

THE CAMBRIDGE HANDBOOK OF IMMUNITIES AND INTERNATIONAL LAW

Few topics of international law speak to the imagination as much as international immunities. Questions pertaining to immunity from jurisdiction or execution under international law surface on a frequent basis before national courts, including at the highest levels of the judicial branch and before international courts or tribunals. Nevertheless, international immunity law is and remains a challenging field for practitioners and scholars alike. Challenges stem in part from the uncertainty pertaining to the customary content of some immunity regimes said to be in a 'state of flux', the divergent – and at times directly conflicting – approaches to immunity in different national and international jurisdictions, or the increasing intolerance towards impunity that has accompanied the advance of international criminal law and human rights law. Composed of 34 expertly written contributions, the present volume uniquely provides a comprehensive *tour d'horizon* of international immunity law, traversing a wealth of national and international practice.

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The Cambridge Handbook of Immunities and International Law

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Abbreviations

AALCO Asian-African Legal Consultative Organization
AD Annual Digest of Public International Law Cases

ACJ Andean Court of Justice

ACP African, Caribbean and Pacific Group of States

AEC African Economic Community

AL Arab League

AMU Arab Maghreb Union
APCs armoured personnel carriers
APEC Aric Parific Francisis Communications

APEC Asia-Pacific Economic Cooperation

ARIO Articles on the Responsibility of International Organizations
ARSIWA Articles on the Responsibility of States for Internationally

Wrongful Acts

ASEAN Association of Southeast Asian Nations

ATA Anti-Terrorism Act (USA) ATS Alien Tort Statute (USA)

AU African Union

BIMSTEC Bay of Bengal Initiative for Multi-Sectoral Technical and Economic

Cooperation

BIS Bank for International Settlements

BIT Bilateral Investment Treaty

BRICS Brazil, Russia, India, China and South Africa

CAHDI Committee of Legal Advisers on Public International Law (Council

of Europe)

CAN Andean Community
CAR Central African Republic
CARICOM Caribbean Community

CAT Convention against Torture and Other Cruel, Inhuman or Degrading

Treatment or Punishment [1984]

CAVV Commissie van Advies inzake Volkenrechtelijke Vraagstukken

(Advisory Committee on Issues of Public International Law) (the

Netherlands)

CBSS Council of Baltic Sea States

CEMAC Central African Economic and Monetary Community

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xx Abbreviations

CFSP Common Foreign and Security Policy

CIL Customary International Law

CJEU Court of Justice of the European Union

CJI Chief Justice of India CoE Council of Europe

COMESA Common Market for Eastern and Southern Africa

CPISA United Nations Convention on the Privileges and Immunities of the

Specialized Agencies [1947]

CPIUN Convention on the Privileges and Immunities of the United Nations

[1946]

CSCE Conference for Security and Co-operation in Europe

CSDP common security and defence policy DRC Democratic Republic of the Congo

DUSPIL Digest of United States Practice in International Law

EAC East African Community

ECCAS Economic Community of Central African States
ECHR European Convention on Human Rights
ECmHR European Commission on Human Rights
ECO Economic Cooperation Organization

ECOWAS Economic Community of West African States
ECSI European Convention on State Immunity [1972]

ECT Energy Charter Treaty [1994]
ECtHR European Court of Human Rights
EPC European Patent Convention
EPO European Patent Organization

EU European Union

EURATOM/EAEC European Atomic Energy Community

FAA Fiscal Agency Agreement

FCO Foreign & Commonwealth Office (United Kingdom)

FMLC Financial Markets Law Committee FSIA Foreign Sovereign Immunities Act

GATS General Agreement on Trade in Services [1994]
GCC Cooperation Council for the Arab States of the Gulf
IBRD International Bank for Reconstruction and Development

ICAO International Civil Aviation Organization

ICC International Criminal Court

ICCPR International Covenant on Civil and Political Rights

ICJ International Court of Justice

ICSID International Centre for Settlement of Investment Disputes
ICSID Convention Convention on the Settlement of Investment Disputes between

States and Nationals of Other States

ICTR International Criminal Tribunal for Rwanda

ICTY International Criminal Tribunal for the former Yugoslavia

IDA International Development Association

IDI Institut de Droit International

IFAD International Fund For Agricultural Development

IFC International Finance Corporation



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Abbreviations xxi

IFI International Financial InstitutionsILA International Law AssociationILC International Law Commission

ILDC Oxford Reports on International Law in Domestic Courts

ILMInternational Legal MaterialsILRInternational Law ReportsIMFInternational Monetary FundIMOInternational Maritime OrganizationINTERPOLInternational Criminal Police Organization

IO international organisation

ISAF International Security Assistance Force

IOIA International Organizations Immunities Act (USA)

IORA Indian Ocean Rim Association

IRENA International Renewable Energy Agency ISDS investor–State dispute settlement

ITC International Tin Council

ITLOS International Tribunal for the Law of the Sea
JACJFS Act on Civil Jurisdiction over Foreign States (Japan)
JASTA Justice Against Sponsors of Terrorism Act (USA) [2016]

JORF Journal Officiel de la République Française (French Official Gazette)

KFOR Kosovo Force

KGB Committee for State Security (Russia)
LNTS League of Nations Treaty Series
MERCOSUR Mercado Común del Sur

MICT United Nations International Residual Mechanism for Criminal

Tribunals

MINURCA United Nations Mission in the Central African Republic

MINUSCA United Nations Multidimensional Integrated Stabilization Mission in

the Central African Republic

MINUSTAH United Nations Stabilisation Mission in Haiti

MPEPIL Max Planck Encyclopedia of Public International Law

MPS Metropolitan Police Service (UK)
NAFTA North American Free Trade Agreement
NATO North Atlantic Treaty Organization
OAS Organization of American States
OAU Organization of African Unity

OBSEC Organization of Black Sea Economic Cooperation

OECD Organisation for Economic Co-operation and Development

OECS Organisation of Eastern Caribbean States

OPCW Organisation for the Prohibition of Chemical Weapons
OPEC Organization of the Petroleum Exporting Countries
OSCE Organization for Security and Co-operation in Europe

PCA Permanent Court of Arbitration

PCIJ Permanent Court of International Justice PLO Palestine Liberation Organization

PNG persona non grata

PRC People's Republic of China



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xxii Abbreviations

RBI Reserve Bank of India

RECs regional economic communities

RSAF Royal Saudi Air Force

SAARC South Asian Association for Regional Cooperation
SADC Southern African Development Community
SADR Saharawi Arab Democratic Republic
SCO Shanghai Cooperation Organization

SCSL Special Court for Sierra Leone

SELA Latin American and Caribbean Economic System SHAPE Supreme Headquarters Allied Powers Europe

SIA State Immunity Act

SICA Sistema de la Integración Centroamericana (Central American

Integration System)

SOE State-owned enterprises
SOFA Status of Forces Agreement
SOMA Status of Mission Agreement
TEU Treaty of the European Union

TFEU Treaty on the Functioning of the European Union TRIA Terrorism Risk Insurance Act (United States)

UAE United Arab Emirates

UEMOA West African Monetary and Economic Union

UN United Nations

UNASUR Union of South American Nations/Unión de Naciones Suramericanas

UNCITRAL United Nations Commission on International Trade Law UNCLOS United Nations Convention on the Law of the Sea

UNCSI United Nations Convention on Jurisdictional Immunities of States

and Their Property

UNCTAD United Nations Conference on Trade and Development

UNDP United Nations Development Programme

UNEF United Nations Emergency Forces

UNESCO United Nations Educational, Scientific and Cultural Organization

UNGA United Nations General Assembly

UNICEF United Nations International Children's Emergency Fund UNIDROIT International Institute for the Unification of Private Law

UNMIK United Nations Mission in Kosovo UNSC United Nations Security Council UNSC United Nations Secretary-General

UNTAET United Nations Transitional Administration in East Timor

UNTS United Nations Treaty Series
USC Code of Laws of the United States
USSR Union of Soviet Socialist Republics

VCLT Vienna Convention on the Law of Treaties
VCCR Vienna Convention on Consular Relations
VCDR Vienna Convention on Diplomatic Relations

WEU Western European Union
WHO World Health Organization



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Argentina

Supreme Court, Romero v. Ministry of Defence and United Nations, 12 September 1995, 113 ILR 436.

Australia

Supreme Court (New South Wales), Wright v. Cantrell, 22 September 1943, 12 ILR 133. 563
Federal Magistrates Court, Maddy v. Minister for Immigration and Multicultural and Indigenous
Affairs, File No. SYG 209 of 2004, 8 August 2006, [2006] FMCA 722, 233 ALR 503. 563
Court of Appeal (New South Wales), Cuiying Zhang v. Jiang Zemin and others and AttorneyGeneral of the Commonwealth (intervening), 5 October 2010, ILDC 2024 (AU 2010), [2010]
NSWCA 255. 499, 627, 628
Federal Court, Ure v. The Commonwealth of Australia, File No. NSD 343 of 2015, 4 February
2016, [2016] FCAFC 8.

Austria

Supreme Court, Legation Building (Execution by Hypothecation) Case, 15 March 1921, 1 ILR 291. Supreme Court, Holubek v. The Government of the United States, 10 February 1961, 40 ILR 73. 127, 152 Superior Provincial Court (Vienna), N. K. v. Austria, 26 February 1979, 77 ILR 470. 571 Supreme Court, Republic of 'A' Embassy Bank Account Case, 3 April 1986, 77 ILR 489. 288 Supreme Court, Leasing West GmbH v. People's Democratic Republic of Algeria, Case No. 3 Ob 38/96, 30 April 1986, 116 ILR 526. 256, 290 Supreme Court, Radiation Contamination Claim, 14 April 1988, 86 ILR 571. 146 Supreme Court, Nuclear Power Plant Injunction Case (No. 2), 2 March 1989, 86 ILR 579. 146

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Table of Cases

Supreme Court, *Pfändung von Kunst-Leihgaben der Tschechischen Republik*, Case No. 3 Ob 18/12m, 11 July 2012, www.ogh.gv.at/entscheidungen/entscheidungen-ogh/pfaendung-von-kunstleihgaben-der-tschechischen-republik/.

