



Procura della Confederazione Veneta.

Venice, Palazzo Ducale

Prot. N. DPL2210202100025

Attorney General of the Venetian Confederation. State Protection Division of the Public Ministry.

Criminal proceedings for crimes within the jurisdiction of the International Criminal Court.

Public International Law. The Rome Statute was ratified by the Veneto National Liberation Committee, by the National Authority and by the Assembly of the Veneto National Council.

To His Excellency President Piotr Hofmański, International Criminal Court, Oude Waalsdorperweg 10 - 2597 The Hague AK - THE NETHERLANDS.

To the Prosecutor's Office (OTP) for the ascertainment of crimes falling within the jurisdiction of the Court, International Criminal Court, Oude Waalsdorperweg 10 - 2597 The Hague AK - THE NETHERLANDS.

To His Excellency, Attorney Mr. Karim Asad Ahmad Khan. To His Excellency, Deputy Attorney Mr. James Stewart.

To the Jurisdiction, Complementarity and Cooperation Division. To the Investigation Division.



COMITATO LIBERAZIONE NAZIONALE VENETO

(Art. 96.3 I° Protocollo Convenzione di Ginevra 1977 – legge n.762 del 11 dicembre 1985)



To the Division of the Prosecution.

e.p.c.

To the Secretary General of the United Nations António Guterres. U.N. Office of Legal affairs Mr. Miguel de Serpa Soares. 760 United Nations Plaza, New York, NY 10017, USA.

Office of the United Nations High Commissioner for Human Rights Human Rights Council

Committee on the Elimination of Racial Discrimination (CERD), Committee on Economic, Social and Cultural Rights (CESCR), Human Rights Committee (CCPR)

Committee on the Elimination of Discrimination Against Women (CEDAW)

Committee against Torture (CAT)

Committee on the Rights of the Child (CRC)

Committee on Migrant Workers (CMW) Subcommittee on the Prevention of Torture (SPT) Committee on the Rights of Persons with Disabilities (CRPD)

Committee on Forced Disappearances (EDC)

United Nations High Commissioner for Refugees (UNHCR) Office for the Coordination of Humanitarian Affairs (OCHA)

United Nations Educational, Scientific and Cultural Organization (UNESCO) Inter-agency Standing Committee (IASC)

DESA (Department of Economic and Social Affairs) Commission on the Status of Women (CSW) Division for the Advancement of Women (DAW)

United Nations Population Fund (UNFPA) United Nations Children's Fund (UNICEF)

United Nations Entity for Gender Equality and Women's Empowerment (UN-Women) United Nations Development Program (UNDP)



To - OHCHR Ms. Michelle Bachelet Jeria Palais Wilson - Rue de Paquis, 52 CH-
1201 Genève - SUISSE.

To the President of the ICRC General Assembly Mr. Peter Maurer, 19 Avenue de la
Paix 1202 Geneva - Switzerland.

Organization for Economic Co-operation and Development (OECD) Secretary-
General Mr. Angel Gurría. 2, Rue André Pascal 75775 Paris Cedex 16 - FRANCE.

**Communication to the Prosecutor's Office of the International Criminal Court
pursuant to the articles of the Rome Statute:**

Art. 4/2 Legal status and powers of the Court. (Annex 1 accession to the Rome
Statute)

To the Prosecutor of the International Criminal Court of The Hague to prosecute for
Crimes against fundamental Rights human beings, serious violations of obligations
deriving from imperative norms of international law. Rome Statute, Article 7 Crimes
against humanity, against the Italian State, by the Government for unlawful behavior
by State organs, by several individuals authorized by the State to exercise
government authority and by subjects acting under the control of the State.

Defendants:

**Antonella Crea, Filippo Lagrasta, Veronica Salvadori, Hans Roderich Blatner,
Giancarlo Coraggio, Mario Draghi, Sergio Mattarella, Giovanni Salvi.**

The conduct of a State organ will be considered as an act of the State under
international law, whether that body exercises legislative, executive, judicial or other
functions, whatever position it has in the organization of the State and whatever its
nature as central government body or a territorial unit of the state. A body comprises
any person or entity holding that position under the domestic law of the state. The
violation of an international obligation by means of a State act not having a
continuous nature occurs when the act is completed, even if its effects persist. The
violation of an international obligation by means of an ongoing state act extends for
the entire period during which the act continues and remains non-compliant with the
international obligation. The violation of an international obligation that requires a
state to prevent a given event is perfected when the event occurs and extends for
the entire period during which the event continues and remains non-compliant with
that obligation. The violation of an international obligation by a State by means of a
series of actions or omissions, defined as a whole as unlawful, is perfected when the



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action or omission occurs which, in conjunction with other actions or omissions, is sufficient to integrate the unlawful act. The legal consequences of an internationally unlawful act pursuant to this part do not affect the continuing duty of the responsible State to comply with the violated obligation. In this case, the violation extends for the entire period starting from the first of the actions or omissions of the series and lasts as long as these actions or omissions are repeated and remain non-compliant with the international obligation. The State responsible for the internationally unlawful act is obliged to:

- a) put an end to that act if it continues;
- b) offer adequate assurances and guarantees of non-repetition if circumstances require it.

The responsible State is obliged to fully repair the damage caused by the internationally illegal act. Injury includes any damage, both material and moral, caused by the internationally illegal act of a State. The responsible State cannot use the provisions of its domestic law as a justification for non-compliance with its obligations... The behavior

of a liberation committee, which succeeds in establishing a new State in a part of the territory of a pre-existing State or of a territory under the administration of that State it will be considered an act of the new State under international law... The Charter of the United Nations is a true and proper constitutional charter of the international order. Resolution 2160 of 1966, for which any direct or indirect coercive action by the Italian state, aimed at depriving the Venetian people of their right to self-determination, constitutes a violation of the Charter.

Evidence instruction from the Human Rights Commission to the Attorney General. (Annex 2: source of evidence provided by the defendants themselves - Reason for judgment issued by the Court of Vicenza).

Communication from the Attorney General to the **accused, Antonella Crea, Filippo Lagrasta, Veronica Salvadori, Hans Roderich Blatner, Giancarlo Coraggio, Mario Draghi, Sergio Mattarella, Giovanni Salvi**, of a crime warning: for violation of binding United Nations resolutions, Conventions on the genocide of the 1948; Geneva Conventions of 1949; European Convention on Human Rights and Fundamental Freedoms of 1950; 1951 Refugee Convention; of the two United Nations Covenants of 1966: Covenant on Civil and Political Rights and the Covenant on Economic, Social and Cultural Rights; and the 1984 Convention against Torture, respecting the principles of the rule of law.

Right of National and Ethnic groups to freely decide their own destiny: Art. 2 of the Treaty of Tartu of 02 February 1920 (USSR-Estonia).

- Atlantic Charter Declaration of principles of agreed international policy (1941)
- United Nations Charter: Article 1, paragraph 2, and Article 55



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- Declaration of Human Rights of 1948
- Resolution 217 A (III) - Universal Declaration of Human Rights - 10.12.1948
- Resolution 1514 (L) XV / 1960 - Declaration on granting the independence of the Colonial peoples.
- Resolution 2200 / A of 1966 - International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights
- Resolution 2625 (XXV) / 1970 - the principle that States refrain, in their international relations, from resorting to the threat or use of force against the territorial integrity or political independence of a State or in any other way incompatible with the purposes of the United Nations.
- Resolution 3314 (XXIX)/1974 - Definition of aggression with reference to 2625 (XXV)/1970
- Resolution 55/2 - United Nations Millennium Declaration - 20.09.2000
- Resolution 41/128 - Declaration on the right to development - O.N.U. 04.12.1986
- CDS Resolution 276 - Condemnation of the use of force by the Libyan regime against protesters 1970 issued unanimously on November 26, 2011 and referred for the first time a state to the International Criminal Court.
- Resolution 61/178 of 20 December 2006 - UN Declaration of Indigenous Peoples' Rights
- Resolution 61/295 of 13 September 2007 - Approval of the Declaration of the Rights of Indigenous Peoples - 107th UN Plenary Session
- COM (2012) 748: Proposal for a COUNCIL EU DECISION
- Declaration of acceptance of the jurisdiction of the International Criminal Court Art. 94 of the Charter of the United Nations
- International Criminal Court - I.C.C.



