

## **REQUEST FOR THE INDICATION OF PROVISIONAL MEASURES**

1. I have the honour to refer to the Application submitted today to the Court instituting proceedings in the name of the Islamic Republic of Iran (“Iran”) against the United States of America (“USA”), and, pursuant to Article 41 of the Statute and Articles 73 to 75 of the Rules of Court, to seize the Court of an urgent request for the indication of provisional measures in order to preserve the rights of Iran under the Treaty of Amity, Economic Relations, and Consular Rights signed at Tehran on 15 August 1955 (the “Treaty of Amity”) entered into force between Iran and the USA on 16 June 1957,<sup>1</sup> pending a decision on the dispute introduced before the Court by the Application.
  
2. The present request refers to the pending dispute between Iran and the USA relating to the re-imposition and announced aggravation by the USA of a comprehensive set of so-called “sanctions” and restrictive measures targeting, directly or indirectly, Iran, Iranian companies and/or Iranian nationals, resulting from the US Decision of 8 May 2018 (“the 8 May sanctions”), which constitute breaches of the Treaty of Amity.

### **I. JURISDICTION OF THE COURT**

3. The Court has jurisdiction in the present case pursuant to Article XXI (2) of the Treaty of Amity which provides:

“Any dispute between the High Contracting Parties as to the interpretation or application of the present Treaty, not satisfactorily adjusted by diplomacy, shall be submitted to the International Court of Justice, unless the High Contracting Parties agree to settlement by some other pacific means.”

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<sup>1</sup> 284 *UNTS* 93, II *Recueil des traités bilatéraux* 69, 8 *UST* 899, *TIAS* No. 3853. The text of the Treaty of Amity is appended to this Request as Annex 1.

4. In the *Ukraine v. Russia* case the Court recalled its usual position according to which it:  

“may indicate provisional measures only if the provisions relied on by the Applicant appear, *prima facie*, to afford a basis on which its jurisdiction could be founded, but need not satisfy itself in a definitive manner that it has jurisdiction as regards the merits of the case (see, for example, *Immunities and Criminal Proceedings (Equatorial Guinea v. France)*, *Provisional Measures*, Order of 7 December 2016, para. 31).”<sup>2</sup>
5. There is no doubt that the dispute between Iran and the USA falls within the jurisdiction of the Court under Art. XXI (2) of the Treaty, since Iran claims that several provisions of this treaty are violated by the re-imposition and announced enlargement of the US sanctions. And it certainly does so *prima facie*.

## II. THE FACTS

6. The facts in support of this request for the indication of provisional measures are set out in more detail in the Application instituting proceedings. In summary, the USA decided to re-impose in full effect and enforce the 8 May sanctions that the USA had previously lifted in connection with the Joint Comprehensive Plan of Action (the “JCPoA”), on the spurious pretext that Iran would be maintaining a military nuclear programme, which is notoriously wrong.<sup>3</sup>
7. On 16 January 2016, the President of the USA acknowledged “the fundamental shift in circumstances with respect to Iran’s nuclear program” and lifted a series of so-called “nuclear-related sanctions” and restrictive measures as provided for in the JCPoA.<sup>4</sup> The US Administration also issued various “waivers” of certain sanctions under the relevant

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<sup>2</sup> ICJ, Order, 19 April 2017, *Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination* (Ukraine v. Russian Federation), para. 17.

<sup>3</sup> See below, paras. 8-9.

<sup>4</sup> See Application Instituting Proceedings, para. 9.

