

The following information from the Registry of the International Court of Justice has been communicated to the Press:

On October 2nd, 1957, the Swiss Ambassador to the Netherlands handed to the Registrar of the International Court of Justice on behalf of the Swiss Confederation an Application instituting proceedings before the Court against the United States of America regarding a dispute which refers to the restitution by the United States of the assets of the Société internationale pour participations industrielles et commerciales. This joint stock company, which was entered in the Commercial Register of the Urban District of Basle on June 26th, 1928, is known by the name of "Interhandel".

As formulated in the Application, the facts are shortly these.

As from 1942 the Government of the United States ordered the vesting of some 90 per cent. of the shares of the General Aniline and Film Corporation, a business established in the United States and belonging to Interhandel. These measures were justified by the assertion that the said shares were in fact the property of I.G. Farben of Frankfurt or were owned by or held for that German concern.

Interhandel, however, had severed all connection with I.G. Farben in June, 1940, and had therefore ceased to be under German control. In 1948 the Government of Switzerland demanded the release of Interhandel's assets in the United States, invoking for this purpose more especially the financial agreement concluded in Washington on May 25th, 1946, between Swiss representatives, on the one side, and representatives, on the other, of the United States of America, France and the United Kingdom, acting on behalf of their Allies. Nevertheless, deferring to several Allied representations, particularly by the United States Government, which declared that it had found in Germany documents implying close association between I.G. Farben and Interhandel, the Swiss authorities in 1945 took steps for the provisional blocking of Interhandel's property, with a view to making a further and more thorough investigation. This enquiry, like the previous one, established that Interhandel was in no degree under German influence. The Allies, however, refused to accept this finding and the shares of the General Aniline and Film Corporation in the United States were not released. Diplomatic negotiations followed between Berne and Washington, but were abortive. The Swiss Government then proposed to the Government of the United States to have recourse to arbitration or conciliation proceedings, basing their proposal both on the treaty of arbitration and conciliation dated February 16th, 1931 and on Article VI of the Washington Accord, in which arbitration is provided for in case of differences of opinion between the parties to that Accord. In January, 1957, the Government of the United States declared that conciliation would not lead to any positive result and that it was unable to submit the dispute to arbitration. It further refused to undertake to respect the status quo pending a settlement of the question.

Considering therefore that it had exhausted all the means at its disposal of putting an end to the dispute by diplomatic means, the Swiss Government applied to the Court on the basis of the declarations whereby the United States of the one part and Switzerland of the other have recognised the compulsory jurisdiction of the Court under Article 36, paragraph 2, of the Statute. The Application requests the Court to decide that the Government of the United States is bound to restore the assets of Interhandel to that Company and, alternatively, that the dispute is of a nature to be submitted to jurisdiction, arbitration or conciliation under conditions which it will rest with the Court to determine.

The Registrar of the Court communicated the Swiss Government's Application to the United States of America on the day on which it was filed, namely, October 2nd.

The Hague, October 3rd, 1957.