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- Judgments and binding advisory opinions of the International Court of Justice, ICJ
- 2001 codification by the CDI
- UNCTAD / GDS / APP / 2013/1 - Report on "Loss of Palestinian tax revenue in Israel under the Paris Protocol on Economic Relations."
- United Nations Guiding Principles on Business and Human Rights (UNGPR).
- The UN "Protect, Respect and Remedy" Framework for Business and Human Rights
- U.N. Human Rights Council, "Resolution 8/7
- Resolution 18/6
- Resolution adopted by the General Assembly on 22 June 2017 (A / 71 / L.73 and Add.1)] 71/292. General Assembly: Reiterating that all peoples have an inalienable right to the exercise of their Sovereignty and Integrity of their National Territory.
- Resolution 65/118 of 10 December 2010
- Resolution 65/119 of 10 December 2010
- Resolution 71/122 of 6 December 2016
- Conference for Security and Cooperation in Europe (1975)
- African Charter on the rights of men and peoples (so-called Banjul Charter adopted in 1981)
- Jurisprudence of the Canadian Supreme Court 25506 of 20.8.1998 - 2 SCR 217 - 112 (b)
- Court of Justice: community directive 85/577 - 89/665.



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- Art. 19 of the Nice Charter - Treaty on European Union and art. 47 of the Charter of Fundamental Rights.
- Statement by the High Representative of the European Union for Foreign Affairs and Security Policy, Catherine Ashton, who on 20 November 2012 reiterated that the EU recognized the National Coalition of Syrian Revolution and Opposition Forces as a legitimate representative of aspirations of the Syrian people.

In order to create a legal reference for the activities of the E.U. on the subject of human rights and democracy, the Council on 29 April 1999 adopted regulations 975/1999 and 976/1999 on the development and strengthening of democracy and the rule of law and respect for human rights.

23 Dec 2013 - The Venetian language is recognized with the ISO 639-3 "vec" identification by UNESCO and classified among the living languages in the Ethnologue catalog and recognized by the Council of Europe in 1981.

Criminal actions involving:

Art. 5/1

- a) crime of genocide;
- b) crimes against humanity;
- c) war crimes;
- d) crime of aggression

Art. 6 Crime of genocide:

- b) cause serious injury to the physical or mental integrity of people belonging to the group;
- c) deliberately subjecting persons belonging to the group to living conditions such as to involve the physical destruction, total or partial, of the group itself;

Art. 7 Crimes against humanity, paragraph 1:



- e) Imprisonment or other serious forms of deprivation of personal liberty in violation of fundamental rules of international law;
- h) Persecution against a group or a community with its own identity, inspired by political, racial, national, ethnic, cultural, religious or sexual reasons within the meaning of paragraph 3, or by other reasons universally recognized as not permissible to under international law, related to acts provided for by the provisions of this paragraph or to crimes within the jurisdiction of the Court;
- j) Crime of apartheid;
- k) Other inhuman acts of similar character aimed at intentionally causing great suffering or serious damage to physical integrity or physical or mental health.

For the purposes of paragraph 1:

- g) "persecution" means the intentional and serious deprivation of fundamental rights in violation of international law, for reasons related to the identity of the group or the community;
- h) "apartheid crime" means inhuman acts of a similar character to those referred to in the provisions of paragraph 1, committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over another or other groups racial, and in order to perpetuate this regime;

Art. 8 War crimes. (Annex 4 Treaty declaration of belligerence, formula of Vienna)

- 1. The Court has jurisdiction to judge war crimes, particularly when committed as part of a political plan or design, or as part of a series of similar large-scale crimes.
- 2. For the purposes of the Statute, "war crimes" are:
 - a) Serious violations of the Geneva Convention of 12 August 1949, i.e. any of the following acts against persons or property protected by the rules of the Geneva Conventions:
 - iii) voluntarily cause great suffering or serious injury to physical integrity or health;



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- iv) destruction and appropriation of goods, not justified by military needs or carried out on a large scale illegally and arbitrarily;
- vi) voluntarily depriving a prisoner of war or other protected person of his or her right to a fair and due process;
- a) Other serious violations of applicable laws and customs, within the consolidated framework of international law, in international armed conflicts, namely any of the following acts:
 - ii) intentionally directing attacks against assets of a civilian character, that is, assets that are not military targets;
 - viii) the transfer, direct or indirect, by the occupying power, of part of its civilian population in the occupied territories or the deportation and transfer of all or part of the population of the occupied territory inside or outside that territory;
 - ix) intentionally direct attacks against buildings dedicated to worship, education, art, science or humanitarian purposes, historical monuments, hospitals and places where the sick and wounded are gathered, provided that such buildings are not military targets;
 - xiii) destroy or confiscate enemy property, unless confiscation or destruction is imperatively required by the necessities of war;
 - xiv) to declare the rights and actions of the citizens of the enemy nation abolished, suspended or inadmissible in court;
 - xxi) violate the dignity of the person, in particular by using humiliating and degrading treatments;
- iv) intentionally direct attacks against buildings dedicated to worship, education, art, science or humanitarian purposes, historical monuments, hospitals and places where the sick and wounded are gathered, provided that such buildings are not military targets;

Art. 8bis Crime of aggression. (Attachment 2: Violation of the offices of the International Legal Person Veneto National Liberation Committee, seizure of institutional documents in paper and electronic format, documented by the Italian

State itself and documentary video). Attachment 3: Establishment-constitutive act filed with the United Nations.



Art. 4/2 Legal status and powers of the Court.

Art. 5/1 Crimes within the jurisdiction of the Court- a) -b) -c) -d).

Art. 6 Crime of genocide, b) -c).

THE ARTICLES ON THE LIABILITY OF THE ITALIAN STATE AND THE ORGANIZATION SUI GENERIS EUROPEAN UNION, THE COMMISSION OF INTERNATIONAL LAW APPLY.

CHAPTER II REPAIR OF INJURY Articles 34, 35, 36, 37, 38, 39,

CHAPTER III SERIOUS BREACHES OF OBLIGATIONS ARISING FROM IMPERATIVE RULES OF GENERAL INTERNATIONAL LAW

Article 40, 41

THE INTERNATIONAL UNLAWFUL ACT OF A STATE CHAPTER I GENERAL PRINCIPLES

Article 1, 2, 3

CHAPTER II ALLOCATION OF CONDUCT TO THE STATE Article 4, 5, 6, 7, 8, 10/1, 2, 3,

CHAPTER III BREACH OF AN INTERNATIONAL OBLIGATION

Article 12, 14/2, 15 / 1,2.

Article 26

The Draft Articles on the International Responsibility of States of the International Law Commission of 2001, in art. 26, states that "no provision of this chapter excludes the unlawfulness of any act of a State that does not comply with an obligation deriving from a mandatory rule of general international law". Furthermore, Articles 40 and 41 of the Project impose on States, in the event of serious violations of obligations deriving from mandatory rules, the obligation to cooperate to put an end to the violation by lawful means, as well as the obligation not to recognize the relevant factual situation as legitimate.

The 2001 codification by the CDI. The two constituent elements of the unlawful act:



a) the violation of an international law binding on the State and b) the attribution of the conduct to the State. The unlawful fact (violation + attribution) involves a new legal relationship, called international responsibility. Types of policy violations. The CDI distinguishes three types of violations of rules according to a temporal classification:

1) Violations determined by a behavior defined in time, but whose effects may persist. (e.g. illegitimate expropriation).

2) Ongoing violations (eg hostage holding).

3) Violations consisting of a plurality of acts (eg Metaclad). Attribution of unlawful conduct.

1) The unlawful conduct is carried out by a body of the State (art. 4 CDI).

2) The unlawful behavior is carried out by one or more individuals authorized by the State to exercise government authority (art. 5 CDI).

3) The unlawful behavior is carried out by subjects acting under the control of the State (art. 8): CIG sentences Nicaragua and Bosnia / Serbia. The content of the liability relationship: the legal consequences. Obligation of reparation for the responsible State. The repair can be divided into:

a) restitution;

b) expression of apologies and guarantees of non-repetition;

c) Compensation. Repair in the broad sense. Protest as a remedial strategy for violated legal norms. In judicial litigation, the finding of the offense has a remedial effect (see Cameroon / Nigeria, Gabcikovo Nagymaros and OMC).

The primary obligation to terminate the illicit Jus cogens and mandatory regulations is also relevant. the 2001 draft of articles on the international responsibility of states of the International Law Commission, in art. 26, states that "no provision of this chapter excludes the unlawfulness of any act of a State that does not comply with an obligation deriving from a mandatory rule of general international law". Furthermore, Articles 40 and 41 of the Project impose on States, in the event of serious violations of obligations deriving from mandatory rules, the obligation to cooperate to put an end to the violation by lawful means.

