

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 5 DECEMBER 2023**

**2023**

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 5 DÉCEMBRE 2023**

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and Measures of Constraint against State-Owned Property  
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5 DECEMBER 2023

ORDER

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ORDONNANCE

## INTERNATIONAL COURT OF JUSTICE

YEAR 2023

2023  
5 December  
General List  
No. 183

**5 December 2023**

QUESTIONS OF JURISDICTIONAL  
IMMUNITIES OF THE STATE  
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(GERMANY v. ITALY)

## ORDER

The President of the International Court of Justice,

Having regard to Article 48 of the Statute of the Court and Article 44, paragraphs 3 and 4, of the Rules of 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;

Whereas, by a letter dated 24 November 2023 and received in the Registry on 27 November 2023, the Agent of Germany requested a further extension of the time-limit for the filing of the Memorial of Germany, until 12 January 2025; whereas the Agent explained that on 21 July 2023, the Italian Constitutional Court had confirmed the constitutionality of a law establishing a domestic Italian compensation fund to satisfy claims by Italian individuals

against Germany related to violations of international law committed by the Third Reich on Italian soil or against Italian citizens during World War II; whereas the Agent further explained that foreign individuals whose claims stem from foreign judgments do not have access to the Italian compensation fund and that the Constitutional Court did not pronounce itself on the constitutionality of the extinguishment of procedures engaged by those claimants; whereas the Agent observed that two sets of proceedings are pending before the Court of Rome which concern procedures of constraint against German properties; whereas the Agent added that, in either of these proceedings, the question of the constitutionality of the Italian compensation fund could again be referred to the Italian Constitutional Court, in light of the lack of access to the fund for non-Italian individuals whose claims stem from foreign judgments; whereas the Agent indicated that, in Germany's view, these new developments justified an extension of the time-limit for the filing of Germany's Memorial, since the outcome of those domestic proceedings could have considerable impact on the proceedings before the Court; whereas the Agent finally noted that the request was submitted following consultations between the German Federal Foreign Office and the Italian Ministry of Foreign Affairs and International Cooperation, which did not oppose the request, and that Germany in turn would not oppose an equivalent request for an extension of the time-limit for the filing of Italy's Counter-Memorial, should such a request be made; and whereas, on receipt of that letter, the Registrar transmitted a copy thereof to the Agent of Italy;

Whereas, by a letter dated 27 November 2023 and received in the Registry on the same day, 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 time-limit for the filing of its Memorial be extended until 12 January 2025; and whereas the Agent added that, should that request be granted, Italy would request an equivalent extension of the time-limit for the filing of its Counter-Memorial;

Taking into account the agreement of the Parties,

*Extends* to 12 January 2025 the time-limit for the filing of the Memorial of the Federal Republic of Germany;

*Extends* to 12 August 2027 the time-limit for the filing of the Counter-Memorial of the Italian Republic; 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 fifth day of December, two thousand and

twenty-three, 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)* Joan E. DONOGHUE,  
President.

*(Signed)* Philippe GAUTIER,  
Registrar.

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