



COMITATO LIBERAZIONE NAZIONALE VENETO D'EUROPA  
PROCURA DELLA CONFEDERAZIONE VENETA



# VENETIAN REPUBLIC

## Attorney General of the Venetian Republic

Venice, 18/05/2023

Prot. No. PRO2023052000011

### Senders

Attorney General of the Venetian Republic

- State Protection Division of the Public Ministry.

The Attorney General for the protection of the Veneto State, His Excellency Nicola Liviero, having heard the favorable opinion of the Committee of experts on international law of the Veneto National Liberation Committee, of the President of the government executive of the Council of Ministers, of the President of the Veneto Parliament and of the Governor of the Banca Nazionale Veneta, in his capacity as Attorney General of the Veneto People's Court, has decided to implement the action of updating the prosecution evidence documents in order to improve the solidity of the evidence supporting the allegations in criminal trials. In particular, it is planned to carry out a thorough review of the documents and testimonies collected during the preliminary investigations and to evaluate their validity and relevance for the purposes of the prosecution. Particular attention will be given to gathering new evidence that can strengthen the prosecution case. In addition, the Attorney General said the prosecutor's office will work closely with environmental police law enforcement agencies to ensure that all available evidence is collected accurately and transparently. It is expected that this action of updating prosecution documents will help ensure greater efficiency and effectiveness in the international criminal justice system.

Documentary update of the prosecution, reference: OTP-CR\_223/18 of the O.T.P. - Office of the Prosecutor - International Criminal Court (Annex 1),

following an application, Declaration accepting jurisdiction of the International Criminal Court on the Occupied Venetian Territories, of the Veneto National Government Authority, upon binding request of the Assembly of the Veneto National Liberation Committee. (Annex 2).

The Government Executive supports the compensation claim action of the Veneto Attorney General for damages to protect the 800,000 people ascertained of poisoning and for damages

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deriving from all the people of Veneto, with the approval of the parliamentary law of the National Council of the people of Veneto.

“It is important that the rights and health of the people affected by the poisoning are protected, and that fair compensation is demanded for the damages suffered. Furthermore, it is necessary to ensure that the necessary measures are taken to prevent similar accidents from happening in the future. It is essential that justice is done for those involved. The present legal action aims to obtain just compensation for the damages suffered by the families and businesses affected by the contaminations and to put an end to the impunity of the pollutants. The Veneto Government undertakes to collaborate with the international judiciary and to promote sustainable development policies to protect health and the environment”.

### **Recipients**

**To the Office of the Prosecutor (OTP) for the investigation of crimes falling within the jurisdiction of the Court.**

The International Criminal Court has international legal personality. It also has the legal capacity necessary for the exercise of its functions and the achievement of its objectives. The Court may exercise its functions and powers in the territory of any State Party.

- 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 Prosecutor Mr Karim Asad Ahmad Khan, International Criminal Court, Oude Waalsdorperweg 10 - 2597 The Hague AK - THE NETHERLANDS.
- To His Excellency Deputy Prosecutor Mr James Stewart.
- To the Jurisdiction, Complementarity and Cooperation Division. To the Investigative Division.
- To the Prosecution Division.

And f.k.

To the Secretary-General of the United Nations António Guterres. A. 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)

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- Committee for 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 for Enforced Disappearances (CED)
  - 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)
- United Nations Environment Program (Unep)
- U.N. - OHCHR Ms. Michelle Bachelet Jeria Palais Wilson - Rue de Paquis, 52 CH-1201 Genève - SUISSE.
  - To the President of the General Assembly of the ICRC Mr. Peter Maurer, 19 Avenue de la Paix 1202 Genève - SUISSE.
  - Organization for Economic Cooperation and Development (OECD) Secretary - General Mr. Angel Gurría. 2, Rue André Pascal - 75775 Paris Cedex 16 - FRANCE

To the Minister of Foreign Affairs of the Italian State, Antonio Tajani. Piazzale della Farnesina, 1-00135 Rome - ITALY

President of the Council of Ministers, Giorgia Meloni - Palazzo Chigi - Piazza Colonna 370 - 00187 Rome - ITALY

To the President of the Italian Republic, Sergio Mattarella, Palazzo del Quirinale, Piazza del Quirinale 00187 Rome - ITALY

**To the Office of the Prosecutor of the International Criminal Court pursuant to the articles of the Rome Statute: Art. 4/2 Juridical status and powers of the Court.**

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**Judicial application of the Rome Statute of the International Criminal Court:**

**Object**

To the Prosecutor of the International Criminal Court in The Hague to proceed for Crimes against the fundamental rights of the human being, for serious violations of obligations deriving from mandatory norms of international law, for Crimes against humanity, ecocide, environmental crimes and genocide, according to the Rome Statute, against the Italian State, the Government for unlawful conduct by State bodies, by several individuals authorized by the State to exercise government authority and by subjects acting under the control of the State.

Defendants for investigation of the crimes charged by the Prosecutor of the International Criminal Court

- 1- State and organs of the Italian State.
- 2- Mitsubishi Corporation, Eni Rewind Spa, (Annex Historical company registration 3) and International Chemical Investors Group (ICIG).
- 3- Responsible for the internationally wrongful act of Environmental Crime, Crime against Humanity and Genocide.

Manager of the Mitsubishi Corporation, of the Luxembourg-based International Chemical Investors (parent company of Miteni since 2009) and of Miteni itself. Kenji Ito, Naoyuki Kimura, Yuji Suetsune and Maki Hosoda are managers of Mitsubishi; Patrick Schnitzer and Akim Riemann are part of ICIG; Alexander Smit, Brian McGlynn, Luigi Guarracino from Alessandria, Mario Fabris from Padua, Davide Drusian from Treviso, Mauro Colognato from Dolo and Mario Mistrorigo from Arzignano are all Miteni managers who have succeeded one another over time. The company Miteni spa will also be charged, with the charge of bankruptcy for the failure to set aside the sums necessary for the reclamation of contaminated land and water. Mitsubishi Corporation and International Chemical Investors were cited as civilly liable, jointly and severally liable for the damages.

**History**

In 1965 in Trissino, in the Vicenza area, the Marzotto group opened the research center of the textile company RiMar. Later it became a joint venture between Mitsubishi and Eni, then the company was taken over first by Mitsubishi, then by ICIG and finally the bankruptcy.

Miteni is a leading manufacturer and supplier of fluorine intermediates and specialty chemicals with production facilities in Trissino - Vicenza, Italy (Occupied Venetian Territories), employing 165 employees. Miteni, born as a joint venture between the Japanese Mitsubishi and the Italian Eni S.p.A., has been operating for over 40 years as a major player in the fluorochemical markets, applying three different fluorination technologies at its Trissino plant. ICIG expects Miteni's manufacturing and marketing capabilities to be highly complementary to the ICIG

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product offerings of its other fine chemicals businesses located in Germany, France, Belgium, Ireland and the United States. International Chemical Investors Group (ICIG) announced today that it has signed a definitive share purchase agreement to acquire Miteni S.p.A. (Miteni), Italy by Mitsubishi Corporation (Mitsubishi), Japan, and other shareholders. Under the terms of the agreement, ICIG will acquire 100% of the shares of Miteni. The transaction is expected to close on February 5, 2009. Terms of the transaction were not disclosed. International Chemical Investors Group is a private investment firm focused on mid-sized chemical companies. Since its inception in 2004, ICIG has acquired 15 independent chemical companies, operating 19 production plants worldwide with a total turnover of approximately €600 million and more than 3,000 employees. For more information contact INTERNATIONAL CHEMICAL INVESTORS.

The company MITENI S.p.A. of Trissino was declared bankrupt with a sentence dated 9 November 2018.