US legislation.<sup>5</sup> The USA also removed a number of Iranian nationals and companies from the lists of designated persons maintained by the US Office of Foreign Assets Control (“OFAC”) and issued a number of licenses and authorisations in the context of the JCPoA. For the same reason, the European Union lifted its own restrictive measures, mainly through the Council Decision 2015/1863 of 18 October 2015<sup>6</sup> and the Council Regulation 2015/1861 of 18 October 2015.<sup>7</sup>

8. Since 2015, the International Atomic Energy Agency (“IAEA”) has consistently verified that Iran has been in full compliance with its obligations under the Safeguards Agreement, as well as with its voluntary nuclear-related commitments under the JCPoA and the Additional Protocol<sup>8</sup> including the “non-diversion of declared nuclear material in Iran”<sup>9</sup> and the absence of undeclared material<sup>10</sup>.
9. Nevertheless, as explained in Iran’s Application, on 8 May 2018, the USA decided that it will “begin re-imposing the US nuclear-related sanctions.”<sup>11</sup> The USA’s underlying reasons for “re-imposing” sanctions are notoriously wrong. For example, one day after the official announcement of the 8 May sanctions by the USA, the IAEA Director-General declared “that the nuclear-related commitments are being implemented by

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<sup>5</sup> Iran Sanctions Act, 5 August 1996, Pub. L. No. 104-172, 110 Stat. 1541 (“ISA”); Comprehensive Iran Sanctions, Accountability and Divestment Act, 1<sup>st</sup> July 2010, Pub. L. No. 111-195, 124 Stat. 1313 (CISADA); National Defense Authorization Act for Fiscal Year 2012, 31 December 2011, Pub. L. No. 112-239, 126 Stat. 2006 (NDAA); Iran Threat Reduction and Syria Human Rights Act, 10 August 2012, Pub. L. No. 112-158, 126 Stat. 1215 (ITRA); Iran Freedom and Counter-proliferation Act, 2 January 2013, Pub. L. 112–239, 126 Stat. 2004 (IFCA).

<sup>6</sup> Council Decision (CFSP) 2015/1863 of 18 October 2015 amending Decision 2010/413/CFSP concerning restrictive measures against Iran, available at: [eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32015D1863](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32015D1863).

<sup>7</sup> See e.g.: Council Regulation (EU) 2015/1861 of 18 October 2015 amending Regulation (EU) No 267/2012 concerning restrictive measures against Iran, available at [eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32015R1861](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32015R1861).

<sup>8</sup> IAEA, Board Report, Verification and monitoring in the Islamic Republic of Iran in light of United Nations Security Council resolution 2231 (2015), 24 May 2018, available at: [www.iaea.org/newscenter/focus/iran/iaea-and-iran-iaea-reports](http://www.iaea.org/newscenter/focus/iran/iaea-and-iran-iaea-reports).

<sup>9</sup> See: IAEA, Board of Governors, Implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran, 14 November 2006, available at: [www.iaea.org/sites/default/files/gov2006-64.pdf](http://www.iaea.org/sites/default/files/gov2006-64.pdf).

<sup>10</sup> IAEA, Board of Governors, Verification and monitoring in the Islamic Republic of Iran in light of United Nations Security Council resolution 2231 (2015), 24 May 2018, available at: [www.iaea.org/sites/default/files/18/06/gov2018-24.pdf](http://www.iaea.org/sites/default/files/18/06/gov2018-24.pdf).

<sup>11</sup> OFAC, 8 May 2018 (updated June 27, 2018), Frequently Asked Questions Regarding the Re-Imposition of Sanctions Pursuant to the May 8, 2018 National Security Presidential Memorandum Relating to the Joint Comprehensive Plan of Action (JCPOA), hereafter (“OFAC Re-imposition FAQ”), Section 1.1.

Iran.”<sup>12</sup> The EU<sup>13</sup> and other JCPoA Participants<sup>14</sup> have officially endorsed the IAEA’s findings.

10. The US decision is unsupported by the international community. The Secretary General of the United Nations<sup>15</sup>, as well as all the other JCPoA Participants<sup>16</sup> and other States, consider that the US decision with respect to the 8 May sanctions does not serve the interests of international peace and security.
11. Some of these 8 May sanctions have already started to be re-imposed. The *Statement of Licensing Policy for Activities Related to the Export or Re-export to Iran of Commercial Passenger Aircraft and Related Parts and Services* (JCPoA SLP)<sup>17</sup> was revoked immediately as of 8 May 2018.

