragraph of the Italian Constitution; irremediable logical and legal contradiction.
3. Illogicality, vagueness, disregard, and radical misrepresentations of the subject of the lawsuit and of the laws the verification and enforcement of which is requested by the appellants; failure to comply with art. 23 of the Italian Constitution.
4. Violation of the pertinent fundamental guarantees of law.

**III/4.** On 28 May 2020 the Formation of the Court of Second instance issued judgment No. 278/2020 published on 19.06.2020 and not yet notified, rejecting the lawsuit with this decision:

«[...] the grounds of the appeal – which, being connected, can be examined in connection – are unfounded and the impugned judgment is to be confirmed for the following reasons.

In truth, the Court considers that in this case, in view of the nature of the litigation, it is applicable an absolute lack of jurisdiction on the action brought forward, for there is no Court with the power to issue a judgment on it: indeed, it is not for the Judiciary to question how the State exercises its sovereign powers, among which there are the adhesion to international treaties and matters of taxation.

The subject of the lawsuit is, indeed, the right of the Italian State to exercise its power to tax on a part of the territory that - under laws in force - belongs to the sovereignty of the Italian Republic.

Given that the justiciability of the request before the bodies that exercise the jurisdiction of the State - thus the existence of a situation legally relevant and defensible of the lack thereof - is question that requires to discuss in the merit, it is to notice that the request of the claimants assumes the existence of an international body named “Free Territory of Trieste”, existence that, for many reasons, instead, is to be excluded.

As for this matter, we recall that already with judgment No. 53/1964 the Italian Constitutional Court declared the nonexistence of a sovereign State defined as Free Territory of Trieste, taking note of the two theses then envisaged, the first - favored by the Constitutional Court - according to which "Italian sovereignty over the territory of Trieste has never ended" and the second according to which "that sovereignty had been restored following the Memorandum of Understanding, immediately or gradually, through an appropriate conduct of the Italian State".

The question was then examined in deep – with a scrupulous implementation of the general principles applicable to international treaties – by judgment No. 530/2013 of the Regional Administrative Court for Region Friuli Venezia Giulia, decision favorably recalled in judgment No. 15666/2014 of the Court of Cassation, Third criminal section.

It is known that, after World War II, the territory of Trieste became a source of contention for Italy and for what then was Yugoslavia, both of which claimed sovereignty over the area.

The Treaty of Peace of Paris of 10 February 1947, in order to settle the question, envisioned at articles 21 and 22 and at annexes VI, VII, VII, IX and X, the establishment of the Free Territory of Trieste, an independent buffer State, under guarantee of the United Nations Security Council, demilitarized and neutral, with its own Government, legislative authority, and judiciary.

As declared in the aforementioned judgment of the Regional Administrative Court for Region Friuli Venezia Giulia "an authentic interpretation of the Treaty of Peace and in particular of art. 21, as for the... principle of effectiveness, leads to conclude that the establishment of the Free Territory and the consequent transfer of sovereignty to it were conditioned, to at least the first establishing act of this Free Territory, which means, by the appointment of its Governor by the Security Council. This for evident practical reasons, since only the appointment of a Governor would make possible enforcing first the Provisional Statute and then the Permanent Statute, but also for the decisive reason that the appointment of the Governor by the Security Council would have manifested the concurrence of wills between the major Powers to enforce that part of the Treaty of Peace that established the Free Territory. However, as it is known, the appointment of the Governor did never take place, therefore the Free Territory never came into existence and there was no transfer of sovereignty to it."

After the Treaty of Peace, with a Memorandum of Understanding signed in London on 5 October 1954, the Governments of Italy, United States, and Yugoslavia, having considered that it "proved impossible to put into effect the provisions of the Italian Peace Treaty relating to the Free Territory of Trieste", terminated Military Government in zones "A" and "B" of the territory and defined the frontier between then Yugoslavia and Italy for the part not envisioned by the Treaty of Peace, establishing the borders between the two States as deriving from the partition of the free territory.

Italy confirmed the borders established in 1954 with many domestic and international acts, and in particular with Constitutional Law No. 1 of 1963, which established the Special Statute Region Friuli Venezia Giulia, with capital city Trieste, borders that were then confirmed with the 1957 Treaty establishing the European Community and with the Treaty of Helsinki of 1 August 1975.