Accused of the crime of obstruction of universal justice,

Judge Roberto Venditti, Attorney General of the Italian Republic, Superior Council of the Judiciary, Constitutional Court of the Italian Republic, with abuse of their powers, have not provided documentary support to the action of the International Criminal Court (ICC) so that it could carry out without hindering their investigations to obtain all the evidence necessary in order to prosecute the crimes committed. The accused did not provide probative documents from the civil parties to the prosecutor of the International Criminal Court, hampering the investigation of the alleged crimes. (Documents attached 4).

And for poisoning by chloroprene, a highly toxic substance emitted by the EniChem plant in Porto Marghera.

Corruption:

European Commission and Council of Europe.

The conduct of an organ of the State shall be regarded as an act of the State within the meaning of international law, whether that organ exercises a legislative, executive, judicial or other function, whatever position it holds in the organization of the State and whatever its nature as organ of the central government or of a territorial unit of the state. A body includes any person or body which holds such a position under the internal law of the State. Breach of an obligation of international law by means of a non-continuous act of the State takes place at the moment in which the act is performed, even if its effects last. The violation of an international obligation by an act of the State having a continuous character extends to the entire period during which the act continues and remains non-compliant with the international obligation. The violation of an international obligation which 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 through a series of actions or omissions, defined as a whole as unlawful, is perfected when the action or omission takes place which, in

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conjunction with other actions or omissions , is sufficient to integrate the tort. The legal consequences of an internationally wrongful act under this part are without prejudice to the continuing duty of the responsible State to comply with the violated obligation. In such a case the violation extends for the entire period starting with the first of the acts or omissions in the series and lasts as long as these acts or omissions are repeated and remain non-compliant with the international obligation.

**The State responsible for the internationally wrongful act has the obligation to:**

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

The responsible State has the obligation to make full reparation for the injury caused by the internationally wrongful act. Prejudice includes any damage, both material and non-pecuniary, caused by the internationally wrongful act of a State. The responsible State cannot rely on the provisions of its domestic law as a justification for failing to fulfill its obligations. The conduct of a Committee of Liberation, which succeeds in establishing a new state in a part of the territory of a pre-existing state or in a territory under the administration of that state, will be considered an act of the new state under international law.

The willingness of the Italian State not to cooperate fully, as foreseen by the obligations assumed in the ratification of the Rome Statute (Chapter IX of the Statute), with the ICC in its investigations and judicial actions is certain, attached 4 documents of evidence on the non-cooperation of Italian State bodies to provide the documentation of the civil parties of the Court of Vicenza on the Pfas. It affirms a personal penal responsibility directly foreseen and judicially guaranteed within the international legal system towards individuals who commit certain behaviors considered crimes against humanity. In this case, personal liability has universal justice and the possibility of making use of the privileges and immunities envisaged by international law on the basis of their status as organs of State or other subjects endowed with international legal personality is also excluded.

Juridical, Executive, Legislative Mandate of the Veneto Government's action for its own protection jurisdiction and international law. The mission of the Veneto National Liberation Committee of Europe 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 authors to world public opinion. The Veneto National Liberation Committee applies the international principles of the JUS COGENS as an expression of the universal juridical conscience, in particular of the Nuremberg principles; endorses 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 covenants on human rights, the declaration on friendly relations among States, the resolutions of the general assembly on decolonization and the new international economic order, the Charter of the economic rights and duties of States as well as the Convention on the prevention and punishment of the crime of

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genocide. The Veneto National Liberation Committee also applies any other international, universal or regional juridical instrument aimed at developing, updating or broadening the meaning and contents of the texts which refer to the rights of peoples. The Charter of the United Nations is a real constitutional charter of the international order. Resolution 2160 of 1966, according to which any direct or indirect coercive action by the Italian State, aimed at depriving the Veneto people of their right to self-determination, constitutes a violation of the Charter itself.

**for violation of United Nations and binding resolutions,**

- 1948 Genocide Conventions;
- 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;
- Convention against torture of 1984, 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 Agreed Declaration of Principles of International Policy (1941).

Charter of the United Nations: article 1, paragraph 2, and article 55.

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 the granting of independence to 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 shall 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 incompatible manner 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 - U.N. 04.12.1986.

Resolution CDS 276 - Condemnation of use of force by the Libyan regime against demonstrators 1970

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issued unanimously on 26.11.2011 and referred for the first time a State to the International Criminal Court.

Resolution 61/178 of 20 December 2006 - UN Declaration of Rights of Indigenous Peoples.

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 Article 94 of the Charter of the United Nations.

Judgments of the International Criminal Court - I.C.C.

Judgments and binding advisory opinions of the International Court of Justice, ICJ.

Codification of 2001 by the CDI.

UNCTAD/GDS/APP/2013/1 - Report on "Leaks of Palestinian tax revenues to 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.

A. Human Rights Council, "Resolution 8/7.

Promotion and protection of all human, civil, political, economic, social and cultural rights, including the right to development. Resolution adopted by the Human Rights Council 18/6. Promotion of a democratic and fair international order.

Resolution adopted by the General Assembly on June 22, 2017 (A / 71 / L.73 and Add.1)] 71/292. General Assembly: Reaffirming that all peoples have an inalienable right to exercise 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 06 December 2016.

Conference for Security and Co-operation 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 Charter of Nice - 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 reiterated on 20 November 2012 that the EU has recognized the National Coalition of Syrian Revolution and Opposition Forces as the legitimate representative of the aspirations of the Syrian people.

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

ON 23 Dec. 2013 - The Venetian language is recognized with the international identification code ISO 639-3 "VEC" by UNESCO and classified among the living languages in the "Ethnologue" catalogue. It is estimated that the Venetian language is spoken by 2,109,502 native people of the ancestral Venetian territories (data from 1976) and recognized by the Council of Europe in 1981.

The right to self-determination of peoples is recognized by the United Nations as a fundamental human right. The right of peoples to their own wealth and natural resources means that every people has the right to manage and control their goods and resources, without being exploited or deprived of their resources by other countries or external actors. This principle also applies to resources found below the ground, such as oil, gas or minerals, and to biological resources such as fauna and flora. From this point of view, countries have the right to decide how to use their resources for the good of their community, without having to be pressured by external interests.

Application of the Rome Statute of the International Criminal Court

Criminal actions involving:

Article 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 people belonging to the group to conditions of life such as to involve the physical destruction, total or partial, of the group itself;

Art. 7 Crimes against humanity, paragraph 1:

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- e) Imprisonment or other serious forms of deprivation of personal liberty in violation of fundamental norms of international law;
- h) Persecution against a group or community with its own identity, inspired by political, racial, national, ethnic, cultural, religious or gender reasons within the meaning of paragraph 3, or by other reasons universally recognized as not permissible to under international law, connected with acts covered by the provisions of this paragraph or with crimes within the jurisdiction of the Court;
- j) Crime of apartheid;
- c) Other inhuman acts of a similar nature intended to intentionally cause great suffering or serious damage to physical integrity or to 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 of the community;
- h) "crime of apartheid" means inhumane acts of a similar nature 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 group or groups racial, and in order to perpetuate that regime;

Article 8 War crimes. (Annex 5 Treaty declaration of belligerence Vienna formula).

1. The Court has jurisdiction to try war crimes, particularly when committed as part of a political plan or design, or as part of a series of similar crimes committed on a large scale.