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<sup>12</sup> IAEA, Statement by Director General Y. Amano, 9 May 2018, available at: [www.iaea.org/newscenter/statements/statement-by-iaea-director-general-yukiya-amano-9-may-2018](http://www.iaea.org/newscenter/statements/statement-by-iaea-director-general-yukiya-amano-9-may-2018).

<sup>13</sup> European Council of the European Union, Declaration by the High Representative on behalf of the EU following US President Trump's announcement on the Iran nuclear deal (JCPOA), 9 May 2018, available at: [www.consilium.europa.eu/en/press/press-releases/2018/05/09/declaration-by-the-high-representative-on-behalf-of-the-eu-following-us-president-trump-s-announcement-on-the-iran-nuclear-deal-jcpoa/](http://www.consilium.europa.eu/en/press/press-releases/2018/05/09/declaration-by-the-high-representative-on-behalf-of-the-eu-following-us-president-trump-s-announcement-on-the-iran-nuclear-deal-jcpoa/).

<sup>14</sup> The Ministry of Foreign Affairs of the Russian Federation, Press release on the meeting of the Joint Commission of the Joint Comprehensive Plan of Action, 25 May 2018, available at: [www.mid.ru/en/foreign\\_policy/news/-/asset\\_publisher/cKNonkJE02Bw/content/id/3234684](http://www.mid.ru/en/foreign_policy/news/-/asset_publisher/cKNonkJE02Bw/content/id/3234684); Ministry of Foreign Affairs of the People's Republic of China, Foreign Ministry Spokesperson Geng Shuang's Regular Press Conference on May 9, 2018, 9 May 2018, available at: [www.fmprc.gov.cn/mfa\\_eng/xwfw\\_665399/s2510\\_665401/t1558096.shtml](http://www.fmprc.gov.cn/mfa_eng/xwfw_665399/s2510_665401/t1558096.shtml).

<sup>15</sup> “I have consistently reiterated that the JCPOA represents a major achievement in nuclear non-proliferation and diplomacy and has contributed to regional and international peace and security” in United Nations Secretary-General, Statement by the Secretary-General on the Joint Comprehensive Plan of Action (JCPOA), 8 May 2018, available at: [www.un.org/sg/en/content/sg/statement/2018-05-08/statement-secretary-general-joint-comprehensive-plan-action-jcpoa](http://www.un.org/sg/en/content/sg/statement/2018-05-08/statement-secretary-general-joint-comprehensive-plan-action-jcpoa).

<sup>16</sup> The Ministry of Foreign Affairs of the Russian Federation, Foreign Ministry statement on developments around the Joint Comprehensive Plan of Action on Iran's nuclear programme, 8 May 2018, available at: [www.mid.ru/en/foreign\\_policy/news/-/asset\\_publisher/cKNonkJE02Bw/content/id/3212053](http://www.mid.ru/en/foreign_policy/news/-/asset_publisher/cKNonkJE02Bw/content/id/3212053); Ministry of Foreign Affairs of the People's Republic of China, Foreign Ministry Spokesperson Geng Shuang's Regular Press Conference on May 9, 2018, 9 May 2018, available at: [www.fmprc.gov.cn/mfa\\_eng/xwfw\\_665399/s2510\\_665401/t1558096.shtml](http://www.fmprc.gov.cn/mfa_eng/xwfw_665399/s2510_665401/t1558096.shtml); Task Force Iran, Declaration by the High Representative on behalf of the EU following US President Trump's announcement on the Iran nuclear deal (JCPOA), 10 May 2018, available at: [eeas.europa.eu/delegations/iran/44307/declaration-high-representative-behalf-eu-following-us-president-trumps-announcement-iran\\_en](http://eeas.europa.eu/delegations/iran/44307/declaration-high-representative-behalf-eu-following-us-president-trumps-announcement-iran_en).

