



# INTERNATIONAL COURT OF JUSTICE

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## Press Release

Unofficial

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### **Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Qatar v. United Arab Emirates)**

#### **The United Arab Emirates requests the Court to indicate provisional measures**

THE HAGUE, 25 March 2019. On 22 March 2019, the United Arab Emirates (UAE) filed in the Registry of the International Court of Justice (ICJ), the principal judicial organ of the United Nations, a Request for the indication of provisional measures in the case concerning the Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Qatar v. United Arab Emirates).

It is recalled that, on 11 June 2018, the State of Qatar (Qatar) instituted proceedings against the UAE with regard to alleged violations of the International Convention on the Elimination of All Forms of Racial Discrimination of 21 December 1965 (CERD), to which both States are parties. On the same date, Qatar also filed a Request for the indication of provisional measures “to protect against further, irreparable harm . . . the rights of Qataris and their families under the CERD . . . and to prevent aggravation or extension of the dispute”. By an Order dated 23 July 2018, the Court indicated certain provisional measures to the Parties.

The UAE now requests the Court to indicate provisional measures in order to preserve its rights to procedural fairness, to an equal opportunity to present its case and to proper administration of justice, which are alleged to be threatened by Qatar’s pursuing of parallel proceedings before the Court and a CERD Committee in respect of the same dispute. Provisional measures are also said to be necessary to “prevent Qatar from further aggravating or extending the dispute between the Parties” pending a final decision in the case. In this connection, the Respondent claims that Qatar “has severely aggravated and extended the dispute”, by “referring the matter again” to the Committee on the Elimination of Racial Discrimination (CERD Committee) on 29 October 2018, “after it had abandoned those proceedings by its Application instituting proceedings before this Court” submitted on 11 June of the same year; by “hampering the UAE attempts to assist Qatari citizens, including by blocking within its territory access to the UAE Government website by which Qatari citizens can apply for a permit to return to the UAE”; by “using its national institutions and State-owned, controlled and funded media outlets . . . to disseminate false accusations regarding the UAE”.

According to the Respondent, there is “a real and imminent risk that irreparable prejudice will be caused” to its procedural rights before any final judgment can be rendered by the Court. It is also stressed in the UAE’s Request that provisional measures are required “on an urgent basis” to prevent Qatar from “further aggravating or extending the dispute.”

With regard to jurisdiction, the Respondent points out that, according to the Court's Order of 23 July 2018, pursuant to Article 22 of the CERD, it has prima facie jurisdiction to deal with the case. The UAE argues that this jurisdiction also extends to its Request for the indication of provisional measures.

The UAE requests that the Court "order that:

- (i) Qatar immediately withdraw its Communication submitted to the CERD Committee pursuant to Article 11 of the CERD on 8 March 2018 against the UAE and take all necessary measures to terminate consideration thereof by the CERD Committee;
- (ii) Qatar immediately desist from hampering the UAE's attempts to assist Qatari citizens, including by un-blocking in its territory access to the website by which Qatari citizens can apply for a permit to return to the UAE;
- (iii) Qatar immediately stop its national bodies and its State-owned, controlled and funded media outlets from aggravating and extending the dispute and making it more difficult to resolve by disseminating false accusations regarding the UAE and the issues in dispute before the Court; and
- (iv) Qatar refrain from any action which might aggravate or extend the dispute before the Court or make it more difficult to resolve."

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#### History of the proceedings

The history of the proceedings can be found in paragraphs 233-244 of the Court's Annual Report for 2017-2018, available on its website (under the headings "The Court"/"Annual Reports") and in the press release No. 2018/40 of 1 August 2018.

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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 full text of the UAE's Request for the indication of provisional measures of 22 March 2019 is available on the Court's website.

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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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