Belgium

Court of Cassation, Société Anonyme Compagnie des Chemins de Fer Liégeois Limbourgeois
v. Etat Néerlandais, 11 June 1903, (1904) 31 Journal de Droit International Privé 417.
Court of Appeal (Brussels), In Re Toebinte, 24 June 1920, 1 AD 121.
Court of Appeal (Brussels), Société Anonyme 'Dhellemes et Masurel' v. Banque Centrale de la
République de Turquie, 4 December 1963, 45 ILR 85.
Civil Tribunal (Brussels), Manderlier v. Organisation des Nations Unies et l'Etat Belge (Ministre
des Affaires Etrangeres), 11 May 1966, 45 ILR 446.
Court of Appeal (Brussels), Manderlier v. United Nations and Belgium, 15 September 1969, 69
ILR 139. 201, 571
Tribunal of First Instance (Brussels), NV Filmpartners, 27 July 1971, 65 ILR 26.
Court of Appeal (Brussels), Rafidain Bank and Iraqi Ministry for Industry v. Consarc Corporation,
10 March 1993, 106 ILR 274.
Court of Appeal (Liège), Belgium v. K, 25 February 1994, (1994) Revue de Jurisprudence de
Liège, Mons et Bruxelles 267.
Civil Court (Brussels), Iraq v. Dumez, 27 February 1995, 106 ILR 284, (1995) Journal des
Tribunaux 566.
Tribunal of First Instance (Brussels), Augusto Pinochet Ugarte, 6 November 1998, (1999) 118
Journal des Tribunaux 308. 625
Court of Appeal (Brussels), Leica AG v. Central Bank of Iraq and Iraqi State, 15 February 2000,
(2001) Journal des Tribunaux 6.
Court of Cassation, League of Arab States v. T., 12 March 2001, 127 ILR 94.
Court of Appeal (Brussels), Democratic Republic of the Congo v. Segrim NV, Case No. RW 2002
03, 1509, 11 September 2001, ILDC 41 (BE 2001).
Court of Cassation, D.W., Case No. AR P.00.0401.N, 30 October 2001, http://jure.juridat.just
.fgov.be/pdfapp/download_blob?idpdf=N-20011030-10.
Court of Appeal (Brussels), O.M. v. C.L., 1 March 2002, (2003) 66 Rechtskundig Weekblad 301.
429
Court of Appeal (Brussels), Burundi v. Landau, 21 June 2002, 127 ILR 98.
Court of Cassation, X v. X, Case No. AR P.01.0531.N, 10 September 2002, (2002) 9 Arr.Cass.
2002, 1774. 431
Court of Appeal (Brussels), Iraq v. Vinci Constructions Grands Projets SA, Appeal Judgment, 4
October 2002, 127 ILR 101.
Court of Cassation, Re Sharon and Yaron, HSA v. SA (Ariel Sharon) and YA (Amos Yaron), Case
No. P.02.1139.F/2, 12 February 2003, ILDC 5 (BE 2003). 481, 511
Court of Appeal (Brussels), Lutchmaya (L. M.) v. Secrétariat Général du Groupe des Etats
d'Afrique, des Caraïbes et du Pacifique, Case No. C.03.0328.F, 4 March 2003, (2003) Journal
des Tribunaux 684.
Labour Court of Appeals, Siedler v. Western European Union, 17 September 2003, (2004) 9
Journal des Tribunaux 617.
Court of Cassation, Re Sharon and Yaron, Case No. P.03.1218.F, 24 September 2003, https://
competenceuniverselle.files.wordpress.com/2011/07/arret-24-septembre-2003-sharon.pdf.
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1



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Court of Cassation, ING Belgium v. B. I., Case No. C-050154N, 2 March 2007, (2007) Revue de
Jurisprudence de Liège, Mons et Bruxelles 1193.
Court of Cassation, Secrétariat du Groupe ACP v. B.D., Case No. C.07.0407.F, 21 December
2009, (2011) Revue Critique de Jurisprudence Belge 226.
Court of Cassation, Secrétariat du Groupe ACP v. Lutchmaya (L. M.), Case No. C.03.0328.F, 2
December 2009, (2011) Revue Critique de Jurisprudence Belge 226. 5, 34
Court of Cassation, Union de l'Europe Occidentale v. Siedler (S.M.), Case No. S.04.0129.F, 2
December 2009, (2011) Revue Critique de Jurisprudence Belge 226. 5, 34
Court of First Instance (Judge of Seizures, Brussels), S.A. International Hotels Worldwide v. S.A.
Grandvision Belgium, 23 June 2011, (2011) Journal des Tribunaux 655.
Court of Appeal (Brussels), Belgian State v. International Hotels Worldwide, Case No. 2011
AR/558, 26 June 2012, www.coe.int/t/dlapil/cahdi/Source/state_immunities/Belgium_2013_
Caselawi.pdf. 343, 399
Court of Cassation, Argentinian Republic v. NML Capital Ltd, Case No. C.11.0688.F/1, 2:
November 2012 (2013) Journal des Tribunaux 290. 245, 325
Court of Cassation, Argentina v. NML Capital Ltd, Case No. C.11.0688.F, 12 December 2012
ILDC 2055 (BE 2012). 2, 297, 425
Court of Cassation, International Hotels Worldwide v. État Belge et Banca Monte Paschi Belgio
Case No. C.12.0614.F, 4 October 2013, http://jure.juridat.just.fgov.be/pdfapp/download_
blob?idpdf=F-20131004-2. 98, 34
Court of Cassation, Royaume des Pays-Bas v. De Nederlandsche Bank, Case No. C.14.0322.F
1, 23 October 2015, http://jure.juridat.just.fgov.be/pdfapp/download_blob?idpdf=F
20151023-2. 136, 153
Court of Cassation, M.M. v. La Posterie nv, Case No. C.16.0039.N, 28 October 2016, http://jure
.juridat.just.fgov.be/pdfapp/download_blob?idpdf=N-20161028-6.
Constitutional Court, NML Capital Ltd and Yukos Universal Limited, Case No. 48
2017, 27 April 2017, http://jure.juridat.just.fgov.be/pdfapp/download_blob?idpdf=
F-20170427-4. 245, 297, 383, 394

Brazil

Supreme Federal Court, In Re Gilbert, 22 November 1944, 13 AD 86. 560 Federal Supreme Court, Genny de Oliveira v. Embassy of the German Democratic Republic, Appeal No. 9.696-3, 31 May 1999. 66 Supreme Court, Federal Government v. Republic of Korea (Internal Appeal in the Civil Action filed before the STF), Case No. 543-4, 30 August 2006, http://redir.stf.jus.br/paginadorpub/paginador.jsp?docTP=AC&docID=392108. 67

Canada

Supreme Court, Reference Re Exemption of United States Forces from Proceedings in Canadian Criminal Courts, 3 August 1943, [1943] SCR 483. 562 Court of King's Bench (Quebec), Rose v. The King, 20 November 1946, [1947] 3 DLR 618. 444 Supreme Court, Flota Maritima Browning de Cuba S.A. v. Republic of Cuba, 11 June 1962, [1962] SCR 598, 432 ILR 125. 113 High Court (Ontario), Re Royal Bank of Canada and Corriveau et al., 22 October 1980, 64 ILR 69. 260



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Supreme Court, R. v. Généreux, Case No. 22103, 13 February 1992, [1992] 1 SCR 259. Supreme Court, The United States of America v. The Public Service Alliance of Canada, the Attorney General of Canada and the Canada Labour Relations Board (Re Canada Labour Code), Case No. 21641, 21 May 1992, 86 ILR 626. 137, 176 Superior Court of Quebec, Canficorp Overseas Projects Ltd. v. Asbestos Plastic Industries Public Enterprise, 7 March 1995, 1995 CarswellQue 2187, J.E. 95–963, EYB 1995–75702. Supreme Court, Schreiber v. Federal Republic of Germany and the Attorney General of Canada, Case No. 28543, 12 September 2002, [2002] 3 SCR 269, 147 ILR 276. Superior Court of Quebec, LAB Chrysotile Inc. v. Rasheed Bank, Case No. QCCS-500-05-007419-953, 23 December 2002, [2003] 127 ACWS (3d) 757. Federal Court of Appeal (Ottawa), Copello v. Canada (Minister of Foreign Affairs), Docket No. A-11-02, 3 July 2003, 2003 FCA 295. Federal Court (Ontario), TMR Energy Ltd. v. State Property Fund of Ukraine, Case No. 2003 FC 1517, 23 December 2003, [2003] 244 FTR 1 (FC). 262, 356 Court of Appeal (Ontario (Canada), Bouzari (Houshang) and others, Amnesty International (Canadian Section) (intervening) and others (intervening) v. Iran, Case No. C38295, 30 June 2004, ILDC 175 (CA 2004). Alberta Court of Queen's Bench, Collavino Inc. v. Yemen (Tihama Development Authority), 7 May 2007, [2007] ABQB 212. 356 Supreme Court, Kuwait Airways Corporation v. Republic of Iraq, Case No. 33145, 12 October 2010, 2010 SCC 40, [2010] 2 SCR 571. Superior Court of Quebec, Kazemi Estate v. Islamic Republic of Iran, 25 January 2011, 2011 QCCS 196, 147 ILR 318. 146 Supreme Court of British Columbia, United Mexican States v. British Columbia, Docket No. S132385, 15 January 2014, 2014 BCSC 54. Supreme Court, Kazemi Estate v. Islamic Republic of Iran, Case No. 35034, 10 October 2014, 112, 626, 669, 678 2014 SCC 62, [2014] 3 SCR 176. Supreme Court, Chevron Corp. v. Yaiguaje, Case No. 35682, 4 September 2015, [2015] 3 SCR 69. Supreme Court, World Bank Group v. Wallace, Case No. 36315, 29 April 2016, [2016] 1 SCR 207. Superior Court of Justice (Ontario), Tracy v. The Iranian Ministry of Information and Security, 9 June 2016, 2016 ONSC 3759. 300, 639 Court of Appeal (Ontario), Tracy v. Iran (Information and Security), 30 June 2017, 2017 ONCA 549. 656

Chile

Supreme Court, *Peru v. Chile*, Rol No. 2242-06, 21 September 2007, ILDC 1443 (CL 2007). 503

China

Court of Final Appeal (Hong Kong Special Administrative Region), *Democratic Republic of the Congo and others v. FG Hemisphere Associates LLC*, 8 June 2011, [2011] HKCFA 41, [2011] 14 HKCFAR 95.