The qualification of self-determination obligations as erga omnes obligations is also found in the preamble of the resolution adopted by the Institut de droit international, at the 2005 Krakow session, on "Obligations erga omnes in International Law": *Annuaire de l' Institut de droit international*, vol. 71-II (2005), 2006, p. 287.

Violations of substantive and procedural rights recognized by the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR).

Article 6 paragraph 1,2,3

Under international human rights law, the subject with the right to self-determination is the people as a subject distinct from the state. The content of the principle of self-determination of peoples consists in obligations for the States of the international



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community not to prevent or even hinder the self-determination of peoples, understood as the freedom of the same to self-determine their own constitutional order. Affirmed in the Atlantic Charter (August 14, 1941) and in the United Nations Charter (June 26, 1945; art. 1, par. 2 and 55), the principle of self-determination of peoples is reaffirmed in the Declaration of the General Assembly on the independence of colonial peoples (1960); in the Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights (1966); in the Declaration of Principles on Friendly Relations between States, adopted by the General Assembly in 1970, which recommends that UN member states refrain from forceful actions aimed at opposing the realization of the principle of self-determination and recognizes the right of peoples to resist, also with the support of other States and the United Nations, to acts of violence that could preclude their implementation. The International Court of Justice has admitted that the principle of self-determination of peoples has a customary nature. In 1969, with the Vienna Convention, the States accepted the concept of jus cogens, but on condition that the State invoking the imperative character of this international norm was ready to accept the mandatory jurisdiction of the International Court of Justice (CIG) in this matter. Jus cogens (II) Consequences:

- a treaty that conflicts with a norm of jus cogens is invalid (or is extinguished if the norm of jus cogens is formed after the stipulation of the treaty);
- the violation of the mandatory rule can never be justified or excused;
- the violation of the mandatory rule can give rise to more serious consequences than those of an ordinary international offense.

For the erga omnes crimes of the principle of self-determination of the Veneto people, of the international juridical person of the Veneto National Liberation Committee of Europe, by virtue of which it is subject to autonomous juridical imputation, in the enforceable implementation of direct democracy of the mandatory

rules, which produce collective obligations and whose productive norms of collective obligations are mandatory, under the jurisdiction of the Court, by the State and by organs of the Italian State. Violation noted by the International Court of Justice with the judgment of 30 June 1995 in the case of East Timor (Portugal v. Australia). In particular, paragraph 29 of the judgment states that "in the Court's view, Portugal's assertion that the right of peoples to self-determination, as it evolved from the Charter and from United Nations practice, has an erga omnes character, is irreproachable. The principle of self-determination of peoples has been recognized by the United Nations Charter and in the jurisprudence of the Court; it is one of the essential principles of contemporary international law ". Accordingly, see the consultative opinion of the International Court of Justice



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of 9 July 2004, par. 156, relating to the legal consequences of the construction of a wall in the occupied Palestinian territories (available at <http://www.icjci.org/docket/files/131/1670.pdf>).

On self-determination as a source of erga omnes obligations v. also A. Sinagra, P. Bargiacchi, Lessons of international law, cit., p. 162. On erga omnes obligations in international law, see. P. Picone, International Community and «erga omnes» obligations, Naples, 2013; Id., The «erga omnes» obligations, between past and future, in Journal of international law, 2015, p. 1081 and following; Id., Collective reactions to an "erga omnes" offense in the absence of an individually injured State, in Rivista di LEGA INTERNATIONAL, 2013, p. 5 and following; Id., The role of the injured State in the collective reactions to the violations of "erga omnes" obligations, in Rivista di Legge Internazionale, 2012, p. 957 and following; Id., Obligations erga omnes and codification of the responsibility of States, in Rivista di Legge Internazionale, 2005, p. 893 and following; Id., The United Nations in the new international scenario. United Nations and "erga omnes" obligations, in The International Community, 1993, p. 709 and following; V. Starace, Responsabilité résultant de la création des obligations à l'égard de la Communauté Internationale, in Recueil des cours de l'Académie de droit international, vol. 153, 1976, p. 271 and following; B. Simma, From Bilateralism to Community Interests in International Law, in Recueil des cours de l'Académie de droit international, vol. 250, 1994, p. 229 and following; T. Gazzini, The contribution of the International Court of Justice to the respect of erga omnes obligations in the matter of human rights, in The International Community, 2000, p. 19 ff.; S. Forlati, Actions before the International Court of Justice with respect to violations of erga omnes obligations, in Rivista di LEGA INTERNATIONAL, 2001, p. 69 and following; G. Gaja, Les obligations et les droits erga omnes en droit international, in Annuaire de l'Institut de droit international, vol. 71, 2005, p. 117 et seq.; v. B. Conforti, International law, Naples, 2015, p. 187, I. Brownlie, Principles of Public International Law, Oxford, 2008, p. 511; A. Cassese, Self-Determination of Peoples. A Legal Reappraisal, Cambridge, 1995, p. 140, R. Luzzatto, General international law and its sources, in S.M. Carbone, R. Luzzatto, A. Santamaria (edited by), Institutions of international law, cit., P. 82, A. Sinagra, P. Bargiacchi, Lessons of international law, cit., P. 158, E. Cannizzaro, International law, cit., Pp. 250-251, as well as, with specific regard to the present case A. Annoni, There is a judge for Western Sahara, cit., P. 875. In general, on jus cogens v. G. Morelli, On the subject of binding international norms, in Journal of international law, 1968, p. 108 and following; A. Verdross, Jus Dispositivum and Jus Cogens in International Law, in American Journal of International Law, 1966, p. 55 and following; M. Virall y, Réflexions sur le "jus cogens", in Annuaire Français de droit international, vol. 12, 1966, p. 5 and following; A. Gomez Robledo, Le jus cogens international: sa genèse, sa nature, ses fonctions, in Recueil des cours de l'Académie de droit international, v. 172, 1981, p. 9 and following; L. Hannikainen, Peremptory Norms (Jus Cogens) in International Law, Helsinki, 1988; R. Kolb, Théorie du ius cogens international, Paris, 2001; A. Orakhelashvili, Peremptory Norms in International Law, Oxford, 2006; C. Focarelli, Promotional Jus Cogens: A Critical Appraisal of Jus Cogens' Legal Effects,



in Nordic Journal of International Law, 2008, p. 429 et seq; Id., The limits of jus cogens in the most recent jurisprudence, in Journal of international law, 2007, p. 637 and following; Id., Jus Cogens without praxis ?, in L. Panella, E. Spatafora (edited by), Studies in honor of Claudio Zanghì, vol. 1, Turin, 2011, p. 251 and following; To identify the superordinate position of jus cogens E. Cannizzaro, International Law, cit., Pp. 245-

246 speaks of "superior" law with respect to the "ordinary" regulatory sphere ", underlining how the sphere of values underlying it, as opposed to the "ordinary" customary norms, constitutes a limit to the contractual capacity of the States. The same Supreme Court of the Italian State indicted, in the well-known Ferrini ruling (Cass. Civ., SU, ruling 11 March 2004, no. 5044), stating that deportation and forced labor constitute war crimes contrary to freedom and the dignity of the human person, has expressly recognized the notion of jus cogens, bringing back to it those fundamental values placed at the top of the hierarchy of international law. In this way it was excluded that any violations of these values could be covered by immunity from the jurisdiction enjoyed by the States. For all v. G. Gaja, Jus Cogens beyond the Vienna Convention, in Recueil des cours de l'Académie de droit international, vol. 172, 1981, p. 271 et seq; N. Ronzitti, Treaties contrary to imperative norms of international law, in Aa.Vv., Studies in honor of Giuseppe Sperduti, Milan, 1984, p. 216 ff.