2. For the purposes of the Statute, "war crimes":

a) Serious violations of the Geneva Convention of 12 August 1949, i.e. any of the following acts committed against persons or property protected by the provisions of the Geneva Conventions:

iii) willfully causing great suffering or serious injury to physical integrity or health;

iv) destruction and appropriation of goods, not justified by military necessity or carried out on a large scale illegally and arbitrarily;

(vi) willfully depriving a prisoner of war or other protected person of his or her right to a fair and proper trial;

b) Other serious violations of applicable laws and customs, within the established framework of international law, in international armed conflicts, namely any of the following acts:

ii) intentionally directing attacks against objects of a civilian nature, i.e. objects that are not military objectives;

(viii) the direct or indirect transfer by the Occupying Power of part of its civilian population into the

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occupied territory or the deportation and transfer of all or part of the population of the occupied territory into or out of that territory ;

(ix) intentionally directing attacks against buildings dedicated to worship, education, art, science or humanitarian purposes, historic monuments, hospitals and places where the sick and wounded are gathered, provided that such buildings are not military objectives;

xiii) Destroy or confiscate enemy property, unless the confiscation or destruction is imperatively required by the necessities of war; xiv declare abolished, suspended or unprosecutable rights and actions of the citizens of the enemy nation;

xxi) violating the dignity of the person, in particular by using humiliating and degrading treatments;

iv) intentionally directing attacks against buildings dedicated to worship, education, art, science or humanitarian purposes, historic monuments, hospitals and places where the sick and wounded are congregated, provided that such buildings are not military objectives;

Art. 8 bis Crime of aggression.

Annex 6: Violation of the headquarters of the international legal entity Veneto National Liberation Committee.

Attachment 7: Constitutive act deposited at the United Nations), seizure of Government institutional documents in paper and electronic format, documented by the Italian State itself and video documentary.

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).

Art. 30 Psychological elements

b) being a consequence, a person intends to cause that consequence or knows that it will occur in the normal course of events.

The articles on the responsibility of the Italian state and of the European union sui generis organization, of the international law commission, are applied.

Chapter II Reparation for Injury Article 34, 35, 36, 37, 38, 39,

Chapter iii serious violations of obligations deriving from mandatory norms of general international law Article 40, 41

The internationally wrongful act of a state chapter the general principles articles 1, 2, 3

Chapter ii attribution of behavior to article status 4, 5,6,7, 8, 10/ 1, 2, 3,

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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, Compliance with mandatory rules. Nothing in this chapter excludes the illegality of any act of a State which is not in accordance with an obligation arising from a peremptory norm of general international law.

Draft conclusions on the identification and legal consequences of peremptory norms of general international law (ius cogens) 2022.

**The present international public denunciation for Crimes against humanity, genocide and Environmental Crimes is not permitted by any derogation for the Italian State and for the offense European Commission, Council of Europe.**

Crimina iuris gentium

The Italian State does not have the ability to protect citizens, government action is directed against all citizens and therefore it becomes subject to the judgment and sanction of the entire human community. The Italian State has been actively involved for encouraging the poisoning policy. The Government has not adopted environmental protection policies, causing irreversible environmental damage, human damage of ecocide. The Italian State has not implemented policies to protect public health and does not yet have the ability to honestly investigate, being guilty of a crime against humanity, perpetrated through the practice of widespread, systematic and direct poisoning against at least 800,000 thousand people making up the civilian population of the affected area. It is a criminal act that shakes the conscience of humanity. The still ongoing inhumane act has caused, causes and will cause great suffering and serious damage to the body, mental and physical health of those affected, due to the extremely high levels of Pfas poisoning. Massive pollution has inflicted severe and predictable damage, environmental destruction, human and biodiversity damage, life and the economy. Ecocide therefore, consisting of direct damage caused to the planet, the environment, fauna, flora and water. The polluting impact concerns the balance of ecosystems, which is upset. The Italian State does not have the will to proceed, on the basis of its own laws and in harmony with international law, with the procedural investigation into responsibilities, in accordance with the principle of legality, nor to compensate the irreversible damage of poisoning to all natural persons. We consider that the consecration of the environmental asset to primary interest justifies the recourse to the extreme ratio of protection, i.e. the penal one, which protects the environment, biodiversity and ecosystems, also in the interest of future generations. Over time, an unprecedented devastation of habitats, abiotic factors, biotic factors has taken place, due to an unconditional and repeated use of real damage, by poisoning, due to anthropic activities permitted by the Italian State, aimed at compromising genetic diversity, the biodiversity of biological ecosystems, versus the taxonomic diversity of species present in the area. The massive use of Pfas pollutants have devastated environmental diversity making the ecosystem poisoned for future generations. The violation of the protection of the ecosystem, within the framework of the criminal policy of the various national legal systems, finds its rightful place in the environmental penal

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legislation within the international legal system.

**Opinio iuris sive necessitatis**

**for violation of United Nations resolutions,**

Convention on Wetlands of International Importance, Ramsar, 1971;

Convention on the International Trade in Endangered Flora and Fauna (CITES), Washington, 1973;

Convention for the Protection of the Mediterranean Sea against Pollution, Barcelona, 1975;

Convention on the Conservation of Migratory Species, Bonn, 1979;

Convention on Transboundary Air Pollution, Geneva, 1979;

Convention on the Conservation of Antarctic Marine Living Resources, Canberra, 1980;

Law of the Sea Convention, Montego Bay, 1982;

Convention for the Protection of the Ozonosphere, Vienna, 1985.

Convention on Biological Diversity (CBD) Rio de Janeiro on June 5, 1992

Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural and semi-natural habitats and of wild flora and fauna Convention on Biological Diversity.

Ecological science can be declined through the scientific concept of dynamic equilibrium of the biosphere, the sum of situations of biological homeostasis. Recourse to the contribution of laws and scientific principles in the definition of the environmental legal asset gives the opportunity to draw a strong line of demarcation with respect to sectors of the law traditionally considered to be similar, such as the preservation of the landscape or urban planning, which cannot enjoy the same contribution. Corollary in terms of criminal science and foundation of the conservative-preventive protection of the ecosystem is the precautionary principle, which allows for the sanctioning of conduct with potentially harmful content based on legal presumptions of dangerousness, thus obliging the agent to abstain in advance from the behavior and to demonstrate in court, by virtue of the reversal of the burden of proof, the harmlessness of one's censured action. Recently a moderate ecocentric perspective has made its way into doctrinal elaboration. Although founded, as the most radical declination, on the qualification of the legal good environment as a final good, the moderate ecocentric theory postulates a partial limitation of the absoluteness of the preventive conservative protection of ecosystems. Any violation of the dynamic balance of the biosphere is not prevented in advance but rather is basically permitted to the extent that it does not cause a permanent alteration of these equilibrium conditions. A mediation that therefore allows for a balancing of the environment with other primary interests of an economic nature. Finally, as regards the construction of the penal law, the parameter for assessing the illegality of the behavior tends to move from the presumed and abstract suitability of the conduct to damage the

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environment, to the concrete and effective damage to the legal asset, with a consequent increase in the threshold of punishability.

### The law on ecocide in national jurisdictions

#### Ecuador - Article 98

In the Penal Code of Ecuador, "crimes against the environment and nature or Pacha Mama and crimes against biodiversity" (article 98).

#### Vietnam - Article 278

According to the 1990 Vietnam Penal Code, Article 278, "ecocide, destruction of the natural environment," committed in times of peace or war, constitutes a crime against humanity.

