



# INTERNATIONAL COURT OF JUSTICE

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## Press Release

Unofficial

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**Request for Interpretation of the Judgment of 15 June 1962 in the Case concerning the Temple of Preah Vihear (Cambodia v. Thailand) (Cambodia v. Thailand)**

**Court to hold public hearings from Monday 15 to Friday 19 April 2013**

THE HAGUE, 29 November 2012. The International Court of Justice (ICJ), the principal judicial organ of the United Nations, will hold public hearings in the case concerning the Request for Interpretation of the Judgment of 15 June 1962 in the Case concerning the Temple of Preah Vihear (Cambodia v. Thailand) (Cambodia v. Thailand) from Monday 15 to Friday 19 April 2013, at the Peace Palace in The Hague, the seat of the Court.

Schedule for the hearings

First round of oral argument

Monday 15 April	10 a.m.-1 p.m.: Cambodia 3 p.m.-4.30 p.m.: Cambodia
Wednesday 17 April	10 a.m.-1 p.m.: Thailand 3 p.m.-4.30 p.m.: Thailand

Second round of oral argument

Thursday 18 April	3 p.m.-5 p.m.: Cambodia
Friday 19 April	3 p.m.-5 p.m.: Thailand

History of the proceedings

On 28 April 2011, the Kingdom of Cambodia submitted to the Court, by an Application filed in the Registry, a request for interpretation of the Judgment rendered by the Court on 15 June 1962 in the case concerning the Temple of Preah Vihear (Cambodia v. Thailand).

In its Application, Cambodia seeks to base the jurisdiction of the Court on Article 60 of the Statute of the Court, which provides: "In the event of dispute as to the meaning or scope of the judgment, the Court shall construe it upon the request of any party." Cambodia also invokes Article 98 of the Rules of Court (see Press Release No. 2011/14).

With reference to those provisions, Cambodia indicates in its Application the “points in dispute as to the meaning or scope of the judgment” at issue. It states in particular that: “(1) according to Cambodia, the Judgment [rendered by the Court in 1962] is based on the prior existence of an international boundary established and recognized by both States; (2) according to Cambodia, that boundary is defined by the map to which the Court refers on page 21 of its Judgment . . . , a map which enables the Court to find that Cambodia’s sovereignty over the Temple is a direct and automatic consequence of its sovereignty over the territory on which the Temple is situated . . . ; (3) according to [Cambodia], Thailand is under an obligation [pursuant to the Judgment] to withdraw any military or other personnel from the vicinity of the Temple on Cambodian territory . . . [T]his is a general and continuing obligation deriving from the statements concerning Cambodia’s territorial sovereignty recognized by the Court in that region.” Cambodia asserts that “Thailand disagrees with all of these points.”

On the same day that it filed its Application, Cambodia, stressing the urgency and the risk of irreparable damage, also filed a request for the indication of provisional measures, whereby it “respectfully request[ed] the Court to indicate the following provisional measures, pending the delivery of its judgment:

- an immediate and unconditional withdrawal of all Thai forces from those parts of Cambodian territory situated in the area of the Temple of Preah Vihear;
- a ban on all military activity by Thailand in the area of the Temple of Preah Vihear;
- that Thailand refrain from any act or action which could interfere with the rights of Cambodia or aggravate the dispute in the principal proceedings.”

Public hearings on that request for the indication of provisional measures were held on Monday 30 and Tuesday 31 May 2011.

During those hearings, Thailand maintained, *inter alia*, that there was no dispute as to the meaning or scope of the 1962 Judgment; that it did not dispute the fact that the Temple of Preah Vihear was situated in Cambodian territory, as recognized in the first paragraph of the operative clause of that Judgment; it claimed furthermore not to dispute the fact that Thailand was under an obligation, pursuant to the second paragraph of the operative clause of the said Judgment, to withdraw its military forces from the Temple or from its vicinity in so far as those forces were situated in Cambodian territory; it asserted that this “instantaneous” obligation had been fully met by Thailand and could not give rise to an interpretative judgment; and Thailand maintained, in consequence, that the Court manifestly lacked jurisdiction “to rule on Cambodia’s Request for interpretation” and, therefore, to indicate the provisional measures requested by the Applicant.