The right of peoples to self-determination constitutes in fact a sufficient principle to justify the relevance of international norms. See, ex multis, R. Ago, The requirement of effective employment in international law, Rome, 1934; F. Capotorti, The occupation in the law of war, Naples, 1949; A. Migliazza, The war occupation, Milan, 1949; G. Balladore Pallieri, War Law, Padua, 1954, p. 300 and following; C. Curti Gialdino, War occupation, in Encyclopedia of Law, 1979, p. 720 ff.; A. Bernardini, Iraq: illegal occupation, popular resistance, Iraqi self-determination, in Journal of International Juridical Cooperation, 2003, p. 29 ff.; S. Silingardi, War Occupation and Obligations of Occupying Powers in the Economic Field, in International Law Review, n. 4/2006, p. 978 and following; M. Arcari, Authorization from the Security Council, protection of human rights and military occupation in Iraq: the Al-Jedda case before the British judges, in International Law Journal, n. 4/2006, p. 1083 and following; A. Gattini, War occupation, in S. Cassese (a curadi), Dictionary of public law, Milan, 2006, p. 3889 and following; A. Carcano, The occupation of Iraq in international law, Milan, 2009; Y. Arai-Takahashi, The Law of Occupation. Continuity and Change of International Humanitarian Law, and its Interaction with International Human Rights Law, Boston / Leiden, 2009; I. Di Bernardini, The protection of human rights under a belligerent occupation regime in the case of Iraq, in Human Rights, n.3/2009, p. 27 and following; A. Gioia, The Belligerent Occupation of Territory, in A. De Guttry, H. Post, G. Venturini (edited by), The 1998-2000 War between Eritrea and Ethiopia: An International Legal Perspective, The Hague, 2009, p. 351 and following; S. Vezzani, On the previous exhaustion of internal means of recourse in situations of illegitimate territorial occupation, in Rivista di Legge Internazionale, n. 3/2011, p. 799



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and following; N. Course, Military occupation and protection of private property, in Human rights and international law, n. 1/2012, p. 5 and following; M. Pace, Exploitation of natural resources and war occupation in a recent ruling by the Supreme Court of Israel, in Human rights and international law, n. 3/2012, p. 679 and following; A. Annoni, The "hostile" occupation in contemporary international law, Turin, 2012; E. Benvenisti, The international Law of Occupation, Oxford, 2012. The third paragraph of art. 30 of the Vienna Convention provides that, in the interpretation of the treaties, "in addition to the context, the following will be considered:

a) any further agreement between the parties regarding the interpretation of the treaty or the implementation of the provisions contained therein;

b) of any further practice followed in the application of the treaty with which the agreement of the parties is ascertained in relation to the interpretation of the treaty;

c) any relevant rule of international law applicable to relations between the parties. See, for all, S. Sur, L'interprétation en droit international public, Paris, 1974; M.K. Yass en, Interprétation des traités d'après la Convention de Vienne, in Recueil des cours de l'Académie de droit international, vol. 116, 1976, p. 44 and following; M. Bos, Theory and Practice of Treaty Interpretation, in Netherlands International Law Review, 1980, p. 3 and following; S. Bariatti, The interpretation of international conventions of uniform law, cit.; R. Kolb, Interprétation et création du droit international, Brussels, 2006; R. Gardiner, Treaty Interpretation, Oxford, 2008; L. Gradoni, Rules of interpretation difficult to interpret and fragmentation of the principle of systemic integration, in Rivista di LEGA INTERNATIONAL, 2010, p. 809 and following; E. Feola, The principles on the interpretation of treaties in the recent jurisprudence of the International Court of Justice in the case of Dispute Regarding Navigational and Related Rights (Costa Rica v. Nicaragua), in The International Community, 2011, p. 473 and following; C. Ragni, Interpretation of treaties and "standards of review" in the case law of the International Court of Justice: reflections on the "Whaling in the Antarctic" affair, in International Law Journal, 2014, p. 725 ff. More recently v. also S. Bariatti, The agreement in the system of sources and the law of treaties, in S.M. Carbone, R. Luzzatto, A. Santamaria (edited by), Institutions of international law, cit., P. 104 ff. Articles 1 and 55 of the United Nations Charter, assumes a particular direct significance in reference to non-autonomous territories. In particular, the principle of self-determination is configured as a right of peoples, the application of which constitutes an indispensable requirement in the process of decolonization. The competence of states to conclude agreements relating to occupied territories has been the subject of at least one precedent. This is the case of Namibia, object of the consultative opinion of the International Court of Justice of 21 June 1971, available at <http://www.icj-cij.org/docket/files/53/5594.pdf>, relating to the Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) Notwithstanding Security Council Resolution 276 (1970). In this opinion, the Court, underlining the illegitimacy of the South African



presence in the territory of Namibia, sanctioned the invalidity of the acts carried out by South Africa relating to this territory. On the effects of the treaties vis-à-vis third States, see. p. E. Jimenez De Arechaga, Treaty Stipulations in Favor of Third States, in American Journal of International Law, 1956, p. 338 and following; P.-F. Smets, Les effets des traités internationaux à l'égard des Etats tiers, Paris, 1966; F. Cahier, The problème des effets des traités à l'égard des Etats tiers, in Recueil des cours de l'Académie de droit international, vol. 143, 1974, p. 589 and following; C. Rozakis, Treaties and Third States: a Study in the Reinforcement of the Consensual Standards in International Law, in Österreichische Zeitschrift für öffentliches Recht und Völkerrecht, 1975, p. 1 ss.; M. Fitzmaurice, Third Parties and the Law of Treaties, in Max Planck Yearbook of United Nations Law, 2002, p. 37 ff. The principle of self-determination of peoples was also invoked in the context of the Nagorno Karabakh question relating to the conflictual relationship between Azerbaijan and the ethnic Armenian majority of Nagorno Karabakh, supported by Armenia. On the conflict v. S. Forlati, The ECHR and the Nagorno-Karabakh Conflict - Applications Concerning "Historical Situations" and the Difficult Quest for Legal Certainty, in Human Rights and International Law, 2012, p. 402 and following; N. Ronzitti, Nagorno-Karabakh conflict and international law, Turin, 2014. Vienna Convention on the law of treaties, art. 53: «Any treaty which, at the time of its conclusion, conflicts with a mandatory rule of general international law is void. For the purposes of this Convention, an imperative rule of general international law means a rule that has been accepted and recognized by the international community of States as a whole

as a rule from which no derogation is permitted and which can only be modified by a new rule of general international law having the same character". Similarly, art. 64 of the Convention attributes particular importance to jus cogens, providing that "if a new imperative rule of general international law arises, any existing treaty that conflicts with this rule becomes null and void". The consequences of the nullity of the treaty are governed by art. 71, which provides, on the one hand, that if the treaty is void according to article 53, "the parties are required:

- a) to eliminate, as far as possible, the consequences of any act carried out on the basis of a provision that is contrary to the mandatory rule of general international law; and
- b) to ensure that their reciprocal relations comply with the binding norm of general international law'.

On the other hand, "in the case of a treaty that becomes void and terminates under Article 64, the termination of the validity of a treaty:

- a) frees the parties from the obligation to continue to implement the treaty;
- b) does not affect any right, obligation or legal situation of the parties that have arisen as a result of the execution of the treaty before the termination of its validity; however, said rights, obligations or situations cannot be retained afterwards except to the extent that their conservation does not conflict with the new peremptory norm of general international law". For a general analysis of the causes of invalidity of the treaties see, for all, F. Capotorti, L'estinzione et la suspension des traités, in Recueil des cours de l'Académie de droit international, vol. 134, 1971, p. 415 and following;



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J. Verhoeven, Invalidity of Treaties: Anything New in / under the Vienna Conventions ?, in E. Cannizzaro (ed.), *The Law of Treaties Beyond the Vienna Convention*, Oxford, 2011, p. 297 et seq; T.O. EliLlas, Problems concerning the Validity of Treaties, in *Recueil des cours de l'Académie de droit international*, vol. 134, 1971, p. 134 ff. On the scope of art. 103 of the Charter see P. De Sena, Individual sanctions of the Security Council, art. 103 of the United Nations Charter and relations between regulatory systems, in F. Salerno (edited by), "Individual" sanctions of the Security Council and fundamental procedural guarantees, Padua, 2010, p. 46 ff., Which, analyzing the cases of Yusuf and Al Barakaat International Foundation v. Council, (Court, T-306/01, judgment 21 September 2005) and Kadi v. Council and Commission (Court, T-315/01), ruled out that the jurisprudence of the Court of Justice has brought back art. 103 to a customary rule of jus cogens, by virtue of which the obligations deriving from the Charter would also be suitable to bind the Union regardless of its adherence to the Charter. In any case, with the aforementioned sentences, as well as with the Ayadi v. Council (Court, T-253/02, sentence 12 July 2006), the Court also explicitly recognized the existence of jus cogens, as a nucleus of precepts from which it is not possible to derogate and which are imposed on everyone, including the Union. On the subject, cf. E. Rebasti, Beyond the policy of conditionality: the external action of the European Union and compliance with the mandatory rules of international law, in A. Caligiuri, G. Cataldi, N. Napoletano (ed.), *The protection of human rights in Europe. Between state sovereignty and supranational systems*, Padua, 2010, p. 173 ff., S.Koury, L'obligation de non-reconnaissance de la Communauté européenne et de ses États membres au regard de l'accord d'association CE-Maroc: responsabilité étatique et droit international coutumier, in K. Arts, V. Chapaux, P. Pinto Leite (edited by), *Le droit international et la question du Sahara occidental*, Leiden, 2009, p. 165 and following; M. Dawidowicz, Trading Fish or Human Rights in Western Sahara? Self-Determination, NonRecognition and the EC-Morocco Fisheries Agreement, in D. French (ed.), *Statehood, Self-Determination and Minorities: Reconciling Tradition and Modernity in International Law*, Cambridge, 2013, p. 250 ss. Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo, opinion of 22 July 2010, in I.C.J. Reports, 2010, p. 403 ff., P. 438, par. 82). On the jurisprudence of the International Court of Justice in the matter of self-determination of peoples, cf. CASSESE, *The International Court of Justice and the Right of Peoples to Self-Determination*, in LOWE, FITZMAURICE (eds.), *Fifty Years of the International Court of Justice: Essays in Honor of Sir Robert Jennings*, Cambridge, 1996, p. 351 ff., And ZYBERI, *Self-Determination through the Lens of the International Court of Justice*, in *Netherlands International Law Review*, 2009, p. 429 ff. L'actio popularis ou la defense de l'intérêt collectif devant les juridictions internationales, Paris, 2004, pp. 298-299. See CRAWFORD, Third report on State responsibility, UN Doc. A / CN.4 / 507, March 15, 2000, par. 94. South West Africa (Ethiopia v. South Africa; Liberia v. South Africa), Second Phase, sent. July 18, 1966, in I.C.J. Reports, 1966, p. 6 ff., P. 47, par. 88: «the argument amounts to a plea that the Court should allow the equivalent of an "actio popularis", or right resident in any