31, 65, 108, 168, 355



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Colombia

Supreme Court (Sala de Casación Laboral), *Judgment*, Case No. 37.637/009, 21 March 2012.

Czechoslovakia

Supreme Court of Justice, *Immunity of Legation Buildings (Czechoslovakia) Case*, Case No. RI 979.1, 28 December 1929, 4 ILR 370.

Egypt

Civil Tribunal of Alexandria, Amrane v. John, 14 January 1932, 6 AD 174.

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France

Justice of the Peace (Paris), Avenol v. Avenol, 8 March 1935, (1935) Recueil Général Part 3, 38
(English translation in (1935–7) 8 AD 395).
Tribunal de la Seine, Rossignol v. State of Czechoslovakia, 31 January 1949, 16 AD 140.
Court of Appeal (Poitiers), State of Romania v. Aricastre, 16 June 1949, 16 AD 138.
Court of Appeal (Paris), Laforest v. Office commercial de l'Ambassade d'Espagne, 5 June 1959,
(1960) 87 Journal du Droit International 467.
Commercial Court (La Rochelle), Société Paul Liegard v. Captain Serdjuk and Magne, 14
October 1964, 65 ILR 38.
Court of Cassation, Entreprise Pérignon v. Gouvernement des États-Unis, 8 December 1964, 45
ILR 82.
Court of Cassation, Englander v. Statni Banka Ceskoslovenska, 11 February 1969, (1970) 16
Annuaire Français de Droit International 875.
Court of Cassation, Société Levant Express Transport v. Chemins de Fer du Gouvernement
Iranien, Appeal No. 67-10243, 25 February 1969, 52 ILR 315.
High Court (Paris), Socialist Federal Republic of Yugoslavia v. Société Européenne d'Etudes et
d'Entreprises, 6 July 1970, 65 ILR 46.
Court of Cassation, Société Hôtel George V v. État Espagnol, 17 January 1973,
65 ILR 61.
Court of Cassation, Zavicha Blagojevic v. Banque du Japon, Case No. 74-11.424, 19 May 1976, 65
ILR 63.
Court of Cassation, Alco and others v. Sempac and others, 2 May 1978, (1978) Journal de Droit
International 904.
Tribunal de Grande Instance, Procureur de la République v. SA Ipitrade Int'l, 12 September 1978,
[1979] Clunet 857, 65 ILR 75.
Court of Cassation, Compagnie Algérienne de Transit et d'Affrètement Serres et Pilaire (la CATA)
v. Société Nationale des Transports Routiers (la SNTR), Case No. 77-13943, 19 March 1979,
(1981) Revue Critique de Droit International Privé 52.
Court of Appeal (Paris), Benvenuti et Bonfant SARL v. Gouvernement de la République du
Congo, 28 June 1981, 20 ILM 878.
High Court (Paris), Caisse Centrale de Coopération Économique v. Société Midland Intern.
Service et État du Sénégal, 2 May 1983, (1984) 30 Annuaire Français de Droit International 910.

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Court of Cassation, Eurodif v. République Islamique d'Iran, 14 March 1984, (1984) Journal du
Droit International 598.
Court of Cassation, Eurodif et al. v. Islamic Republic of Iran et al., 23 May 1984 (1984) La
Semaine Juridique 20205.
Court of Appeal (Rouen), Société Européenne d'Études et d'Entreprises, Crédit Lyonnais, Air
France et autres et Banque Internationale pour la Reconstruction et le Développement v. France et
République Fédérale Sociale de Yougoslavie, 13 November 1984, 82 ILR 58.
Court of Cassation, Société Sonatrach v. Migeon, 1 October 1985, Bulletin 1985
I No. 236.
Court of Cassation, General National Maritime Transport Company (GNMTC) v. Marseille
Fret, Case No. 84-16453, 4 February 1986, 77 ILR 530.
Supreme Court, Société Européenne d'Études et d'Entreprises, Banque Internationale pour
la Reconstruction et le Développement v. the French State, Federal Socialist Republic of
Yugoslavia, 18 November 1986, (1987) Journal du Droit International, 120.
Court of Cassation, Société Européenne d'Études et d'Entreprises en Liquidité Volontaire
v. République Fédérative Socialiste de Yougoslavie, Case Nos. 85-10.912 and 85-12.112, 18
November 1986, Bulletin I No. 266.
Court of Cassation, Banque Camerounaise de Développement v. Société Camerounaise de
Développement v. Société des Établissements Robler, Case No. 85-11404, 18 November 1986,
(1987) 114 Journal du Droit International 632.
Court of Cassation, Benvenuti and Bonfant v. Banque Commerciale Congolaise, 21 July 1987,
(1993) 1 ICSID Reports 373.
Court of Cassation, Société Internationale de Plantations D'hévéas, Case No. 85-18608, 20
October 1987, (1988) Revue Critique de Droit International Privé 727.
Court of Cassation, Société Nationale Iranienne de Gaz (NIGC) v. Société Pipeline Services et
autres, Case No. 88-14363, 2 May 1990, 113 ILR 446.
Court of Cassation, Consorts Duvalier and others v. État Haïtien and others, 29 May 1990, (1991)
80 Revue Critique de Droit International Privé 386.
District Court (Paris), Société Euroéquipement v. Centre européen de la Caisse de Stabilisation
et de Soutien des Productions Agricoles de la Côte d'Ivoire et de la Société de Conseil et de
Gestion, 7 February 1991, 77 ILR 510.
District Court (Paris), Sieur Mouracade v. République Arabe du Yémen, 20 February 1991, 113
ILR 462
Supreme Court, Sté SOABI v. Senegal, 11 June 1991, 30 ILM 1167.
Court of Appeal (Paris), Norbert Beyrard France v. République de Côte d'Ivoire, 9 July 1992
(1994) Revue de l'Arbitrage, 133.
Court of Cassation, <i>Dumez v. Iraq</i> , 15 July 1999, 27 ILR 144.
Court of Cassation, Creighton v. Gouvernement de l'État du Qatar, Case No. 98-19.068, 6 July
2000, www.legifrance.gouv.fr/affichJuriJudi.do?idTexte=JURITEXT000007043044. 77, 395
Court of Appeal (Paris), Société Noga v. Embassy of the Russian Federation, 10 August 2000.
www.legifrance.gouv.fr/affichJuriJudi.do?oldAction=rechJuriJudi&idTexte=JURITEXToood
Court of Cassation, Prosecutor General at the Court of Appeal in Paris v. The SOS
Terrorism Association and others, Case No. 00-87.215, 13 March 2001, www.legifrance
.gouv.fr/affichJuriJudi.do?oldAction=rechJuriJudi&idTexte=JURITEXTooooo7o7o643&
fastReqId=504101964&fastPos=1. 482



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Court of Appeal (Paris), Creighton Ltd v. Minister of Finance of the State of Qatar and Minister of Municipal Affairs and Agriculture of the Government of the State of Qatar, 12 December 2001, (2003) Revue de l'Arbitrage 417. Court of Cassation, Consorts Daninos v. Société Tunisienne de Banque, la Banque Centrale de Tunisie, la Société Banque Franco-tunisienne, l'État Tunisien, Case No. 99-19.247, 28 May 2002, (2003) Revue Critique de Droit International Privé 296, www.legifrance.gouv.fr/ affichJuriJudi.do?idTexte=JURITEXTooooo7452363.7,8. Court of Appeal (Rennes), Navire Sedov, 27 June 2002 (2002) Le Droit Maritime Français 734. Court of Cassation, Madame Naira X v. Kingdom of Saudi Arabia, Case Nos. X 00-45.629 Y 00-45.630, 20 June 2003, 127 ILR 163, www.legifrance.gouv.fr/affichJuriJudi.do?idTexte=JURI TEXT000007047239. Court of Cassation, République Démocratique du Congo v. Syndicat des Copropriétaires de l'Immeuble Résidence Antony Châtenay, Case No. 03-18176, 25 January 2005, (2005) 109 Revue Générale de Droit International Public 737. Court of Cassation, Société Prony Habitations v. Guinée Bissau, Case No. 05-14.199, 20 September 2006, (2006) Revue Générale de Droit International Public 971. Court of Cassation, Appeal by X and others, Appeal No. 07-86412, 9 April 2008, www.legifrance .gouv.fr/affichJuriJudi.do?idTexte=JURITEXToooo18642947. Court of Cassation, Pereira v. Germany, Case No. 07-10570, 19 November 2008, Bulletin 2008 I No. 266, www.legifrance.gouv.fr/affichJuriJudi.do?idTexte=JURITEXT000019781179&fastR eqId=2018431387&fastPos=17&oldAction=rechJuriJudi. Court of Appeal (Paris), Dessy v. République Algérienne Démocratique et Populaire, Case No. 07/03595, 8 October 2009, JurisData no. 2009-011930. Court of Cassation, FENVAC (National Federation of the Victims of Catastrophes), 'Fenvac SOS Catastrophe', ANFV-Joola (Association of Families of the Victims of the Joola), Case No. 09-84.818, 19 January 2010, Bulletin 2010 I No. 1. 486 Court of Cassation, Xv. X, Case No. 09-85520, 8 April 2010, www.legifrance.gouv.fr/affichJuriJudi .do?idTexte=JURITEXT000022085324. Council of State, Mlle Ismah A, Case No. 325253, 11 February 2011, Juris Data No. 2011-001320, www.legifrance.gouv.fr/affichJuriAdmin.do?oldAction=rechJuriAdmin&idTexte=CETA TEXT000023604405&fastReqId=2143998431&fastPos=1. Council of State, Mlle Susilawati, Case No. 325253, 11 February 2011, (2012) Revue Générale de Droit International Public 196. Court of Appeal (Paris), Gouvernement du Pakistan Ministère des Affaires Religieuses v. Société Dallah Real Estate and Tourism Holding Co., Case No. 09/28533, 17 February 2011. Court of Cassation, La Réunion Aérienne v. Libyan Arab Jamahiriya, Case No. 09-14743, 9 March 2011, Bulletin 2011 I No. 49. Court of Appeal (Paris), Fédération de Russie v. Compagnie Noga, Case No. 09/19983, 21 June 2011, www.legifrance.gouv.fr/affichJuriJudi.do?oldAction=rechJuriJudi&idTexte=JURITEXT 000024262730&fastReqId=1145350301&fastPos=31. Court of Cassation, NML Capital Ltd v. Argentina, Case No. 09-72.057, 28 September 2011, Bulletin 2011 I No. 153. 245, 325, 401, 425 Council of State, Mme D, Case No. 329788, 14 October 2011, www.legifrance.gouv.fr/ affichJuriAdmin.do?idTexte=CETATEXT000025741052. Council of State, Mme Saleh, 14 October 2011, (2012) Revue Générale de Droit International