#### Uzbekistan - Articles 196 and 198

Section 4 of the Penal Code of Uzbekistan specifies serious environmental crimes. Articles 196 and 198 contain the major parallels with the crime of ecocide. Article 196 establishes that "The pollution or damage to soil, water or atmospheric air, has caused the incidence of mass diseases of people, the death of animals, birds or fish, or other serious consequences - is punished with a fine of between one hundred and two hundred minimum monthly wages or deprivation of certain rights for up to five years, or correctional work for up to three years". The provision states that the same facts which caused the death of a person, "are punished with three to six months' imprisonment, or with up to three years' imprisonment and with the deprivation of certain rights". Article 198 provides that "the damage or destruction of crops, forests or other plants as a result of negligent handling of the fire, caused extensive damage or other serious consequences - is punishable by a fine of up to fifty monthly minimum wages, or with corrective labor of up to one year, or with imprisonment of up to three months. Illegal felling of timber or other plants, which has caused extensive damage - is punishable by a fine of fifty to seventy-five monthly minimum wages, or with correctional labor from one year to two years, or with imprisonment from three to six months, or with imprisonment of up to three years. The intentional damage to or destruction of crops, forests or other plants, has caused substantial damage - is punishable by a fine of seventy-five to one hundred monthly minimum wages, or corrective labor of two to three years, or imprisonment of up to three years. "or remedial work up to one year or imprisonment up to three months. Illegal felling of timber or other plants, which has caused extensive damage - is punishable by a fine of fifty to seventy-five monthly minimum wages, or by correctional labor from one year to two years, or with imprisonment from three to six months, or with imprisonment up to three years. The intentional damage to or destruction of crops, forests or other plants, has caused substantial damage - is punishable by a fine of seventy-five to one hundred monthly minimum wages, or corrective labor of two to three years, or imprisonment of up to three years. " or corrective labor up to one year or imprisonment up to three months. Illegal felling of timber or other plants, which has caused extensive damage - is punishable by a fine of fifty to seventy-five monthly minimum wages, or by correctional labor from one year to two years, or with imprisonment from three to six months, or

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with imprisonment up to three years The willful damage or destruction of crops, forests or other plants, has caused substantial damage - is punished with a fine of seventy-five to one hundred minimum monthly wages, or corrective labor of two to three years, or imprisonment of up to three years." or imprisonment of three to six months, or imprisonment of up to three years. The intentional damage to or destruction of crops, forests or other plants, has caused substantial damage - is punishable by a fine of seventy-five to one hundred monthly minimum wages, or corrective labor of two to three years, or imprisonment of up to three years. " or three to six months' imprisonment, or up to three years' imprisonment. Willful damage to or destruction of crops, forests or other plants, has caused substantial damage - is punishable by a fine of seventy-five to one hundred minimum wages monthly, or corrective labor for two to three years, or imprisonment for up to three years."

France - Article 231-3

The French "Climate & Resilience Act", passed in 2021, includes ecocide in two contexts. Firstly, as a "délit" in national law (article 231-3), which provides for up to 10 years' imprisonment for those who commit crimes which "cause serious and lasting damage to the health, flora, fauna or quality air, soil or water." Secondly, the government is obliged under Article 296 of the new law to report to parliament within one year on "its action in favor of the recognition of ecocide as a crime which can be judged by international criminal courts". The approval was approved with 44 votes against 10 by the lower house of the French parliament and concerns "the most serious cases of environmental damage at a national level".

Russia - Article 358

Massive destruction of the animal or plant kingdom, contamination of the atmosphere or water resources, as well as the commission of other actions that can lead to an ecological catastrophe are punished with deprivation of liberty for a period of 12 to 20 years.

Kazakhstan - Article 161

Mass destruction of flora or fauna, poisoning of the atmosphere, land or water resources, as well as the commission of other acts that have caused or a [sic] capable of causing an ecological catastrophe, - is punished by ten years' imprisonment at fifteen.

Kyrgyz Republic - Article 374

Massive destruction of the animal or plant kingdom, contamination of the atmosphere or water resources, as well as the commission of other actions that can lead to an ecological catastrophe are punished with deprivation of liberty for a period of 12 to 20 years.

Tajikistan - Article 400

Mass destruction of flora and fauna, poisoning of the atmosphere or water resources, as well as the undertaking of other actions that can cause ecological disasters is punishable by 15 to 20 years'

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imprisonment.

Georgia - Article 409

Ecocide, i.e. contamination of the atmosphere, soil, water resources, mass destruction of fauna or flora, or any other act that could have led to an ecological disaster, - is punished with twelve to twenty years' imprisonment. The same act committed during armed conflicts is punishable by imprisonment from fourteen to twenty years or by life imprisonment.

Belarus - Article 131

The intentional mass destruction of flora or fauna, or the poisoning of atmospheric air or water resources, or the carrying out of other deliberate actions capable of causing an ecological disaster (ecocide) are punished with ten to fifteen years' imprisonment .

Ukraine - Article 441

Mass destruction of flora and fauna, poisoning of air or water resources, as well as any other actions that may cause an environmental disaster, - is punishable by eight to fifteen years' imprisonment.

Moldova - Article 136

Deliberate mass destruction of flora and fauna, poisoning of the atmosphere or water resources and the commission of other acts that can cause or cause an ecological disaster are punished with 10 to 15 years' imprisonment.

Armenia - Article 394

Mass destruction of flora or fauna, poisoning of the environment, soil or water resources, as well as the implementation of other actions that lead to an ecological catastrophe are punished with 10 to 15 years' imprisonment.

**International Criminal Court. Prosecutor's office policy document on selection of cases and priorities. September 15, 2016**

41. The impact of crimes can be assessed in light of, inter alia, the increased vulnerability of victims, the terror subsequently instilled, or the social, economic and environmental damage inflicted on affected communities. In this context, the Office will pay particular attention to the prosecution of crimes under the Rome Statute which are committed by means of, or which involve, inter alia, the destruction of the environment, the illegal exploitation of natural resources or the illegal expropriation of land.

**Source of evidence for the application of the Rome Statute of the International Criminal Court. Annex 8.**

**United Nations A/HRC/51/35/Add.2/General Assembly Distr.: General 13 July 2022. Human Rights Council / Fifty-first session 12 September±7 October 2022 / Agenda item 3 Promotion**

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and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

#### Visit to Italy

Report of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, Marcos Orellana, on his visit to Italy.

The Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, Marcos Orellana, visited Italy from 30 November to 13 December 2021. The visit focused on three key issues: contaminated sites, waste management and pesticides. The present report contains the Special Rapporteur's findings and recommendations to the Government of Italy, including the need to re-evaluate the regulation and monitoring of industrial operations to ensure the country's transformation towards a zero-pollution economy.

#### The visit of the United Nations Special Rapporteur

Marcos A. Orellana, Special Rapporteur for the United Nations High Commissioner for Human Rights (Ohchr), denounced the responsibility of the Italian state authorities at the end of his visit to Italy on 13 December. "The authorities did not inform residents of the affected areas or provide information on Pfas pollution and the health risks of the population. Some residents only became aware of the contamination problem in 2016-2017," he said during the press conference held at the Luigi Sturzo Institute in Rome. Orellana said that the lack of information from the institutions did not allow people to protect themselves, but ensured that Venetian citizens continued to drink contaminated water without knowing it. For the UN representative, the institutions of the Italian state still continue not to adequately inform their citizens, as demonstrated by the recent case of data relating to food contamination and the impossibility for the population to carry out analyzes to ascertain the degree of concentration of Pfas in their blood.

Orellana: "The right to health of local communities has been violated"

Italy has ratified or acceded to eight United Nations human rights treaties and therefore has numerous obligations in relation to the human rights impacts of hazardous substances and wastes. Under these treaties, Italy has the obligation to protect, respect and fulfill the human rights to life, health, personal integrity, safe food and water, adequate housing, safe and healthy working conditions and an environment clean, healthy and sustainable, among others. Italy also has obligations regarding the rights of access to information, participation in decision-making processes and access to justice and remedies in environmental matters.

