

INTERNATIONAL COURT OF JUSTICE

REPORTS OF JUDGMENTS
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CASE CONCERNING
ELETTRONICA SICULA S.p.A. (ELSI)

(UNITED STATES OF AMERICA v. ITALY)

ORDER OF 2 MARCH 1987

CONSTITUTION OF CHAMBER

1987

COUR INTERNATIONALE DE JUSTICE

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DE L'ELETTRONICA SICULA S.p.A. (ELSI)

(ÉTATS-UNIS D'AMÉRIQUE c. ITALIE)

ORDONNANCE DU 2 MARS 1987

CONSTITUTION DE CHAMBRE

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ELETTRONICA SICULA S.p.A. (ELSI)

(UNITED STATES OF AMERICA v. ITALY)

ORDER

CONSTITUTION OF CHAMBER

Present : *President* NAGENDRA SINGH ; *Judges* LACHS, RUDA, ELIAS, ODA, AGO, SETTE-CAMARA, SCHWEBEL, Sir Robert JENNINGS, MBAYE, BEDJAOUI, NI, EVENSEN, TARASSOV ; *Registrar* VALENCIA-OSPINA.

The International Court of Justice,

Composed as above,

After deliberation,

Having regard to Articles 26, paragraph 2, 31 and 48 of the Statute of the Court, and to Articles 17, 18, 31, 44, 91 and 92 of the Rules of Court,

Makes the following Order :

1. Whereas, by an Application filed in the Registry of the Court on 6 February 1987, the United States of America instituted proceedings against the Republic of Italy in respect of a dispute arising out of the requisition by the Government of Italy of the plant and related assets of Elettro-nica Sicula S.p.A. (ELSI), an Italian company which is stated to have been 100 per cent owned by two United States corporations ;

2. Whereas by letters dated 6 February 1987 the United States Secretary of State and the Chargé d'affaires *ad interim* of the United States of America accredited to the Kingdom of the Netherlands informed the Court that the Honorable Abraham D. Sofaer was appointed Agent of the

United States, and that the Government of the United States requested, pursuant to Article 26, paragraph 3, of the Statute of the Court, that a Chamber be formed, composed of five judges, to hear and determine the case ;

3. Whereas by a telegram dated 13 February 1987 the Minister for Foreign Affairs of Italy informed the Court that Professor Luigi Ferrari Bravo was appointed Agent of Italy and that the Government of Italy accepted the proposal put forward by the Government of the United States, that the case be heard by a Chamber composed in accordance with Article 26 of the Statute, and this acceptance was confirmed by a letter dated 13 February 1987 from the Agent of Italy ;

4. Whereas the Court thus has before it a request by the two Parties that the case be heard and determined by a Chamber formed to deal with the case ; and whereas the Parties have been duly consulted as to the composition of the proposed Chamber of the Court in accordance with Article 26, paragraph 2, of the Statute and Article 17, paragraph 2, of the Rules of Court ;

5. Whereas the Parties, consulted with regard to questions of procedure pursuant to Article 31 of the Rules of Court, have indicated that they are in agreement on a period of two months being fixed for the Memorial of the United States of America and six months for the Counter-Memorial of Italy ;

THE COURT,

Unanimously,

1. *Decides* to accede to the request of the Governments of the United States of America and Italy to form a special Chamber of five judges to deal with the present case ;

2. *Declares* that at an election held on 2 March 1987 the following Members of the Court were elected to the Chamber :

President Nagendra Singh,
Judges Oda,
Ago,
Schwebel,
Sir Robert Jennings ;

3. *Declares* a Chamber to deal with this case to have been duly constituted by the present Order, with the composition indicated above ;

4. *Fixes* the following time-limits for the initial pleadings in the case :

15 May 1987 for the Memorial of the United States of America ;

16 November 1987 for the Counter-Memorial of the Republic of Italy ;

and reserves the subsequent procedure for further decision.

Done in English and in French, the English text being authoritative, at the Peace Palace, The Hague, this second day of March, one thousand nine hundred and eighty-seven, in three copies, one of which will be placed in the archives of the Court, and the others transmitted to the Government of the United States of America and to the Government of Italy, respectively.

(Signed) NAGENDRA SINGH,
President.

(Signed) Eduardo VALENCIA-OSPINA,
Registrar.
