



INTERNATIONAL COURT OF JUSTICE

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Press Release

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The State of Qatar institutes proceedings against the United Arab Emirates and requests the Court to indicate provisional measures

THE HAGUE, 11 June 2018. The State of Qatar (hereinafter “Qatar”) today instituted proceedings against the United Arab Emirates (hereinafter the “UAE”) at the International Court of Justice (ICJ), the principal judicial organ of the United Nations, with regard to alleged violations of the International Convention on the Elimination of All Forms of Racial Discrimination of 21 December 1965 (hereinafter the “CERD”), to which both States are parties.

The Applicant contends that “[t]he UAE has enacted and implemented a series of discriminatory measures directed at Qataris based expressly on their national origin [that] remain in effect to this day”, resulting in alleged human rights violations. According to Qatar, on and following 5 June 2017, the UAE expelled all Qataris within its borders; prohibited them from entering or passing through the UAE; closed UAE airspace and seaports to Qatar and Qataris; interfered with the rights of Qataris who own property in the UAE; limited the rights of Qataris to any speech deemed to be in support of or opposed to the actions against Qatar; and shut down the local offices of Al Jazeera Media Network, and blocked the transmission of Al Jazeera and other Qatari media outlets.

Qatar claims that those measures interfere with a number of rights, including the right to marriage and choice of spouse, result in violations of the rights to freedom of opinion and expression, the right to education and the right to work, and impact the rights of Qataris to own property and enjoy equal treatment before tribunals.

As basis for the Court’s jurisdiction, the Applicant invokes Article 36, paragraph 1, of the Statute of the Court and Article 22 of the CERD.

Qatar, therefore,

“in its own right and as parens patriae of its citizens, respectfully requests the Court to adjudge and declare that the UAE, through its State organs, State agents, and other persons and entities exercising governmental authority, and through other agents acting on its instructions or under its direction and control, has violated its obligations under Articles 2, 4, 5, 6, and 7 of the CERD by taking, inter alia, the following unlawful actions:

- (a) [e]xpelling, on a collective basis, all Qataris from, and prohibiting the entry of all Qataris into, the UAE on the basis of their national origin;

- (b) [v]iolating other fundamental rights, including the rights to marriage and choice of spouse, freedom of opinion and expression, public health and medical care, education and training, property, work, participation in cultural activities, and equal treatment before tribunals;
- (c) [f]ailing to condemn and instead encouraging racial hatred against Qatar and Qataris and failing to take measures that aim to combat prejudices, including by inter alia: criminalizing the expression of sympathy toward Qatar and Qataris; allowing, promoting, and financing an international anti-Qatar public and social media campaign; silencing Qatari media; and calling for physical attacks on Qatari entities; and
- (d) [f]ailing to provide effective protection and remedies to Qataris to seek redress against acts of racial discrimination through UAE courts and institutions.”

Accordingly,

“Qatar respectfully requests the Court to order the UAE to take all steps necessary to comply with its obligations under CERD and, inter alia:

- (a) [i]mmediately cease and revoke the Discriminatory Measures, including but not limited to the directives against ‘sympathizing’ with Qataris, and any other national laws that discriminate de jure or de facto against Qataris on the basis of their national origin;
- (b) [i]mmediately cease all other measures that incite discrimination (including media campaigns and supporting others to propagate discriminatory messages) and criminalize such measures;
- (c) [c]omply with its obligations under the CERD to condemn publicly racial discrimination against Qataris, pursue a policy of eliminating racial discrimination, and adopt measures to combat such prejudice;
- (d) [r]efrain from taking any further measures that would discriminate against Qataris within its jurisdiction or control;
- (e) [r]estore rights of Qataris to, inter alia, marriage and choice of spouse, freedom of opinion and expression, public health and medical care, education and training, property, work, participation in cultural activities, and equal treatment before tribunals, and put in place measures to ensure those rights are respected;
- (f) [p]rovide assurances and guarantees of non-repetition of the UAE’s illegal conduct; and
- (g) [m]ake full reparation, including compensation, for the harm suffered as a result of the UAE’s actions in violation of the CERD.”

On 11 June 2018, pursuant to Article 41 of the Statute and Articles 73, 74 and 75 of the Rules of Court, 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”, pending final judgment in the case.

The Applicant claims that “the very rights of Qatar that are at issue in these proceedings are threatened with imminent and irreparable injury by the UAE”.

Consequently, Qatar

“requests the Court as a matter of urgency to indicate the following provisional measures, which are clearly directly linked to the rights that form the subject matter of the dispute, pending its determination of this case on the merits:

(a) [t]he UAE shall cease and desist from any and all conduct that could result, directly or indirectly, in any form of racial discrimination against Qatari individuals and entities by any organs, agents, persons, and entities exercising UAE governmental authority in its territory, or under its direction or control. In particular, the UAE shall immediately cease and desist from violations of the human rights of Qataris under the CERD, including by:

- (i) suspending operation of the collective expulsion of all Qataris from, and ban on entry into, the UAE on the basis of national origin;
- (ii) taking all necessary steps to ensure that Qataris (or persons with links to Qatar) are not subjected to racial hatred or discrimination, including by condemning hate speech targeting Qataris, ceasing publication of anti-Qatar statements and caricatures, and refraining from any other incitement to racial discrimination against Qataris;
- (iii) suspending the application of its Federal Decree-Law no. (5) of 2012, On Combatting Cybercrimes, to any person who ‘shows sympathy . . . towards Qatar’ and any other domestic laws that (de jure or de facto) discriminate against Qataris;
- (iv) taking the measures necessary to protect freedom of expression of Qataris in the UAE, including by suspending the UAE’s closure and blocking of transmissions by Qatari media outlets;
- (v) ceasing and desisting from measures that, directly or indirectly, result in the separation of families that include a Qatari, and taking all necessary steps to ensure that families separated by the Discriminatory Measures are reunited (in the UAE, if that is the family’s preference);
- (vi) ceasing and desisting from measures that, directly or indirectly, result in Qataris being unable to seek medical care in the UAE on the grounds of their national origin and taking all necessary steps to ensure that such care is provided;
- (vii) ceasing and desisting from measures that, directly or indirectly, prevent Qatari students from receiving education or training from UAE institutions, and taking all necessary steps to ensure that students have access to their educational records;
- (viii) ceasing and desisting from measures that, directly or indirectly, prevent Qataris from accessing, enjoying, utilizing, or managing their property in the UAE, and taking all necessary steps to ensure that Qataris may authorize valid powers of attorney in the UAE, renew necessary business and worker licenses, and renew their leases; and
- (ix) taking all necessary steps to ensure that Qataris are granted equal treatment before tribunals and other judicial organs in the UAE, including a mechanism to challenge any discriminatory measures;

(b) [t]he UAE shall abstain from any measure that might aggravate, extend, or make more difficult resolution of this dispute; and

(c) [t]he UAE shall abstain from any other measure that might prejudice the rights of Qatar in the dispute before the Court.”

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

The full text of Qatar’s Application of 11 June 2018 will be available shortly on the Court’s website.

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 Mechanism for International Criminal Tribunals (MICT, 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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