



INTERNATIONAL COURT OF JUSTICE

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Case concerning Oil Platforms
(Islamic Republic of Iran v. United States of America)

Extension of time-limits for the filing of written pleadings

THE HAGUE, 9 December 1998. The International Court of Justice (ICJ) has extended the time-limits for the filing of written pleadings in the case concerning Oil Platforms (Islamic Republic of Iran v. United States of America).

By an Order dated 8 December 1998 the Court extended to 10 March 1999 the time-limit for the filing of the Reply of Iran and to 23 November 2000 the time-limit for the filing of the Rejoinder of the United States.

In a letter dated 12 November 1998 Iran had requested the Court to extend to 10 March 1999 the time-limit for the filing of its Reply, explaining the reasons for that request. The United States had consented to that extension, provided that the time-limit fixed for the filing of its Rejoinder be extended likewise.

The subsequent procedure was reserved for further decision.

Background information

On 2 November 1992 the Islamic Republic of Iran filed an Application instituting proceedings against the United States with respect to the destruction of Iranian oil platforms.

Iran founded the jurisdiction of the Court on Article XXI, paragraph 2, of the Iran/United States Treaty of Amity, Economic Relations and Consular Rights, signed at Tehran on 15 August 1955.

In its Application Iran alleged that the destruction caused by several warships of the United States Navy, on 19 October 1987 and 18 April 1988, to three offshore oil production complexes, owned and operated for commercial purposes by the National Iranian Oil Company, constituted a fundamental breach of various provisions of the Treaty of Amity and of international law. In this connection Iran referred in particular to Articles I and X, paragraph 1, of the Treaty which provide respectively: "There shall be firm and enduring peace and sincere friendship between the United States of America and Iran" and "Between the territories of the two High Contracting Parties there shall be freedom of commerce and navigation".

By an Order of 4 December 1992 the President of the Court, taking into account an

agreement of the Parties, fixed time-limits for the filing of the Memorial of Iran and of the Counter-Memorial of the United States. These time-limits were later extended to 8 June and 16 December 1993, respectively. The Memorial of Iran was filed within the prescribed time-limit.

On 16 December 1993, the United States filed a preliminary objection, contending that the Court had no jurisdiction to deal with the merits of the case. Iran filed a written statement on this issue and public sittings to hear the oral arguments of the Parties were held between 16 and 24 September 1996.

On 12 December 1996, the Court delivered its Judgment, finding that it had jurisdiction to entertain the claims made by Iran under Article X, paragraph 1, of the 1955 Treaty as the destruction of oil platforms was capable of having an adverse effect upon the "freedom of commerce" as guaranteed by that provision of the 1955 Treaty.

By an Order of 16 December 1996 the President of the Court, taking into account the agreement of the Parties, fixed 23 June 1997 as the time-limit for the filing of the Counter-Memorial of the United States. Within this time-limit, the United States filed its Counter-Memorial and a counter-claim.

In its counter-claim, the United States asked the ICJ to adjudge and declare that "in attacking vessels, laying mines in the Gulf and otherwise engaging in military actions in 1987-1988 that were dangerous and detrimental to maritime commerce", Iran "breached its obligations to the United States" under Article X of the Treaty of Amity, Economic Relations and Consular Rights between the two countries signed in Tehran on 15 August 1955. Accordingly, it requested the Court to say that Iran was "under an obligation to make full reparation to the United States . . . in a form and amount to be determined by the Court at a subsequent stage of the proceedings".

By an Order of 10 March 1998, the Court held that the counter-claim of the United States was "admissible as such" and that it formed "part of the current proceedings". It directed the Parties to submit further written pleadings on the merits of their respective claims and fixed time-limits for the filing of these.

By an Order of 26 May 1998, the Vice-President of the Court, Acting President, extended the time-limits at the request of Iran.

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