



INTERNATIONAL COURT OF JUSTICE

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Press Release

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Questions of Jurisdictional Immunities of the State and Measures of Constraint against State-Owned Property (Germany v. Italy)

The Court suspends the proceedings in the case pending notification from one of the Parties

THE HAGUE, 20 December 2024. By an Order dated 17 December 2024, the International Court of Justice suspended the proceedings in the case concerning *Questions of Jurisdictional Immunities of the State and Measures of Constraint against State-Owned Property (Germany v. Italy)*.

The [Order](#) was adopted following a request, addressed to the Court by Germany and not opposed by Italy, to suspend the proceedings pending the completion of certain domestic proceedings in Italy, which could, depending on their outcome, lead to the discontinuance of the case before the Court.

History of the proceedings

On 29 April 2022, Germany filed an [Application instituting proceedings](#) against Italy for allegedly failing to respect its jurisdictional immunity as a sovereign State.

In its Application, Germany recalled that, on 3 February 2012, the Court rendered its Judgment on the question of jurisdictional immunity in the case concerning *Jurisdictional Immunities of the State (Germany v. Italy: Greece intervening)*. Germany stated that, “[n]otwithstanding [the] pronouncements [in that Judgment], the Italian domestic courts since 2012 ha[d] entertained a significant number of new claims against Germany in violation of Germany’s sovereign immunity”. Germany referred in particular to judgment No. 238/2014 of 22 October 2014 of the Italian Constitutional Court, by which the latter “[had] acknowledged ‘[t]he duty of the Italian judge . . . to comply with the ruling of the [International Court of Justice] of 3 February 2012’” but, nevertheless, “[had] subjected that same duty to the ‘fundamental principle of judicial protection of fundamental rights’ under Italian constitutional law, which it read to permit individual claims by victims of war crimes and crimes against humanity to be brought against sovereign States”. Germany argued that judgment No. 238/2014 of the Italian Constitutional Court, “adopted in conscious violation of

international law and of Italy's duty to comply with a judgment of the principal judicial organ of the United Nations, [had] had wide-ranging consequences". It added that, since the delivery of the judgment, "at least 25 new cases ha[d] been brought against Germany [before Italian courts]" and that, "in at least 15 proceedings, Italian domestic courts . . . ha[d] entertained and decided upon claims against Germany in relation to conduct of the German Reich during World War II".

As basis for the jurisdiction of the Court, Germany invoked Article 36, paragraph 1, of the Statute of the Court and Article 1 of the European Convention for the Peaceful Settlement of Disputes of 29 April 1957.

The Application of Germany was accompanied by a Request for the indication of provisional measures. Hearings on that Request had been scheduled to open on 9 May 2022. However, Germany later informed the Court that it had decided to withdraw its Request for the indication of provisional measures, and the President of the Court placed on record the withdrawal by an Order dated 10 May 2022.

By an [Order dated 10 June 2022](#), the Court fixed 12 June 2023 and 12 June 2024 as the respective time-limits for the filing of a Memorial by Germany and a Counter-Memorial by Italy. By an [Order dated 30 May 2023](#), the Court extended these time-limits to 12 January 2024 and 12 August 2025, respectively. By an [Order of the President dated 5 December 2023](#), these time-limits were further extended to 12 January 2025 and 12 August 2027, respectively.

Earlier [press releases](#) relating to this case are available on the Court's website.

Note: The Court's press releases are prepared by its Registry for information purposes only and do not constitute official documents.

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 Court is composed of 15 judges elected for a nine-year term by the General Assembly and the Security Council of the United Nations. The seat of the Court is at the Peace Palace in The Hague (Netherlands). The Court has a twofold role: first, to settle, in accordance with international law, legal disputes submitted to it by States; and, second, to give advisory opinions on legal questions referred to it by duly authorized United Nations organs and agencies of the system.

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