



Corneliu **Bîrsan** (Romania),
Vladimiro **Zagrebelsky** (Italy),
David Thór **Björgvinsson** (Iceland),
Dragoljub **Popović** (Serbia),
Ineta **Ziemele** (Latvia),
Mark **Villiger** (Liechtenstein),
Giorgio **Malinverni** (Switzerland),
András **Sajó** (Hungary),
Nona **Tsotsoria** (Georgia),
İşıl **Karakaş** (Turkey), *Judges,*

and Johan **Callewaert**, *Deputy Grand Chamber Registrar.*

Decision of the Court

The court first noted that there was a trend in international law, confirmed with the adoption at the United Nations level of two international legal documents – the 1991 Draft Articles and the 2004 Convention on Jurisdictional Immunities of States and their Property – towards limiting the application of State immunity, notably by exempting contracts of staff employed in a State's diplomatic missions abroad from the immunity rule. Immunity still applied, however, to diplomatic and consular staff in cases where the subject of the dispute was the recruitment, renewal of employment or reinstatement of an individual, or where the employee was a national of the employer State, or there was a written agreement to that effect between the employer and the employee.

Ms Čudak had not been covered by any of those exceptions. She had not performed any particular functions closely related to the exercise of governmental authority. She had not been a diplomatic agent or consular officer, nor a national of the employer State, and, lastly, the subject matter of the