Finally, with the Treaty of Osimo of 10 November 1975, concluded between Italy and Yugoslavia, the border established in 1954 was confirmed, with some adjustments regarding the maritime border), it was decided that the Memorandum of Understanding of London and its annexes ceased to have effect, and Italy and Yugoslavia officially incorporated the zones (zone "A" and zone "B" respectively) previously under provisional administration; this is how it was ultimately ruled the non-existence of a State named "Free Territory of Trieste", so much so that, following the request of the Permanent Delegates of Italy and of Yugoslavia, in June 1977 the UN Security Council removed from the items on its agenda the related question, and also the appointment of the Governor.

No violation of the right to judicial protection granted by arts. 23 and 113 of the Italian Constitution has taken place in this proceeding.

As for the corpus juris that the appellants consider to be violated, in this instance it is enough adding that, as for Legislative Decree No. 1430/1947 ratified with law No.3054/1953), the Treaty of Paris was overridden by successive international Treaties, and, as for the Decree of the President of the Italian Republic of 27 October 1954, with which was appointed a Commissioner General for the F.T.T., that such body was an emanation of the Italian State, and not the Governor of a different, autonomous political entity; furthermore, the authentic interpretation of art. 70 of Constitutional Law No. 1/1963 has been offered by the Constitutional Court in the aforementioned judgment No. 53/1964; also, the deductions of the appellant regarding – once again based on the premise of the existence of the F.T.T. as an autonomous sovereign State – the alleged violation, by the Italian State, of art. 23 of the Italian Constitution, which envisions the principle of reservation of law on tax matters are equally ungrounded.

Finally, also to provide a better understanding of the event to the many subjects who decided to join this lawsuit, the Court considers that it is appropriate repeating here, once again, that in international law there is a general principle, named principle of effectiveness, in accordance with which the international subjectivity of a State depends on the effective exercise of government powers by its own State bodies, which leads to acquire territorial sovereignty, with exclusive exercise of Government power.

The principle applies also to the matter of extinction and amendment of international treaties, given that, as affirmed in the aforementioned judgment by the Regional Administrative Court for Friuli Venezia Giulia, "...the abstract prevision of a treaty must meet reflection in the real world, otherwise as time goes it loses its efficacy, allowing for both to disregard of the Treaty itself or to amend it".

The same principle meets need for the state of the law to adapt to the state of things as time goes by; this is how this very litigation - 45 years after the Treaty of Osimo, in view of a solid organization of the State, and of a pacific exercise of sovereignty by the Italian State within its own borders - has no reason to exist, other than lacking any grounds.

All remaining question are to be excluded.

[...]

For these reasons

The Court of Appeal of Trieste, First Civil Section, ultimately ruling for the appeal brought forward against judgment No. 587/2018 of the Court of Trieste, disregarding any opposite or different question, exception, and deduction:

- 1 – rejects the appeal brought before it and thus confirms the judgment impugned;
- 2 – condemns the appellants to refund, jointly, the expenditures of the proceeding of second instance to the defendants, amounting to a total of € 21.816,00 for the parties defended by the State's Legal Service and to a total of € 13.635,00 for the National Institute of Social Insurance;
- 3 - recognized to the appellants the premises at art. 13, 1 quater of the Decree of the President of the Republic No. 115/2002.».

**III/5.** With their Writ of Summon notified on 18 January 2021, the claimants impugned this judgment before the Court of Cassation seeking its reinstatement before the Court of Appeal, and based this request to the judge of legitimacy with 11 main findings that prove the radical lack of ground, in fact and law, and therefore the evident political, thus not legal nature of the impugned judgment, regarding, in particular:

- a. prejudicial refusal of the Court to express itself on a subject on which it has full decisional authority (art. 360, paragraph 1, No. 1 of the Italian Code of Civil Procedure).

