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**COMMITTEE OF LEGAL ADVISERS ON PUBLIC INTERNATIONAL LAW
(CAHDI)**

**34th meeting
Strasbourg, 10-11 September 2007**

ITEM 7.a: STATE IMMUNITIES: STATE PRACTICE

**A JAPANESE TRADING COMPANY V. THE ISLAMIC REPUBLIC OF PAKISTAN
(UNOFFICIAL SUMMARY)**

Document submitted by
the delegation of Japan

a Japanese trading company v. the Islamic Republic of Pakistan
(Unofficial Summary)

The Supreme Court of Japan.
July 21, 2006

The court ruled that:

- (1) "today, the existence of a customary international rule that a foreign state enjoy immunity from the civil jurisdiction of the State of the forum in respect of sovereign acts (*acta jure imperii*) can still be recongnized. However, the customary international rule that a foreign state enjoy immunity from the civil jurisdiction of the State of the forum in respect of civil or administrative acts (*acta jure gestionis*) should be considered not to exist any longer."
- (2) "It is appropriate to understand that a foreign state does not enjoy immunity from the civil jurisdiction of Japan in respect of civil or administrative acts, unless the exercise of the civil jurisdiction of Japan is likely to infringe foreign state's sovereignty or other special circumstances exist."
- (3) "The decision ruled by the Supreme Court on 28 December 1928 should be altered. "

Based on the above consideration, the court determined that the sales contract and other acts in question are civil or administrative acts, regardless of their purposes, since these acts are commercial transaction that a private person can perform. The court ruled that the Islamic Republic of Pakistan can not enjoy immunity from the civil jurisdiction of Japan in respect of this case, unless special circumstances exist.