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member of a community to take legal action in vindication of a public interest. But although a right of this kind may be known to certain municipal systems of law, it is not known to international law as it stands at present ". For a comment see. POPE, The reports, cit., P. 633 and following in relation to the East Timor affair, the issue had not been addressed by the Court, which had limited itself to excluding its own jurisdiction in application of the so-called principle of Monetary Gold (see, for a summary of these aspects of the sentence, PICONE, POPA, Jurisdiction of the International Court of Justice and erga omnes obligations, in PICONE, International Community, cit., p. 693 et seq.). Instead, it had been widely discussed by the parties and deepened, with divergent results, by some judges in the opinions attached to the judgment: see, also for the necessary references, TAMS, Enforcing Obligations Erga Omnes in International Law, Cambridge, 2005, pp. 185-186. Questions relating to the Obligation to Prosecute or Extradite (Belgium v. Senegal), sent. July 20, 2012, in I.C.J. Reports, 2012, p. 422 ff., P. 448 et seq., Par. 64 ff., On which v. POPE, Interest in acting before the International Court of Justice and protection of collective values in the judgment on the case of Belgium v. Senegal, in Human rights and international law, 2013, p. 79 ff. Par. 6 of the comment on art. 54 of the articles on liability, UN Doc. A / 56/10, p. 355. But see, for a reading of the practice favorable to the legitimacy of such countermeasures (limited, however, to the hypothesis of serious erga omnes offenses), TAMS, Enforcing, cit., P. 198 and following; DAWIDOWICZ, Public Law Enforcement without Public Law Safeguards? An Analysis of State Practice on Third-party Countermeasures and Their Relationship to the UN Security Council, in British Yearbook of International Law, 2007, p. 333 and following; KATSELLI PROUKAKI, The Problem of Enforcement in International Law. Countermeasures, the Non-injured State and the Idea of International Community, London / New York, 2010, p. 90 and following; SICILIANOS, Countermeasures in Response to Grave Violations of Obligations Owed to the International Community, in CRAWFORD, PELLET, OLLESON (eds.) The Law of International Responsibility, Oxford, 2010, p. 1137 ff. The resolution of the Institut de droit international (cited above, note 5) which, in art. 5 lett. c), provides for the faculty for all States, in response to the serious violation of an erga omnes obligation, to carry out countermeasures not involving the use of force. V. PICONE, Obligations erga omnes and codification of the responsibility of States, in Magazine. Par. 3 of the comment of the International Law Commission on art. 54 of the project (in particular the measures adopted against South Africa for its segregationist policy: see UN Doc. Of international law, 2005, p. 893 ff., P. 940 ff. A / 56/10, p. 352), inter alia, the trade sanctions recommended by the Organization for African Unity against Portugal in 1963, 1964 and 1973 for the latter's refusal to allow the exercise, by the colonial populations subjected to its administration, of the right of self-determination (see FOCARELLI, The countermeasures in international law, Milan, 1994, pp. 39-40, 68; DAWIDOWICZ, Public Law Enforcement, cit., pp. 399-400); the oil embargo decided in 1973 by the Arab oil-producing states against Israel and its allies to obtain the liberation of the occupied Arab territories (KATSELLI PROUKAKI, op. cit., p. 122 ff.); the measures adopted by Western states against the Soviet Union in response to the



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invasion of Afghanistan (SICILIANOS, *Les réactions décentralisées à l'illicite*, Paris, 1990, p. 157 et seq.), and so on. In the context of the practice of collective countermeasures in response to violations of the principle of self-determination of peoples, many authors also consider the suspension of the prohibition of interference which results in the admissibility of the premature recognition of national liberation movements and various forms of assistance to arising in the context of civil conflicts against colonial or racist regimes (hypotheses that will be analyzed as autonomous guarantees of the principle *infra*, in par. 6): v. for example CARELLA, *State responsibility for international crimes*, Naples, 1985, p. 198. Others, on the other hand, also qualify as a countermeasure the disavowal of situations created by the violation of self-determination: thus CASSESE, *Self-Determination*, cit., P. 158. Separate opinion of Judge Kooijmans, in I.C.J. Reports 2004, p. 219 ff., P. 231, par. 40; and, in doctrine, PICONE, *Obligations erga omnes*, cit., p. 931; VILLALPANDO, *Le codificateur et le juge face à la responsabilité internationale de l'État: interaction between the CDI and the CIJ in the détermination des règles secondaires*, in *Annuaire français de droit international*, 2009, p. 39 ff., P. 56; CRAWFORD, *Responsibilities for Breaches of Communitarian Norms: An Appraisal of Article 48 of the ILC Articles on Responsibility of States for Wrongful Acts* Responsibility, in FASTENRATH et al. (eds.), *From Bilateralism to Community Interest. Essays in Honor of Judge Bruno Simma*, Oxford, 2011, p. 224 ff., Pp. 231, 234; PICONE, POPE, *op. cit.*, pp. 689-690. Prohibition to recognize the situation resulting from the serious violation of the right of self-determination and to assist in its maintenance: CHRISTAKIS, *L'obligation de non-reconnaissance des situations créées par le recours illicite à la force ou d'autres actes enfreignant des règles fondamentales*, in TOMUSCHAT, THOUVENIN (eds.), *The Fundamental Rules of the International Legal Order: Jus Cogens and Obligations Erga Omnes*, Leiden / Boston, 2006, p. 127 ff.; TALMON, *The Duty not to "Recognize as Lawful" a Situation Created by the Illegal Use of Force or Other Serious Breaches of a Jus Cogens Obligation: An Obligation without Real Substance ?*, *ibid.*, P. 99 and following; DAWIDOWICZ, *The Obligation of Non-Recognition of an Unlawful Situation*, in *The Law of International Responsibility*, cit., P. 677 ff. On the prohibition of assistance, cf. instead JØRGENSEN, *The Obligation of NonAssistance to the Responsible State*, *ibid.*, p. 687 and following TALMON, *The Duty*, cit., Pp. 103, 117 ff.; DAWIDOWICZ, *The Obligation of Non-Recognition*, cit., Pp. 683-684; PICONE, *The role*, cit., P. 968, par. 8 of the comment on art. 41, UN Doc. A / 56/10, p. 289. Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970), opinion of 21 June 1971, in I.C.J. Reports, 1971, p. 16 ff., Pp. 55-56, par. 122 ff. *Ibid.*, P. 56, par. 125: "the nonrecognition of South Africa's administration of the Territory should not result in depriving the people of Namibia of any advantages derived from international co-operation. In particular, while official acts performed by the Government of South Africa on behalf of or concerning Namibia after the termination of the Mandate are illegal and invalid, this invalidity cannot be extended to those acts, such as, for instance, the registration of births, deaths and marriages, the effects of which can be