16. In addition, Italy has ratified the Basel Convention on the control of transboundary movements of hazardous wastes and their disposal, the Rotterdam Convention on the prior

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informed consent procedure for certain hazardous chemicals and pesticides in international trade and the Minamata on mercury.

17. Italy has signed the Stockholm Convention on persistent organic pollutants but has not ratified it.

18. Together, the rights and obligations established in these international instruments create a duty for Italy to prevent exposure to hazardous substances and wastes. The only way to protect yourself from the human rights violations that Italy is committed to defending is to prevent exposure. 4 This is a fundamental obligation of the State. 5 However, businesses also have critical responsibilities to prevent exposure. 6 In its resolution 42/21, the Human Rights Council recognizes the duty of States to prevent unsafe occupational exposure to dangerous substances and the corresponding responsibility of companies.

See <https://www.iss.it/documents/20126/0/20-21+web.pdf/1dcc3560-b97d-9d75-5155-e0f0a79b6f1f?t=1605519156122>.

#### Contaminated sites

19. Contaminated sites pose serious human rights concerns for communities living in their vicinity and exposed to hazardous substances. These sites are not just a legacy of past industrial development; ongoing operations are still generating serious toxic contamination, leading to an increase in disease and death among the population.

20. The Special Rapporteur welcomes the establishment and the important work being done by the Firm National Epidemiology of Territories and Settlements at Risk of Pollution, also known as the SENTIERI Project, which aims to analyze the health profile of the populations impacted by the areas designated as "sites of national interest for reclamation". The project seeks to pay attention to vulnerable groups and offer public health advice and includes elements of environmental justice. The Project demonstrated that communities residing in the vicinity of large polluted sites are generally characterized by disadvantaged and fragile socio-economic conditions.<sup>7</sup>

21. The SENTIERI Project has detected an excess of malignant mesothelioma, lung, colon and stomach cancers and non-malignant respiratory diseases in populations affected by national priority contaminated sites. The excessive incidence of cancer mainly affects people who live near chemical and petrochemical plants, oil refineries and sites where hazardous wastes have been dumped. It has also been observed that, while the presence of asbestos is not reported in many legislative decrees designating sites of national interest to be reclaimed, it is often found in petrochemical plants and in the iron and steel industry.

#### A. Porto Marghera

22. The Special Rapporteur is concerned about the situation in Porto Marghera, a site of national interest for reclamation. He is home to a huge industrial complex that has neglected

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environmental protection for decades and released hazardous waste.

23. According to the information received, 157 cases of illness or death due to exposure to vinyl chloride monomer have been recorded among workers in Porto Marghera. The only epidemiological study carried out by the Regional Council showed a higher concentration of tumors in Fiesso and Vigovono, which are downwind of Porto Marghera. In addition, the Porto Marghera petrochemical plant has compensated for many cases of asbestos disease and plant-related deaths.

24. In this regard, the SENTIERI Project in 2019 detected an above-average incidence of tumors in sites of national interest for remediation, such as Porto Marghera.<sup>8</sup> This higher incidence mainly affected sites where chemical and petrochemical plants were present and oil refineries, and the practice of dumping dangerous waste was widespread (including Porto Marghera).

25. The Porto Marghera site of national interest for reclamation includes the industrial area of Porto Marghera, as well as areas affected or potentially affected by industrial waste dumps, areas intended for tertiary activities, residential areas and agricultural areas. <sup>9</sup> In 2013, the name of some lands in Mestre and the surrounding area was changed from a site of national interest to a site of regional interest, reducing the area of contaminated land that may receive state funds for cleanup. <sup>10</sup> In particular, this led to the exclusion of the agricultural and commercial areas of Marghera, of many urban areas of Mestre and Campalto and of the lagoon and port areas of Marghera. The main pollutants found here, according to a 2004 report by the Veneto Region and the Municipality of Venice, are heavy metals, cyanides, polycyclic aromatic hydrocarbons, dioxins, polychlorinated biphenyls, chlorinated solvents, chlorophenols, benzene and derivatives, pesticides and monomer vinyl chloride, with values even hundreds of times higher than the permitted limits.<sup>11</sup>

26. However, the reclamation of Porto Marghera seems to be proceeding extremely slowly. In 2016, while the environmental assessment of the site was almost fully finalized (90% complete), remediation projects were barely advanced. In 2016, only 14 per cent of the affected area had been reclaimed (10 per cent of the area had been certified as reclaimed and 4 per cent had been reclaimed but not yet certified).<sup>12</sup>

In 2019, this had increased to just 16%. Meanwhile, as of 2019, only 11% of the aquifer area has been reclaimed. <sup>13</sup> The site of the environmental remediation of the Veneto Region does not report information subsequent to 2019.

## B.Veneto

27. The Special Rapporteur is seriously concerned about the extent of pollution by perfluoroalkyl and polyfluoroalkyl substances - also known as “forever chemicals” because they persist and do not degrade in the environment - in some areas of the Veneto Region. More than 300,000 people in the region have been affected by water contamination with these chemicals, including their drinking water. Residents of the area have suffered from serious health

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problems, such as infertility, miscarriages and various forms of cancer, among others. The human dimension of the problem was illustrated by one of the mothers met during the visit, who asked: "Can you imagine what it means for a mother to realize that she has poisoned her children through her own breast milk?"

28. For several decades, the Miteni chemical company has produced perfluoroalkyl and polyfluoroalkyl substances in Trissino (Vicenza) and has released its waste without adequate controls, polluting surface and groundwater and the food chain, affecting the areas of Verona and Vicenza and the Paduan. While company officials appeared to be aware of the waste emissions and resulting pollution, they did not offer adequate protective measures to their workers, nor did they disclose information about the severity of the pollution to them or the public. According to the information received, the contamination occurred mainly in groundwater in an area of more than 200 square kilometres. To date, no effective site remediation has been carried out in the most affected areas, most polluted areas and reporting the case to the Prosecutor's Office. However, according to testimonies received, too after installing activated carbon filters, perfluoroalkyl and polyfluoroalkyl substances were not completely filtered out. Over time, other measures have included the establishment of limits on the discharge of perfluoroalkyl and polyfluoroalkyl substances for companies that use them, as well as investment in a system of public works to bring uncontaminated water to the area.

30. Despite the adoption of these measures, the authorities have not warned the residents of the affected areas and have not disseminated information on the pollution and health risks posed by perfluoroalkyl and polyfluoroalkyl substances to residents. Furthermore, they have not requested or conducted extensive investigations of the contaminated areas. 15 Some residents became aware of the toxic contamination problem in 2016-2017, when the region started a health surveillance plan for the population exposed to perfluoroalkyl and polyfluoroalkyl substances in the critical red area. 16 However, not all those exposed have been able to determine the concentration of these substances in their blood, as only residents of the critical red zone born between 1951 and 2014 have access to screening. Residents of the surrounding areas ("orange" and "yellow") are also excluded from the projections.

31. According to the testimonies received, information on contaminated food has not been made readily available to potentially affected communities and it appears that the authorities have not carried out further analyzes of food products from the most polluted areas of the Veneto Region since 2017; in November 2021, in fact, the Regional Council rejected a proposal to extend the initiatives aimed at spreading greater knowledge and awareness among the public of environmental issues related to perfluoroalkyl and polyfluoroalkyl substances, in particular with reference to their diffusion in food.

32. Studies conducted by civil society organizations in 2017 continued to show the presence of perfluoroalkyl and polyfluoroalkyl substances in drinking water, including in schools. Studies have estimated that over 800,000 citizens have been exposed to these chemicals in their

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drinking water.17

33. According to the information received, while studies on maternal and neonatal effects have been conducted showing an increase in pregnancy-related health problems in areas of greatest exposure to perfluoroalkyl and polyfluoroalkyl substances, no follow-up studies have been performed to evaluate the health status of potentially affected individuals. There is also no routine pre-pregnancy screening to determine exposure to perfluoroalkyl and polyfluoroalkyl substances in affected municipalities.

