



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

OVERVIEW OF THE CASE

On 2 November 1992, the Islamic Republic of Iran filed in the Registry of the Court an Application instituting proceedings against the United States of America with respect to the destruction of Iranian oil platforms. The Islamic Republic founded the jurisdiction of the Court upon a provision of the Treaty of Amity, Economic Relations and Consular Rights between Iran and the United States, signed at Tehran on 15 August 1955. In its Application, Iran alleged that the destruction caused by several warships of the United States Navy, in October 1987 and 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. Time-limits for the filing of written pleadings were then fixed and subsequently extended by two Orders of the President of the Court. On 16 December 1993, within the extended time-limit for filing the Counter-Memorial, the United States of America filed a preliminary objection to the Court's jurisdiction. In accordance with the terms of Article 79, paragraph 3, of the Rules of Court, the proceedings on the merits were suspended ; by an Order of 18 January 1994, the Court fixed 1 July 1994 as the time-limit within which Iran could present a written statement of its observations and submissions on the objection, which was filed within the prescribed time-limit.

In its Judgment of 12 December 1996, the Court rejected the preliminary objection raised by the United States of America and found that it had jurisdiction, on the basis of Article XXI, paragraph 2, of the Treaty of 1955, to entertain the claims made by Iran under Article X, paragraph 1, of that Treaty, which protects freedom of commerce and navigation between the territories of the Parties.

When filing its Counter-Memorial, the United States of America submitted a counter-claim requesting the Court to adjudge and declare that, through its actions in the Persian Gulf in 1987 and 1988, Iran had also breached its obligations under Article X of the Treaty of 1955. Iran having disputed the admissibility of that counter-claim under Article 80, paragraph 1, of the Rules, the Court ruled on the matter in an Order of 10 March

1998. It found that the counter-claim was admissible as such and formed part of the current proceedings, and directed Iran to submit a Reply and the United States to submit a Rejoinder. Those pleadings were filed within the extended time-limits thus fixed. In its Order of 1998, the Court also stated that it was necessary, in order to ensure strict equality between the Parties, to reserve the right of Iran to present its views in writing a second time on the counter-claim, in an additional pleading, the filing of which might be the subject of a subsequent Order. Such an Order was made by the Vice-President on 28 August 2001, and Iran subsequently filed its additional pleading within the time-limits fixed. Public sittings on the claim of Iran and the counter-claim of the United States of America were held from 17 February to 7 March 2003.

The Court delivered its Judgment on 6 November 2003. Iran had contended that, in attacking on two occasions and destroying three offshore oil production complexes, owned and operated for commercial purposes by the National Iranian Oil Company, the United States had violated freedom of commerce between the territories of the Parties as guaranteed by the 1955 Treaty of Amity, Economic Relations and Consular Rights between the United States and Iran. It sought reparation for the injury thus caused. The United States had argued in its counter-claim that it was Iran which had violated the 1955 Treaty by attacking vessels in the Gulf and otherwise engaging in military actions that were dangerous and detrimental to commerce and navigation between the United States and Iran. The United States likewise sought reparation.

The Court first considered whether the actions by American naval forces against the Iranian oil complexes were justified under the 1955 Treaty as measures necessary to protect the essential security interests of the United States (Art. XX, para. 1 (*d*), of the Treaty). Interpreting the Treaty in light of the relevant rules of international law, it concluded that the United States was only entitled to have recourse to force under the provision in question if it was acting in self-defence. The United States could exercise such a right of self-defence only if it had been the victim of an armed attack by Iran and the United States actions must have been necessary and proportional to the armed attack against it. After carrying out a detailed examination of the evidence provided by the Parties, the Court found that the United States had not succeeded in showing that these various conditions were satisfied, and concluded that the United States was therefore not entitled to rely on the provisions of Article XX, paragraph 1 (*d*), of the 1955 Treaty.

