



# INTERNATIONAL COURT OF JUSTICE

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## Press Release

Unofficial

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### *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, 23 September 2022. The public hearings on the merits in the case concerning *Certain Iranian Assets (Islamic Republic of Iran v. United States of America)* concluded today at the Peace Palace in The Hague, the seat of the Court.

The hearings, which opened on 19 September 2022, comprised two rounds of oral argument. The delegation of the Islamic Republic of Iran was led by Mr. Tavakol Habibzadeh, Head of the Center for International Legal Affairs of the Islamic Republic of Iran, Attorney at Law, Associate Professor of International Law at Imam Sadiq University, as Agent, Counsel and Advocate; and the delegation of the United States of America was led by Mr. Richard C. Visek, Acting Legal Adviser, United States Department of State, as Agent, Counsel and Advocate.

The Court will now begin its deliberation.

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

#### **Final submissions of the Parties**

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

#### For the Islamic Republic of Iran:

“On the basis of the foregoing, Iran respectfully requests the Court to adjudge, order and declare:

- a. First, that the United States has violated its obligations under the Treaty of Amity, as follows:
  - i. That by its acts, in particular its failure to recognise the separate juridical status (including the separate legal personality) of all Iranian companies including

Bank Markazi, the United States has breached its obligations to Iran, *inter alia*, under Article III (1) of the Treaty of Amity;

- ii. That by its acts, in particular its (a) unfair and inequitable treatment of such companies and their property (including interests in property); and (b) unreasonable and discriminatory treatment of such companies, and their property, which impairs the legally acquired rights and interests; and (c) failure to assure that the lawful contractual rights of such companies are afforded effective means of enforcement, and (d) failure to accord to such companies and their property the most constant protection and security that is in no case less than that required by international law, and (e) expropriation of the property of such companies, and its failure to accord to such entities freedom of access to the U.S. courts to the end that justice be done, as required by the 1955 Treaty of Amity, and (f) failure to respect the right of such companies to acquire and dispose of property, the United States has breached its obligations to Iran, *inter alia*, under Articles III (2), IV (1), IV (2), and V (1) of the Treaty of Amity;
  - iii. That by its acts, in particular its (a) application of restrictions to such entities on the making of payments and other transfers of funds to or from the United States, and (b) interference with the freedom of commerce, the United States has breached its obligations to Iran, *inter alia*, under Articles VII (1) and X (1) of the Treaty of Amity;
- b. Second, that the aforementioned violations of international law entail the international responsibility of the United States;
  - c. Third, that the United States is consequently obliged to put an end to the situation brought about by the aforementioned violations of international law, by (a) ceasing those acts and (b) making full reparation for the injury caused by those acts, in an amount to be determined in a later phase of these proceedings, and (c) offering a formal apology to the Islamic Republic of Iran for those wrongful acts and injuries;
  - d. Fourth, that the United States shall, by enacting appropriate legislation, or by resorting to other methods of its choosing, ensure that the measures adopted by its Legislature and its Executive, and the decisions of its courts and those of other authorities infringing the rights of Iran and of Iranian companies, cease to have effect in so far as they were each adopted or taken in violation of the obligations owed by the United States to Iran under the Treaty of Amity, and that no steps are taken against the assets or interests of Iran or any Iranian entity or national that involve or imply the recognition or enforcement of such acts;
  - e. Fifth, that Iran presents to the Court, by a date to be fixed by the Court, a precise evaluation of the reparations due for injuries caused by the unlawful acts of the United States in breach of the Treaty of Amity;
  - f. Sixth, that the United States shall pay the costs incurred by Iran in the presentation of this case and the defence of its legal rights under the Treaty of Amity, with the details thereof to be presented by Iran to the Court, by a date to be fixed by the Court;
  - g. Seventh, any other remedy the Court may deem appropriate.”

For the United States of America:

“For the reasons explained during these hearings and in its written submissions and any other reasons the Court might deem appropriate, the United States of America requests that the Court:

1. Dismiss all claims brought under the Treaty of Amity on the basis that Iran comes to the Court with unclean hands.
2. Dismiss as outside the Court’s jurisdiction all claims brought under Articles III, IV, and V of the Treaty of Amity that are predicated on treatment accorded to Bank Markazi.
3. Dismiss as outside the Court’s jurisdiction all claims brought under Articles III, IV, and V of the Treaty of Amity that are predicated on treatment accorded to companies that have failed to exhaust local remedies.
4. Dismiss on the basis of Article XX(1)(c) and (d) of the Treaty of Amity all claims that U.S. measures that block or freeze assets of the Iranian government or Iranian financial institutions (as defined in Executive Order 13599) violate any provision of the Treaty.
5. Dismiss all claims brought under Articles III, IV, V, VII, and X of the Treaty of Amity on the basis that the United States did not breach its obligations to Iran under any of those Articles.
6. To the extent the Court concludes that Iran, notwithstanding the foregoing submissions, has established one or more of its claims brought under the Treaty of Amity, reject such claims on the basis that Iran’s invocation of its purported rights under the Treaty constitutes an abuse of right.”

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**History of the proceedings**

The history of the proceedings can be found in [press releases](#) Nos. 2016/19, 2016/24, 2017/19, 2018/52, 2019/3, 2019/7, 2019/33, 2019/51, 2022/30 and 2022/32, available on the Court’s website.

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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 Court is composed of 15 judges elected for a nine-year term by the General Assembly and the Security Council of the United Nations. The seat of the Court is at the Peace Palace in The Hague (Netherlands). The Court has a twofold role: first, to settle, in accordance with international law, through judgments which have binding force and are without appeal for the parties concerned, legal disputes submitted to it by States; and, second, to give advisory opinions on legal questions referred to it by duly authorized United Nations organs and agencies of the system.

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