

**REQUEST FOR THE INDICATION OF
PROVISIONAL MEASURES OF
PROTECTION SUBMITTED BY THE
GOVERNMENT OF THE UNITED STATES
OF AMERICA**

**DEMANDE EN INDICATION
DE MESURES CONSERVATOIRES
PRÉSENTÉE PAR LE GOUVERNEMENT
DES ÉTATS-UNIS D'AMÉRIQUE**

29 November 1979.

1. I have the honour to refer to the Application submitted to the Court this day instituting proceedings in the name of the Government of the United States of America against the Government of Iran and to submit, in accordance with Article 41 of the Statute of the Court and Articles 73, 74 and 75 of the Rules of Court, an urgent request that the Court indicate provisional measures which ought to be taken promptly to preserve the rights of the Government of the United States.

2. The compelling reasons for this request are set out in the Statement of Facts of the Application of the United States to the Court. The facts set forth therein have been verified in the appended statement of David D. Newsom, Under Secretary for Political Affairs of the United States Department of State. The premises of the Embassy and Consulate of the United States in Tehran have been invaded by large numbers of persons acting with the support and under the apparent authority of the Government of Iran, and remain occupied without the authorization of the United States. At least 50 United States citizens, virtually all of whom are diplomatic agents or administrative and technical staff of the Embassy, are being held hostage. The conditions of their detention are harsh, demeaning, dangerous and in flagrant violation of international law. The Iranian authorities have stated that the hostages will be kept until the United States complies with various demands. The Government of Iran has also threatened to submit the hostages to criminal trial and punishment, despite their entitlement to diplomatic and other immunities. The Secretary-General of the United Nations has convoked the United Nations Security Council because of this "grave situation". In exercise of his exceptional powers under Article 99 of the United Nations Charter, he has informed the Security Council that "the present crisis poses a serious threat to international peace and security".

3. The Government of the United States submits that the interim measures of protection requested are urgently needed to preserve the rights of the United States. The United States in its Application primarily requests the Court to adjudge and declare that Iran shall release immediately and permit to depart from Iran immediately all hostages and other members of the Embassy of the United States who are not of Iranian nationality, shall restore to the United States its embassy premises, shall be held in violation of multiple international legal obligations, and shall pay to the United States reparations for numerous grave violations of the international legal rights of the United States. Interim measures of protection are required to preserve the following rights of the United States: the rights of its nationals to life, liberty, protection and security; the rights of inviolability, immunity and protection for its diplomatic and consular officials; and the rights of inviolability and protection for its diplomatic and consular premises. The Court can grant and Iran can execute a decision providing effective and meaningful redress only if the lives and physical and emotional well-being of the hostages are preserved. In the volatile circumstances existing in Tehran, the hostages are, to an anguishing degree, in continuing jeopardy; their situation could sharply deteriorate at any moment. In the absence of effective measures of protection, a tragedy of an irreparable kind could result. It is these possible consequences of the Court's not indicating provisional measures that so urgently impel the United States to request them.

4. Moreover, the Government of the United States submits that the urgent need for interim measures of protection is reinforced by the dangers to the fabric of diplomatic relations and international law which are posed by the continued

detention of United States diplomatic personnel. Each day that this condition continues causes irreparable damage to principles of international law and the fundamentals of diplomatic relations. Indeed, recent events in other countries demonstrate that continuation of this situation in Tehran presents a clear and present danger to the safety of the diplomatic community at large. Moreover, should the Government of Iran proceed to implement a possible course of action which it has threatened, namely, to place diplomats on trial for alleged criminal acts of espionage, the principles of international law and the fundamentals of diplomatic relations will have been irreparably damaged. No judgment of the Court will be able to undo the taking of so lawless and extraordinary a step.

5. In view of the considerations referred to in the foregoing paragraphs and in the Application of the United States, I respectfully request, on behalf of the Government of the United States of America, that, pending final judgment in this suit, the Court indicate forthwith the following:

(a) That the Government of Iran immediately release all hostages of United States nationality and facilitate the prompt and safe departure from Iran of these persons and all other United States officials in dignified and humane circumstances.

(b) That the Government of Iran immediately clear the premises of the United States Embassy, Chancery and Consulate of all persons whose presence is not authorized by the United States Chargé d'Affaires in Iran, and restore the premises to United States control.

(c) That the Government of Iran ensure that all persons attached to the United States Embassy and Consulate should be accorded, and protected in, full freedom within the Embassy and Chancery premises, and the freedom of movement within Iran necessary to carry out their diplomatic and consular functions.

(d) That the Government of Iran not place on trial any person attached to the Embassy and Consulate of the United States and refrain from any action to implement any such trial.

(e) That the Government of Iran ensure that no action is taken which might prejudice the rights of the United States in respect of the carrying out of any decision which the Court may render on the merits, and in particular neither take nor permit action that would threaten the lives, safety, or well-being of the hostages.

6. In view of the gravity of the current situation caused by the actions taken and threatened by the Government of Iran and by persons acting under its authority or with its support, the Government of the United States urges that this request be treated as a matter of extreme urgency. In this connection, the attention of the Court is invited to the letter from the Secretary of State of the United States to the President of the Court¹, a copy of which is attached, which is submitted in conformity with Article 74, paragraph 4, of the Rules of Court. In view of the extreme urgency of the case, the United States further respectfully requests that the Court set a hearing on this request at the earliest possible date.

7. The undersigned is authorized by the Government of the United States of America to appear before the Court in any proceedings or hearings relating to this request which the Court may convene in accordance with the terms of Article 74, paragraph 3, of the Rules of Court.

(Signed) Roberts B. OWEN,
Agent for the Government of the
United States of America

¹ See p. 493, *infra*.