

PROSECUTOR'S OFFICE OF THE REPUBLIC  
AT THE COURT OF ROME

\*

REPORT

The undersigned, GIUSEPPE FALLISI, born in,  
on,  
and resident in,

SUBMITS THE FOLLOWING PARTICULARS

On the basis of information published by the press and all mass media, both national and international, as from 19 March, 2011, it was publicly known that the Italian armed forces took part in the operation, Odyssey Dawn, consisting in an attack on the Socialist People's Libyan Arab Jamahiriya, that is the nation of Libya. The attack was mainly conducted by the air and naval forces of the United States, Great Britain, France and Spain.

According to all news organs, Italy provided the military bases used for the military actions and for other logistic support operations for the said military actions.

Through the news organs, as from 23 March 2011, it became publicly known that military aircraft of the Italian Republic were engaged in missions consisting in military attack, and in any case military actions against the Socialist People's Libyan Arab Jamahiriya.

The report herein is submitted to the effect that the military actions against the Socialist People's Libyan Arab Jamahiriya and on the territory of Libya have not ceased and are being conducted at the time of submission of the said report, and that these actions are being directed against the territory of Libya and the Libyan armed forces, and that they have caused the death of a very large number of Libyan civilians.

The aforesaid military operations directed against Libya constitute an evident violation of art. 11 of the Constitution of the Italian Republic, "Italy repudiates war as an offensive means to be directed against freedom of other peoples and as a means for the resolving of international disputes".

\*

It is reported herein that the aforesaid circumstances have come about in violation of fundamental constitutional principles such as respect of the equality of sovereign States, of the commitment not to threaten, or to use force against, the territorial integrity or political independence of a counterparty or to use any other means which conflict with the United Nations Charter, of the commitment not to interfere in the internal affairs of nations, and, in accordance with the principles of international law, of the commitment not to make use of the nation's own territory in any hostile act directed against a counterparty, and of the commitment to seek peaceful solutions to disputes. Also violated is the "Treaty of friendship and partnership between the Italian Republic and the Great Socialist People's Libyan Arab Jamahiriya" in regard to the articles that foresee a pact of non-aggression between the parties thereto.

\*

Violation of Art. 11 of the Constitution by conducting military actions against another nation, and against the territory of another nation, represents a grave violation of our legal system.

\*

In view of the aforesaid,

The Prosecutor's Office of the Republic is called upon to identify the persons responsible for the military acts of war against Libya, against the Socialist People's Libyan Arab Jamahiriya, and against the Libyan territory, people, institutions and armed forces.

In regard to the said persons, here unidentified, and which, in the event, the Prosecutor's Office of the Republic shall identify,

the report herein concerns:

Violation of art. 11 of the Constitution, consisting in the execution of actions of a hostile nature against a foreign State, the said actions placing the State of Italy in danger of war – this offence being specified in, with the parties responsible punished in accordance with, art. 244 of the Penal Code; consisting in reaching agreements with foreigners to the end of committing the State of Italy to war - this offence being specified in, with the parties responsible punished in accordance with, art. 245 of the Penal Code; consisting in subverting the Constitution of the State by conducting military actions and acts of warfare against the Socialist People's Libyan Arab Jamahiriya in such manner as overturns the status of the Italian Republic as an institution that “repudiates war” - this offence being specified in, with the parties responsible punished in accordance with, art. 283 of the Penal Code.

and concerns all other offences which, in the event, come to the notice of the Prosecutor's Office of the Republic.

\*

It is requested by the undersigned that he be informed of any petition for dismissal of charge. The residence of the undersigned for all purposes inhering in the report, and for all purposes inhering in the issue of any notice of dismissal of charge, is to be the office of the lawyer, Avv. Luca Tadolini, via Crispi 10, 42121 Reggio Emilia, [luca.tadolini@ordineavvocatireggioemilia.it](mailto:luca.tadolini@ordineavvocatireggioemilia.it).

Rome, 27 October 2011

Giuseppe Fallisi