

Institution: Permanent Court of International Justice  
 Type: Decision concerning the Joinder of the Two Suits  
 Full Title: *Case concerning certain German interests in Polish Upper Silesia.*  
 Requested by: Application of the Government of Germany  
 Party(ies): Germany vs. Poland  
 Dated: February 5th, 1925  
 Initiated:<sup>1</sup> May 15th and August 25th, 1925  
 Session: Tenth (Extraordinary) Session  
 General List No.: 18 (Judgment No. 7)  
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<sup>1</sup> date of the request for an advisory opinion or date of the application in contentious cases.

[94] Annex I.

Permanent Court of International Justice

<i>Before:</i>	Mm. Huber,		<i>President,</i>
	Loder,		<i>Former President,</i>
	Weiss,		<i>Vice-President,</i>
Lord	Finlay		
Mm.	Nyholm, Altamira, Anzilotti,		<i>Judges,</i>
	Yovanovitch Beichmann, Negulesco,		<i>Deputy-Judges,</i>
Count	Rostworowski,		
M.	Rabel,		<i>National Judges.</i>

Decision Concerning the Joinder of the Two Suits  
Introduced Successively by the German Government.

The Government of Germany, represented by Dr. Erich Kaufmann, Professor at Bonn,

*Applicant,*

*versus*

The Government of the Polish Republic, represented by M. Mrozowski, President of the Supreme Court of Warsaw, and M. Sobolewski, Assistant Delegate to the Reparation Commission,

*Respondent.*

*Joinder of two suits introduced successively by the German Government.*

Whereas by an Application instituting proceedings filed with the Registry of the Court on

May 15th, 1925, in accordance with Article 40 of the Statute, the German Government, in its conclusion No. 3, requested the Court, *inter alia*, to give judgment that: [95]

"The liquidation by the Polish Government of the rural estates belonging to Count Nikolaus Ballestrern; to the *Georg Giesche's Erben Company*; to Christian Kraft, Fürst zu Hohenlohe-Oehringen; to the *Vereinigte Königs- und Laura-hütte Company*; to the Baroness Maria Anna von Goldschmidt-Rothschild (née von Friedländer-Fuld); to Karl Maximilian, Fürst von Lichnowsky; to the City of Ratibor; to Frau Gabriele von Ruffer (née Gräfm Henckel von Donnersmarck); to the *Godulla Company* and to Frau Hedwig Voigt, would not be in conformity with the provisions of Article 6 and the following articles of the Geneva Convention";

Whereas in its Judgment delivered on August 25th, 1925, the Court declared the Application to be admissible and reserved it for judgment on the merits;

Whereas in a second Application filed with the Registry on August 25th, 1925, in accordance with Article 40 of the Statute, the German Government requested the Court to give judgment that:

"The liquidation of the rural estates belonging to the Duke of Ratibor and Count Saurma-Jeltsch would not be in conformity with the provisions of Article 6 and the following articles of the Geneva Convention";

Whereas in its Application dated August 25th, 1925, the German Government further asked that the Court may be pleased to join the said Application to the Application filed on May 15th, 1925;

Whereas in a letter dated September 11th, 1925, the Minister of the Polish Republic at The Hague informed the Registrar of the Court that the Polish Government, to whom the Application of August 25th, 1925, had been duly communicated in accordance with Article 40 of the Statute, agreed that the said Application should be joined to the Application filed on May 15th, 1925;

THE COURT,

composed as stated above,

Having regard to Article 48 of the Statute;

Having regard to Article 61, paragraph 1, of the Rules of Court,

Duly records the agreement reached between the Parties in regard to the joinder of the proceedings instituted by the German Government against the Polish Government on May 15th and August 25th, 1925; and

For the purpose of proceedings on the merits, joins the causes of action mentioned in the Application of August 25th, 1925, to those mentioned in Conclusion No. 3 of the Application of May 15th, 1925. [96]

Done in French and English, the French text being authoritative, at the Peace Palace, The Hague, this fifth day of February, one thousand nine hundred and twenty-six, in three copies, one of which is to be placed in the archives of the Court, and the others to be forwarded to the Agents of the Applicant and Respondent Parties respectively.

*(Signed)* Max Huber,  
President.

*(Signed)* Å. Hammarskjöld,  
Registrar.