At the end of its second round of oral observations, Cambodia reiterated its request for the indication of provisional measures. The Agent of Thailand, for his part, made the following submissions on behalf of his Government: “In accordance with Article 60 of the Rules of Court and having regard to the Request for the indication of provisional measures of the Kingdom of Cambodia and its oral pleadings, the Kingdom of Thailand respectfully requests the Court to remove the case introduced by the Kingdom of Cambodia on 28 April 2011 from the General List.”

On 18 July 2011, the Court made its Order on the request for the indication of provisional measures submitted by Cambodia. It first noted that “there appear[ed] *prima facie* to exist a ‘dispute’” between the Parties as to the meaning or scope of the 1962 Judgment, and concluded that it could not accede to Thailand’s request that the case introduced by Cambodia be removed from the General List. It then indicated various provisional measures. The Court also decided that each Party should inform the Court as to its compliance with those provisional measures and that, until the Court had rendered its judgment on the request for interpretation, it would remain seized of the matters which formed the subject of the Order (see the Court’s 2010-2011 Annual Report).

In accordance with Article 98, paragraph 3, of the Rules of Court, the Court fixed 21 November 2011 as the time-limit for the presentation of written observations by Thailand on the request for interpretation submitted by Cambodia. Those observations were filed within the time-limit thus prescribed.

Furthermore, pursuant to Article 98, paragraph 4, of the Rules of Court, the Court decided to afford the Parties the opportunity of furnishing further written explanations, and fixed 8 March 2012 and 21 June 2012 as the respective time-limits for the filing by Cambodia and Thailand of such explanations. Those pleadings were filed within the time-limits thus prescribed. In accordance with the same provision, the Court also decided to afford the Parties the opportunity of furnishing further oral explanations. The schedule of the public hearings organized for that purpose is reproduced above.

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Further information concerning the accreditation and admission procedures for those hearings will be communicated in due course.

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The International Court of Justice (ICJ) is the principal judicial organ of the United Nations. It was established by the United Nations Charter in June 1945 and began its activities in April 1946. The seat of the Court is at the Peace Palace in The Hague (Netherlands). Of the six principal organs of the United Nations, it is the only one not located in New York. The Court has a twofold role: first, to settle, in accordance with international law, legal disputes submitted to it by States (its judgments have binding force and are without appeal for the parties concerned); and, second, to give advisory opinions on legal questions referred to it by duly authorized United Nations organs and agencies of the system. The Court is composed of 15 judges elected for a nine-year term by the General Assembly and the Security Council of the United Nations. Independent of the United Nations Secretariat, it is assisted by a Registry, its own international secretariat, whose activities are both judicial and diplomatic, as well as administrative. The official languages of the Court are French and English. Also known as the “World Court”, it is the only court of a universal character with general jurisdiction.

The ICJ, a court open only to States for contentious proceedings, and to certain organs and institutions of the United Nations system for advisory proceedings, should not be confused with the other — mostly criminal — judicial institutions based in The Hague and adjacent areas, such as the International Criminal Tribunal for the former Yugoslavia (ICTY, an ad hoc court created by the Security Council), the International Criminal Court (ICC, the first permanent international criminal court, established by treaty, which does not belong to the United Nations system), the Special Tribunal for Lebanon (STL, an independent judicial body composed of Lebanese and international judges, which is not a United Nations tribunal and does not form part of the Lebanese judicial system), or the Permanent Court of Arbitration (PCA, an independent institution which assists in the establishment of arbitral tribunals and facilitates their work, in accordance with the Hague Convention of 1899).

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