



INTERNATIONAL COURT OF JUSTICE

Peace Palace, Carnegieplein 2, 2517 KJ The Hague, Netherlands

Tel.: +31 (0)70 302 2323 Fax: +31 (0)70 364 9928

Website: www.icj-cij.org

Press Release

Unofficial

No. 2011/26

16 September 2011

Jurisdictional Immunities of the State (Germany v. Italy: Greece intervening)

Conclusion of the public hearings

Court to begin its deliberation

THE HAGUE, 16 September 2011. The public hearings in the case concerning Jurisdictional Immunities of the State (Germany v. Italy: Greece intervening) were concluded today. The Court will now begin its deliberation.

During the hearings, which opened on 12 September 2011 at the Peace Palace, seat of the Court, the delegation of the Federal Republic of Germany was led by H.E. Ms Susanne Wasum-Rainer, Ambassador, Director-General for Legal Affairs and Legal Adviser, Federal Foreign Office, H.E. Mr. Heinz-Peter Behr, Ambassador of the Federal Republic of Germany to the Kingdom of the Netherlands and Mr. Christian Tomuschat, former Member and Chairman of the International Law Commission, Professor emeritus of Public International Law at the Humboldt University of Berlin, as Agents. The delegation of the Italian Republic was led by H.E. Mr. Paolo Pucci di Benisichi, Ambassador and State Counsellor, as Agent; and the delegation of the Hellenic Republic was led by Mr. Stelios Perrakis, Professor of International and European Institutions, Panteion University of Athens, as Agent.

The Court's Judgment will be rendered at a public sitting, the date of which will be announced in due course.

Final submissions of the Parties

At the end of the oral proceedings, the Parties presented the following final submissions to the Court:

For the Federal Republic of Germany:

“Germany respectfully requests the Court to adjudge and declare that the Italian Republic:

1. by allowing civil claims based on violations of international humanitarian law by the German Reich during World War II between September 1943 and May 1945 to be brought against the Federal Republic of Germany, committed violations of obligations under international law in that it has failed to respect the jurisdictional immunity which the Federal Republic of Germany enjoys under international law;

2. by taking measures of constraint against “Villa Vigoni”, German State property used for government non-commercial purposes, also committed violations of Germany’s jurisdictional immunity;
3. by declaring Greek judgments based on occurrences similar to those defined in request No. 1 enforceable in Italy, committed a further breach of Germany’s jurisdictional immunity.

Accordingly, the Federal Republic of Germany respectfully requests the Court to adjudge and declare that:

4. the Italian Republic’s international responsibility is engaged;
5. the Italian Republic must, by means of its own choosing, take any and all steps to ensure that all the decisions of its courts and other judicial authorities infringing Germany’s sovereign immunity become unenforceable;
6. the Italian Republic must take any and all steps to ensure that in the future Italian courts do not entertain legal actions against Germany founded on the occurrences described in request No. 1 above.”

For the Italian Republic:

“[F]or the reasons given in [its] written and oral pleadings, [Italy requests] that the Court adjudge and hold the claims of the Applicant to be unfounded. This request is subject to the qualification that . . . Italy has no objection to any decision by the Court obliging Italy to ensure that the mortgage on Villa Vigoni inscribed at the land registry is cancelled”.

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Intervention of Greece

It is recalled that on Thursday 13 January 2011 Greece filed in the Registry of the Court an Application for permission to intervene in the present case. In its Application, Greece stated, inter alia, that it “d[id] not seek to become a party to the case” (see Press Release No. 2011/2 of 17 January 2011).

By an Order dated 4 July 2011, the Court granted Greece permission to intervene as a non-party “in so far as this intervention is limited to the decisions of Greek courts [in the Distomo case]” (see Press Release No. 2011/21 of 15 July 2011). Greece presented its oral observations to the Court on Wednesday 14 September 2011.

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Internal Judicial Practice of the Court with respect to deliberations

Deliberations take place in private in accordance with the following procedure: the Court first holds a preliminary discussion, during which the President outlines the issues which require discussion and decision by the Court. Each judge then prepares a written Note setting out his or her views on the case. Each Note is distributed to the other judges. A full deliberation is then held, at the end of which, on the basis of the views expressed, a drafting committee is chosen by secret

ballot. That committee consists in principle of two judges holding the majority view of the Court, together with the President, unless it appears that his views are in the minority. The committee prepares a draft text, which is first the subject of written amendments and then goes through two readings. In the meantime, judges who wish to do so may prepare a declaration, a separate opinion or a dissenting opinion. The final vote is taken after adoption of the final text of the Judgment at the second reading.

Note: The Court's press releases do not constitute official documents. The complete verbatim records of the hearings held from 12 to 16 September 2011 are published on the website of the Court (www.icj-cij.org).

The International Court of Justice (ICJ) is the principal judicial organ of the United Nations. It was established by the United Nations Charter in June 1945 and began its activities in April 1946. The seat of the Court is at the Peace Palace in The Hague (Netherlands). Of the six principal organs of the United Nations, it is the only one not located in New York. The Court has a twofold role: first, to settle, in accordance with international law, legal disputes submitted to it by States (its judgments have binding force and are without appeal for the Parties concerned); and, second, to give advisory opinions on legal questions referred to it by duly authorized United Nations organs and agencies of the system. The Court is composed of 15 judges elected for a nine-year term by the General Assembly and the Security Council of the United Nations. It is assisted by a Registry, its international secretariat, whose activities are both judicial and diplomatic, as well as administrative. The official languages of the Court are French and English.

Information Department:

Mr. Andrey Poskakukhin, First Secretary of the Court, Head of Department (+31 (0)70 302 2336)

Mr. Boris Heim, Information Officer (+31 (0)70 302 2337)

Ms Joanne Moore, Associate Information Officer (+31 (0)70 302 2394)

Ms Genoveva Madurga, Administrative Assistant (+31 (0)70 302 2396)