- b. failure to examine facts that were discussed by the parties, despite their decisive nature as for the outcome of the lawsuit (art. 360, paragraph 1, No. 5 of the Italian Code of Civil Procedure).
- c. failure to examine facts that were discussed by the parties, despite their decisive nature as for the outcome of the lawsuit (art. 360, paragraph 1, No. 5 of the Italian Code of Civil Procedure).
- d. error of law (art. 360, paragraph 1, No. 3 of the Italian Code of Civil Procedure); failure to examine facts that were discussed by the parties, despite their decisive nature as for the outcome of the lawsuit (art. 360, paragraph 1, No. 5 of the Italian Code of Civil Procedure).
- e. error of law (art. 360, paragraph 1, No. 3 of the Italian Code of Civil Procedure).
- f. error of law (art. 360, paragraph 1, No. 3 of the Italian Code of Civil Procedure); failure to examine facts that were discussed by the parties despite their decisive nature as for the outcome of the lawsuit (art. 360, paragraph 1, No. 5 of the Italian Code of Civil Procedure).
- g. errors of law (art. 360, paragraph 1, No. 3 of the Italian Code of Civil Procedure).
- h. failure to examine facts that were discussed by the parties, despite their decisive nature as for the outcome of the lawsuit (art. 360, paragraph 1, No. 5 of the Italian Code of Civil Procedure).
- i. errors of law (art. 360, paragraph 1, No. 3 of the Italian Code of Civil Procedure).
- j. error of law (art. 360, paragraph 1, No. 3 of the Italian Code of Civil Procedure); lack of jurisdiction (art. 360, paragraph 1, No. 1 of the Italian Code of Civil Procedure).
- k. error of law (art. 360, paragraph 1, No. 3 of the Italian Code of Civil Procedure); failure to examine facts that were discussed by the parties, despite their decisive nature as for the outcome of the lawsuit (art. 360, paragraph 1, No. 5 of the Italian Code of Civil Procedure).

#### **IV.** **THE IMPUGNED JUDGMENT**

With judgment No. 8600/2002 published on 16 March 2022 the Supreme Court of Cassation decided, in Joint Section, to reject the request advocating jurisdiction matters, and ordered the appellants to pay court fees and a further fee under art. 13, paragraph 1-*quater* of the Decree of the President of the Italian Republic No. 115/2002, justifying its decision as follows.

The Supreme begins with a quick review of the 11 grounds of appeal brought forward and explained by the claimants, however, it avoids, so it refuses to verify their validity declaring its absolute lack of jurisdiction on the matter, and justifying it as follows:

12.- The appeal cannot be admitted. The complaints, in their overall articulation and in the merit of the critiques brought before this Court [...] are not the kind that would affect the impugned judgment's ratio decidendi, which has correctly identified an absolute lack of jurisdiction as for the questions brought before it by the current appellants and claimants.

12.1. – As enlightened by this Court's jurisprudence [...] the concept of absolute lack of jurisdiction does properly regard the impossibility to exercise judicial authority by invading the competences of other powers of the State, or of other legal systems with their own autonomy, in disputes that directly regard such public roles, which as such are not even theoretically suitable to lead to a Court's intervention.

And it is within this framework that fall the hypotheticals in which is under question the assignment of the very exercise of sovereign authorities, addressing a Court for it to dispute their *modus operandi*, this crossing with the mechanisms of political responsibility.

12.2. The questions brought in this proceeding (see: § 1 of the Facts") aim at denying – with effects starting from their presentation before Court (May 2017) - the very sovereignty of the Italian State on a portion of its territory, governed as such, asking an ordinary Court to recognize the existence of another State entity (or, still, of a subject with sovereignty over that territory) and, at the same time, to prevent that Italian State from exercising, itself or in its name, taxation and therefore avoiding the fundamental social solidarity duties set at art. 53 of the Italian Constitution, the related administrative roles, as well as those aiming at any tax collection, or to affect private ownership of movable and immovable assets, even by virtue of "judgments of other legal decisions" in order to deny, within the same territorial area, even the effective exercise of jurisdiction which, still, and even, contrarily to that, the appellants have addressed with this legal action.

To the point that this action – overall aiming at demonstrating and having declared that the Italian State is not vested with powers and capacities arising from its sovereignty over a portion of territory over which the same sovereignty is exercised -, even if, as a mere and abstract hypothesis, were to be based in positive law and, namely, by international treaties (be them ratified or not) gives raise to questions that cannot be brought before any judge, because it doesn't result in a decision regarding a state of law or legitimate interest, rather, a declaration regarding the Constitutional framework of the Italian State, because it questions, *ab origine*, the very reassessment of territorial borders, or, still, their asset.».

