



INTERNATIONAL COURT OF JUSTICE

Peace Palace, Carnegieplein 2, 2517 KJ The Hague, Netherlands

Tel.: +31 (0)70 302 2323 Fax: +31 (0)70 364 9928

[Website](#) [Twitter](#) [YouTube](#) [LinkedIn](#)

Press Release

Unofficial

No. 2021/5

3 February 2021

**Alleged Violations of the 1955 Treaty of Amity, Economic Relations, and Consular Rights
(Islamic Republic of Iran v. United States of America)**

**The Court finds that it has jurisdiction, on the basis of Article XXI, paragraph 2,
of the Treaty of Amity, Economic Relations, and Consular Rights of 1955,
to entertain the Application filed by the Islamic Republic of Iran
on 16 July 2018, and that the said Application is admissible**

THE HAGUE, 3 February 2021. The International Court of Justice, the principal judicial organ of the United Nations, has today delivered its Judgment on the preliminary objections raised by the United States of America in the case concerning *Alleged Violations of the 1955 Treaty of Amity, Economic Relations, and Consular Rights (Islamic Republic of Iran v. United States of America)*.

In its [Judgment](#), which is final, without appeal and binding on the Parties, the Court:

(1) Unanimously,

Rejects the preliminary objection to its jurisdiction raised by the United States of America according to which the subject-matter of the dispute does not relate to the interpretation or application of the Treaty of Amity, Economic Relations, and Consular Rights of 1955;

(2) Unanimously,

Rejects the preliminary objection to its jurisdiction raised by the United States of America relating to the measures concerning trade or transactions between the Islamic Republic of Iran (or Iranian nationals and companies) and third countries (or their nationals and companies);

(3) By fifteen votes to one,

Rejects the preliminary objection to the admissibility of the Application raised by the United States of America;

IN FAVOUR: *President* Yusuf; *Vice-President* Xue; *Judges* Tomka, Abraham, Bennouna, Cançado Trindade, Gaja, Sebutinde, Bhandari, Robinson, Crawford, Gevorgian, Salam, Iwasawa; *Judge ad hoc* Momtaz;

AGAINST: *Judge ad hoc* Brower;

(4) By fifteen votes to one,

Rejects the preliminary objection raised by the United States of America on the basis of Article XX, paragraph 1 (b), of the Treaty of Amity, Economic Relations, and Consular Rights of 1955;

IN FAVOUR: *President* Yusuf; *Vice-President* Xue; *Judges* Tomka, Abraham, Bennouna, Cançado Trindade, Gaja, Sebutinde, Bhandari, Robinson, Crawford, Gevorgian, Salam, Iwasawa; *Judge ad hoc* Momtaz;

AGAINST: *Judge ad hoc* Brower;

(5) Unanimously,

Rejects the preliminary objection raised by the United States of America on the basis of Article XX, paragraph 1 (d), of the Treaty of Amity, Economic Relations, and Consular Rights of 1955;

(6) By fifteen votes to one,

Finds, consequently, that it has jurisdiction, on the basis of Article XXI, paragraph 2, of the Treaty of Amity, Economic Relations, and Consular Rights of 1955, to entertain the Application filed by the Islamic Republic of Iran on 16 July 2018, and that the said Application is admissible.

IN FAVOUR: *President* Yusuf; *Vice-President* Xue; *Judges* Tomka, Abraham, Bennouna, Cançado Trindade, Gaja, Sebutinde, Bhandari, Robinson, Crawford, Gevorgian, Salam, Iwasawa; *Judge ad hoc* Momtaz;

AGAINST: *Judge ad hoc* Brower.

*

Judge TOMKA appends a declaration to the Judgment of the Court; Judge *ad hoc* BROWER appends a separate, partly concurring and partly dissenting, opinion to the Judgment of the Court.

History of the proceedings (see also [press releases](#) Nos. 2018/34, 2018/38, 2018/50 and 2020/28)

On 16 July 2018, the Islamic Republic of Iran (hereinafter “Iran”) filed an Application instituting proceedings against the United States of America (hereinafter “United States”) with regard to a dispute concerning alleged violations of the Treaty of Amity, Economic Relations, and Consular Rights of 1955, which was signed by the two States in Tehran on 15 August 1955 and entered into force on 16 June 1957 (hereinafter the “Treaty of Amity” or the “1955 Treaty”).

Iran stated that its Application related to the decision of the United States of 8 May 2018 “to re-impose in full effect and enforce” a series of 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 Security Council, plus Germany and the European Union).

The Applicant claimed that, through the “8 May sanctions” and further sanctions that had been announced, the United States “[had] violated and continued to violate multiple provisions of the 1955 Treaty”. Accordingly, Iran requested the Court to adjudge, order and declare that the United States has breached its obligations under the Treaty of Amity, that it must put an end to such breaches and that it must compensate Iran for the harm caused.

As basis for the jurisdiction of the Court, the Applicant invoked Article XXI, paragraph 2, of the 1955 Treaty.

On 16 July 2018, Iran also filed a Request for the indication of provisional measures. On 3 October 2018, the Court delivered its Order on this request.

On 23 August 2019, the United States raised preliminary objections to the jurisdiction of the Court and the admissibility of the Application. In accordance with the Rules of Court, the proceedings on the merits of the case were then suspended.

Public hearings on the preliminary objections were held from 14 to 21 September 2020.

At the end of the oral proceedings, the Agents of the Parties presented the following requests 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. preliminary objections set forth in its written submission and at this hearing 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 outside the Court’s jurisdiction.
- (b) Dismiss Iran’s claims in their entirety as inadmissible.
- (c) Dismiss Iran’s claims in their entirety as precluded by Article XX, paragraph 1 (b) of the Treaty of Amity.
- (d) Dismiss Iran’s claims in their entirety as precluded by Article XX, paragraph 1 of the Treaty of Amity.
- (e) Dismiss as outside the Court’s jurisdiction all claims, brought under any provision of the Treaty of Amity, that are predicated on third country measures.”

For the Islamic Republic of Iran:

“The Islamic Republic of Iran respectfully requests that the Court:

- (a) reject and dismiss the Preliminary Objections of the United States of America; and
 - (b) adjudge and declare:
 - (i) that the Court has jurisdiction over the entirety of the claims presented by Iran; and
 - (ii) that Iran’s claims are admissible.”
-

A summary of the Judgment appears in the document entitled "[Summary 2021/1](#)", to which summaries of the opinions and declarations are annexed. This press release, the summary and the full text of the Judgment are available on the Court's website under the heading "[Cases](#)".

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 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, 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.

Information Department:

Mr. Andrey Poskakukhin, First Secretary of the Court, Head of Department (+31 (0)70 302 2336)

Ms Joanne Moore, Information Officer (+31 (0)70 302 2337)

Mr. Avo Sevag Garabet, Associate Information Officer (+31 (0)70 302 2394)

Ms Genoveva Madurga, Administrative Assistant (+31 (0)70 302 2396)