

Institution:	Permanent Court of International Justice		
Type:	Order		
Full Title:	<i>Case Concerning the Factory at Chorzów (Indemnities)</i>		
Requested by:	Application of the German Government		
Party(ies):	Germany vs. Poland		
Dated:	November 21 st , 1927		
Initiated: ¹	November 15 th , 1927		
Session:	Twelfth (Ordinary) Session		
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In the text below original pagination is provided in [square brackets].

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¹ date of the request for an advisory opinion or date of the application in contentious cases.

[9] Permanent Court of International Justice

<i>Before:</i>	Mm.	Huber,	<i>President,</i>
		Loder,	<i>Former President,</i>
	Lord M.M.	Finlay, Nyholm, Moore, Altamira, Oda, Anzilotti,	<i>Judges,</i>
	Mm.	Beichmann, Negulesco,	<i>Deputy-Judges.</i>

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

versus

The Government of the Polish Republic, represented by Dr. Thadeus Sobolewski, Agent
for the Polish Government before the Polish-German Mixed Arbitral Tribunal,
Respondent.

*Request by the German Government for the indication of a provisional
measure of interim protection.*

THE COURT,

Having regard to the Request of the German Government dated October 14th and filed
with the Registry of the Court [10] on November 15th, 1927, to the effect that a provisional
measure of interim protection should be indicated in the case concerning the Chorzów factory
(indemnities) now pending before the Court;

Having regard to Article 41 of the Statute and Article 57 of the Rules of Court;

Having regard to Judgment No. 8 given by the Court on July 26th, 1927;

Whereas in the request above mentioned of the **German** Government it is submitted that, by
virtue of the powers conferred upon it under Article 41 of the Statute, the Court should indicate

to the Polish Government that it must pay to the German Government, as a provisional measure, the sum of thirty millions of Reichsmarks within one month from the date of the Order sought;

Whereas the Court, in Judgment No. 8, by which it declared itself to have jurisdiction to give judgment upon the merits in the case in question, has reserved for judgment on the merits the claims formulated in the Application instituting proceedings filed with the Registry of the Court on February 8th, 1927, by the German Government;

Considering that the request of the German Government cannot be regarded as relating to the indication of measures of interim protection, but as designed to obtain an interim judgment in favour of a part of the claim formulated in the Application above mentioned;

That, consequently, the request under consideration is not covered by the terms of the provisions of the Statute and Rules cited therein;

Considering that, in these circumstances, there is no reason to invite the Polish Government to submit observations upon the German Government's request;

Considering that the Court is entitled, as normally composed, to indicate, should occasion arise, provisional measures of interim protection, without specially obtaining the assistance of national judges; [11]

THE COURT,

composed as above,

Decides, that effect cannot be given to the request of the German Government dated October 14th, 1927.

Done in French and English, the French text being authoritative, at the Peace Palace, The Hague, this twenty-first day of November, one thousand nine hundred and twenty-seven, 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 German and Polish Governments respectively.

(Signed) Max Huber,

President.

(Signed) Å. Hammarskjöld,

Registrar.