<sup>17</sup> OFAC, Statement of Licensing Policy for Activities Related to the Export or Re-export to Iran of Commercial Passenger Aircraft and Related Parts and Services, 16 January 2016, available at: [www.treasury.gov/resource-center/sanctions/Programs/Documents/lic\\_pol\\_statement\\_aircraft\\_jcpoa.pdf](http://www.treasury.gov/resource-center/sanctions/Programs/Documents/lic_pol_statement_aircraft_jcpoa.pdf) (hereafter, “Statement of Licensing Policy for Aircrafts”).

12. The OFAC also revoked two major licenses on 27 June 2018:
- *General License H*, which authorised certain transactions between US-owned or US-controlled foreign entities with the Government of Iran or persons subject to the jurisdiction of the Government of Iran;
  - *General License I*, which made possible activities relating to contingent contracts related to activities eligible for authorisation under the JCPoA SLP.
13. On 27 June 2018, OFAC also amended the *Iranian Transactions and Sanctions Regulations*, 31 C.F.R. part 560 (ITSR)<sup>18</sup> which allowed the import into the United States of Iranian-origin carpets and foodstuffs and certain related financial transactions, in order to narrow the scope of the licenses and to authorise only the wind down of those transactions by 6 August 2018.
14. The USA announced that the other elements of the 8 May sanctions will be fully re-imposed and enforced in two phases, one after a 90-day wind down period from 8 May 2018 (that is to say, on 6 August 2018) and the other after a 180-day wind down period from that same date (that is to say, on 4 November 2018), pending yet further sanctions. To achieve these objectives, the US Administration also replaced the applicable “waivers”<sup>19</sup> under US law with “wind-down waivers” that are supposed to allow for the orderly wind-down of activities that were until then duly authorised under waivers. The USA also announced that it will re-impose the relevant provisions of five executive orders<sup>20</sup>

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<sup>18</sup> OFAC, *Iranian Transactions and Sanctions Regulations*, 31 CFR 560, 28 June 2018, available at: [www.federalregister.gov/documents/2018/06/28/2018-13939/iranian-transactions-and-sanctions-regulations](http://www.federalregister.gov/documents/2018/06/28/2018-13939/iranian-transactions-and-sanctions-regulations).

<sup>19</sup> “Waivers” are renewable permissions which have the effect to create exceptions in authorising activities that are otherwise prohibited under relevant sanctions. They are provided under the following US sanctions Acts: Iran Sanctions Act, 5 August 1996, Pub. L. No. 104-172, 110 Stat. 1541 (“ISA”); Comprehensive Iran Sanctions, Accountability and Divestment Act, 1<sup>st</sup> July 2010, Pub. L. No. 111-195, 124 Stat. 1313 (CISADA); National Defense Authorization Act for Fiscal Year 2012, 31 December 2011, Pub. L. No. 112-239, 126 Stat. 2006 (NDAA); Iran Threat Reduction and Syria Human Rights Act, 10 August 2012, Pub. L. No. 112-158, 126 Stat. 1215 (ITRA); Iran Freedom and Counter-proliferation Act, 2 January 2013, Pub. L. 112-239, 126 Stat. 2004 (IFCA).

<sup>20</sup> Executive Order 13574, 32 May 2011, 76 FR 30505; Executive Order 13590, 20 November 2011, 76 FR 72609; Executive Order 13622, 30 July 2012, 77 FR 45897; Executive Order 13628, 9 October 2012, 77 FR 62139; Executive Order 13645, 3 June 2013, 78 FR 33945.

which were lifted by the Executive Order No 13716 of 16 January 2016.<sup>21</sup> The issuance of these wind-down orders does not mean that they will have effect only in the future. The sanctions have already started to have significant effects. For instance, the US Administration made it clear that new contracts with Iran, signed after 8 May 2018, are not welcome.<sup>22</sup>

15. Before 6 August 2018, the USA will fully re-impose and enforce sanctions relating to the following sectors and activities:

- the purchase or acquisition of US dollar banknotes by the Government of Iran;
- direct or indirect sale, supply, or transfer to or from Iran of graphite, raw, or semi-finished metals such as aluminium and steel, coal, and software for integrating industrial processes;
- significant transactions related to the purchase or sale of Iranian Rial, or the maintenance of significant funds or accounts outside the territory of Iran denominated in the Iranian Rial;
- the purchase, subscription to, or facilitation of the issuance of Iranian sovereign debt; and
- activities related to Iran's automotive sector.

