



INTERNATIONAL COURT OF JUSTICE

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Press Release

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Iran institutes proceedings against the United States with regard to a dispute concerning alleged violations of the Treaty of Amity, Economic Relations, and Consular Rights between Iran and the United States, and requests the Court to indicate provisional measures

THE HAGUE, 17 July 2018. The Islamic Republic of Iran yesterday instituted proceedings against the United States of America before the International Court of Justice (ICJ), the principal judicial organ of the United Nations, with regard to a dispute concerning alleged violations of the Treaty of Amity, Economic Relations, and Consular Rights between Iran and the United States, which was signed in Teheran on 15 August 1955 and entered into force on 16 June 1957 (“the 1955 Treaty”).

Iran maintains that its Application relates to the decision of the United States of 8 May 2018 “to re-impose in full effect and enforce” sanctions and restrictive measures targeting, directly or indirectly, Iran and Iranian companies and/or nationals, which the United States had previously decided to lift in connection with the Joint Comprehensive Plan of Action — an agreement on the nuclear programme of Iran reached on 14 July 2015 by Iran, the five permanent members of the United Nations Security Council, plus Germany and the European Union.

The Applicant claims that, through the “8 May sanctions” and further sanctions that have been announced, the United States “has violated and continues to violate multiple provisions” of the 1955 Treaty.

Iran therefore

“respectfully requests the Court to adjudge, order and declare that:

- a. The USA, through the 8 May and announced further sanctions referred to in the present Application, with respect to Iran, Iranian nationals and companies, has breached its obligations to Iran under Articles IV (1), VII (1), VIII (1), VIII (2), IX (2) and X (1) of the [1955 Treaty];
- b. The USA shall, by means of its own choosing, terminate the 8 May sanctions without delay;
- c. The USA shall immediately terminate its threats with respect to the announced further sanctions referred to in the present Application;

d. The USA shall ensure that no steps shall be taken to circumvent the decision to be given by the Court in the present case and will give a guarantee of non-repetition of its violations of the [1955 Treaty];

e. The USA shall fully compensate Iran for the violation of its international legal obligations in an amount to be determined by the Court at a subsequent stage of the proceedings. Iran reserves the right to submit and present to the Court in due course a precise evaluation of the compensation owed by the USA.”

As basis for the jurisdiction of the Court, the Applicant invokes Article XXI, paragraph 2, of the 1955 Treaty, which provides that

“[a]ny dispute between the High Contracting Parties as to the interpretation or application of the present Treaty, not satisfactorily adjusted by diplomacy, shall be submitted to the International Court of Justice, unless the High Contracting Parties agree to settlement by some other pacific means”.

On the same day, Iran also filed a Request for the indication of provisional measures, in order to preserve its rights under the 1955 Treaty pending the judgment of the Court on the merits of the case.

According to Iran, the United States has already started to enforce some elements of the “8 May sanctions”, while it announced that others would be implemented between 90 and 180 days from 8 May 2018. The Applicant maintains that, in view of the above, there is “a real and imminent risk that irreparable prejudice” will be caused to its rights which form the subject of the dispute before the Court gives its final decision.

Consequently, Iran

“in its own right and as parens patriae of its nationals respectfully requests that, pending final judgment in this case, the Court indicate:

a. That the USA shall immediately take all measures at its disposal to ensure the suspension of the implementation and enforcement of all of the 8 May sanctions, including the extraterritorial sanctions, and refrain from imposing or threatening announced further sanctions and measures which might aggravate or extend the dispute submitted to the Court;

b. That the USA shall immediately allow the full implementation of transactions already licensed, generally or specifically, particularly for the sale or leasing of passenger aircraft, aircraft spare parts and equipment;

c. That the USA shall, within 3 months, report to the Court the action it has taken in pursuance of sub-paragraphs (a) and (b);

d. That the USA shall assure Iranian, US and non-US nationals and companies that it will comply with the Order of the Court, and shall cease any and all statements or actions that would dissuade US and non-US persons and entities from engaging or continuing to engage economically with Iran and Iranian nationals or companies;

e. That the USA shall refrain from taking any other measure that might prejudice the rights of Iran and Iranian nationals and companies under the [1955 Treaty] with respect to any decision this Court might render on the merits.”

The full text of Iran's Application of 16 July 2018, as well as its Request for the indication of provisional measures, will be available shortly on the Court's website.

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

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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