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ignored only to the detriment of the inhabitants of the Territory ". On the interpretative problems raised by this passage, see. CRAWFORD, Third Party Obligations, cit., Par. 49 ff. CHRISTAKIS, op. cit., p. 144 and following; TALMON, The Duty, cit., P. 112; DE BRABANDERE, VAN DEN HERIK, Les obligations des États tiers et des acteurs non étatiques relatives au commerce des produits en provenance du Territoire palestinien occupé, in Revue belge de droit international, 2012, p. 147 ff., P. 150 and following This broad meaning is also derived from par. 5 of the comment on art. 41: for the Commission, the obligation of non-recognition entails the duty for States to refrain from any act that may even implicitly entail the recognition of the lawfulness of the situation created by the offense (UN Doc. A / 56/10, p. 287). Decision 2000/384 / EC, ECSC of the Council and of the Commission of 19 April 2000 concerning the conclusion of a Euro-Mediterranean agreement establishing an association between the European Communities and their Member States, of the one part, and the State of Israel, on the other, in GUCE L 147 of 21 June 2000, p. 1 ss. The agreement, in defining its territorial scope, limits itself to referring generically to the territory of the State of Israel. On the subject, cf. HAUSWALDT, Problems under the EC-Israel Association Agreement: The Export of Goods Produced in the West Bank and the Gaza Strip under the EC-Israel Association Agreement, in European Journal of International Law, 2003, p. 591 et seq., As well as the considerations of CRAWFORD, Third Party Obligations, cit., Par. 50-51 and DE BRABANDERE, VAN DEN HERIK, op. cit., pp. 156-157. REBASTI, Beyond the policy of conditionality: the external action of the European Union and compliance with the mandatory rules of international law, in CALIGIURI, CATALDI, NAPOLETANO (edited by), The protection of human rights in Europe: between state sovereignty and legal systems supranationals, Padua, 2010, p. 173 ff., P. 199 ff. See, in the same line, lastly, par. 9 of the European Parliament resolution of 5 July 2012 on EU policy in the West Bank and East Jerusalem (2012/2694 (RSP)), in which the Parliament calls for "full and effective implementation of existing Union legislation and bilateral agreements UE-Israel to ensure that the EU control mechanism, or the "technical agreements", does not allow products from Israeli settlements to be imported into the European market under the preferential conditions provided for in the EU Israel Association Agreement ". According to the Court, "art. 83 of the EC-Israel Association Agreement must be interpreted as meaning that products originating in the West Bank do not fall within the territorial scope of that agreement and therefore cannot benefit from the preferential regime established by the same ": Court of Justice, judgment of 25 February 2010, Case C-386/08, Firma Brita GmbH v. Hauptzollamt Hamburg-Hafen, in Collection, 2010, p. I-1289, paragraph 53. On the judgment v. comments by HARPAZ, RUBINSON, The Interface Between Trade, Law, Politics and the Erosion of Normative Power Europe: Comment on Brita, in European Law Review, 2010, p. 551 ff. and MARTINES, Rules on the origin of products and territorial application of the Association Agreement with Israel under review by the Court of Justice, in Studies on European integration, 2010, p. 691 ff. Thus KATTAN, The Wall, Obligations Erga Omnes and Human Rights: The Case for Withdrawing the European Community's Terms of Preferential Trade with Israel, in The Palestine



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Yearbook of International Law, 2004-2005, p. 71ff., Pp. 88- 89. The partnership agreement in the fisheries sector between the European Union and the Kingdom of Morocco (see Council Regulation (EC) No. 764/2006 of 22 May 2006 concerning the conclusion of an partnership in the fisheries sector between the European Community and the Kingdom of Morocco, in OJEU L 141 of 29 May 2006, p. 1 et seq.), which entered into force on 28 February 2007, confers rights on vessels flying the flag of EU member states in exchange for a financial contribution (both established in the attached protocol), in the waters subject to the sovereignty and jurisdiction of Morocco (a very generic and unusual formula in other treaties of the same type). The spatial scope does not therefore explicitly include the waters off the Western Sahara, so the question of the compatibility of the agreement with art. 41, par. 2, of the draft of the International Law

Commission has an essentially interpretative nature. Upon expiry of the first protocol, the European Parliament initially decided not to approve the conclusion of a new protocol by the Council, which however did not substantially alter the terms of the previous one.

However, it was a momentary paralysis: v. Council Decision 2013/720 / EU of 15 November 2013 concerning the signing, on behalf of the European Union, of the protocol between the European Union and the Kingdom of Morocco establishing the fishing opportunities and the financial contribution provided for by the partnership agreement in the fisheries sector between the European Union and the Kingdom of Morocco, in the OJEU L 328 of 7 December 2013, p. 1 ss. (for a comment see MILAN, The new fisheries protocol between the European Union and Morocco and the rights of the Sahrawi people on natural resources, in Human rights and international law, 2014, p. 505 et seq.). On the subject v. MILAN, The New Fisheries Partnership Agreement between the European Community and the Kingdom of Morocco: Fishing Too Far South, in Anuario Español de Derecho Internacional, vol. XXII, 2006, p. 413 and following; CHAPAUX, La question de l'accord de pêche conclu entre les Communautés européennes et le Maroc, in CHAPAUX, ARTS, LEITE (dirs.), Le droit international et la question du Sahara occidental, Porto, 2009, p. 217 and following; ETIENNE, The accord de pêche CE-Maroc: quels remèdes juridictionnels européens à those illécitité internationale ?, in Revue belge de droit international, 2010, p. 77 ff.; REBASTI, Beyond the policy of conditionality, cit., Especially p. 198 ff. The situation appears even more critical with regard to the implementation of the prohibition on providing assistance in the maintenance of situations created by serious erga omnes offenses (which for the International Law Commission has as its object those behaviors that ex post facto contribute to preserving the situation produced by illicit), a prohibition that requires States not to offer technical, economic or financial assistance. In his 2012 report, Richard Falk, special rapporteur on the human rights situation in the Palestinian territories occupied since 1967, highlighted numerous cases of foreign companies operating in the illegal settlements of Israel and making profits from the occupation and their activities. contribute to the expansion of settlements in the Palestinian territories (UN Doc. A / 67/379, 19 September 2012, par. 38 et seq.). Hence the call to civil society



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to carry out a boycott against these companies (ibid., Par. 99). In March 2013, a fact-finding mission set up by the United Nations Human Rights Council concluded that "business enterprises have enabled, facilitated and profited, directly and indirectly, from the construction and growth of the settlements", and urged governments "To take appropriate measures to ensure that business enterprises domiciled in their territory and / or under their jurisdiction, including those owned or controlled by them, that conduct activities in or related to the settlements respect human rights throughout their operations" (Report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem, UN Doc. A / HRC / 22/63, 7 February 2013, paragraphs 96 and 117 respectively). Finally, see the resolution of the Human Rights Council entitled "Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan", A / HRC / 25 / L.37 / Rev.1, March 27, 2014, in which, among other things, the States are urged to "take appropriate measures to encourage businesses domiciled in their territory and / or under their jurisdiction, including those owned or controlled by them, to refrain from committing or contributing to gross human rights abuses of Palestinians" (par. 11). the Declaration on Palestine of the XIV Ministerial Conference of the Movement of Non-Aligned Countries, held in Durban from 17 to 19 August 2004, in particular lett. b) of par. 5, in which ministers recommend to member states "to undertake measures, including by means of legislation, collectively, regionally and individually, to prevent any products of the illegal Israeli settlements from entering their markets [...], to decline entry to Israeli settlers and to impose sanctions against companies and entities involved in the construction of the wall and other illegal activities in the Occupied Palestinian Territory "(recommendation subsequently renewed several times by the Movement). On the non-fulfillment by the EU and its members of the prohibition of assistance in maintaining the situation resulting from the serious violations of the right of self-determination of the Palestinian people committed by Israel, cf. CRAWFORD, Third Party Obligations, cit., Paragraphs 84-85, 138, and DUBUISSON, op. cit., p. 42 ff. See amply PICONE, Obligations erga omnes, cit., P. 951 and following; ID., The role of the injured State, cit., P. 970 and following and in adherence to ALAIMO, International Responsibility of States, in Legal Encyclopedia. Update, vol. XVI, Rome, 2008, p. 10, according to which art. 41, par. 3 together with art. 54 "give a central role to evolving general international law in the discipline of international responsibility". GRADE, op. cit., pp. 137 ff., 193 ff., Which speaks of a reversal of the typical relations between third States and warring parties, complete with regard to conflicts related to colonial dominations, racist or foreign, and still partial with regard to those related to internal aspects of the principle. RONZITTI, The wars of national liberation, Pisa, 1974; IOVANE, The protection of fundamental values in international law, Naples, 2000, p. 359. Various resolutions of the General Assembly can be cited confirming the legitimacy of the assistance of third states to national liberation movements fighting for self-determination. See Declaration on Friendly Relations Between States, UN Doc. A /