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Court of Appeal (Paris), Société Sinequanon Invest v. Ukraine, Case No. 11-10949, 5	January 2012,
(2012) Gazette du Palais – Chronique de Jurisprudence.	260
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	2, 64, 379, 394
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March 2013, 2013 Bulletin I No. 64.	2, 379, 394
Court of Cassation, Société NML Capital Ltd v. République Argentine et Société	
Case No. 10-25938, 28 March 2013, www.legifrance.gouv.fr/affichJuriJudi.do?olo	
JuriJudi&idTexte=JURITEXT000027251601&fastReqId=893180444&fastPos=28.	
Court of Appeal of Paris, Pôle 7, Second Investigating Chamber, 13 June 2013, ww	
files/case-related/163/163-20170103-WRI-02-00-EN.pdf (Annex 26).	503
Court of Cassation, Société Romak v. République d'Ouzbékistan, Case No. 12-222	
2014, (2015) 119 Revue Générale de Droit International Public 302.	259, 397
Court of Appeal (Paris), De Sutter v. République de Madagascar, Case No. 13/108	
2015, www.italaw.com/sites/default/files/case-documents/italaw7895.pdf.	140, 263
Court of Appeal of Paris, Pôle 7, Second Investigating Chamber, application for a	nnulment, 16
April 2015, www.icj-cij.org/files/case-related/163/163-20170103-WRI-02-00-FR.pd	
	503
Court of Cassation, Commisimpex v. République du Congo, Case No. 13-17751,	13 May 2015,
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Court of Cassation, 15 December 2015, www.icj-cij.org/files/case-related/163/163-20	
02-00-EN.pdf (Annex 29).	503
High Court (Paris), Hulley Enterprises Ltd. v. Russian Federation, Case No. RG	
April 2016, www.italaw.com/cases/544.	260
Constitutional Court, Decision on the Loi relative à la Transparence, à la Li	ıtte contre la
Corruption et à la Modernisation de la Vie Économique, Decision No. 201	
December 2016, www.legifrance.gouv.fr/affichJuriConst.do?oldAction=rech	
Texte=CONSTEXT000033609260&fastReqId=339498702&fastPos=2.	404
Administrative Court of Appeal (Paris), Ministère des Affaires Étrangères et du De	
International v. C., Case No. 15PA04836, 7 February 2017, www.legifi	
affichJuriAdmin.do?oldAction=rechJuriAdmin&idTexte=CETATEXToooo3.	
ReqId=796630260&fastPos=1.	399
Court of Appeal (Paris), Monsieur Y v. SA Eutelsat, Case No. 16/11188, 14 Marc	
.dalloz.fr.	418
Court of Cassation, Société d'Entrainement Carlos et Yann Y v. Yolande X, Case No	•
May 2017, www.courdecassation.fr/jurisprudence_2/deuxieme_chambre_civile	
36726.html.	430
Court of Appeal (Paris), Y v. X, Case No. 15/15175, 23 May 2017, www.dalloz.fr/.	417
Court of Cassation, X and Y v. United Arab Emirates, Case Nos. 19	
15-29.335, 12 July 2017, www.legifrance.gouv.fr/affichJuriJudi.do?idTexte	
000035196920.	140
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www.legifrance.gouv.fr/affichJuriJudi.do?oldAction=rechJuriJudi&idTexte=JUI	
36670374&fastReqId=1854870279&fastPos=1.	174, 246, 402
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Court of Cassation, *République du Congo v. Commisimpex*, Case No. 16-16.511, 24 January 2018 (2018) Journal du Droit International 570.

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Provincial Court (Bremen), The Charkow Case, Case No. Q 50/1959, 21 December 1959, 65 ILR 100.
Federal Court of Justice, The Staschynskij Case, 9 October 1962, 18 Entscheidungen des
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Federal Constitutional Court, Claim against the Empire of Iran Case, 30 April 1963, 45 ILR 57.107,
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Superior Provincial Court (Munich), Oder-Neisse Property Expropriation Case, Case No. 1 W 1347/75, 12 August 1975, 65 ILR 127.
Superior Provincial Court (Frankfurt), Spanish State Tourist Office Case, Case No. 6 U 184/74, 30 June 1977, 65 ILR 140.
Federal Constitutional Court, <i>Philippine Embassy Bank Account Case</i> , Case No. 2 BvM 1/76 (1977), 13 December 1977, 46 BVerfGE 342 (1984), 65 ILR 146.
Federal Supreme Court, Church of Scientology Case, Case No. VI ZR 267/76, 26 September 1978, 65 ILR 193.
Provincial Court (Hamburg), Foreign Trade Institute Bank Account Case, Case No. 18 T 13/81, 26 March 1981, 65 ILR 209.
Supreme Administrative Court (Kassel), Shooting Range Extension Case, Case No. 9 TG 198/
83, 26 January 1984, 86 ILR 533. 559
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Regional Court (Bonn), Garden Contamination Case (No. 1), Case No. 5 T 151/86, 11 February 1987, affirmed Higher Regional Court (Cologne), Case No. 1 W 14/87, 23 March 1987, 80 ILR 367.
District Court (Bonn), Garden Contamination Case (No. 2), Case No. 9 C 362/86, 29 September
1987, affirmed Regional Court (Bonn), Case No. 5 T 184/87, 14 December 1987, 80 ILR 377.
Higher Regional Court (Düsseldorf), Case No. 2 Ws 139/96, 3 May 1996.
Federal Constitutional Court, <i>DDR-Botschafter – Maison de France</i> , Case No. 2 BvR 1516/96, 10 June 1997, 115 ILR 595.
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ILDC 389 (DE 2003). 96, 618, 623
Decision of the Prosecutor General at the Federal Supreme Court, Jiang Zemin, Case No. 3
ARP 654/03-2, 24 June 2005, www.diefirma.net/download.php?8651010ea2af5be8f76722e7f35c
79de&hashID=44b8c6eba6a3530e554210fa10d99b3a. 515
Federal Supreme Court, Sedelmayer v. Russian Federation, Docket No. VII ZB 9/05, 4 October
2005, juris.bundesgerichtshof.de/cgi-bin/rechtsprechung/document.py?Gericht=bgh&Art=
en&Datum=2005–10&Seite=9&nr=34320&pos=274&anz=275. 76



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Federal Constitutional Court, Waiver of Diplomatic Immunity Case, Sv. Ministrio de Economic Hipolito Yrigoyen, Case No. 2 BvM 9/03, 6 December 2006, ILDC 465 (DE 2006), www.bundesverfassungsgericht.de/SharedDocs/Entscheidungen/DE/2006/12/ms2006120/2bvm000903.html.	vw 6_
Decision of the Prosecutor General at the Federal Supreme Court, Criminal Complaint again	
Donald Rumsfeld and others, Case No. 3 ARP 156/06-2, 5 April 2007, https://ccrjustice.or	
11.5 1.61 /	514
	,00
Higher Regional Court (Stuttgart), <i>Derweesh and others v. Rumsfeld and others</i> , Case No. 3 Al 156/06-2, 21 April 2009, ccrjustice.org/sites/default/files/assets/files/Beschluss%20OLG%	RF 20
Federal Supreme Court, Werner Schneider, acting in his capacity as insolvency administrator of Walter Bau Ag (In Liquidation) v. The Kingdom of Thailand, UNCITRA (formerly Walter Bau AG (in liquidation) v. The Kingdom of Thailand), Award, 1 Ju 2009.	4L
Administrative Court (Cologne), Judgment, Case No. 26 K 3869/10, 14 July 2011, openJ	Jui 195
Federal Supreme Court, <i>Bank of Mongolia</i> , Case Nos. VII ZB 30/12 and VII ZB 63/12, 4 July 20 juris.bundesgerichtshof.de/cgi-bin/rechtsprechung/list.py?Gericht=bgh&Art=en&Datun 2013–7&Seite=9.	
Higher Regional Court (Bavaria, Munich), <i>Greece v. B</i> , Appeal Order, Case No. 34 Wx 269/12 September 2014, ILDC 2386 (DE 2014).	14. 89
Federal Supreme Court, <i>Judgment</i> , Case No. V ZB 125/15, 22 September 2016, jun bundesgerichtshof.de/cgi-bin/rechtsprechung/document.py?Gericht=bgh&Art=en Datum=2016-9&Seite=3&nr=76633&pos=116&anz=288.	
Oberlandesgericht (Bamberg), Umfang des geschützten diplomatischen Transitaufenthalts le privater Urlaubsreise, 27 September 2017, http://www.gesetze-bayern.de/Content/Document	

Ghana

High Court of Accra Commercial Division, NML Capital Ltd. v. Republic of Argentina, Suit No. RPC13433112, 11 October 2012, www.creditslips.org/creditslips/Ruling%2011-Oct-12%20 1%20(3).pdf. 323 Supreme Court, Republic v. High Court (Comm. Div.) Accra, Case No. J5/10/2013, 20 June 2013, https://pcacases.com/web/sendAttach/431. 2, 57, 245, 313, 405

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Special Supreme Court, *Margellos and others v. Federal Republic of Germany*, Case No. 6/2002, 17 September 2002, 129 ILR 525.

