

COURT OF JUSTICE

**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)

***REQUEST BY THE KINGDOM OF CAMBODIA FOR THE INDICATION
OF PROVISIONAL MEASURES***

[Translation by the Registry]

1. By an Application filed in the Registry of the Court on 28 April 2011 submitting a 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), the Kingdom of Cambodia asked the Court to adjudge and declare that the Judgment of 15 June 1962 must be interpreted as meaning that:

The obligation incumbent upon Thailand to “withdraw any military or police forces, or other guards or keepers, stationed by her at the Temple, or in its vicinity on Cambodian territory” (second paragraph of the operative clause) is a particular consequence of the general and continuing obligation to respect the integrity of the territory of Cambodia, that territory having been delimited in the area of the Temple and its vicinity by the line on the Annex I map, on which the Judgment of the Court is based.

2. Since 22 April 2011, serious incidents have occurred in the area of the Temple of Preah Vihear, the site of the Request for interpretation recently submitted by Cambodia, as well as at several locations along that boundary between the two States, causing fatalities, injuries and the evacuation of local inhabitants.

3. Cambodia thus notes that its willingness to reach a peaceful settlement of the dispute in the area of the Temple of Preah Vihear now submitted to the Court has accentuated Thailand’s desire to respond with armed attacks on the territory of Cambodia. These incidents are linked, and while Cambodia only asks the Court to interpret its Judgment of 15 June 1962, it wishes that the distinguished Court may, through the measures indicated, cause these incursions onto its territory to cease, so that the interpretation requested in its principal claim may be settled calmly in an atmosphere of peace and security for both States.

4. Serious armed incidents are continuing at the time of filing of the present request, for which Thailand is entirely responsible. Cambodia accordingly asks the Court to indicate such provisional measures as may be required pursuant to Article 41 of the Statute and Article 73 of the Rules of Court.

5. Cambodia considers that the Court is competent to indicate such measures on the basis of its jurisdiction in the principal proceedings, namely the Request for interpretation submitted by Cambodia in respect of the Judgment of 15 June 1962 in the Case concerning the *Temple of Preah Vihear (Cambodia v. Thailand)*. In its Order of 16 July 2008 (*Request for Interpretation of the*

Judgment of 31 March 2004 in the Case concerning Avena and Other Mexican Nationals (Mexico v. United States of America) (Mexico v. United States of America), Order for the indication of provisional measures), the Court stated in this regard:

“44. Whereas the Court’s jurisdiction on the basis of Article 60 of the Statute is not preconditioned by the existence of any other basis of jurisdiction as between the parties to the original case; and whereas it follows that, even if the basis of jurisdiction in the original case lapses, the Court, nevertheless, by virtue of Article 60 of the Statute, may entertain a request for interpretation;

45. Whereas in the case of a request for the indication of provisional measures made in the context of a request for interpretation under Article 60 of the Statute, the Court has to consider whether the conditions laid down by that Article for the Court to entertain a request for interpretation appear to be satisfied; whereas Article 60 provides that: ‘The judgment is final and without appeal. 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’; and whereas this provision is supplemented by Article 98 of the Rules of Court, paragraph 1 of which reads: ‘In the event of dispute as to the meaning or scope of a judgment any party may make a request for its interpretation . . .’”

In that case, the Court concluded that provisional measures were justified and necessary in the context of an application for interpretation.

6. In accordance with the provisions of Article 73, paragraph 2, of the Rules of Court, Cambodia would make it clear that, in the unfortunate event that its request were to be rejected, and if Thailand persisted in its conduct, the damage to the Temple of Preah Vihear, as well as irreparable losses of life and human suffering as a result of these armed clashes, would become worse.

7. Measures are urgently required, both to safeguard the rights of Cambodia pending the Court’s decision — rights relating to its sovereignty, its territorial integrity and to the duty of non-interference incumbent upon Thailand — and to avoid aggravation of the dispute.

8. In consequence, and without prejudice to the Court’s interpretation on the merits of the dispute, Cambodia respectfully requests 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.

9. Because of the gravity of the situation, and for the reasons expressed above, Cambodia respectfully requests the Court to indicate these measures as a matter of urgency, and to fix a date as soon as possible for the subsequent proceedings.

28 April 2011

(Signed) HOR Namhong,
Deputy Prime Minister and
Minister for Foreign Affairs and
International Co-operation,
Agent of the Kingdom of Cambodia.
