

*Extract from:*

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Part Three. Judicial decisions on questions relating to the United Nations and related  
intergovernmental organizations

Chapter VIII. Decisions of national tribunals



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## Chapter VIII

### DECISIONS OF NATIONAL TRIBUNALS

#### Italy

#### SUPREME COURT OF CASSATION (FULL CIVIL CHAMBER)

INTERNATIONAL CENTRE FOR ADVANCED TECHNICAL AND VOCATIONAL TRAINING (INTERNATIONAL LABOUR ORGANIZATION) V. TIRONE ROSANGELA ET AL., JUDGEMENT NO. 11781 OF 29 OCTOBER 1992

*Immunity from measures of execution—Request to the Supreme Court to recognize the Applicant's immunity from legal process and declare invalid, for lack of jurisdiction, an attachment order issued by a lower court—Effect on a subsequent treaty of a reference to Italy's earlier reservations to the Convention on Privileges and Immunities—Question whether a subsidiary body was covered by the ILO's legal personality*

1. The Applicant (whose name is now the International Training Centre of the ILO) was established in Turin by the Governing Body of the International Labour Office in 1963. An Agreement concluded between the Italian Government and the ILO in 1964 provided, in article 3.1, that "the Centre will enjoy in Italy . . . the privileges and immunities granted to the International Labour Organization by the Convention on the Privileges and Immunities of the Specialized Agencies as adopted by the General Assembly of the United Nations on 21 November 1947 and accepted in the name of the International Labour Organization by the International Labour Conference on 10 July 1948".<sup>1</sup>

2. At the time of conclusion, the signatories exchanged various letters, in one of which the Italian Minister for Foreign Affairs recalled, in relation to the above article, the reservations that Italy had lodged with the Secretary-General of the United Nations in 1952 with respect to its adherence to the Convention on the Privileges and Immunities of the Specialized Agencies under which recognition of immunity from legal process would have been limited to that "accorded to foreign States in accordance with international law".

3. The present request to the Italian Supreme Court to declare invalid an order of attachment by a lower court on a bank account held by the Centre in Italy was mainly based on article 3.1 cited above. Noting the letter from the Minister for Foreign Affairs as well as the non-acceptance by the specialized agencies of the reservations to which the letter referred, with the consequent invalidity of Italy's accession to the Convention in 1952, the Court concluded that, at the time, the Italian Government had not granted any privileges and immunities to the ILO and that "the reference to the privileges and immunities granted to the International Labour Organization was in fact to no purpose". As a consequence, on the basis of the 1964 Agreement the Centre "did not acquire any immunity whatsoever from legal process in Italy".

4. The Centre also invoked the immunity from legal process deriving from Italy's later acceptance with respect to the ILO of the Convention without res-

ervations on 30 August 1985. Noting, however, that under article 2 of the 1964 Agreement the Centre was recognized as having legal personality of its own, the Court considered that the Centre, though linked to the ILO, was clearly distinct from it. As recognition of immunity from legal process had been excluded by the 1964 Agreement, there was “evidently no legal link that would have permitted the extension of the immunity — now unconditionally recognized for the International Labour Organization — also to the International Centre”.

5. The Court accordingly held that the Centre had no immunity either from judgement or from measures of execution.

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NOTES

<sup>1</sup>ILO *Official Bulletin*, vol. LXVIII, No. 3, July 1965, pp. 298-299.