

**Letter to the Registrar dated 23 May 2011 from
the Agent of the Italian Republic**

[Translation]

The Government of the Italian Republic acknowledges receipt of the letter dated 4 May 2011 (transmitted by your letter of 6 May 2011), whereby the Agent of the Hellenic Republic communicated to the Court the observations of his Government in response to the observations of the Federal Republic of Germany and the Italian Republic on whether to grant the Application for permission to intervene filed by the Government of the Hellenic Republic on 13 January 2011 in the case concerning *Jurisdictional Immunities of the State (Germany v. Italy)*.

Having taken note of the observations and explanations furnished by the Hellenic Government, the Italian Government is able to confirm its understanding of the Hellenic Government's wish to inform the Court of its stance on the nature and content of its legal interests which it considers may be affected by the decision in the case, in view of the fact that, in its Application filed on 23 December 2008, the Federal Republic of Germany refers in particular to a Greek judicial decision (namely the judgment of the Regional Court of Livadia of 25 September/30 October 1997 in the *Distomo* case, confirmed by the *Areios Pagos* [Court of Cassation] judgment of 4 May 2000, which held the German State liable to compensate Greek nationals who were the victims of a massacre perpetrated on Greek territory by German armed forces in 1944) and requests the Court to adjudge and declare that the Italian Republic, by declaring such a decision enforceable in Italy, committed a breach of Germany's jurisdictional immunity.

The Italian Republic likewise confirms that it has no objection to the Application for permission to intervene filed by the Hellenic Republic, whilst fully recognizing that "It is for the Court, responsible for safeguarding the proper administration of justice, to decide whether the condition laid down by Article 62, paragraph 1, has been fulfilled." (*Territorial and Maritime Dispute (Nicaragua v. Colombia), Application by Honduras for permission to intervene, Judgment of 4 May 2011*, para. 36.)