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Supreme Court, Mirza Ali Akbar Kashani v. United Arab Republic and another, 5 August 1965, 1966 AIR 230, 1966 SCR (1) 319. 68
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Supreme Court of Cassation, International Institute of Agriculture v. Profili, 26 February 1931, (1931) 23 Rivista di Diritto Internazionale 386 (English translation in: (1929–1930) 5 AD 413). Supreme Court of Cassation, Nanni and Others v. Pace and The Sovereign Order of Malta Italy, 13 March 1935, 8 ILR 2. 137 Tribunal of Genova, Re Rissmann, 6 May 1970, 71 ILR 577. 506 Supreme Court of Cassation, Re Rissmann, 28 February 1972, 71 ILR 577. 506 Constitutional Court, Astrup v. President of the Council of Ministers, 27 June 1973, 77 ILR 556. 569 Supreme Court of Cassation, Ministry of Finance v. Association of Italian Knights of The Order of Malta, Case No. 2051, 3 May 1978, 65 ILR 320. 137 Supreme Court of Cassation, Arab Republic of Libya v. SpA Imprese Marittime Frassinetti and SpA Italiana Lavori Marittimi e Terrestri, Case No. 3062, 26 May 1979, 78 ILR 90. 118, 137 Court of Appeal (Rome), Embassy of The Kingdom of Morocco v. Società Immobiliare Forte Barchetto, 12 September 1979, 65 ILR 331. Supreme Court of Cassation, Banamar-Capizzi v. Embassy of the Popular Democratic Republic of Algeria, Case No. 2085, 4 May 1989, 87 ILR 59. 286 Court of Cassation, Libyan Arab Socialist People's Jamahiriya v. Rossbeton SRL, Case No. 2502, 25 May 1989, 87 ILR 63. 256, 263 Constitutional Court, Condor and Filvem v. Minister of Justice, Case No. 329, 15 July 1992, 101

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Supreme Court of Cassation, Djukanovic, 17 September 2004, (2004) 14 Italian Yearbook o
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Court of Cassation, Borri v. Repubblica Argentina, Case No. 11225, 27 May 2005, (2005) 88 Rivista
di Diritto Internazionale 856.
Supreme Court of Cassation of Italy, Germany v. Mantelli and others, Case No. 14201/2008, 20
May 2008, ILDC 1037 (IT 2008).
Supreme Court of Cassation, Lozano (Mario Luiz) v. Italy, Case No. 31171/2008, 24 July 2008
ILDC 1085 (IT 2008). 499, 574, 628
Supreme Court of Cassation, Germany v. Milde (Max Josef), Case No. 1072/2009, 13 January 2009, ILDC 1224 (IT 2009).
Supreme Court of Cassation, Germany v. Prefecture of Voiotia, representing 118 persons from
Distomo village and Presidency of the Council of Ministers of Italy, Case No. 11163/2011, 20 May 2011, ILDC 1815 (IT 2011).
Court of Appeal (Turin), Germany v. De Guglielmi and De Guglielmi and Italy (joining), Case
No. 941/2012, 14 May 2012, ILDC 1905 (IT 2012).
Supreme Court of Cassation, Military Prosecutor v. Albers and others and Germany (joining)
Case No. 32139/2012, 9 August 2012, ILDC 1921 (IT 2012).
Supreme Court of Cassation, 'Abu Omar' case, General Prosecutor at the Court of Appeal
of Milan v. Adler and ors, Case No. 46340/2012, 29 November 2012, ILDC 1960 (IT 2012)
50(17 2012)
Supreme Court of Cassation, Frascà v. Germany and Giachini (guardian of Priebke) and Italy
(joining), Case No. 4284/2013, 21 February 2013, ILDC 1998 (IT 2013).
Supreme Court of Cassation, Federal Republic of Germany v. Ferrini and Ferrini, Case No. 1136
21 January 2014, ILDC 2724 (IT 2014).
Court of First Instance (Florence), Alessi and others v. Germany and Presidency of the Counci
of Ministers of the Italian Republic (intervening), Order No. 85/2014, 21 January 2014, ILDC
2725 (IT 2014).
Supreme Court of Cassation, In the matter of criminal proceedings against Medero and ors
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ILDC 2239 (IT 2014). 507
Constitutional Court, Simoncioni v. Germany and Presidency of the Council of Ministers, Case
No. 238-2014, 22 October 2014, 54 ILM 471.
Constitutional Court, Judgment, Case No. 238/2014, 22 October 2014, www.cortecostituzionale
.it/documenti/download/doc/recent_judgments/S238_2013_en.pdf. 4, 149, 246
Supreme Court of Cassation, Flatow and others v. Iran and Iranian Ministry of Information and
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Supreme Court of Cassation, 'Podrute Massacre case', Opačić, Case No. 43696/2015, 29 Octobe
2015, ILDC 2536 (IT 2015).

Israel

Supreme Court, Attorney-General of Israel v. Adolf Eichmann, Case No. 40/61, 11 December 1961, 36 ILR 277.



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High Court (Osaka), Japan v. Smith and Stinner, 5 November 1952, 19 ILR 221.

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Mexico

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The Netherlands

Court of Appeal (The Hague), NV Cabolent v. National Iranian Oil Company, 28 November 1968, 47 ILR 138.

Supreme Court, Spaans v. Iran–United States Claims Tribunal, Case No. 12627, 20 December 1985, ILDC 1759 (NL 1985).

Council of State, M.K. v. State Secretary for Justice, 24 November 1986, 94 ILR 357.

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District Court (Amsterdam), Wijsmuller Salvage BV v. ADM Naval Services, 19 November 1987, (1989) 16 Netherlands Yearbook of International Law 294. 260, 312

Supreme Court, WL Oltmans v. The Republic of Surinam, 28 September 1990, (1992) 21 Netherlands Yearbook of International Law 442.

Supreme Court, *The Russian Federation v. Pied-Rich BV*, 28 May 1993, (1994) 25 Netherlands Yearbook of International Law 294.

District Court (Rotterdam), Netherlands v. Azeta BV, Case No. HA KA 98-611, 14 May 1998, 128 ILR 688.

Court of Appeal (Amsterdam), R. Wijngaarde and R. A. L. Hoost, 20 November 2000, (2001) 32 Netherlands Yearbook of International Law 266.

Court of Appeal (Amsterdam), Re: Bouterse (Desire), Case Nos. R 97/163/12 Sv and R 97/176/12 Sv, 20 November 2000, (2001) 32 Netherlands Yearbook of International Law 276.

Supreme Court, *Bouterse*, Case No. HR 00749/01 CW 2323, 18 September 2001, ILDC 80 (NL 2001).

Court of Appeal (The Hague), *Inspecteur van de Belastingdienst*, Case No. BK-04/02292, 9 June 2006, www.recht.nl/rechtspraak/uitspraak/?ecli=ECLI:NL:GHSGR:2006:AY2888.

Court of Appeal (The Hague), X v. The Netherlands, Case No. 06/1249 KG, 15 March 2007, uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:GHSGR:2007:BA2778.

Supreme Court, *Euratom*, Case No. S 01984/07 CW, 13 November 2007, uitspraken.rechtspraak. nl/inziendocument?id=ECLI:NL:HR:2007:BA9173.

Supreme Court, *H v. Public Prosecutor*, Case No. 07/10063 (E), 8 July 2008, ILDC 1071 (NL 2008).