34. The Special Rapporteur notes that the Vicenza court has initiated criminal proceedings for environmental crimes against 15 defendants involved in the Miteni operations. It also notes that several civil parties appeared in the proceeding.

35. However, the Special Rapporteur wishes to underline that pollution by perfluoroalkyl and polyfluoroalkyl substances is not limited to the activities of the Miteni plant. He also derives from the operations of small and medium-sized companies in and outside the region that use these substances in their production processes and discharge them into contaminated waters, including the textile and leather industries.

36. He is also keen to underline that pollution by perfluoroalkyl and polyfluoroalkyl substances is not limited to the Veneto Region. Among other things, he is concerned about the contamination by perfluoroalkyl and polyfluoroalkyl substances along the main basin of the country, the Po Valley. The Special Rapporteur is particularly concerned about the ongoing production of perfluoroalkyl and polyfluoroalkyl substances by the Solvay company, in Spinetta Marengo, Alessandria, in the Piedmont region. This operation could create an environmental disaster similar to that suffered by the Veneto communities affected in the event of accidents or releases of perfluoroalkyl and polyfluoroalkyl substances into local waters. In addition to these contaminants, the historic contamination and presence of hexavalent chromium, a heavy metal known to cause cancer, at the Solvay Spinetta Marengo plant is of particular concern.

93. In too many cases, Italy has failed to protect people from exposure to toxic substances, such as the hundreds of thousands of people in Veneto affected by waters contaminated by perfluoroalkyl and polyfluoroalkyl substances due to the activity of the Miteni plant. Despite the implementation of positive initiatives, such as the SENTIERI Project, which analyzes the health profile of populations affected by contaminated sites of national interest, the Special Rapporteur is concerned about the slowness of the remediation process of many priority contaminated sites at national level, such as Porto Marghera and Terra dei Fuochi, where hazardous waste has been released and environmental protection has been neglected for decades. Populations living in nearby areas suffer from an excess of cancers and other diseases.

94. Government needs to better recognize and take accountability for its decisions, actions and inaction regarding the toxic pollution that is profoundly affecting the health of its communities.

**Pfas, the poison in the blood: contaminated water and damage to health.**

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Vicenza, Verona, Padua, Treviso: in Veneto the Pfas are poisoning the blood of citizens. This was confirmed by Arpav, scientists and local health authorities. The most widespread class of Pfas, Pfoa, was declared a "resistant pollutant" by the Stockholm Convention in 2009 and in 2017, on the recommendation of the European Chemicals Agency (Echa), the European Commission recognized as posing unacceptable risks to human health and the environment.

The substance is assimilated into the blood through water, both from the tap and from food, and is highly toxic. Since it cannot be expelled from the human body, if not minimally and over the course of decades, it leads to hormonal alterations and consequent diseases.

It all began in the mid-1960s, when the company Rimar, an acronym for Ricerche Marzotto, established its research center in Trissino, in the province of Vicenza. The high-fashion brand is looking for a chemical product that makes leather and textile material resistant to water. However, the plant was built above an aquifer recharge area considered the second largest in Europe and already in 1966 a leak of hydrofluoric acid poisoned the surrounding vegetation. After that case, others followed until 2011. Arpav Veneto attributes 97% of the pollution in the area to Miteni spa. In 2015, the local health authority of Vicenza, after strong pressure from local environmental associations, started an initial screening of 270 people to analyze their blood and check for the presence of Pfas. If the maximum threshold in the blood is 8ng/l, the first results show cases that exceed the limit by 35 times. Pfas values of 300 ng/l were found. to the under 15 population. A red zone is therefore delimited which includes 30 municipalities, with the epicenter of Lonigo, Sarego and Meledo. In addition to blood tests, the population is monitored for diseases related to hormonal mutation from contamination and, once again, the high risk of thyroid disease, kidney and testicular cancer (+30%), ischemic heart disease (+21%) is highlighted ), Alzheimer's disease (+14%), diabetes-related diseases (+25%). Carlo Foresta and his team have highlighted how the chemical substance interferes with hormonal activity. The historic discovery, which explains the drop in births and the high rate of related diseases, also confirmed how Pfas pollution "was found in the umbilical cord and in the placenta of exposed women. An early interference of Pfas on gonadal development and documented developmental reduction in height and weight of children born to these exposed women can be hypothesized. These results suggest that Pfas, among the many environmental pollutants, may play a role in the universally recognized increase in andrological pathologies, such as infertility, cryptorchidism, testicular tumors», says Foresta. In February, the same working group denounced the impact of the pollutant during pregnancy, confirming the high rates of preeclampsia (+20%), gestational diabetes (52%) and premature births (30%). «Professor Foresta demonstrated the passage of the substance in the gestational phase between the mother and the fetus. We mothers are the first to pass the Pfas to our children, this is unbearable», comments a mother.

For violation of United Nations resolutions,

United Nations Convention on the Rights of the Child (1989). Right to health.

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## Article 24

States parties recognize the right of the child to enjoy the best possible state of health and to benefit from medical and rehabilitation services. They strive to ensure that no minor is deprived of the right to have access to these services.

The States Parties shall endeavor to ensure the integral implementation of the aforementioned right and in particular shall take all appropriate measures to: a) reduce mortality among infants and young children; b) to ensure all minors the necessary medical assistance and health care, with particular attention to the development of primary health care; c) combating disease and malnutrition, including in the context of primary health care, in particular through the use of readily available techniques and the provision of nutritious food and drinking water, taking into account the dangers and risks of pollution of the 'natural environment; d) guarantee mothers adequate prenatal and postnatal care; e) to ensure that all groups in society, especially parents and minors, receive information on the health and nutrition of the minor, on the benefits of breastfeeding, on hygiene and safety of the environment and on the prevention of accidents and receive help to enable them to put this information into practice; f) Develop preventive health care, parenting counseling and family planning education and services.

States Parties shall take all effective measures to abolish traditional practices harmful to the health of minors.

The States Parties undertake to foster and encourage international co-operation with a view to gradually achieving a complete implementation of the law recognized in this article. To this end, particular consideration will be given to the needs of developing countries.

United Nations Declaration on the Rights of Indigenous Peoples (2007). Article 29.

1. Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States must initiate and implement assistance programs for indigenous peoples to ensure such conservation and protection, without discrimination.

2. States shall take effective measures to ensure that no storage or disposal of dangerous substances takes place on indigenous peoples' lands or territories without their prior, free and informed consent.

3. States shall also take effective measures to ensure, where necessary, that programs are duly implemented to monitor, prevent and restore the health of indigenous peoples, as designed and implemented by peoples affected by such substances.

Environmental protection is linked to numerous human rights, including the right to life, the right to health, the right to water, the right to food, the right to family life, the right to information, the right to housing, the right to an adequate standard of living, as well as the so-called cultural rights relating to indigenous peoples.

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**Right to a healthy environment and to water.**

The link was made through the interpretation of international organizations, non-governmental organizations and international courts. Being able to mention only the most significant interventions, it should be remembered,

**General comment n. 12. Right to adequate food (Annex 9). Article art. 11**

General comment n. 14 (Annex 10) of the International Committee on Economic, Social and Cultural Rights which, in interpreting the content of the right to the best standard of health guaranteed by article 12 of the Pact of the same name, specified that it includes the right to a healthy environment .