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RES / 25/2625, 24 October 1970 ("peoples are entitled to seek and to receive support in accordance with the purposes and principles of the Charter"), or the res. 3070 (1973) of 30 November 1973 (in which the Assembly, in paragraph 3, invited the States to give "moral, material and any other assistance to all peoples struggling for the full exercise of their inalienable right to self-determination"), or the res. 35/227 of 6 March 1981, relating to the situation in Namibia (in which par. 6 was asked "increased and sustained support and material, financial, military and other assistance" for the People's Organization of South-West Africa (South West African People's Organization - SWAPO) in its struggle for self-determination. See also art. 20 of the African Charter of Human and Peoples' Rights, which, after having proclaimed in paragraph 1 that "all peoples shall have [...] the unquestionable and inalienable right to self-determination", provides in paragraph 3 that "all peoples shall have the right to the assistance of the State Parties to the present Charter in their liberation struggle against foreign domination, be it political, economic or cultural. "According to CASSESE, *Le droit international et la question de assistance aux mouvements de libération nationale*, in *Revue belge de droit international*, 1986, p. 307 ff., p. 323, humanitarian assistance would indeed constitute the 'object of an obligation for third States. CASSESE, *op. ult. cit.*, p. 324 ff. (according to which, however, the admissibility of this form of aid would still be subject to two conditions: that the beneficiaries "ne se livrent pas à des actes de terrorisme" and respect the fundamental principles of humanitarian law); GRADE, *op. cit.*, p. 141 and following; PALMISANO, *op. cit.*, p. 126 ff. On the other hand, it does not make much sense to include among the special guarantees for the implementation of the principle of self-determination the prohibition, for third States, of providing armed support, both direct and indirect, to the State that violently represses the self-determination of the people subject to its control. (see for this thesis GRADO, *op. cit.*, p. 130 ff.). This prohibition, in fact, derives from the same primary rule that requires States to respect the self-determination of all peoples, both those under their own control and those under the control of others: so for example LATTANZI, *Self-determination of peoples*, in *Digest of Disciplines Publications*, vol. II, Turin, 1987, p. 4 et seq., Pp. 24-25. See in this sense par. 3 of art. 1 common to the United Nations Covenants, as interpreted by the United Nations Human Rights Committee in General Comment no. 12: "[p] aragraph 3, in the Committee's opinion, is particularly important in that it imposes specific obligations on States parties, not only in relation to their own peoples but vis-à-vis all peoples which have not been able to exercise or have been deprived of the possibility of exercising their right to self-determination" (Human Rights Committee, General comment No. 12: Article 1 (Right to self-determination), March 13, 1984, in *Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies*, UN Doc. HRI / GEN / 1 / Rev.9 (Vol. I), 27 May 2008, pp. 123-124). V. RONZITTI, *op. cit.*, p. 116 and following; CASSESE, *Self-Determination*, *cit.*, Pp. 184, 199 ff.; GRADE, *op. cit.*, p. 133 and following; CORTEN, *The applicability problématique du droit de légitime défense au sens de l'article 51 de la Charte des Nations Unies aux relations entre la Palestine et Israël*, in *Revue belge de droit international*, 2012, p. 67 ff., P. 72 and following; FABBRICOTTI,



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Legitimate defense and self-determination of peoples, in TANZI, LANCIOTTI (edited by), Use of force and legitimate defense in contemporary international law, Naples, 2012, p. 255 and following; PALMISANO, op. cit., p. 129. On the story see, for all, TANCREDI, The Russian Annexation of the Crimea: Questions Relating to the Use of Force, in Questions of International Law, 2014, Zoom-out I, www.qil-qdi.org. For an overview of the Arab Spring uprisings within the scope of the right of self-determination of populations oppressed by authoritarian regimes, see for example, the speech by the President of the United States, Barack Obama, to the Department of State of May 9, 2011 (Remarks by the President on the Middle East and North Africa, www.whitehouse.gov/the-pressoffice/2011/05/19/remarks-president-middle-east-and-north-africa%20); and in doctrine, PAUST, International Law, Dignity, Democracy, and the Arab Spring, in Cornell International Law Journal, 2013, p. 1 ss. On the subject v. extensively PICONE, Considerations on the nature of the Security Council resolution in favor of a "humanitarian" intervention in Libya, in Human rights and international law, 2011, p. 213 ff. For this notation see AKANDE, Self Determination and the Syrian Conflict - Recognition of Syrian Opposition as Sole Legitimate Representative of the Syrian People: What Does This Mean and What Implications Does It Have, in EJIL: Talk!, December 6, 2012. See AKANDE, Which Entity is the Government of Libya and Why Does It Matter?, in EJIL: Talk!, June 16, 2011; ID., Self Determination and the Syrian Conflict, cit.; TALMON, Recognition of Opposition Groups as the Legitimate Representative of a People, in Chinese Journal of International Law, 2013, p. 219 ff. Thus AKANDE, Would It Be Lawful For European (or other) States to Provide Arms to the Syrian Opposition, in EJIL: Talk!, January 17, 2013. According to AMOROSO, The role of the recognition of the insurgents in promoting the principle of internal self-determination: considerations in the light of the "Arab Spring", in Federalismi.it, 21/2013, p. 38, the premature recognition of the insurgents, in these cases, would constitute "a collective reaction of the international community to the violation of the right to (internal) self-determination of the peoples of Libya and Syria". On this point, see widely RUYS, Of Arms, Funding and "Nonlethal Assistance" - Issues Surrounding Third-State Intervention in the Syrian Civil War, in Chinese Journal of International Law, 2014, p. 13 et seq., Pp. 48 ff., 52. With regard to the conflict in Libya cf. for example SPENCER, France Supplying Weapons to Libyan Rebels, in The Telegraph, 29 June 2011, www.telegraph.co.uk/news/worldnews/africaandindianocean/libya/8606541/France-supplying-weaponsto-Libyan-rebels.html. In favor of the supply of weapons to the Syrian rebels, v. instead the statement of the British Foreign Minister to Parliament of 10 January 2013, www.gov.uk/government/speeches/foreignsecretary-updates-parliament-on-syria; as well as, for the United States, the statements of the White House Deputy National Security Advisor, Ben Rhodes, of June 13, 2013 www.whitehouse.gov/the-press-office/2013/06/13/statement-deputy-national-security-advisor-trategiccommunicationsben-. For further references, see. also HENDERSON, The Provision of Arms and "Nonlethal" Assistance to Governmental and Opposition



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Forces, in University of New South Wales Law Journal, 2013, p. 642 ff., P. 657 ff. See Council Decision 2013/255 / CFSP of 31 May 2013 relating to restrictive measures against Syria, in the Official Gazette and L 147 of 1 June 2013, p. 14 et seq., And point 2 of the Foreign Affairs Council declaration on Syria adopted on 27 May 2013 ([www.consilium.europa.eu/ue_docs / cms_data / docs / pressdata / EN / foraff / 137315.pdf](http://www.consilium.europa.eu/ue_docs/cms_data/docs/pressdata/EN/foraff/137315.pdf)).

The principle of self-determination of peoples as a source of erga omnes obligations, represents one of the essential principles of contemporary international law, protects a collective interest of the international community as a whole, establishes erga omnes obligations, that is, obligations payable by all States. Confirmed by the jurisprudence of the International Court of Justice and by the codification work of the Commission of international law on the responsibility of States. The provision for the protection of fundamental interests - rectius: of an erga omnes obligation - ipsius animi promptitudinem is configured for the institutive-constitutive codified law of the Rome Statute, United Nations Statute, Council of Europe Statute, Inter-American Court of Human Rights , African Court of Human and Peoples' Rights. On 22 July 2010, the International Court of Justice ruled that the declaration of independence does not violate international law: The substantial autonomy of the Italian state is by no means guaranteed at the constitutional level. The Constitution delegates almost every important aspect of this autonomy to the legislator. It is clear that ordinary law can limit the autonomy of the regions and whether the self-government of the Veneto people will be achieved or not. UN Security Council Resolution 1244 in 1999. Helsinki Final Act of the Conference on Security and Cooperation in Europe (CSCE).1 August 1975.