16. Before 4 November 2018, the USA will fully re-impose and enforce sanctions relating to the following sectors and activities:

- Iran's port operators, and shipping and shipbuilding sectors, including on the Islamic Republic of Iran Shipping Lines ("IRISL"), South Shipping Line Iran, or their affiliates;
- petroleum-related transactions with, among others, the National Iranian Oil Company (NIOC), Naftiran Intertrade Company ("NICO"), and National Iranian

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<sup>21</sup> Executive Order 13716, 16 January 2016, 81 FR 3693.

<sup>22</sup> See point 2.2 of the OFAC Re-imposition FAQ.

Tanker Company (“NITC”), including the purchase of petroleum, petroleum products, or petrochemical products from Iran;

- transactions by foreign financial institutions with the Central Bank of Iran and designated Iranian financial institutions;
  - the provision of specialised financial messaging services to the Central Bank of Iran and Iranian financial institutions;
  - the provision of underwriting services, insurance, or reinsurance; and
  - Iran’s energy sector.
17. Not later than 4 November 2018, the USA will also re-impose individual sanctions that applied to designated individuals and entities from the Specially Designated Nationals and Blocked Persons List (the “SDN list”) and others lists maintained by OFAC:
- The SDN List contains the names of individuals, groups or entities whose assets are blocked and with whom US persons are prohibited from dealing.
  - The *Non-SDN Iranian Sanctions Act List* (“NS-ISA List”) which contains the names of persons subject to blocking and non-blocking sanctions.<sup>23</sup>
  - The *List of Foreign Sanctions Evaders* (“FSE List”) which contain a list of foreign individuals and entities determined by the USA. It also lists foreign persons who are accused by the USA of having facilitated “deceptive transactions” for or on behalf of persons subject to US sanctions.
  - The *List of Foreign Financial Institutions* which includes the names of foreign financial institutions that are subject to sanctions under the CISADA, the NDAA and the IFCA.<sup>24</sup>
18. The re-imposition of sanctions immediately affects almost 500 entities which are listed in Annex II, Attachment 3, of the JCPoA, including among others: National Iranian Airline

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<sup>23</sup> These acts are referenced in footnote 19, above.

<sup>24</sup> *Ibid.*

Company (Iran Air) and other Iranian airlines, National Iranian Oil Company (NIOC) and other Iranian oil companies, National Petrochemical Company, National Iranian Tanker Company (NITC), Iran Shipping Line Company (IRISL), and other shipping companies, the Central Bank of Iran (CBI) and a majority of Iranian banks and financial institutions, etc. The designation of these entities, and of entities owned by them, on US Lists entails the blocking of the assets of and the risk of extra-territorial sanctions against any persons (whether US or also in certain cases non-US nationals) engaging in any activities with those on the Lists after their re-listing.

19. Furthermore, the USA announced that it does not intend to limit the enforcement of damaging measures against Iran to the measures identified on 8 May 2018. The US President announced that “sanctions will go into full effect” in order to reach their “highest level” and create for Iran “bigger problems than it has ever had before.”<sup>25</sup> The US Administration is indeed able under US law to modulate the enforcement of the sanctions. The current US Administration is pushing the sanctions to their maximum with the sole aim of bringing Iran to its knees.
  
20. Thus, the US Secretary of State has declared, with respect to sanctions targeting Iran, Iranian companies and Iranian nationals, that “new ones are coming” and that “this is just the beginning.” According to the US Secretary of State, “[t]hese will indeed end up being the strongest sanctions in history when we are complete.”<sup>26</sup> Threatening to issue new sanctions is part of the overall US sanctions policy. The threat of itself creates significant additional damage to the Iranian economy, and to the Iranian people, by creating uncertainty for all actors who would wish to have any economic relationship with Iran, and by deterring any such relationship, even if that relationship is not currently covered by the scope of sanctions.

