

## Chapter III

### SPECIFIC ISSUES ON WHICH COMMENTS WOULD BE OF PARTICULAR INTEREST TO THE COMMISSION

#### A. Immunity of State officials from foreign criminal jurisdiction

25. The Commission requests States to provide information, by 31 January 2014, on the practice of their institutions, and in particular on judicial decisions, with reference to the meaning given to the phrases “official acts” and “acts performed in an official capacity” in the context of the immunity of State officials from foreign criminal jurisdiction.

#### B. Formation and evidence of customary international law

26. The Commission requests States to provide information, by 31 January 2014, on their practice relating to the formation of customary international law and the types of evidence suitable for establishing such law in a given situation, as set out in:

- (a) official statements before legislatures, courts and international organizations; and
- (b) decisions of national, regional and subregional courts.

#### C. Provisional application of treaties

27. The Commission requests States to provide information, by 31 January 2014, on their practice concerning

the provisional application of treaties, with examples, in particular in relation to:

- (a) the decision to provisionally apply a treaty;
- (b) the termination of such provisional application; and
- (c) the legal effects of provisional application.

#### D. Protection of the environment in relation to armed conflicts

28. The Commission would like to have information from States on whether, in their practice, international or domestic environmental law has been interpreted as applicable in relation to international or non-international armed conflict. The Commission would particularly appreciate receiving examples of:

- (a) treaties, particularly relevant regional or bilateral treaties;
- (b) national legislation relevant to the topic, including legislation implementing regional or bilateral treaties;
- (c) case law in which international or domestic environmental law was applied to disputes arising from situations of armed conflict.