

Exchange of national practices on possibilities for the Ministry of Foreign Affairs to raise public international law issues in procedures pending before national tribunals and related to States' or international organisations' immunities

1. Delegations are invited to provide information on any domestic legislation existing on this particular issue.
2. Delegations are invited to inform the Committee as to whether there are any other means for the Ministry of Foreign Affairs of communicating information to national courts and how the Ministry of Foreign Affairs perceives the scope of international legal obligations in [this] field.

For example:

- Are there any information related to international legal obligations contained in the legislative preparatory works of domestic laws on immunities?
 - Are there any directives, guidelines or circulars that have been issued on this subject?
3. Delegations are invited to precise whether there are any prohibitions or stated limits in domestic law, which would prevent the transmission of information to national courts by the Ministry of Foreign Affairs. In this regard, are there, in your domestic legal order, any relevant legislation or national practices (any reference of case-law would be appreciated)?
 4. From a broader perspective, delegations are called upon to express their views as to whether the Ministry of Foreign Affairs can communicate with the Parties engaged in procedures before national courts and, if so, as to how it can proceed. In particular with regard to:
 - the principle of equality of arms (e.g. does the communication with one Party imply informing the others about the content of that communication?).
 - the scope of the communication (e.g. communication of possible factual elements or communication restricted to a single point of law).
 - the principle of independence of the Judiciary.
 - any other related issue.