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<sup>25</sup> US President Trump, Remarks by President Trump and President Macron of France Before Restricted Bilateral Meeting, 24 April 2018, available at: [www.whitehouse.gov/briefings-statements/remarks-president-trump-president-macron-france-restricted-bilateral-meeting/](http://www.whitehouse.gov/briefings-statements/remarks-president-trump-president-macron-france-restricted-bilateral-meeting/).

<sup>26</sup> USA, Remarks by the Secretary of State, After the Deal: A New Iran Strategy, 21 May 2018, available at: <https://www.state.gov/secretary/remarks/2018/05/282301.htm>.



### III. THE RIGHTS THAT IRAN IS SEEKING TO PROTECT

21. As the Court recently recalled, its power:

“to indicate provisional measures under Article 41 of the Statute has as its object the preservation of the respective rights claimed by the parties in a case, pending its decision on the merits thereof. It follows that the Court must be concerned to preserve by such measures the rights which may subsequently be adjudged by it to belong to either party. Therefore, the Court may exercise this power only if it is satisfied that the rights asserted by the party requesting such measures are at least plausible (see, for example, *Immunities and Criminal Proceedings (Equatorial Guinea v. France)*, *Provisional Measures*, Order of 7 December 2016, para. 71).”<sup>27</sup>

22. As explained in the Application,<sup>28</sup> through the 8 May sanctions, the US has breached and is breaching multiple provisions of the Treaty of Amity, namely:

- Article IV (1) which requires the Parties to accord fair and equitable treatment to nationals and companies of the other party, prohibits unreasonable or discriminatory measures that would impair the legally acquired rights and interests of Iranian nationals and companies, and requires the Parties to assure that their lawful contractual rights are afforded effective means of enforcement;
- Article VII (1) which prohibits restrictions on the making of payments, remittances, and other transfers of funds to or from the territories of the other Party;
- Article VIII (1) which requires the Parties to accord to products of the other Party, and to products destined for export to the territories of the other party, treatment no less favourable than that accorded to like products of or destined for export to any third country in all matters relating to duties, other charges, regulations and

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<sup>27</sup> ICJ, Order, 19 April 2017, *Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v. Russian Federation)*, para. 63.

<sup>28</sup> See Application Instituting Proceedings, 16 July 2018, paras. 32-42.

formalities on or in connection with import of any product of the other party or on the export of any product to the territories of the other party;

- Article VIII (2) which prohibits the Parties from imposing restrictions or prohibitions on the import of any product of the other Party or on the export of any product to the territories of a Party, unless the import/export of the like product to all third countries is similarly restricted or prohibited;
- Article IX (2) which requires the Parties to accord to nationals and companies of the other Party treatment no less favourable than that accorded to nationals and companies of any third country with respect to all matters relating to import and export; and
- Articles X (1) which guarantees the freedom of commerce and navigation between the territories of the two Parties.

To preserve its rights under the Treaty of Amity,<sup>29</sup> pending the decision of the Court on the merits, Iran requests the suspension of the application and enforcement of the 8 May sanctions.<sup>30</sup>

#### **IV. URGENCY AND THE RISK OF IRREPARABLE PREJUDICE**

23. According to the Court's case-law, it will indicate provisional measures:

“only if there is urgency, in the sense that there is a real and imminent risk that irreparable prejudice will be caused to the rights in dispute before the Court gives its final decision (...). The Court must therefore consider whether such a risk exists at this stage of the proceedings.”<sup>31</sup>

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<sup>29</sup> See above para. 22.

<sup>30</sup> See above paras. 11-20.

<sup>31</sup> ICJ, Order, 19 April 2017, *Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination* (Ukraine v. Russian Federation), para. 89.

