

COUR INTERNATIONALE DE JUSTICE

RECUEIL DES ARRÊTS,
AVIS CONSULTATIFS ET ORDONNANCES

QUESTIONS RELATIVES AUX IMMUNITÉS
JURIDICTIONNELLES DE L'ÉTAT
ET AUX MESURES DE CONTRAINTE
CONTRE DES BIENS APPARTENANT À L'ÉTAT
(ALLEMAGNE c. ITALIE)

ORDONNANCE DU 17 DÉCEMBRE 2024

2024

INTERNATIONAL COURT OF JUSTICE

REPORTS OF JUDGMENTS,
ADVISORY OPINIONS AND ORDERS

QUESTIONS OF JURISDICTIONAL
IMMUNITIES OF THE STATE
AND MEASURES OF CONSTRAINT
AGAINST STATE-OWNED PROPERTY
(GERMANY v. ITALY)

ORDER OF 17 DECEMBER 2024

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et aux mesures de contrainte contre des biens appartenant à l'État
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17 DÉCEMBRE 2024

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INTERNATIONAL COURT OF JUSTICE

YEAR 2024

17 December 2024

2024
17 December
General List
No. 183QUESTIONS OF JURISDICTIONAL
IMMUNITIES OF THE STATE
AND MEASURES OF CONSTRAINT
AGAINST STATE-OWNED PROPERTY

(GERMANY v. ITALY)

ORDER

Present: President SALAM; Vice-President SEBUTINDE; Judges ABRAHAM, YUSUF, XUE, BHANDARI, IWASAWA, NOLTE, CHARLESWORTH, BRANT, GÓMEZ ROBLEDÓ, CLEVELAND, TLADI; Registrar GAUTIER.

The International Court of Justice,

Composed as above,

After deliberation,

Having regard to Article 48 of the Statute of the Court,

Having regard to the Application filed by the Federal Republic of Germany (hereinafter “Germany”) on 29 April 2022 instituting proceedings against the Italian Republic (hereinafter “Italy”) concerning the alleged violation by Italy of its obligation to respect Germany’s sovereign immunity,

Having regard to the Order dated 10 June 2022, whereby the Court fixed 12 June 2023 and 12 June 2024 as the respective time-limits for the filing of the Memorial of Germany and the Counter-Memorial of Italy,

Having regard to the Order dated 30 May 2023, whereby the President of the Court, on the request of Germany, which was not opposed by Italy,

extended to 12 January 2024 and 12 August 2025 the respective time-limits for the filing of the Memorial of Germany and the Counter-Memorial of Italy,

Having regard to the Order dated 5 December 2023, whereby the President of the Court, on the request of Germany, which was not opposed by Italy, extended to 12 January 2025 and 12 August 2027 the respective time-limits for the filing of the Memorial of Germany and the Counter-Memorial of Italy;

Whereas, by a letter dated 10 December 2024 and received in the Registry on the same day, the Agent of Germany requested that the Court suspend the proceedings in the present case, pending the completion of certain domestic proceedings in Italian courts; whereas the Agent explained that once completed, the domestic proceedings in Italy would “confirm that the legal framework put in place by Italy [was] consistent with its relevant international obligations” and stated that “[s]uch an outcome may then well lead to the discontinuance of the present case before the Court by mutual consent of the Parties”; whereas the Agent indicated that, in the event that the Court were to decline to authorize a suspension of the proceedings, the German Government requested, in the alternative, that the time-limits for the filing of its Memorial be further extended by 12 months, i.e. until 12 January 2026; whereas, the Agent added that Germany in turn would not oppose an equivalent extension of the time-limit for the filing of Italy’s Counter-Memorial, should such a request to that effect be made; and whereas the Agent finally noted that the present requests were submitted following consultations between the German Federal Foreign Office and the Italian Ministry of Foreign Affairs and International Cooperation, which had not raised any opposition thereto;

Whereas, on receipt of that letter, the Registrar immediately transmitted a copy thereof to Italy;

Whereas, by a letter dated 10 December 2024 and received in the Registry on 11 December 2024 under cover of a Note Verbale of the same date from the Embassy of Italy in The Hague, the Agent of Italy, referring to the above-mentioned letter from the Agent of Germany, informed the Court that, following consultations between the Parties, her Government did not oppose Germany’s request that the Court suspend the proceedings in the case; the Agent of Italy further stated that, in the event that the Court were to decide not to suspend the proceedings, and instead to grant Germany’s alternative request for an extension of the time-limit for the filing of its Memorial, Italy would not oppose that request provided that Italy were granted an equivalent extension of the time-limit for the filing of its Counter-Memorial;

Taking into account the agreement of the Parties,

Suspends the proceedings in the present case pending notification from one of the Parties; 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 seventeenth day of December, two thousand and twenty-four, 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) Nawaf SALAM,
President.

(Signed) Philippe GAUTIER,
Registrar.