District Court (The Hague), Stichting Mothers of Srebrenica v. The State of the Netherlands and the United Nations, Case No. 295247/HA ZA 07-2973, 10 July 2008, uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:RBSGR:2008:BD6796&showbutton=true. 187, 587



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Court of Appeal (The Hague), Stichting Mothers of Srebrenica v. The Netherlands and the United Nations, Case No. 200.022.151/01, 30 March 2010, uitspraken.rechtspraak.nl/inziendoc ument?id=ECLI:NL:GHSGR:2010:BL8979. Court of Appeal (The Hague), European Patent Organization v. Stichting Restaurant de la Tour, Case No. 200.065.887-01, 21 June 2011, uitspraken.rechtspraak.nl/inziendocument?id=ECLI: NL:GHSGR:2011:BR0188. Supreme Court, Stichting Mothers of Srebrenica v. The Netherlands and the United Nations, Case No. 10/04437, 13 April 2012, ILDC 1760 (NL 2012), https://uitspraken.rechtspraak.nl/ inziendocument?id=ECLI:NL:PHR:2012:BW1999. 187, 201 Supreme Court, X v. The Netherlands, Case No. 12/02548, 28 June 2013, https://uitspraken .rechtspraak.nl/inziendocument?id=ECLI:NL:HR:2013:45. Court of Appeal (The Hague), Stichting Mothers of Srebrenica and others v. the State of the Netherlands and the United Nations, Case No. C/09/295247/HA ZA 07-2973, 16 July 2014, uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:RBDHA:2014:8748. Court of Appeal (Arnhem-Leeuwarden), X v. X, Case No. WAHV 200.125.858, 26 September 2014, uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:GHARL:2014:7398. District Court (The Hague), X v. Inspecteur van de Belastingdienst, Case No. AWB-14-166, 9 October 2014, uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:RBDHA:2014: 16523. Court of Appeal (The Hague), European Patent Organisation and the Netherlands Ministry of Foreign Affairs v. Vakbondsunie van het Europees Octrooibureau (VEOB, afdeling Den Haag) and SUEPO (Staff Union of the European Patent Office), Case No. 200.141.812/01, 17 February 2015, uitspraken.rechtspraak.nl/InzienDocument/GetPdf?ecli=ECLI%3ANL%3AGHDHA% 3A2015%3A255. District Court (The Hague), De Russische Federatie v. Veteran Petroleum Ltd, Yukos Universal Ltd, Hulley Enterprises Ltd, Case No. C/09/477160/HA ZA 15-1, 20 April 2016, uitspraken. rechtspraak.nl/inziendocument?id=ECLI:NL:RBDHA:2016:4229. Supreme Court, Morning Star International Corporation v. Republic of Gabon and the State of the Netherlands, Case No. 16/01153, 30 September 2016, uitspraken.rechtspraak.nl/inziendoc ument?id=ECLI:NL:HR:2016:2236. 264, 305, 394 Supreme Court, European Patent Organization and the Netherlands Ministry of Foreign Affairs v. Vakbondsunie van het Europees Octrooibureau (VEOB, afdeling Den Haag) and SUEPO (Staff Union of the European Patent Office), Case No. 15/02186, 20 January 2017, uitspraken. rechtspraak.nl/inziendocument?id=ECLI:NL:HR:2017:57. District Court (Limburg), Supreme Site Service GMNH and others v. NATO entities, Case No. C/03/217614/HA ZA 16/130, 8 February 2017, uitspraken.rechtspraak.nl/inziendocument?id= ECLI:NL:RBLIM:2017:1002. Supreme Court, X v. Sociale Verzekeringsbank, Case No. 16/02824, 10 February 2017, uitspraken. rechtspraak.nl/inziendocument?id=ECLI:NL:HR:2017:184.

New Zealand

Court of Appeal ('s-Hertogenbosch), Supreme Site and others v. Supreme Headquarters Allied Powers Europe (SHAPE), Case No. 200.217.388/01, 27 June 2017, uitspraken.rechtspraak.nl/inz

High Court, R v. Mafart and Prieur, 22 November 1985, 74 ILR 241. 505
District Court (Auckland), Janfrie Julia Wakim v. Lieutenant General Mosche Ya'alon, Case No. CIV-2006-004, 27 November 2006. 514

iendocument?id=ECLI:NL:GHSHE:2017:2860.

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Court of Oslo, Kopytoff v. The Commercial Representation of the USSR, 7 November 1932, 6 AD 184.

Supreme Court, Fredrikstad Havnevesen v. A/S Bertelsens Mek. Verksted, 12 November 1949, 17 ILR 167.

The Philippines

Supreme Court, Dizon v. Philippines-Ryukus Command, 22 July 1948, 81 Phil. 286. 563 Supreme Court, Nicolas v. Romulo, Case No. 175888, 11 February 2009, [2009] SCRA 438. 574

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Chambre Africaine Extraordinaire d'Assises, *Ministère Public v. Hissein Habré*, 30 May 2016, http://forumchambresafricaines.org/docs/JugementCAEd%27Assises_Penal&Civil_.pdf. 4, 482

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Supreme Court, *Julieta v. Embassy of Greece*, 29 June 2004, (2004) 10 Spanish Yearbook of International Law 324.

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.gov.uk/search-judgments/judgment?id=257387a6-898o-69d2-b50o-ff0000d74aa7.
High Court of Justice, Banca Carige SpA Cassa di Risparmio Genova v. Banco Nacional de
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High Court of Justice (Queen's Bench Division), Kensington Int'l Ltd. v. Republic of the Congo, Case No. 1088, 16 April 2003, [2003] EWHC 2331 (Comm). 376 High Court of Justice, AIC Ltd. v. Federal Government of Nigeria, Case Nos. S/03/0056 and S/03/005, 13 June 2003, [2003] EWHC 1357 (QB), 129 ILR 571. 257, 270 Bow Street Magistrates Court, Re Shaul Mofaz, 12 February 2004, 128 ILR 711. 486 United Kingdom, Court of Appeal, R (on the application of B. and others) v. Secretary of State for the Foreign & Commonwealth Office, Case No. C4/2004/0814 PTA, 18 October 2004, [2004]
High Court of Justice (Queen's Bench Division), Kensington Int'l Ltd. v. Republic of the Congo, Case No. 1088, 16 April 2003, [2003] EWHC 2331 (Comm). 376 High Court of Justice, AIC Ltd. v. Federal Government of Nigeria, Case Nos. S/03/0056 and S/03/005, 13 June 2003, [2003] EWHC 1357 (QB), 129 ILR 571. 257, 270 Bow Street Magistrates Court, Re Shaul Mofaz, 12 February 2004, 128 ILR 711. 486 United Kingdom, Court of Appeal, R (on the application of B. and others) v. Secretary of State for the Foreign & Commonwealth Office, Case No. C4/2004/0814 PTA, 18 October 2004, [2004] EWCA Civ 1344, [2005] QB 643.



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District Court for the District of Columbia, De Cespel v. Republic of Hungary, 1 September 2011,
808 F.Supp.2d 113 (D.D.C. 2011).
District Court for the District of Columbia, Balcero Giraldo and others v. Drummond Company
Incorporated and others, 8 September 2011, 808 F.Supp.2d 247 (D.D.C. 2011).
Court of Appeals, Odyssey Marine Exploration, Inc v. Unidentified Shipwrecked Vessel, 21
September 2011, 657 F.3d 1159 (11th Cir. 2011).
District Court for the Southern District of New York, Sadikoglu v. United Nations Development
Programme, 14 October 2011, 2011 WL 4953994 (S.D.N.Y. 2011).
Court of Appeals, Sarei v. Rio Tinto, PLC, 25 October 2011, 671 F.3d 736 (9th Cir. 2011).
Court of Appeals, United States v. Bahel, 26 October 2011, 662 F.3d 610 (2d Cir.
2011).
Court of Appeals, Figueiredo Ferraz E Engenharia de Projeto Ltda. v. Republic of Peru, 14
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www.courtlistener.com/recap/gov.uscourts.nysd.422068.23.0.pdf.
Supreme Court, Republic of Argentina v. NML Capital Ltd, 16 June 2014, 134 S.Ct. 2250 (2014).
2, 36, 249, 358, 386, 681
Court of Appeals, Peterson v. Islamic Republic of Iran, 9 July 2014, 758 F.3d 185 (2d Cir. 2014).
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District Court for the Eastern District of Virginia, Warfaa v. Ali, 29 July 2014, 33 F.Supp.3d 653
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Court of Appeals, Rosenberg v. Pasha, 27 August 2014, 577 Fed.Appx. 22 (2d Cir. 2014).
Court of Appeals, Export-Import Bank of the Republic of China v. Grenada, 12 September 2014,
768 F.3d 75 (2d Cir. 2014).
District Court for the Southern District of New York, Applestein v. Republic of Argentina, 27
October 2014, 2014 US Dist LEXIS 189256 (S.D.N.Y. 2014).
Court of Appeals, Pine Top Receivables of Illinois, LLC v. Banco de Seguros del Estado,
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Court of Appeals, Jerez v. Republic of Cuba, 30 December 2014, 775 F.3d 419 (D.C. Cir. 2014).
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District Court Roth v. Islamic Republic of Iran, 27 January 2015, 78 F.Supp.3d 379 (D.D.C. 2015).
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District Court for the District of Columbia, Micula v. Romania, 18 May 2015, 104 F.Supp.3d 42
(D.D.C. 2015).
Court of Appeals, Chevron Corp. v. Republic of Ecuador, 4 August 2015, 795 F.3d 200 (D.C.
Cir. 2015).
District Court for the Southern District of New York, NML Capital, Ltd. v.
Republic of Argentina, 12 August 2015, www.shearman.com/~/media/Files/Services/
Argentine-Sovereign-Debt/2015/Arg248-081215-Transcript-of-District-Court-F8CMNMLC.
pdf. 386
District Court for Southern District of New York, In re Terrorist Attacks on September 11, 2001,
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District Court for the Central District of California, Doğan v. Barak, 13 October 2016, 2016 WL
6024416 (C.D. Ca. 2016). 540, 666
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320 (D.D.C. 2016). 665
District Court for the Southern District of New York, In Re Ex Parte Application of Kleimar
N.V., 16 November 2016, 2016 WL 6906712 (S.D.N.Y. 2016).
Court of Appeals, Barapind v. Government of Republic of India, 21 December 2016, 844 F.3d 824
(9th Cir. 2016).
District Court for the District of Columbia, Braun v. Islamic Republic of Iran, 9 January 2017,
228 F.Supp.3d 64 (D.D.C. 2017).
District Court for the District of Columbia, Owens v. BNP Paribas S.A., 27 January 2017, 235
F.Supp.3d 85 (D.D.C. 2017).
District Court for the District of Columbia, Continental Transfert Technique Limited v. The
Federal Government of Nigeria, 31 January 2017, https://us-arbitration.shearman.com/siteFiles/
15972/2017.02.17%20Continental%20Transfert%20Technique%20Ltd.%20v.%20Fed.%20
Gov't%200f%20Nigeriap. 250
Court of Appeals, GDG Acquisitions LLC v. Government of Belize, 28 February 2017, 849 F.3d
1299 (11th Cir. 2017).
Court of Appeals, CBF Indústria de Gusa S/A v. Amci Holdings, Inc., 2 March 2017, 850 F.3d 58
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Court of Appeals, Doe v. Federal Republic of Ethiopia, 14 March 2017, 851 F.3d 7 (D.C. Cir. 2017).
664
District Court for the District of Columbia SACE S.P.A. v. Republic of Paraguay, 21 March 2017,
243 F.Supp.3d 21 (D.D.C. 2017).
District Court for the District of Columbia, Gill v. Islamic Republic of Iran, 6 April 2017, 249
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District Court for the Southern District of New York, Export-Import Bank of the Rep. of China
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new-york/nysdce/1:2015cv09565/450873/66/.
Supreme Court, Bolivarian Republic of Venezuela v. Helmerich & Payne Int'l Drilling Co., 1
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96 (2d Cir. 2017).
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Court of Appeals, Owens v. Republic of Sudan, 28 July 2017, 864 F.3d 75
(D.C. Cir. 2017).
Court of Appeals, Micula v. Government of Romania, 23 October 2017 (2d Cir. 2017), https://us
arbitration.shearman.com/siteFiles/19386/2017.20.23%20Micula% 20v.%20Government%20
of%20Romania,%20No.%2015-3109-CV%20(2d%20Cir.%20Octpdf. 36
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6463128 (2d Cir. 2017).
Supreme Court, Rubin v. Islamic Republic of Iran, 21 February 2018, 138 S.Ct. 816 (U.S. 2018)
128, 26:
District Court for the Southern District of New York, In Re Terrorist Attacks on September 11
2001, 28 March 2018, www.nysd.uscourts.gov/cases/show.php?db=special&id=617.
Supreme Court, Jesner et al. v. Arab Bank, PLC, 24 April 2018, www.supremecourt.gov/opinions
17pdf/16-499_1a7d.pdf. 152
Court of Appeals, Devengoechea v. Bolivarian Republic Venezuela, 10 May 2018, 889 F.3d 121:
(11th Cir. 2018).
Supreme Court, Jam v. International Finance Corp., Docket No. 17-1911, 21 May 2018, www
.supremecourt.gov/docket/docketfiles/html/qp/17-01011qp.pdf.