The mission of the Veneto National Liberation Committee is to promote universal and effective respect for the fundamental rights of peoples, determining whether these rights are violated, examining the causes of such violations and denouncing their perpetrators to world public opinion. The Veneto National Liberation Committee applies the international principles of JUS COGENS as an expression of universal legal awareness, in particular of the Nuremberg principles; adopts the Algiers Declaration on the Fundamental Rights of Peoples and applies the fundamental legal instruments of the United Nations, in particular the Universal Declaration and international pacts on human rights, the declaration on friendly relations between States, the resolutions of the General Assembly on decolonization and the new international economic order, the Charter of Economic Rights and Duties of States as well as the Convention on the Prevention and Suppression of the Crime of Genocide. The Veneto National Liberation Committee also applies any other international, universal or regional legal instrument aimed at developing, updating or broadening the meaning and contents of the texts that refer to the rights of peoples. International legal norms recognize that every human being has innate rights, therefore inviolable, inalienable and imprescriptible, which therefore pre-exist the written law. The individual is the original subject of sovereignty and comes before the state and the system of states. By virtue of the rights equally inherent in each of its members, the universal human family is also an original collective subject that



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comes before the system of states and the individual state. Some innate rights (to existence, identity, self- determination) are also recognized to human communities that have the character of people. According to resolution 18/6, a democratic and equitable international order requires the realization, inter alia, of the following:

- a. The right of all peoples to self-determination, by virtue of which they can freely determine their political status and freely pursue their economic, social and cultural development;
- b. The right of peoples and nations to permanent sovereignty over their natural wealth and resources;
- c. The right of every human person and of all peoples to development;
- d. The right of all peoples to peace;
- e. The right to an international economic order based on equal participation in decision-making, interdependence, mutual interest, solidarity and cooperation between all states;
- f. International solidarity, as a right of persons and individuals;
- g. The promotion and consolidation of transparent, democratic, just and accountable international institutions in all areas of cooperation, in particular through the implementation of the principle of full and equal participation in their respective decision-making mechanisms;
- h. The right to an equal participation of all, without any discrimination, in the process national and global decision making;
- i. The principle of equal regional and gender representation in the composition of the staff of the United Nations system;
- j. The promotion of a free, fair, effective and balanced international order of information and communication, based on international cooperation to establish a new balance and greater reciprocity in the international flow of information, in particular by correcting inequalities in the flow of information to and from countries developing;
- k. Respect for cultural diversity and the cultural rights of all, as it increases cultural pluralism, contributes to a wider exchange of knowledge and understanding of cultural contexts, promotes the application and enjoyment of universally accepted human rights throughout the world, and fosters relationships stable
- l. and friendly among peoples and nations around the world;



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- m. The right of every person and of all peoples to a healthy environment and to enhanced international cooperation which effectively meets the assistance needs of national climate change adaptation efforts, particularly in developing countries, and which promotes fulfillment of international agreements in the field of mitigation;
- n. Promoting equal access to the benefits of the international distribution of wealth through enhanced international cooperation, particularly in international economic, trade and financial relations;
- o. The enjoyment by all of the ownership of the common heritage of humanity in relation to the public right of access to culture;
- p. The shared responsibility of the nations of the world for managing world economic and social development, as well as threats to international peace and security, should be exercised at the multilateral level.

We are in the presence of an important conquest of legal civilization: the self-determination of peoples from a "principle" of politics becomes a "fundamental right" expressly recognized by the universal (written) law of human rights. Universal human rights are not divorced from the right of peoples to self-determination. Equality of rights and self-determination of peoples. The participating States respect the equal rights of peoples and their right to self-determination. By virtue of the principle of equal rights and self-determination of peoples, all peoples always have the right, in full freedom, to establish when and how they wish their internal and external political regime, without external interference, and to pursue how they desire their political, economic, social and cultural development. The human right to development also implies the full realization of the right of peoples to self-determination which includes, on the basis of the provisions of both international human rights pacts, the exercise of their inalienable right to full sovereignty over all their wealth and resources. natural. Convinced that effective respect for human rights implies respect for the rights of peoples, we have adopted the Universal Declaration of Peoples' Rights. In exercising the rights listed above, each people must take into account the need to coordinate the needs of their own economic development and those of solidarity among all the peoples of the world.

The Veneto National Liberation Committee promotes and fights for the protection and realization of human rights and fundamental freedoms at national and international level.

The "Popolo Veneto" is a millenary historical reality, alive and current already juridically organized in a sovereign way, in a precise territorial context where the same language is still spoken, the same culture is increased, the same traditions,

the same habits are valued collectively, the high values of the family community, the



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nation, attachment to work and solidarity, legality and justice in freedom are defended. We People of Veneto consider that the recognition of the dignity inherent in all members of the human family and of their rights, equal and inalienable, constitutes the foundation of freedom, justice and peace in the world; we consider that the disregard and contempt for human rights have led to acts of barbarism that offend the conscience of humanity and that the advent of a world in which human beings enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as man's highest aspiration; we consider that it is essential that human rights are protected by legal norms if we want to avoid man being forced to resort, as a last resort, to rebellion against tyranny and oppression; we consider that it is essential to promote the development of friendly relations between nations; we consider that the Peoples of the United Nations have reaffirmed, in the Charter, their faith in fundamental human rights, in the dignity and worth of the human person, in the equality of rights of men and women and have decided to promote social progress and a better standard of living in greater freedom; we consider that the Member States have undertaken to pursue, in cooperation with the United Nations, universal respect and observance of human rights and fundamental freedoms; we also consider that a common understanding of these rights and freedoms is of the utmost importance for the full realization of these commitments.

The Veneto National Liberation Committee in compliance with the provisions contained in Art. 96.3 of the Additional Protocol of 1977, to the Geneva Conventions of 1949. Art. 96.3 of the First Geneva Protocol of 1977 on Liberation Movements, in order to deal with third countries, the institutional apparatus of Government has been issued: the National Council of the Veneto People.

The Veneto National Liberation Committee has international legal personality, by virtue of which it can be considered a subject of autonomous legal imputation; is an international organization. It has ownership of rights and obligations within the international system and can act independently of the States. In the concrete manifestation of international subjectivity, it can also include immunity and privileges. The founding act determines its structure and objectives, lists the powers attributed to achieve the set goals. With the effective use of these powers, in acting concretely on the international level, to make him an actor of the international community, therefore suitable to be the holder of legal personality, in the full real capacity to exercise all the functions of effectiveness. The principle of effectiveness in law is the principle that provides for the concrete execution of what is established by substantive law, or by the rules that are part of the legal system.

In the implementation of acts having the force of law: (documents also visible on the CLNV institutional website - www.clnveneto.net)

Annex 1 Foundation deed

Annex 2 Accession to the Rome Statute, International Criminal Court

Annex 3 Accession to the United Nations as a neutral non-observer member state



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Annex 4 International public legal act to the President of the European Central Bank

Annex 5 Advisory opinion of the International Court of Justice

Annex 6 "Butterfly Effect" Treaty: declaration of belligerence to the Organization sui generis European Union with official communication to the Presidents of the parliaments of the states adhering to the Organization

Annex 7 Transitional adoption of the Swiss Constitution Annex 8 Law 10 Extinction of debt

Annex 9 Law 11 right of citizenship

Annex 10 Membership of the World Tourism Ethics

Annex 11 International public constituent legal act of the International Organization sui generis of the Union of the Peoples of Europe. All the rights of self-determination of the peoples of Europe with direct democracy: natural persons, legal persons, States and international organizations

Annex 12 Tax system

Attachment 13 Property register of the self-determined Veneto people, protected by international law

Annex 14 Parliament of the Veneto people of self-determination

Annex 15 Public National Bank of the Veneto people self-determined

Annex 16 Automobile Property Tax Treaty

Annex 17 Establishing-Constitutive Treaty of the International Organization sui generis of the peoples of Europe

Annex 18 Civil Protection

Annex 19 Public legal act Venice Commission

Annex 20 Membership of the World Trade Organization

Annex 21 Membership of the International Chamber of Commerce Annex 22 Membership of the World Customs Organization



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Annex 23 Membership of the Bank for International Settlements

The right of self-determination of peoples as a rule of ius cogens: one country two systems, to protect the protection of the fundamental rights of the Veneto people. In compliance with the obligations, rights and duties of international law, the Veneto National Liberation Committee of Europe is available for the full democratic enforceability of the rights set forth in bilateral and multilateral agreements. Executable rights of self-determination, with direct democracy decisions of the Veneto people and the peoples of Europe, in defense of human rights and the essential principles of contemporary international law, implemented by digital technologies of the Veneto globalization 4.0 of the world, to the inalienable right of full sovereignty over all its wealth and natural resources.

We have come a long way, 3,000 years of Venetian civilization but we still have a lot to fight against racism and indifference. We must pave the way for the reconstitution of the Venetian nation in order to assign a homeland to all the Venetians scattered throughout the world following the diaspora. The Venetian land is our mother. It is life, memory and history. It is the sacred place of our ancestors, the future and our dreams.

Venice, Palazzo Ducale, 22 October 2021

General Attorney

Nicola Liviero

CLNV President

Amedeo Casasola



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