



# INTERNATIONAL COURT OF JUSTICE

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## Press Release

Unofficial

No. 2018/52

12 October 2018

### Certain Iranian Assets (Islamic Republic of Iran v. United States of America)

#### Conclusion of the public hearings

#### The Court to begin its deliberation

THE HAGUE, 12 October 2018. The public hearings on the preliminary objections raised by the United States of America in the case concerning Certain Iranian Assets (Islamic Republic of Iran v. United States of America) were concluded today. The Court will now begin its deliberation.

During the hearings, which opened on Monday 8 October 2018 at the Peace Palace, seat of the Court, the delegation of the United States of America was led by Mr. Richard C. Visek, Principal Deputy Legal Adviser, United States Department of State, as Agent, Counsel and Advocate. The delegation of the Islamic Republic of Iran was led by Dr. Mohsen Mohebi, International Law Adviser to the President of the Islamic Republic of Iran and Head of the Center for International Legal Affairs, Associate Professor of Public International Law and Arbitration at the Azad University, Science and Research Branch, Tehran, as Agent, Counsel and Advocate.

The Court's Judgment on the preliminary objections will be delivered at a public sitting, the date of which will be announced in due course.

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#### Submissions of the Parties

At the end of the hearings, the Agents of the Parties presented the following submissions to the Court:

#### For the United States of America:

“For the reasons explained during these hearings and any other reasons the Court might deem appropriate, the United States of America requests that the Court uphold the U.S. objections set forth in its written submissions and at this hearing as to the admissibility of Iran's claims and the jurisdiction of the Court, and decline to entertain the case. Specifically, the United States of America requests that the Court:

- (a) Dismiss Iran’s claims in their entirety as inadmissible;
- (b) Dismiss as outside the Court’s jurisdiction all claims that U.S. measures that block the property and interests in property of the Government of Iran or Iranian financial institutions (as defined in Executive Order 13599 and regulatory provisions implementing Executive Order 13599) violate any provision of the Treaty;
- (c) Dismiss as outside the Court’s jurisdiction all claims, brought under any provision of the Treaty of Amity, that are predicated on the United States’ purported failure to accord sovereign immunity from jurisdiction and/or enforcement to the Government of Iran, Bank Markazi, or Iranian State-owned entities; and
- (d) Dismiss as outside the Court’s jurisdiction all claims of purported violations of Articles III, IV, or V of the Treaty of Amity that are predicated on treatment accorded to the Government of Iran or Bank Markazi.”

For the Islamic Republic of Iran:

“The Government of the Islamic Republic of Iran requests that the Court adjudge and declare:

- (a) that the preliminary objections submitted by the United States are rejected in their entirety, and
- (b) that it has jurisdiction to hear the claims in the Application by the Islamic Republic of Iran dated 14 June 2016 and proceed to hear those claims.”

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Internal judicial practice of the Court with respect to deliberations

Deliberations take place in private in accordance with the following procedure. The Court first holds a preliminary deliberation, during which the President outlines the issues which, in his opinion, require discussion and decision by the Court. Each judge then prepares a written Note setting out his or her views; these Notes are exchanged among the judges. A full deliberation is subsequently held, at the end of which a drafting committee is chosen by secret ballot, taking account of the views expressed. That committee consists in principle of two judges holding the majority view of the Court, together with the President, unless it appears that his views are in the minority. The committee prepares a preliminary draft text, which is the subject of written amendments. Two further drafts are produced in turn, each of which is subject to a detailed reading. In the meantime, judges who wish to do so may prepare a declaration, a separate opinion or a dissenting opinion, which are communicated to the other judges. The final vote is taken after adoption of the final text of the judgment at the second reading.

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### History of the proceedings

The history of the proceedings may be found in the Annual Reports of the Court for 2015-2016 (paras. 271-277) and 2016-2017 (paras. 224-232), and in press release No. 2018/28 of 22 June 2018, which are available on the Court's website ([www.icj-cij.org](http://www.icj-cij.org)).

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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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