After justifying in said terms its claim of absolute lack of jurisdiction on the premise that the legal action for demonstration brought forward by the appellant is inadmissible, because it would be about the Italian State's sovereignty over a certain portion of its Constitutional territory, the Court dwelled in basing this alleged certainty with an additional circular reasoning, consisting in the endorsement, and full acceptance of the truth, of the very theses that the appellants proved false, seeking their verification from the Court, only to have it denied:

«12.3. And that, anyways, that in question is territory of the Italian State and not of another and different sovereign body (namely, in this case, of the so-called Territorio Libero di Trieste or Free Territory of Trieste), appears evident (even regardless the overall review of laws compiled by the territorial court in adherence with the state of national and international sources involved in the case) by the fact – itself coherent with the so-called effectivity principle of international law – consisting in the Italian State's issuing of Constitutional Law 31 January 1963, No. 1, which, in establishing Friuli-Venezia Giulia as autonomous region "within the Italian Republic's unity, one and indivisible" (art. 1) established that, being the municipality of Trieste included within the region's territory itself, establishing the city as capital of the Region itself (art. 2, amended with Constitutional Law No. 1 of 2016, which envisions the Province of Trieste).

After all, contrarily to the appellant's allegation, the existence (at least) at the moment of the coming into force of Constitutional Law No. 1 of 1963 of the Italian State's sovereignty over the territory of Trieste is clearly declared in judgment No. 53 of 1964 of the Constitutional Court, which had not considered it necessary specifying if, by virtue of the Treaty of Peace of Paris of 10 February 1947, the aforementioned sovereignty ceased to be later "re-establishing following the Memorandum of Understanding" undersigned in London on 5 October 1954 or if (in accordance with the thesis preferred by the Constitutional Court itself) the aforementioned sovereignty had never ended, as that Court of law did not doubt its existence and effectiveness in accordance with the asset established by Constitutional Law No.1 of 1963.



This Court itself has no doubt about the full sovereignty of the Italian State over the Triestine territory either, in its judgment No. 15666 of 8 April 2014, endorsing the decision of the Regional Administrative Court for Friuli Venezia Giulia of 28 October 2013, No. 148, which, rejecting an exception of the lack of Italian jurisdiction, declared that the «so-called free territory Trieste, legally non-existing and never existed», considering that its abstract prevision in the Treaty of peace of Paris of 1947, never enacted, was expressly and legitimately abrogated by other international Treaties, in particular, by the Memorandum of London of 1954, by the Treaty of Helsinki of 1975 and by the Treaty of Osimo again of 1975, with measures confirmed by several other international agreements».

## **V.**

### **GROUND OF APPEAL**

#### **for annulment ex art. 391-*bis* Italian Code of Civil Procedure**

The judgment impugned is therefore grounded on the following, decisive factual errors, immediately identifiable and pertinent with the demonstration and the reconstruction of the truthfulness or falsehood of empirical data (facts or acts) significant under the law:

#### **1. Evident, radical misrepresentation of the subject of the lawsuit, which the appellants have clearly presented in all three instances of judgment.**

It is instant evident, from the mere reading of the subject of this lawsuit and of the attached documentation submit by the appellants that in no way it requests an Italian judge to deny or deactivate the Italian State's sovereignty over part of its Constitutional territory, nor it asks the judge to recognize other state entities that aren't already recognized within the Italian legal order.

Indeed, the question is rightly and reasonably addressed to the Italian judges in charge of exercising the jurisdiction of the present-day Free Territory of Trieste, the temporary civil administration of which, including jurisdiction, since 1954 is sub-entrusted to the responsibility of the Italian Government (not of the Italian State) under a sub-mandate of the U.S. and British Government in their role of primary administering Governments on behalf of the United Nations Security Council.

It follows that the lawsuit's purpose does not deny, rather, it expressly recognizes and addresses the jurisdiction that Italian judges are still exercising under that same title, both through local Courts and through the Supreme Court of Cassation in Rome.

Furthermore, the Italian State's Constitutional borders clearly mentioned in the lawsuit are those peacefully recognized by the Constitution of the Italian Republic in force, following and in compliance with the Treaty of Peace of 10 February 1947, have not been modified since, and obviously the appellant don't seek not to modify them either.

The absolute lack of jurisdiction declared in the judgment, therefore, has no factual or logical-legal relations with the subject of the lawsuit.

#### **2. Evident, radical misrepresentation of the powers and jurisdictional roles of the Italian Court of Cassation on judgments of the Court of Appeal of Trieste.**

This radical misrepresentation of the subject of the lawsuit is even more relevant when it comes to decisions of the Supreme Court of Cassation in Rome.

Indeed, the Supreme Court cannot be unaware, as an authority and professionally, that, as recalled above and as documented at point II. (Facts in brief), its powers and jurisdictional role respect to decisions of the Court of Appeal of Trieste, legally revoked from 1945, and again after 1947 following the Free Territory of Trieste's establishment as a new sovereign State (see the attached **documents 3-R and 4-R**) were re-established in 1954 and are since exercised exclusively for functional purposes and as part of that different jurisdiction by virtue of a legislative measure in force issued by the General Commissioner of the Italian Government for the Territory of Trieste (see **document 6-R**).