INTERNATIONAL CASES

Court of Justice of the European Union

Humblet v. Belgium, Case No. 6/60, 16 December 1960, ECR 1960, 559, 560.
Forafrique Burkinabe s.a. v. Commission, Case No. C-182/91, 29 April 1993, [1993] ECR
I-2161.
Dupret v. Commission, Order, Case No. C-1/94 SA, 10 January 1995, [1995] ECR I-1, para. 3.334
Antippas v. Commission, Order, Case C-1/02 SA, 27 March 2003, [2003] ECR I-2895.
Tertir-Terminais de Portugal SA v. Commission, Order, Case No. C-1/04 SA, 14 December 2004.
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Raad van Bestuur van de Sociale verzekeringsbank v. LF Evans, Case No. C-179/13, 14 January
2015, [2015] OJ C 73/4.
Central Bank of Iran v. Council, Judgment, Case No. T-563/12, 25 March 2015, [2015]
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Reparation for Injuries Suffered in the Service of the United Nations (Advisory Opinion) [1949]

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Effect of Awards of Compensation Made by the United Nations Administrative Tribunal (Advisor
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Nottebohm Case (Liechtenstein v. Guatemala) (Merits) [1955] ICJ Rep 4.
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Certain Expenses of the United Nations (Article 17, paragraph 2, of the Charter) (Advisor
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Case concerning Barcelona Traction, Light and Power Company, Limited (Belgium v. Spain
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Interpretation of the Agreement of 25 March 1951 between the WHO and Egypt (Advisory Opinion
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Case concerning Military and Paramilitary Activities in and against Nicaragua (Nicaragua
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Case concerning Phosphate Lands in Nauru (Nauru v. Australia) [1992] ICJ Rep 240.
Case concerning East Timor (Portugal v. Australia) (Merits) [1995] ICJ Rep 90.
Difference Relating to Immunity from Legal Process of a Special Rapporteur of the Commission
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LaGrand Case (Germany v. United States of America) (Merits) [2001] ICJ Rep 466.
Case concerning the Arrest Warrant of 11 April 2000 (Democratic Republic of the Congo v. Belgium
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ICSID

Waste Management Inc. v. United Mexican States, Award, Case No. ARB(AF)/00/3, 30 April 2004.

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Siemens A.G. v. the Argentine Republic, Award, Case No. ARB/02/8, 17 January 2007.

118
Suez and others v. the Argentine Republic, Decision on Liability, Case No. ARB/03/19, 30
July 2010.

118
Abaclat v. Argentine Republic, Decision on Jurisdiction and Admissibility, Case No. ARB/07/5,
4 August 2011.

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related/175/175-20181003-ORD-01-00-EN.pdf.

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AC, Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction (Prosecutor v. Tadić), IT-94-1, 2 October 1995. 521, 672
AC, Judgment on the Request of the Republic of Croatia for Review of the Decision of Trial Chamber II of 18 July 1997 (Prosecutor v. Blaškić), IT-95-14, 29 October 1997. 500, 611
TC, Judgment (Prosecutor v. Furundžija), IT-95-17/1-T, 10 December 1998. 612
TC, Decision on Preliminary Motions (Prosecutor v. Milosević), IT-99-37-PT, 8 November 2001.

ILOAT

In Re Jurado, Judgement No. 105, 9 May 1967, www.ilo.org/dyn/triblex/triblexmain.fullText?p_ lang=en&p_judgment_no=105&p_language_code=EN. 555

In re Krutzsch, Judgment No. 2032, 31 January 2001, www.ilo.org/dyn/triblex/triblexmain .fullText%3Fp_lang=en&p_judgment_no=2032&p_language_code=EN. 554

International Military Tribunal

France and et al. v. Göring et al., 1 October 1946, [1946] 22 IMT 203, 466.

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The 'ARA Libertad' case (Argentina v. Ghana), Case No. 20 (Order), 20 November 2012. 370
The 'ARA Libertad' case (Argentina v. Ghana), Provisional Measures, Case No. 20, 15
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The 'Enrica Lexie' Incident (Italy v. India), Provisional Measures, Case No. 24, 24 August 2015.

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SCSL

AC, Decision on Immunity from Jurisdiction (Prosecutor v. Taylor), SCSL-2003-01-I, 31 May 2004.

Arbitral Awards (General)

North Atlantic Coast Fisheries Case, Great Britain, United States, Award, 7 September 1910, XI RIAA 167.



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United Nations Secretary-General, Ruling on the Rainbow Warrior Affair between France and
New Zealand, 6 July 1986, (1987) 26 ILM 1346.
Arbitration Regarding the Iron Rhine ('IJzeren Rijn') Railway, Belgium v. The Netherlands,
Award, 24 May 2005, XVII RIAA 35.
Eritrea-Ethiopia Claims Commission, Eritrea v. Ethiopia, Partial Award: Diplomatic Claim –
Eritrea's Claim 20, 19 December 2005, XXVI RIAA 381.
Yukos Universal Limited (Isle of Man) v. the Russian Federation, Final Award, PCA Case No. AA
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The 'Enrica Lexie' Incident arbitration, The Italian Republic v. The Republic of India, Provisional
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In the Matter of the Arbitration under the Timor Sea Treaty of 20 May 2002, The Democratic
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Declaration between France and Great Britain respecting Military Penal Jurisdiction, 15 December 1915, 221 CTS 225.

Constitution of the International Labour Organization, 1 April 1919, in force 28 June 1919, www .ilo.org/dyn/normlex/en/f?p=1000:62:0::NO:62:P62_LIST_ENTRIE_ID:2453907:NO. 543

Covenant of the League of Nations, 28 June 1919, in force 10 January 1920, 225 CTS 195, http://avalon.law.yale.edu/20th_century/leagcov.asp.10.

Treaty of Versailles, 28 June 1919, in force 10 January 1920, www.loc.gov/law/help/us-treaties/bevans/m-ust000002-0043.pdf.

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Rome Convention for the Unification of Certain Rules relating to the Precautionary Attachment of Aircraft, 29 May 1933, in force 12 January 1937, 192 LNTS 289.
of Aircraft, 29 May 1933, in force 12 January 1937, 192 LNTS 289. Convention concerning the Immunities and Privileges to be enjoyed by the British Forces in
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Exchange of Messages of 1 July 1941 Constituting an Agreement between the United States of
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Agreement between the United States and Liberia relating to Defence Areas within the Republic
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Exchange of Notes constituting an Agreement between the United States of America and
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Pact of the League of Arab States, 22 March 1945, in force 10 May 1945, 70 UNTS 237.