This was followed by General Comment No. 15 (attachment 11) which, in recognizing the existence of an autonomous right to water, as an integral part of the right to an adequate standard of living, posed the need to protect watercourses and water basins from pollution and uncontrolled exploitation in order to ensure access to water for future generations as well. (Annex 12)

Inter-American Court of Human Rights. Extraterritorial liability of States. Advisory opinion. (Annex 13)

European Convention on Human Rights, the Inter-American Court and the African Commission: contributions to the definition of human rights and the environment

An important role has been played by the regional systems of human rights protection and, in particular, by the courts which, through their interpretative work, have specified and expanded the content of the obligations relating to the protection of the environment. The European system, based on the European Convention on Human Rights, has contributed little to the development of environmental protection, as appeals are only allowed by victims of the violation of a right. The connection between the environment and human rights has, in any case, been recognized only in the presence of a clear causal link in relation to the right to life and personal integrity, to the family and to housing.

The Inter-American Court of Human Rights instead had a broader approach thanks to the possibility of referring to the right of indigenous peoples to the integrity of their ancestral land. Through an innovative and extensive interpretation of the right to property, it has recognized the protection of the environment as an autonomous good, closely linked to the culture, spiritual life, as well as the economy and the livelihood of indigenous peoples.

Finally, the African Commission represents an exception, since the African Charter on Human and Peoples' Rights also includes a series of collective rights. The African Court has therefore been able to recognize the protection of the environment in relation not only to the right to health, but also to the cultural and social rights of peoples.

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In addition to the indirect protection of the environment through recourse to general human rights, a series of rights of a procedural nature specifically linked to the environment can be identified. These rights were first outlined in the 1992 Rio Declaration and include the right to information and the right to participate in decision-making, in relation to environmental issues, and the right to access justice in connection with respect for first two.

Enshrined on 8 October 2021 by the UN Human Rights Council, access to a natural, healthy and clean environment is a human right. Michelle Bachelet, United Nations High Commissioner for Human Rights, said that "the resolution must serve as a springboard to promote transformative economic, social and environmental policies that protect people and nature. This right has to do with protecting people and the planet: the air we breathe, the water we drink, the food we eat. It's about protecting natural systems, which are critical preconditions for life and livelihoods for all people, wherever they live."

Declaration of the United Nations Conference on the Human Environment, Stockholm 1972. The United Nations Conference on the Human Environment, meeting in Stockholm from 5 to 16 June 1972, considering the need for a common vision and common principles to inspire and guide peoples of the world in the conservation and enhancement of the human environment,

proclaims that:

1. Man is both creature and shaper of his environment, which gives him physical sustenance and offers him opportunities for intellectual, moral, social and spiritual growth. In the long and tortuous evolution of the human race on this planet a stage has been reached where, through the rapid acceleration of science and technology, man has gained the power to transform his environment in innumerable ways and on an unprecedented scale. . Both aspects of man's environment, the natural and the man-made, are essential for his well-being and for the enjoyment of fundamental human rights, the right to life itself.

2. The protection and improvement of the human environment is an important issue affecting people's welfare and economic development throughout the world; it is the urgent desire of the peoples of the whole world and the duty of all governments.

3. Man must constantly summarize experience and continue to discover, invent, create and progress. In our time, man's ability to transform the environment, if used wisely, can bring the benefits of development and the opportunity to improve the quality of life to all peoples. Wrongly or carelessly applied, the same power can do immeasurable damage to humans and the human environment. We see all around us growing evidence of man-made damage in many regions of the earth: dangerous levels of pollution of water, air, land and living things; serious and unwanted disturbances to the ecological balance of the biosphere; destruction and depletion of irreplaceable resources; and serious deficiencies, harmful to human physical, mental and social health, in the man-made environment, especially in the living and working environment.

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4. In developing countries, most environmental problems are caused by underdevelopment. Millions of people continue to live far below the minimum levels required for a decent human existence, deprived of adequate food and clothing, shelter and education, health and sanitation. Therefore, developing countries must direct their efforts towards development, keeping in mind their priorities and the need to safeguard and improve the environment. To the same end, industrialized countries should work to narrow the gap between themselves and developing countries. In industrialized countries, environmental problems are generally related to industrialization and technological development.

5. Natural population growth continually presents problems for environmental conservation, and adequate policies and measures should be adopted, as appropriate, to address these problems. Of all things in the world, people are the most precious. It is people who promote social progress, create social wealth, develop science and technology and, through their hard work, continuously transform the human environment. Along with social progress and the advancement of manufacturing, science and technology, man's ability to improve the environment increases with each passing day.

6. A point has been reached in history where we need to shape our actions around the world with a more prudent care for their environmental consequences. Through ignorance or indifference we can do massive and irreversible damage to the earthly environment on which our lives and well-being depend. On the contrary, through fuller knowledge and wiser action, we can obtain for ourselves and our posterity a better life in an environment more consonant with human needs and hopes. There are broad prospects for improving environmental quality and creating a good life. It requires an enthusiastic but calm frame of mind and intense but orderly work. In order to achieve freedom in the world of nature, man must use knowledge to build a better environment in cooperation with nature.

7. The achievement of this environmental objective will require the assumption of responsibility by citizens and communities, businesses and institutions at all levels, all sharing common efforts equally. Individuals in all walks of life as well as organizations in many fields, with their values and the sum of their actions, will shape the world environment of the future. Local and national governments will bear the greatest burden for large-scale environmental policy and action within their jurisdictions. International cooperation is also needed to raise resources to support developing countries in fulfilling their responsibilities in this field. A growing class of environmental problems, either because they are regional or global in scope or because they affect the common international sphere, will require broad cooperation between nations and the action of international organizations in the common interest. The Conference invites Governments and peoples to make common efforts for the conservation and improvement of the human environment, for the benefit of all peoples and their posterity.

### **Principles**

**It affirms the common belief that:**

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**Principle 1**

**Man has the fundamental right to freedom, equality and adequate living conditions, in a quality environment that allows for a dignified life and well-being, and has the solemn responsibility to protect and improve the environment for present generations and futures. In this regard, policies that promote or perpetuate apartheid, racial segregation, discrimination, colonial and other oppression, and foreign domination are condemned and must be eliminated.**

**Principle 2**

**The earth's natural resources, including air, water, soil, flora and fauna, and especially representative samples of natural ecosystems, must be safeguarded for the benefit of present and future generations through careful planning or management, as appropriate.**

**Principle 3**

**The earth's capacity to produce vital renewable resources must be maintained and, wherever possible, restored or enhanced.**

**Principle 4**

**Man has a particular responsibility to safeguard and wisely manage the wildlife heritage and its habitat, today seriously threatened by a combination of adverse factors. Conservation of nature, including wildlife, must therefore be given importance in planning for economic development.**

**Principle 5**

**The earth's non-renewable resources must be used in ways that avert the danger of their future depletion and ensure that the benefits of such use are shared by all humanity.**

**Principle 6**

**The discharge of toxic substances or other substances and the release of heat, in quantities or concentrations that exceed the capacity of the environment to render them harmless, must be stopped to avoid serious or irreversible damage to ecosystems. The just struggle of the peoples of sick countries against pollution must be supported.**

**Principle 7**

**States shall take all feasible measures to prevent the pollution of the seas by substances which may endanger human health, harm living resources and marine life, damage amenities or interfere with other legitimate uses of the sea.**

**Principle 8**

**Economic and social development is essential to ensure man a favorable living and working**

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environment and to create the conditions on earth necessary to improve the quality of life.

**Principle 9**

Environmental shortcomings generated by underdeveloped conditions and natural disasters pose serious problems and can best be solved by accelerated development through the transfer of substantial amounts of financial and technological assistance as a supplement to the domestic effort of developing countries and such assistance as timely as may be required.

