



# INTERNATIONAL COURT OF JUSTICE

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## Press Release

Unofficial

No. 2018/57

30 November 2018

### **Relocation of the United States Embassy to Jerusalem (Palestine v. United States of America)**

#### **The Court decides that the written pleadings will first be addressed to the question of jurisdiction and that of the admissibility of the Application**

THE HAGUE, 30 November 2018. By an Order dated 15 November 2018, the International Court of Justice (ICJ), the principal judicial organ of the United Nations, decided that the written pleadings in the case concerning the Relocation of the United States Embassy to Jerusalem (Palestine v. United States of America) would first be addressed to the question of the jurisdiction of the Court and that of the admissibility of the Application. It fixed 15 May 2019 and 15 November 2019 as the respective time-limits for the filing of a Memorial by the State of Palestine and a Counter-Memorial by the United States of America.

It is recalled in the Order that the State of Palestine seeks to found the jurisdiction of the Court on Article I of the Optional Protocol to the Vienna Convention on Diplomatic Relations concerning the Compulsory Settlement of Disputes (1961), to which the State of Palestine acceded on 22 March 2018.

The Order notes that, by a letter dated 2 November 2018, the United States informed the Court of the communications it had submitted to the Secretary-General of the United Nations in 2014 and 2018, in which it declared that it did not consider itself to be in a treaty relationship with the Applicant under the Vienna Convention or the Optional Protocol. In its letters, the United States further observed that the Applicant had been aware of these communications before it submitted its Application, and it concluded that, in its view, “it [was] manifest that the Court ha[d] no jurisdiction in respect of the Application” and that the case ought to be removed from the List.

The Court further notes in its Order that, by a letter of the same date, the United States informed the Registry that it would not participate in the proposed meeting to be held on 5 November 2018 by the President with the representatives of the Parties, in order to ascertain their views with regard to questions of procedure in the case. The Court states that, at that meeting, Palestine expressed the wish that the Court decide in favour of its claim and indicated a strong preference for the submission of a Memorial dealing with both the jurisdiction of the Court and the merits, explaining that it would need six months to prepare that pleading.

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History of the proceedings

A complete history of the proceedings can be found in Press Release No. 2018/47 of 28 September 2018, available on the Court’s website ([www.icj-cij.org](http://www.icj-cij.org)) under “Press Room/Press Releases”.

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The full text of the Order can be found on the Court’s website (under the heading “Cases”/“Pending Cases”).

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Note: The Court’s press releases are prepared by its Registry for information purposes only and do not constitute official documents.

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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 Court (ICC, the only permanent international criminal court, which was established by treaty and does not belong to the United Nations system), the Special Tribunal for Lebanon (STL, an international judicial body with an independent legal personality, established by the United Nations Security Council upon the request of the Lebanese Government and composed of Lebanese and international judges), the International Residual Mechanism for Criminal Tribunals (IRMCT, mandated to take over residual functions from the International Criminal Tribunal for the former Yugoslavia and from the International Criminal Tribunal for Rwanda), the Kosovo Specialist Chambers and Specialist Prosecutor’s Office (an *ad hoc* judicial institution which has its seat in The Hague), 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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