24. Concerning the requirement of urgency, the Court held in the *Avena* case that “there is urgency in the sense that action prejudicial to the rights of either party is likely to be taken before [the Court] final decision is given.”<sup>32</sup>
25. In the present case, certain elements of the 8 May sanctions have been decided with immediate effect, and other elements will be reintroduced not later than 6 August 2018, and still another set not later than 4 November 2018. At these dates, the 8 May sanctions will come into full effect and Iran will suffer further severe damages with significant repercussions. There is no practical possibility that the Court could give its final decision before these dates. There is a real and imminent risk that irreparable prejudice will be caused to the rights in dispute before the Court gives its final decision.
26. As shown in the Application instituting proceedings, Iran’s economy and Iranian nationals and companies have already started to suffer damage from the US decision, and, in particular, from the mere announcement (and anticipation) of their extra-territorial effects. Recent international reports from the IMF<sup>33</sup> and the World Bank<sup>34</sup> underline that the re-imposition of sanctions would have the effect of disconnecting Iran from the global trade and financial system and would negatively affect Iran’s whole economy.
27. At this stage, one of the immediate effects of the announcement of 8 May sanctions (and its anticipation) has been the devaluation of Iranian currency.<sup>35</sup> Since October 2017, when President Trump merely *suggested* that the USA would re-impose sanctions, the value of the Rial has dropped dramatically.<sup>36</sup> This devaluation has resulted and is

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<sup>32</sup> ICJ, Order, 5 February 2003, *Avena and Other Mexican Nationals* (Mexico v. United States of America), *ICJ Rep.*, para. 50.

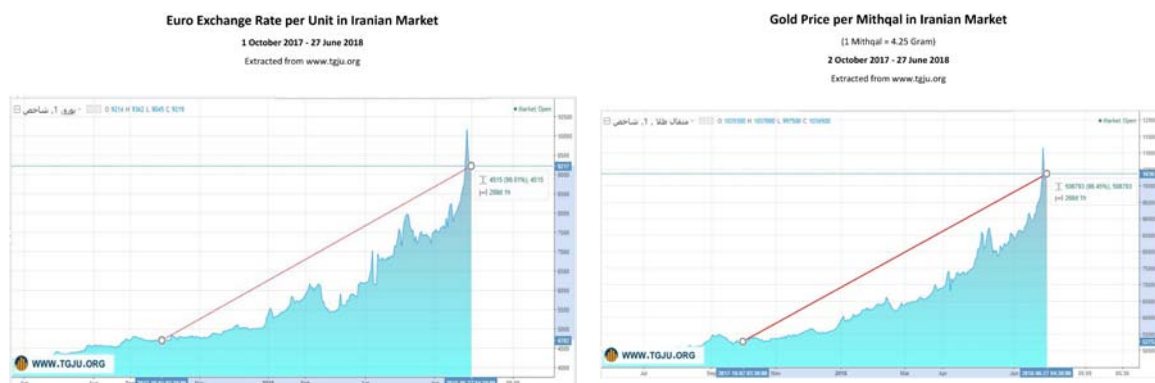
<sup>33</sup> IMF, Islamic Republic of Iran: 2018 Article IV Consultation, IMF Country Report No. 18/93, March 2018, p. 27, available at: <https://www.imf.org/en/Publications/CR/Issues/2018/03/29/Islamic-Republic-of-Iran-2018-Article-IV-Consultation-Press-Release-Staff-Report-and-45767>.

<sup>34</sup> World Bank Group, “Iran Economic Monitor – Sustaining Growth: the Challenge of Job Creation”, 2017, p. 13, available at: [documents.worldbank.org/curated/en/347831520515722711/pdf/124020-WP-PUBLIC-P162048-Iran-IEM-Fall-2017-7Mar18-MM.pdf](https://documents.worldbank.org/curated/en/347831520515722711/pdf/124020-WP-PUBLIC-P162048-Iran-IEM-Fall-2017-7Mar18-MM.pdf).

