

COUR INTERNATIONALE DE JUSTICE

RECUEIL DES ARRÊTS,  
AVIS CONSULTATIFS ET ORDONNANCES

IMMUNITÉS JURIDICTIONNELLES  
DE L'ÉTAT

(ALLEMAGNE c. ITALIE)

ORDONNANCE DU 29 AVRIL 2009

**2009**

INTERNATIONAL COURT OF JUSTICE

REPORTS OF JUDGMENTS,  
ADVISORY OPINIONS AND ORDERS

JURISDICTIONAL IMMUNITIES  
OF THE STATE

(GERMANY v. ITALY)

ORDER OF 29 APRIL 2009

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## INTERNATIONAL COURT OF JUSTICE

YEAR 2009

29 April 2009

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General List  
No. 143JURISDICTIONAL IMMUNITIES  
OF THE STATE(GERMANY *v.* ITALY)

## ORDER

*Present: President OWADA; Vice-President TOMKA; Judges SHI, KOROMA, BUERGENTHAL, ABRAHAM, KEITH, SEPÚLVEDA-AMOR, BENNOUNA, CAÑADO TRINDADE, YUSUF, GREENWOOD; Registrar COUVREUR.*

The International Court of Justice,

Composed as above,

After deliberation,

Having regard to Article 48 of the Statute of the Court and to Articles 31, 44, 45, paragraph 1, 48 and 49 of the Rules of Court,

Having regard to the Application filed in the Registry of the Court on 23 December 2008, whereby the Federal Republic of Germany instituted proceedings against the Italian Republic in respect of a dispute originating in “violations of obligations under international law” allegedly committed by Italy through its judicial practice “in that it has failed to respect the jurisdictional immunity which . . . Germany enjoys under international law”;

Whereas on 23 December 2008 a certified copy of the Application was transmitted to the Italian Republic;

Whereas on 23 December 2008 the Federal Republic of Germany notified the Court of the appointment of H.E. Mr. Georg Witschel and

Mr. Christian Tomuschat as Agents; and whereas on 23 March 2009 the Italian Republic notified the Court of the appointment of H.E. Mr. Paolo Pucci di Benisichi as Agent and Mr. Giacomo Aiello as Co-Agent;

Whereas, at a meeting held by the President of the Court with the Agents of the Parties on 23 April 2009, the Agent of Germany indicated that, in view of the time which had already passed since the Application was filed, his Government was prepared to file its Memorial within two months; and whereas the Agent of Italy, referring to the complex nature of the issue brought before the Court, indicated that his Government wished to have a sufficiently long time at its disposal for the preparation of its Counter-Memorial and requested a time-limit of 12 months for the filing of that pleading;

Whereas, in view of the above, the Court considers it appropriate to fix consecutive identical time-limits of six months from the date of the filing of the Application for the filing of, respectively, a Memorial by Germany and a subsequent Counter-Memorial by Italy,

*Fixes* the following time-limits for the filing of the written pleadings:

23 June 2009 for the Memorial of the Federal Republic of Germany;

23 December 2009 for the Counter-Memorial of the Italian Republic;  
and

*Reserves* the subsequent procedure for further decision.

Done in French and in English, the French text being authoritative, at the Peace Palace, The Hague, this twenty-ninth day of April, two thousand and nine, in three copies, one of which will be placed in the archives of the Court and the others transmitted to the Government of the Federal Republic of Germany and the Government of the Italian Republic, respectively.

(Signed) Hisashi OWADA,  
President.

(Signed) Philippe COUVREUR,  
Registrar.