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Supplementary Protocol No. 1 to the Convention for European Economic Co-operation or
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oecd.org/general/supplementaryprotocolnoitotheconventionforeuropeaneconomicco
operation on the legal capacity privileges and immunities of the organisation. htm.
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Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War, 12
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General Agreement on Privileges and Immunities of the Council of Europe, 2 September 1949
in force 10 September 1952, 250 UNTS 12.
Agreement Relative to the Status of Members of the Armed Forces of the Brussels Treaty Powers
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Vienna Convention on the Representation of States in their Relations with International
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A/CONF.67/16. 484, 630, 687 Treaty of the Economic Community of West African States (ECOWAS), 28 May 1975, provision-
No. 6
ally in force on 28 May 1975, 1010 UNTS 17. 2222 Convention for the Establishment of a European Space Agency, 30 May 1975, in force 30
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Panama Convention establishing the Latin American Economic System, 17 October 1975, in
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Agreement on Immunities and Privileges for the Organization of the Islamic Conference,
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Agreement between Australia and Papua New Guinea regarding the Status of Forces of each
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General Convention on Privileges and Immunities of the Economic Community of West
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Treaty Creating the Court of Justice of the Cartagena Agreement, 28 May 1979, www.sice.oas
.org/trade/junac/tribunal/cartagea.asp. 228
International Convention against the Taking of Hostages, 17 December 1979, in force 3 June
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Protocol to Amend the Convention on the Third Party Liability in the Field of Nuclear Energy, as Amended by the Additional Protocol of 28 January 1964, 16 November 1982, in force 7
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United Nations Convention on the Law of the Sea, 10 December 1982, in force 16 November
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Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,
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Protocol on the Privileges and Immunities of the Caribbean Community, 14 January 1985, in
force 15 January 1990, 2324 UNTS 493.
Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, 21 March 1986, not yet in force, UN Doc.
A/CONF.129/15.
Convention on Consular Functions, 9 December 1987, in force 1 August 1990, 1577 UNTS 211.
414
Headquarters Agreement Between His Majesty's Government of Nepal and the Secretariat of
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.org/digital_library/detail_menu/headquarters-agreement-of-saarc-secretariat. 232
Agreement between the Federal Republic of Germany and the Union of Soviet Socialist
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Agreement Establishing the European Bank for Reconstruction and Development, 29 May 1990, in force 28 March 1991, 1646 UNTS 97.
Headquarters Agreement between the Government of Canada and the International Civil
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Treaty Establishing the African Economic Community (AEC Constitutive Act), 3 June
1991, in force 12 May 1994, https://au.int/en/treaties/treaty-establishing-african-economic
community.
Treaty Establishing a Common Market between the Argentine Republic, the Federative
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1991, in force 29 November 1991, 2140 UNTS 257.
Headquarters Agreement between the Organization of American States and the Government of
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sedeusa.htm.
North American Free Trade Agreement, 17 December 1992, in force 1 January 1994, 27 ILM 281
360
Accord de Siège entre le Royaume de Belgique et l'Agence Spatiale Européenne, 26 January
1993, in force 4 October 1999, Moniteur Belge 11 December 1999.
Accord de Siège entre le Royaume de Belgique et le Groupe des États d'Afrique, des Caraïbes
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Treaty establishing the Common Market for Eastern and Southern Africa, 5 November 1993, in
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Agreement between the Government of the United States of America and the Government
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in force 1 January 1994, 2372 UNTS 179.
General Agreement on Trade in Services, 15 April 1994, in force 1 January 1995, 18969 UNTS 183.
Statute of the International Criminal Tribunal for Duranda Appear to LINSC Peer of LIN Dee
Statute of the International Criminal Tribunal for Rwanda, Annex to UNSC Res. 955, UN Doc. S/RES/955, 8 November 1994. 483, 548
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The Energy Charter Treaty, 17 December 1994, in force 16 April 1998, 2080
UNTS 95. 99, 360 Agreement among the States Parties to the North Atlantic Treaty and the other States partici-
pating in the Partnership for Peace regarding the Status of their Forces, 19 June 1995, www .nato.int/cps/en/natolive/official_texts_24742.htm.
.nato.int/cps/en/natolive/othcial_texts_24742.htm. 331 Accord entre le Royaume de Belgique et la Conférence de la Charte de l'Energie, 26 October
. 01
1995, in force 27 July 1999, <i>Moniteur Belge</i> 21 October 1999. Headquarters Agreement between the Kingdom of Belgium and the League of Arab States, 16
November 1995, in force 17 August 1999, 2153 UNTS 95.
Agreement Between the Republic of Bosnia and Herzegovina and the North Atlantic Treaty
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A A I D . A N I I IIM
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Agreement on the Legal Status of the Economic Cooperation Organization (ECO), National
representatives and International Staff, 14 September 1996, www.eco.int/parameters/eco/
modules/cdk/upload/content/general_content/3512/1499585443596jk8s96cm6jnohhj2556co
ont44.pdf. 232
Treaty of Izmir, 14 September 1996, www.eco.int/parameters/eco/modules/cdk/upload/content/
general_content/3512/1499586597300jk8s96cm6jnohhj2556coont44.pdf. 232
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Treaty for the Establishment of the East African Community, 30 November 1999, in force 7 July 2000, 2144 UNTS 255.

222 International Convention for the Suppression of the Financing of Terrorism, 9 December 1999, in force 10 April 2002, 2178 UNTS 197.

668 Acte Additionnel Relatif au Régime des Droits, Immunités et Privilèges accordés à la Communauté aux Membres de ses Institutions et à son Personnel, 17 December 1999, No. / 99/CEMA-024-CCE-0, www.izf.net/upload/Documentation/JournalOfficiel/AfriqueCentrale/AADD699.htm.

Constitutive Act of the African Union, 11 July 2000, in force 26 May 2001, 2158 UNTS 3. 218 United Nations Convention against Transnational Organized Crime (Palermo Convention), 15 November 2000, in force 29 September 2003, 2225 UNTS 209. 248, 686 Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament, 2 March 2001, in force 14 December 2003, https://au.int/en/treaties/ protocol-treaty-establishing-african-economic-community-relating-pan-african-parliament. Agreement between Ethiopia and the United Nations concerning the Status of the United Nations Mission in Ethiopia and Eritrea, 23 March 2001, in force 23 March 2001, 2141 UNTS 24. Revised Treaty of Chaguaramas establishing the Caribbean Community including the CARICOM Single Market and Economy, 5 July 2001, in force 4 February 2002, 2259 UNTS 293. 226 UNESCO Convention on the Protection of the Underwater Cultural Heritage, 2 November 2001, in force 2 January 2009, 2562 UNTS 3. 222 Military Technical Agreement between the International Security Assistance Force (ISAF) and the Interim Administration of Afghanistan (Interim Administration), 4 January 2002, 41 ILM 1032. Inter-American Convention Against Terrorism, 3 June 2002, in force 10 July 2003, www.oas.org/ xxxiiga/english/docs_en/docs_items/agres1840_02.htm. Agreement on the Privileges and Immunities of the International Criminal Court, 9 September 2002, in force 22 July 2004, 2271 UNTS 3. 192, 329, 407, 691 European Union Status of Forces Agreement, 17 November 2003, [2003] OJ C 321/6. Protocol on the Privileges and Immunities of the Caribbean Court of Justice and the Regional Judicial and Legal Services Commission, 4 July 2003, in force 4 July 2003, 2324 UNTS 171. Charter of the Shanghai Cooperation Organization, 7 June 2002, in force 19 September 2003, 2896 UNTS I-50517.

Convention on Privileges and Immunities of the Shanghai Cooperation Organization, 17 June

2004, in force 4 October 2007, 2641 UNTS 27.

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United Nations Convention on Jurisdictional Immunities of States and Their Property, 2 December 2004, not yet in force, UN Doc. A/RES/59/38, 16 December 2004. 3, 21, 48, 63, 82, 109, 125, 143, 167, 246, 267, 286, 308, 333, 352, 379, 393, 420, 453, 499, 574, 630, 653, 671 International Convention for the Suppression of Acts of Nuclear Terrorism, 13 April 2005, in force 7 July 2007, 2445 UNTS 89. Council of Europe Convention on the Prevention of Terrorism, 16 May 2005, in force 1 June 2007, 2488 UNTS 129. International Convention for the Protection of All Persons from Enforced Disappearance, 20 December 2006, in force 23 December 2010, 2716 UNTS 3. Accord de Siège entre le Royaume de Belgique et le Marché commun d'Afrique Orientale et Australe, 2 March 2007, in force 1 July 2016, Moniteur Belge 1 June 2016. Headquarters Agreement between the International Criminal Court and the Host State, 7 June 2007, in force 1 March 2008, 2517 UNTS 173. Charter of the Association of Southeast Asian Nations, 20 November 2007, in force 15 December 2008, 2624 UNTS 223. 230 Protocol on the Privileges and Immunities of the European Union, 13 December 2007, in force 1 December 2009, [2012] OJ C326/1. South American Union of Nations Constitutive Treaty, 23 May 2008, in force 11 March 2011, 2742 UNTS 287. Revised Treaty of the Economic and Monetary Community of Central Africa, 25 June 2008, not yet in force, www.wipo.int/edocs/trtdocs/fr/cemac/trt_cemac.pdf. Agreement on the Privileges and Immunities of the Association of Southeast Asian Nations, 25 October 2009, in force 20 April 2017, www.asean.org/storage/images/archive/15thsummit/ Agreement-on-Privileges-and-Immunities.pdf. 192, 230

2010S

Statute of the International Residual Mechanism for Criminal Tribunals, Annex to UNSC Res. 1966, UN Doc. S/RES/1966, 22 December 2010. 197, 549 Revised Treaty of Basseterre, 18 June 2010, in force 20 January 2011, https://treaties.un.org/doc/ Publication/UNTS/No%20Volume/54948/Part/I-54948-08000002804ec2dd.pdf. Agreement on Privileges and Immunities for the International Renewable Energy Agency, 13 January 2013, www.irena.org/-/media/Files/IRENA/Agency/About-IRENA/Assembly/Third-Assembly/A_3_13_Privileges-and-Immunities.pdf. Consolidated Version of the Treaty on European Union, 26 October 2012, [2012] OJ C 326/13. Consolidated Version of the Treaty on the Functioning of the European Union (TFEU), 25 October 2012, [2012] OJ C 326/47. 237, 330 Status of Forces Agreement between the United Nations and the Government of the Central African Republic relating to the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA), 2 September 2014, in force 2 September 2014, https://treaties.un.org/doc/Publication/UNTS/No%20Volume/52177/Part/I-52177-08000002803f25a7.pdf. 572



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Agreement between the Kingdom of the Netherlands and the United Nations concerning the Headquarters of the International Residual Mechanism for Criminal Tribunals, 23 February 2015, in force 1 September 2016, www.unmict.org/sites/default/files/documents/residual_mechanism_hague_branch_hq_agreement.pdf.

Host State Agreement between the Kingdom of the Netherlands and the International Commission on Missing Persons, 5 October 2015, in force 5 October 2015, 2015 Tractatenblad 169.