Which means, a legal measure, never repelled, of the special body in charge of the temporary civil administration of the present-day Free Territory of Trieste, which is sub-entrusted under an international, special trusteeship mandate to the responsibility of the Italian Government (not of the Italian State).

This specific aspect of the overall misrepresentation of the subject of the lawsuit has primary decisive relevance, above any other aspect of motivation of the judgment impugned for annulment, because the Italian Court of Cassation, in exercising its own special functions within the Free Territory of Trieste' jurisdictional framework cannot reasonably or legitimately dismiss it as "*legally non-existing and never existed*" and, therefore, still subject to Italian the sovereignty which, in truth, ended by law on 15 September 1947 and ever since, in compliance with a multilateral Treaty of Peace ratified and enforced, which a national judge had no obligation but to enforce, and, still, has no title or authority do label as "overridden" amended or expired.

And it is equally evident that, for those reasons, any decision of the Supreme Court of Cassation justified in those terms is, *ipso facto* not only lacking any meaning, legal, and nomophylactic value, but does also have unsettling aspect as an abnormal decision crafted for political reasons.

### **3. Complete pretermission of the evidences of law recalled and documented in the documentation of the proceeding.**

Finally, the Supreme Court's decision has completely ignore the fact that the simple and immediate evidences of codified laws recalled in the Writ of Summon and in the appellants' 8 February 2022 brief (forged in a spirit of brotherhood among Trieste's and Italy's Institutions) are enough to demonstrate the radical, surreptitious lack of ground of the impugned judgment of the Court of Appeal; therefore this prevents the Court of Cassation both from upholding it without the needed, direct verification of the laws, as well as from using the lack of verification to justify its own omission, and this even regardless the circular nature of such a probatory pretense.

Finally, from the institutional perspective, it is duly repeating that the aforementioned circumstances provide to the impugned judgment, like to the identical ones of first and second instance, effective and unsettling characteristics of abnormal decisions forced by political powers in breach of the law, of the Judiciary's independence, of international law, of the sub-mandate of temporary civil administration entrusted to the responsibility of the Italian Government, and of the fundamental rights to legality and to act before Court to defend one's rights and legitimate interests before an independent and impartial tribunal.

For those reasons, the appellants

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**REQUEST**

that the honorable Court of Cassation sets aside the impugned judgment and upholds the claim previously rejected. That is orders the resisting parties to pay the costs of the proceedings and the fees of the lawyer in all instances of judgment.

Furthermore, the appellants renew their invitation to settle the dispute out of Court, and reserve to activate the arbitration procedures suitable for the matter and address the competent international Courts.

**Attachments:**

When the appeal is lodged, the following documentation is presented with it:

1. Authentic copy of the appeal notified digitally (together with the mandates) in both forms **(a)** scan of the act upon manual signature, and **(b)** direct copy of the original pdf document, digitally signed by the Lawyer with the CADES system, together with the acknowledgments of receipt, copy of the PEC (certified email) with which it was sent, a copy of the receipts of acknowledgement and receipt, all of this certified as identical to the digital copies;
2. Original mandates, as signed on 15.09.2022 and notified with the appeal;
3. Authentic copy of the judgment impugned: No. 8600/2022, Civil Court of Cassation, Joint Sections.
4. Seven copies of the impugned judgment.
5. Seven copies of the scan of the appeal as digitally notified.
6. The party's files with the documentation of the proceedings in first and second instance, as well as before the Court of Cassation.
7. Request to submit the Court's own case file.
8. Documents numbered 1-R, 2-R, 3-R, 4-R, 5-R, and 6-R, attached and recalled in this appeal.

**Acts and documents on which the appeal is founded (art. 395, n. 4 of the Italian Code of Civil Procedure:**

Files with the documentation of the proceedings in first and second instance, as well as that before the Court of Cassation.

Documents numbered 1-R, 2-R, 3-R, 4-R, 5-R, and 6-R, attached and recalled in this appeal.

**Value of the claim:** undefinable.

Trieste, 15 September 2022

*[signatures: omissis]*

**MANDATES:**

*[omitted in this English translation]*

**ACKNOWLEDGEMENTS OF RECEIPT:**

*[omitted in this English translation]*