The Court then examined the issue of whether the United States, in destroying the platforms, had impeded their normal operation, thus preventing Iran from enjoying freedom of commerce “between the territories of the two High Contracting Parties” as

guaranteed by the 1955 Treaty (Art. X, para. 1). It concluded that, as regards the first attack, the platforms attacked were under repair and not operational, and that at that time there was thus no trade in crude oil from those platforms between Iran and the United States. Accordingly, the attack on those platforms could not be considered as having affected freedom of commerce between the territories of the two States. The Court reached the same conclusion in respect of the later attack on two other complexes, since all trade in crude oil between Iran and the United States had been suspended as a result of an embargo imposed by an Executive Order adopted by the American authorities. The Court thus found that the United States had not breached its obligations to Iran under Article X, paragraph 1, of the 1955 Treaty and rejected Iran's claim for reparation.

In regard to the United States counter-claim, the Court, after rejecting the objections to jurisdiction and admissibility raised by Iran, considered whether the incidents attributed by the United States to Iran infringed freedom of commerce or navigation between the territories of the Parties as guaranteed by Article X, paragraph 1, of the 1955 Treaty. The Court found that none of the ships alleged by the United States to have been damaged by Iranian attacks was engaged in commerce or navigation between the territories of the two States. Nor did the Court accept the generic claim by the United States that the actions of Iran had made the Persian Gulf unsafe for shipping, concluding that, according to the evidence before it, there was not, at the relevant time, any actual impediment to commerce or navigation between the territories of Iran and the United States. The Court accordingly rejected the United States counter-claim for reparation.

This overview is provided for information only and in no way involves the responsibility of the Court.

INSTITUTION OF PROCEEDINGS

Application instituting proceedings

2 November 1992

Available in:

English

French

WRITTEN PROCEEDINGS

Memorial submitted by the Islamic Republic of Iran

8 June 1993

Procedure(s):Counter-claims

Available in:

English

Preliminary Objection submitted by the United States of America

16 December 1993

Procedure(s):Preliminary objections

Available in:

English

Observations and Submissions on the U.S. Preliminary Objections submitted by the Islamic Republic of Iran

1 July 1994

Procedure(s):Preliminary objections

Available in:

English

Counter-Memorial and Counter-claim submitted by the United States of America

23 June 1997

Procedure(s):Counter-claims

Available in:

English

Request of Iran for Hearing in Relation to the United States' Counter-claim Pursuant to Article 80 (3) of the Rules of Court

18 November 1997

Procedure(s):Counter-claims

Available in:

English

Views on Iran's "Request for Hearing in Relation to the United States' Counter-claim pursuant to Article 80 (3) of the Rules of Court" submitted by the United States of America

18 December 1997

Procedure(s):Counter-claims

Available in:

English

Reply and Defence to Counter-claim submitted by the Islamic Republic of Iran

10 March 1999

Procedure(s):Counter-claims

Available in:

English

Rejoinder submitted by the United States of America

23 March 2001

Procedure(s):Counter-claims

Available in:

English

Further Response to the United States of America Counter-claim submitted by the Islamic Republic of Iran

24 September 2001

Procedure(s):Counter-claims

Available in:

English

ORAL PROCEEDINGS

Verbatim record 1996/12

(bilingual version)

Public sitting held on Monday 16 September 1996, at 3 p.m., at the Peace Palace, President Bedjaoui presiding

Procedure(s):Preliminary objections

Available in:

Original Language

Verbatim record 1996/13

(bilingual version)

Public sitting held on Monday 17 September 1996, at 9.30 a.m., at the Peace Palace, President Bedjaoui presiding

Procedure(s):Preliminary objections

Available in:

Original Language

Verbatim record 1996/14

(bilingual version)

Public sitting held on Thursday 19 September 1996, at 10 a.m., at the Peace Palace, President Bedjaoui presiding

Procedure(s):Preliminary objections

Available in:

Original Language

Verbatim record 1996/15

(bilingual version)

Public sitting held on Friday 20 September 1996, at 10.00 a.m., at the Peace Palace, President Bedjaoui presiding

Procedure(s):Preliminary objections

Available in:

Original Language

Verbatim record 1996/16

(bilingual version)

Public sitting held on Monday 23 September 1996, at 10.00 a.m., at the Peace Palace, President Bedjaoui presiding

