

INTERNATIONAL COURT OF JUSTICE

YEAR 2023

2023

29 May

General List

No. A023

29 May 2023

**ALLEGED VIOLATIONS OF IMMUNITIES FROM JURISDICTION AND
MEASURES OF CONSTRAINT**

(FEDERAL REPUBLIC OF AVALONIA v. KINGDOM OF RIVIERA)

ORDER

The International Court of Justice,

After deliberation,

Having regard to Article 48 of the Statute of the Court and to Article 31 of the Rules of Court,

Having regard to the Application filed in the Registry of the Court on 3 July 2022, whereby the Federal Republic of Avalonia (hereinafter “Avalonia”) instituted proceedings against the Kingdom of Riviera (“Riviera”) with regard to a dispute concerning the alleged violations by Riviera of Avalonia’s jurisdictional immunities;

Having regard to the Order dated 3 April 2023, whereby the Court fixed time-limits for the filing, respectively, of the Memorial of the Applicant and the Counter-Memorial of the Respondent and adopted the Official Rules of the 2023 Asia Cup International Law Moot Court Competition;

Whereas, by a letter dated 16 May 2023, the Agents of Avalonia and Riviera jointly requested the Court to hold a meeting to correct and clarify the Statement of Agreed Facts dated 31 March 2023 that was attached to the Order of the Court dated 3 April 2023;

Whereas, at a meeting held by the President of the Court with the Agents of the Parties on 22 May 2023, pursuant to Article 31 of the Rules, the Parties came to an agreement that several amendments shall be made to the Statement of Agreed Facts; whereas, at the same meeting, the Parties also agreed to prepare jointly a Corrections and Clarifications to the Statement of Agreed Facts;

Whereas, on 26 May 2023, the Parties jointly communicated the attached Corrections and Clarifications to the Statement of Agreed Facts to the Registry of the Court; whereas, by a joint communication to the Registry of the Court on the same date, the Parties expressed their agreement that any other corrections or clarifications to the Statement are redundant or unnecessary.

Taking into account the agreement of the Parties,

Takes note of the Corrections and Clarifications to the Statement of Agreed Facts dated 26 May 2023; and

Places on record the agreement of the Parties that any other corrections or clarifications to the Statement of Agreed Facts are redundant or unnecessary.

Done in English and in French, the English text being authoritative, at the Peace Palace, The Hague, this twenty-ninth day of May, 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 Governments of Avalonia and Riviera, respectively.

(Signed)
President

(Signed)
Registrar

CORRECTIONS AND CLARIFICATIONS TO THE STATEMENT OF AGREED FACTS

ALLEGED VIOLATIONS OF IMMUNITIES FROM JURISDICTION AND MEASURES
OF CONSTRAINT

(FEDERAL REPUBLIC OF AVALONIA v. KINGDOM OF RIVIERA)

26 May 2023

CORRECTIONS (INDICATED IN BOLD ITALICS)

1. The third and fourth sentences of paragraph 6 shall be rectified as follows:

The largest series of bonds is the one issued in 1982, the total amount of which was more or less equivalent ***to*** half of the government budget of Riviera of the same year (“1982 Bonds” or “Amity Bonds”). [...] more than 25 per cent of the Amity Bonds were purchased and held by Apricity Bank N.A., a financial ***subsidiary*** of the largest business conglomerate in Avalonia.

2. The first sentence of paragraph 25 shall be corrected as follows:

By notice of arbitration dated 1 December 2021, ***made pursuant to the terms of the 1982 Bonds***, ILSEC Management commenced arbitral proceedings against Riviera [...]

3. The first sentence of paragraph 37 shall be corrected as follows:

Aside from the Pact of Bogotá ***and the 1948 Peace Treaty*** referenced elsewhere in this Statement [...]

4. The submission of Riviera, as contained in paragraph 39, subparagraph (a), shall be rectified as follows:

The Court lacks jurisdiction *ratione temporis* to entertain ***Avalonia***’s claims insofar as they are based on facts or events that occurred after the lapse of the title of jurisdiction on 4 July 2022;

CLARIFICATIONS

5. The cause of pecuniary claims brought by an oversea branch of Les Enfants de Bérénice against Avalonia before a court of a third country, as described in paragraph 13, was identical to those described in paragraph 11.

6. In every instance Avalonia appeared before the courts of Riviera, its representatives and counsels unequivocally pleaded that Avalonia’s participation in the proceedings was for the sole purpose of invoking its immunity.

7. Avalonia and Riviera deposited their instruments of ratification of the Pact of Bogotá shortly after signing, as described in paragraphs 19 and 33.
8. The denunciation by Riviera of the Pact of Bogotá, as described in paragraph 19, was duly transmitted to Avalonia pursuant to Article LVI.