

General Health Insurance Company of the Czech Republic v. Embassy of the State of Palestine in the Czech Republic

Appendix

The plaintiff (General Health Insurance Company of the Czech Republic) requested the court to order that the decision be executed by taking (deducting) the debt (sums charged in the payment assessment of the General Health Insurance Company) amounting to CZK 41,283 off the debtor's (Palestinian Embassy's) bank account. In its decision of 30 September 1997 the District Court for Prague 6 ordered execution of the decision. Having issued this decision, the same court by decision dated 15 December 1997 declared that the execution of the previous decision was inadmissible. In stating the reasons for this new and final opinion it referred to the provision of Section 47, para 1 of Act No. 97/1963 concerning private international law and the rules of procedure relating thereto, under which foreign States and persons who under international treaties or other rules of international law enjoy immunity in the Czech Republic are not subject to the jurisdiction of Czech courts, except for cases defined in Section 47, para 3 of the Act. The court stated that the debtor identified in the motion to commence execution proceedings was merely an authority of the State of Palestine and thus had no legal personality and that the State of Palestine could be subject to the jurisdiction of Czech courts only if it voluntarily submitted to such jurisdiction.