Procedure(s):Preliminary objections

Available in:

Original Language

Verbatim record 1996/17

(bilingual version)

Public sitting held on Tuesday 24 September 1996, at 10.00 a.m., at the Peace Palace, President Bedjaoui presiding

Procedure(s):Preliminary objections

Available in:

Original Language

Verbatim record 2003/5

(bilingual version)

Public sitting held on Monday 17 February 2003, at 3 p.m., at the Peace Palace, President Shi presiding

Procedure(s):Counter-claims

Available in:

Original Language

Translation

(bilingual version)

Translation

Verbatim record 2003/6

(bilingual version)

Public sitting held on Tuesday 18 February 2003, at 10 a.m., at the Peace Palace, President Shi presiding

Procedure(s):Counter-claims

Available in:

Original Language

Translation

(bilingual version)

Translation

Verbatim record 2003/7

(bilingual version)

Public sitting held on Wednesday 19 February 2003, at 10 a.m., at the Peace Palace, President Shi presiding

Procedure(s):Counter-claims

Available in:

Original Language

Translation

(bilingual version)

Translation

Verbatim record 2003/8

(bilingual version)

Public sitting held on Wednesday 19 February 2003, at 3 p.m., at the Peace Palace, President Shi presiding

Procedure(s):Counter-claims

Available in:

Original Language

Translation

(bilingual version)

Translation

Verbatim record 2003/9

(bilingual version)

Public sitting held on Friday 21 February 2003, at 10 a.m., at the Peace Palace, President Shi presiding

Procedure(s):Counter-claims

Available in:

Original Language

Translation

(bilingual version)

Translation

Verbatim record 2003/10

(bilingual version)

Public sitting held on Monday 24 February 2003, at 3 p.m., at the Peace Palace, President Shi presiding

Procedure(s):Counter-claims

Available in:

Original Language

Translation

(bilingual version)

Translation

Verbatim record 2003/11

(bilingual version)

Public sitting held on Tuesday 25 February 2003, at 10 a.m., at the Peace Palace, President Shi presiding

Procedure(s):Counter-claims

Available in:

Original Language

Translation

(bilingual version)

Translation

Verbatim record 2003/12

(bilingual version)

Public sitting held on Wednesday 26 February 2003, at 10 a.m., at the Peace Palace, President Shi presiding

Procedure(s):Counter-claims

Available in:

Original Language

Translation

(bilingual version)

Translation

Verbatim record 2003/13

(bilingual version)

Public sitting held on Wednesday 26 February 2003, at 3 p.m., at the Peace Palace, President Shi presiding

Procedure(s):Counter-claims

Available in:

Original Language

Translation

(bilingual version)

Translation

Verbatim record 2003/14

(bilingual version)

Public sitting held on Friday 28 February 2003, at 10 a.m., at the Peace Palace, President Shi presiding

Procedure(s):Counter-claims

Available in:

Original Language

Translation

(bilingual version)

Translation

Verbatim record 2003/15

(bilingual version)

Public sitting held on Monday 3 March 2003, at 10 a.m., at the Peace Palace, President Shi presiding

Procedure(s):Counter-claims

Available in:

Original Language

Translation

(bilingual version)

Translation

Verbatim record 2003/16

(bilingual version)

Public sitting held on Monday 3 March 2003, at 3 p.m., at the Peace Palace, President Shi presiding

Procedure(s):Counter-claims

Available in:

Original Language

Translation

(bilingual version)

Translation

Verbatim record 2003/17

(bilingual version)

Public sitting held on Wednesday 5 March 2003, at 10 a.m., at the Peace Palace, President Shi presiding

Procedure(s):Counter-claims

Available in:

Original Language

Translation

(bilingual version)

Translation

Verbatim record 2003/18

(bilingual version)

Public sitting held on Wednesday 5 March 2003, at 3 p.m., at the Peace Palace, President Shi presiding

Procedure(s):Counter-claims

Available in:

Original Language

Translation

(bilingual version)

Translation

Verbatim record 2003/19

(bilingual version)

