



*Embassy of Greece
The Hague*

The Ambassador

The Hague, 5 May 2011

Mr. Registrar.

Following our recent meeting I have the pleasure to attach the Greek position regarding the application of my country for permission to intervene in the case of Jurisdictional Immunities of the State (Germany vs Italy). As agreed, the original will be delivered to you before the end of the working day of May 6, 2011

I avail myself of this opportunity to renew to you the assurances of my highest consideration.



John Economides

Mr. Ph. Couvreur
Registrar
The International Court of Justice
The Hague.

Attached : 3

**Letter to the Registrar dated 4 May 2011 from
the Agent of the Hellenic Republic**

[Translation]

I have the honour, on behalf of my Government, to inform you of the following:

1. The Government of the Hellenic Republic acknowledges receipt of your letter dated 5 April 2011 indicating the time-limit of 6 May 2011 set by the Court for Greece to file its observations in reply to the Observations of Germany and Italy on Greece's Application for permission to intervene in the case concerning *Jurisdictional Immunities of the State (Germany v. Italy)*, filed on 13 January 2011 pursuant to Article 62 of the Statute of the Court.
2. Having regard to the Observations of the two Parties (Italy's letter of 22 March 2011 and Germany's reply of 23 March 2011) on Greece's request for leave to intervene, the Hellenic Republic wishes to draw the attention of the Court to the following:
3. The Hellenic Republic expresses its satisfaction at the position taken by the two Parties regarding the granting of its Application for permission to intervene. It wishes to thank Italy and Germany for not having voiced any formal objections in this regard.
4. The Hellenic Republic, by its Application of 13 January 2011, expressed its wish to intervene in the case between Germany and Italy in a dispute concerning the enforcement within the Italian legal order of first instance and appeal judgments rendered by the Italian and Greek courts, which Germany claims to be in violation of its jurisdictional immunity, regarding reparations to individual victims of violations of international human rights committed by the Third Reich during the Second World War.

One of Germany's complaints focuses on the enforcement in Italy of the judgment of the *Protodikeio*/Regional Court of Livadia (1997), confirmed by the *Areios Pagos*/Court of Cassation (4 May 2000), in the *Distomo* case, which held the German State liable to compensate Greek nationals who were the victims of a massacre perpetrated at Distomo in Greece by German armed forces in 1944.

The Hellenic Republic wishes to emphasize and assure the Court that its intention to intervene in no way seeks to broaden the scope of the dispute between the Parties in the present case. The aim of the Application for permission to intervene is not to acquire the status of a party, but quite simply, on the one hand to preserve and protect its legal rights and interests, and on the other hand to inform the Court of the nature and content of those legal rights and interests.

Furthermore, its Application for permission to intervene is in no way intended to delay the conduct and progress of the current proceedings.

5. Greece considers that it has a real interest of a legal nature in this case which justifies its intervention. Greece's rights and interests could indeed be affected by the judgment of the Court. The ICJ's decision will, *inter alia*, establish whether a judgment handed down by a Greek court can be enforced on Italian territory (having regard to Germany's jurisdictional immunity). It is precisely in relation to this aspect of the case that Greece's interest of a legal nature is apparent; it represents a solid basis for its Request to intervene and satisfies the conditions laid down by Article 62 of the ICJ Statute.
6. Greece's legal interest lies in the fact that one of the elements at issue in this case revolves around the enforcement of a decision of a *Greek judicial body (Protodikeio/Regional Court of*

Livadia) — a judicial body operating within the legal order established under the sovereignty of the Greek State. This judgment, which addresses grave violations of humanitarian law perpetrated on Greek territory, gives satisfaction to the Distomo victims—*Greek nationals*—who have an interest in seeking to have this judgment in their favour enforced. Hence a Greek judicial body and Greek nationals lie at the heart of the Italian enforcement proceedings and of the conflict between enforcement and immunity.

In consequence, the Court's decision as to whether judgments — Italian and Greek — may be enforced in Italy is directly and primarily of interest to Greece and could affect the interests of a legal nature, in particular regarding persons of Greek nationality, enjoyed by Greece under general international law.

7. The Hellenic Republic considers, in the event that its Request for leave to intervene were to be granted by the Court, that it could contribute to the sound administration of justice by clarifying its views on the aspects of the proceedings concerning the judgment of the Greek courts sought to be enforced in Italy, as well as on Greece's approach to the issue of State immunity, and to developments in that regard in recent years, when the Court comes to address the question of jurisdictional immunity and State responsibility, as presented by the Parties in the present case.
 8. For the above reasons, and while reserving its right to make further representations and/or arguments, should the Court decide that this is necessary, the Hellenic Republic respectfully requests the Court to authorize its intervention in the current proceedings between Germany and Italy.
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