**Principle 10**

For developing countries, price stability and adequate earnings for commodities and raw materials are essential for environmental management, as both economic factors and ecological processes have to be taken into account.

**Principle 11**

The environmental policies of all States should enhance and not undermine the present or future development potential of developing countries, nor should they hinder the achievement of better living conditions for all, and States and international organizations should take appropriate measures in order to reach an agreement to deal with the possible national and international economic consequences deriving from the application of environmental measures.

**Principle 12**

Resources should be made available to preserve and improve the environment, taking into account the particular circumstances and needs of developing countries and all costs which may arise from integrating environmental safeguards into their development planning and the need to make available to them, upon their request, additional international financial and technical assistance to this end.

**Principle 13**

In order to achieve a more rational management of resources and thus improve the environment, States should adopt an integrated and coordinated approach to their development planning so as to ensure that development is compatible with the need to protect and improve the environment for the benefit of their population.

**Principle 14**

Rational planning is an essential tool for reconciling any conflict between development needs and the need to protect and improve the environment.

**Principle 15**

Planning must be applied to human settlements and urbanization in order to avoid negative effects on the environment and to obtain the maximum social, economic and environmental

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benefits for all. In this regard, projects that are designed for colonialist and racist rule must be abandoned.

**Principle 16**

Population policies which do not undermine basic human rights and which are deemed appropriate by the governments concerned should be applied in those regions where population growth rate or excessive population concentration may have adverse effects on the environment of the human environment and hinder development.

**Principle 17**

Appropriate national institutions must be entrusted with the task of planning, managing or controlling the environmental resources of the States with a view to improving environmental quality.

**Principle 18**

Science and technology, as part of their contribution to economic and social development, must be applied to the identification, prevention and control of environmental risks and the solution of environmental problems and for the common good of humanity.

**Principle 19**

Environmental education, aimed at younger generations as well as adults, with due consideration for the underprivileged, is essential to broaden the basis for enlightened thinking and responsible behavior by individuals, businesses and communities in protecting and in improving the environment in its full human dimension. It is also essential that the mass media avoid contributing to the deterioration of the environment but, on the contrary, disseminate information of an educational nature on the need to design and improve the environment to allow the development of evil in every aspect.

**Principle 20**

Scientific research and development in the context of environmental problems, both national and multinational, must be promoted in all countries, especially in developing countries. In this context, the free flow of up-to-date scientific information and the transfer of experience should be supported and encouraged to facilitate the solution of environmental problems; environmental technologies should be made available to developing countries on terms that encourage their widespread diffusion without placing an economic burden on developing countries.

**Principle 21**

States have, in accordance with the Charter of the United Nations and the principles of

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international law, the sovereign right to exploit their resources in accordance with their environmental policies and the responsibility to ensure that activities under their jurisdiction or control do not cause harm to environment of other states or areas outside the limits of jurisdiction national.

**Principle 22**

States will cooperate to further develop international law relating to the liability and compensation of victims of pollution and other environmental damage caused by activities under the jurisdiction or control of those States in areas outside their jurisdiction.

**Principle 23**

Without prejudice to criteria which may be agreed upon by the international community, or standards to be determined at the national level, it will be essential in all cases to consider the value systems prevailing in each country and the extent of applicability of standards valid for more advanced countries but which may be inadequate and of unjustified social cost for developing countries.

**Principle 24**

International matters concerning the protection and improvement of the environment should be handled in a spirit of cooperation by all countries, large and small, on an equal footing. Cooperation through multilateral or bilateral agreements or other appropriate means is essential to effectively control, prevent, reduce and eliminate the negative environmental effects resulting from the activities carried out in all sectors, in such a way that due consideration is given to the sovereignty and interests of all the states.

**Principle 25**

States ensure that international organizations play a coordinated, efficient and dynamic role for the protection and improvement of the environment.

**Principle 26**

Man and his environment must be spared the effects of nuclear weapons and all other means of mass destruction. States must work to reach an early agreement, in the competent international bodies, on the elimination and complete destruction of such weapons.

**21st plenary meeting - June 16, 1972**

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Venice, 05/18/2023

General Attorney

**Nicola Liviero**

Foreign Minister

**Leandro Nadin**

President of the Council of Ministers

**Moravio Pianegonda**

President of the Parliament

**Luca Ferrari**

President of the C.L.N.V.

**Amedeo Casasola**

Minister for the peremptory norms of general international law (ius cogens).

**Paluan Franco**

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**Note to caution, prevention is better than cure.**

**"Green steel mill" project**

For some months, with positions taken by regional politicians, a settlement for a steel pole, of Danieli Metinvest, has been hypothesized in San Giorgio di Nogaro - Ud, in the southern tip of the industrial area (Ferraul), close to the Marano lagoon. This industry would be built near an area of great environmental value. It is a S.I.C. (Site of community interest) protected both as a Z.P.S. (Special Protection Area) based on the Birds Directive (now 2009/147/EC which amended the previous 79/409/EEC) in consideration of the more than 300 species of birds that pass through the area between migratory, wintering and nesting birds. This area is also protected as Z.S.C. (Area of special conservation) with regard to the Habitats Directive (92/43/EEC, see art. 6) which deals with the conservation of natural habitats and protects the other living species present (other than birds): mammals, fish, amphibians, reptiles and plant species.

The planned settlement would have an annual production of 2.4 - 4 million tons of steel, with dimensions similar to those of Ilva in Taranto (where the European record for tumors and serious cases of malformations in children born in that area)

In our opinion, what are the main problems for this settlement:

- 1) the dredging of the Corno river and in some stretches of the lagoon up to 12 meters deep, with interventions on the port inlets and in the open sea to allow ships up to 20,000 tonnage to maneuver, jeopardizing the lagoon equilibrium characterized by shallow waters;
- 2) dredging will have to be permanent, given that dozens of ships will arrive every year, with mixing of the sludge, which as we know is not without polluting elements, given that in that area we have the sad legacy of the chemical industries of Caffaro and Cogol;
- 3) among other things where to place the sludge since we are talking about huge quantities;
- 4) the increase in the salinity of the lagoon water as a result of these interventions, a phenomenon already underway due to the drought of recent years, which is producing very negative effects on the reed bed and on the species that nest there (primarily the Basettino);
- 5) considerable noise pollution;
- 6) there will be an increase in heavy and noxious dust pollution regardless of the best technology adopted: the annual waste that a plant of this size produces is estimated at hundreds of thousands of cubic meters which are generally stacked around the perimeter of the company, but also dust captured by the fumes of the process, with heavy metal content;
- 7) huge water consumption given that 1.5 million liters of water are needed to produce one ton of steel;
- 8) for these production levels, it is estimated that methane consumption (also including that at

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the electric furnace and the downstream rolling mill) could exceed 1.5 billion cubic meters per year, which is about 2% of national consumption. Methane is not a renewable resource and its use generates CO<sub>2</sub>. Methane because the use of hydrogen they are talking about will not be possible (according to technicians) for at least thirty years;

9) we do not have manpower here on site, given that the workers are struggling to find it even for companies that are already established, this means that of the estimated 1,000 new hires, most will be immigrant families for whom it will also be necessary to create ad hoc housing with a significant social impact on the community of San Giorgio considering that there will be about 4,000 people to be included in the same municipality;

10) no one has made estimates on how many jobs will be compromised in the fishing, tourism, food and wine sectors between Marano, Lignano and Grado;

11) no one has made it known how much the properties in tourist resorts will devalue after the establishment of this steel mill which will also have a chimney at least 90 meters high, with a hallucinating visual impact.

For this series of factors, the population of the area concerned is totally against this settlement which would jeopardize the environmental balance of the lagoon of Marano and Grado, as well as jeopardizing Lignano - UD

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