Public sitting held on Friday 7 March 2003, at 10 a.m., at the Peace Palace, President Shi presiding

Procedure(s):Counter-claims

Available in:

Original Language

Translation

(bilingual version)

Translation

OTHER DOCUMENTS

Written answers of the Islamic Republic of Iran to questions put by Members of the Court

30 September 1996

Procedure(s):Preliminary objections

Available in:

English

French

Written answers of the United States of America to questions put by Judges

2 October 1996

Procedure(s):Preliminary objections

Available in:

English

French

Comments of Iran on the answer given by the United States to the question put by Judge Higgins

22 October 1996

Procedure(s):Preliminary objections

Available in:

English

French

Corrigendum submitted by the United States of America

23 June 1997

Procedure(s):Counter-claims

Available in:

English

Documents submitted by United States of America after the Closure of the Written Proceedings: Expert Report and Diplomatic Note from the Royal Norwegian Embassy in Washington D.C. to the United States Department of State

18 November 2002

Procedure(s):Counter-claims

Available in:

English

Documents submitted by Iran after the Closure of the Written Proceedings: Comments of an Expert of Iran on the Expert Report of the United States of America

20 January 2003

Procedure(s):Counter-claims

Available in:

English

Written Replies of the Parties to Questions put by Judges during the Oral Proceedings and Observations submitted by the Parties on Replies

16 March 2003

Procedure(s): Counter-claims

Available in:

English

Response of the Islamic Republic of Iran to the questions of Judge Rigaux addressed to both parties

18 March 2003

Available in:

English

French

Comments of Iran on the Replies of the United States to the questions put by Judges Al-Khasawneh and Rigaux

28 March 2003

Available in:

English

French

Comments of the United States on the Replies of Iran to the questions put by Judge Rigaux

31 March 2003

Available in:

English

French

ORDERS

Order of 4 December 1992

Fixing of time-limits: Memorial and Counter-Memorial

Available in:

English

French

Bilingual

Order of 3 June 1993

Extension of time-limits Memorial and Counter-Memorial

Available in:

English **French** **Bilingual**

Order of 18 January 1994

Fixing of time-limit: Written Statement of observations and submissions on Preliminary Objections

Available in:

English **French** **Bilingual**

Order of 16 December 1996

Fixing of time-limit: Counter-Memorial

Available in:

English **French** **Bilingual**

Order of 10 March 1998

Counter-claim

Procedure(s): Counter-claims

Available in:

English **French** **Bilingual**

Separate opinion by Judge Oda **English** **French** **Bilingual**

Separate opinion by Judge Higgins **English** **French** **Bilingual**

Dissenting opinion by Judge ad hoc Rigaux (translation) **English** **French** **Bilingual**

Order of 26 May 1998

Extension of time-limits Reply and Rejoinder

Available in:

English **French** **Bilingual**

Order of 8 December 1998

Extension of time-limits Reply and Rejoinder

Available in:

English **French** **Bilingual**

Order of 4 September 2000

Extension of time-limit Rejoinder

Available in:

English **French** **Bilingual**

Order of 28 August 2001

Authorizing submission of pleading relating to Counter-Claim and fixing of time-limit therefor

Procedure(s):Counter-claims

Available in:

English **French** **Bilingual**

JUDGMENTS

Judgment of 12 December 1996

Preliminary Objection

Procedure(s):Preliminary objections

Available in:

English **French** **Bilingual**

Separate Opinion of Judge Shahabuddeen **English** **French** **Bilingual**

Separate Opinion of Judge Ranjeva (translation) **English** **French** **Bilingual**

Separate Opinion of Judge Higgins **English** **French** **Bilingual**

Separate Opinion of Judge Parra-Aranguren **English** **French** **Bilingual**

Separate Opinion of Judge ad hoc Rigaux (translation) **English** **French** **Bilingual**

Dissenting Opinion of Vice-President Schwebel **English** **French** **Bilingual**

Dissenting Opinion of Judge Oda

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Bilingual

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Available in:

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Declaration of Vice-President Ranjeva (translation)

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Declaration of Judge Koroma

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Separate Opinion of Judge Higgins

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Separate Opinion of Judge Parra-Aranguren

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Separate Opinion of Judge Kooijmans

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Separate Opinion of Judge Simma

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Separate Opinion of Judge ad hoc Rigaux (translation)

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SUMMARIES OF JUDGMENTS AND ORDERS

Summary 1996/4

Summary of the Order of 12 December 1996

Available in:

English**French**

Summary 2003/2

Summary of the Judgment of 6 November 2003

Available in:

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PRESS RELEASES

Press release 1989/6

17 May 1989

Iran brings a case against the United States

Available in:

English

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Press release 1989/25

18 December 1989

Aerial Incident of 3 July 1988 (Islamic Republic of Iran v. United States of America) - Fixing of time-limits

Available in:

English

French

Press release 1992/26

2 November 1992

Iran brings a new case against the United States

Available in:

English

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Press release 1992/27

10 December 1992

Oil Platforms (Islamic Republic of Iran v. United States of America) - Fixing of time-limits

Available in:

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Press release 1994/3

27 January 1994

Oil Platforms (Islamic Republic of Iran v. United States of America) - Fixing of the time-limit by Iran of its observations and submissions on the preliminary objections raised by the United States of America

Available in:

English **French**

Press release 1996/4

6 February 1996

Oil Platforms (Islamic Republic of Iran v. United States of America) - Hearings on preliminary objections to open on 16 September 1996

Available in:

English **French**

Press release 1996/27

9 September 1996

Oil Platforms (Islamic Republic of Iran v. United States of America) - Hearings on preliminary objections to open on 16 September 1996

Available in:

English **French**

Press release 1996/28

25 September 1996

Oil Platforms (Islamic Republic of Iran v. United States of America) - Preliminary objection - Progress and conclusion of public hearings

Available in:

English **French**

Press release 1996/31

3 December 1996

Oil Platforms (Islamic Republic of Iran v. United States of America) - Judgment on preliminary objection to be delivered on 12 December 1996

Available in:

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Press release 1996/33

12 December 1996

Oil Platforms (Islamic Republic of Iran v. United States of America) - Judgment on preliminary objection

Available in:

English **French**

Press release 1996/34

20 December 1996

Oil Platforms (Islamic Republic of Iran v. United States of America) - Proceedings on the merits

Available in:

English **French**

Press release 1998/10

19 March 1998

Oil Platforms (Islamic Republic of Iran v. United States of America) - The Court finds United States counter-claim admissible

Available in:

English **French**

Press release 1998/19

26 May 1998

Oil Platforms (Islamic Republic of Iran v. United States of America) - Extension of time-limits for the filing of written pleadings

Available in:

English **French**

Press release 1998/42

9 December 1998

Oil Platforms (Islamic Republic of Iran v. United States of America) - Extension of time-limits for the filing of written pleadings

Available in:

English **French**

Press release 2000/26

8 September 2000

Oil Platforms (Islamic Republic of Iran v. United States of America) - Time-limit for the filing of United States Rejoinder extended by four months

Available in:

English **French**

Press release 2001/21

30 August 2001

Oil Platforms (Islamic Republic of Iran v. United States of America) - Iran authorized to submit an additional written pleading relating solely to the United States counter-claim

Available in:

English **French**

Press release 2003/3

20 January 2003

Oil Platforms (Islamic Republic of Iran v. United States of America) - The Court will hold public hearings from Monday 17 February to Friday 7 March 2003

Available in:

English **French**

Press release 2003/13

7 March 2003

Oil Platforms (Islamic Republic of Iran v. United States of America) - Conclusion of the public hearings - Court ready to begin its deliberation

Available in:

English **French**

Press release 2003/33

22 October 2003

Oil Platforms (Islamic Republic of Iran v. United States of America) - Court to deliver its Judgment on Thursday 6 November 2003 at 3 p.m.

Available in:

English **French**

Press release 2003/38

6 November 2003

Oil Platforms (Islamic Republic of Iran v. United States of America) - Decision of the Court

Available in:

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