<sup>35</sup> See R. Goldberg and S. Ghasseminejad, “Iran’s currency is in free fall — time for the US to exploit it”, *The Hill*, 04 November 2011, available at: [thehill.com/opinion/national-security/382670-irans-currency-is-in-free-fall-time-for-the-us-to-exploit-it](http://thehill.com/opinion/national-security/382670-irans-currency-is-in-free-fall-time-for-the-us-to-exploit-it).

<sup>36</sup> The EUR/IRR rate was 4,702 on 1<sup>st</sup> October 2017 and 9,217 on 27 June 2018, hence a 95 % increase, source available at: [www.tgju.org](http://www.tgju.org).

continuing to result in inflation in the prices of goods, commodities, raw materials and related services in different sectors of the economy. Many people have rushed to buy gold products to preserve the value of their money. The price of gold coins has more than doubled in the past few months.<sup>37</sup>



28. The official announcement by the USA of the re-imposition of sanctions, including extraterritorial sanctions, has already not only accelerated the devaluation of the Rial, but also produced very significant damage to Iran's economy and to Iranian nationals and companies. Since the decision was made public, multiple US and foreign companies and nationals have also announced the withdrawal from activities in Iran including the termination of their contractual relations with Iranian companies and nationals. Some examples<sup>38</sup> in the transportation sector are listed in the table below:

#### Transportation sector

Iranian contracting party	Foreign contracting party	Subject-matter of the transaction	Value (B\$)
MAPNA Group	Siemens	Various projects	3.5
Iran Khodro & Saipa	Peugeot Citroën (PSA)	Automotive plant and production	5.4
Iran's state railway company	Ferrovie dello Stato (FS)	High speed rail line Arak - Qom	1.3
Wagon Pars	Alstom	Railway	1.4
Islamic Republic of Iran Railways	Hyundai Rotem	Railway	0.7
Islamic Republic of Iran Railways	SNCF	Railway	not available
CDTIC	China Civil Engineering Construction Corp.	Railway	0.5
IDRO	CJSC Transmashholding	Railway	2.9
<b>TOTAL (in Billions of USD)</b>			<b>15.7</b>

<sup>37</sup> C. Carpenter, "Trump Ire Stokes Gold Trade in Iran as Rial Hits Record Low", *Bloomberg*, 3 May 2018, available at: [www.bloomberg.com/news/articles/2018-05-03/iranians-go-for-gold-amid-currency-turmoil-rising-u-s-tensions](http://www.bloomberg.com/news/articles/2018-05-03/iranians-go-for-gold-amid-currency-turmoil-rising-u-s-tensions).

<sup>38</sup> For other examples, see for instance, E. Wald, "10 Companies Leaving Iran As Trump's Sanctions Close In", *Forbes*, 6 June 2018, available at: [www.forbes.com/sites/ellenwald/2018/06/06/10-companies-leaving-iran-as-trumps-sanctions-close-in/#78cbe8a0c90f](http://www.forbes.com/sites/ellenwald/2018/06/06/10-companies-leaving-iran-as-trumps-sanctions-close-in/#78cbe8a0c90f).

29. These withdrawals are particularly harmful for the Iranian automotive industry which employs directly and indirectly hundreds of thousands and is dependent to varying degrees on parts imported from France, China and Korea. French and Korean companies have already declared that they will withdraw<sup>39</sup>. This will cause irreparable economic and social damages, which may also include social unrest.
30. The USA is besieging Iran economically, with all the dramatic consequences that a siege implies for the besieged population. The access to medicines, including lifesaving medicines, chronic treatment or preventive care, and medical equipment for the Iranian people will become increasingly restricted. Despite the notional exemption under US law for medical supplies, the 8 May sanctions are expected to lead to serious practical difficulty in obtaining and paying for medical equipment and drugs and materials for medical treatment.<sup>40</sup> According to the World Food Programme, Iran's ability to import many essential food items will be severely restricted mainly because of financial restrictions.<sup>41</sup> The 8 May sanctions will, at least, have the same effects on the Iranian people.
31. As another example, the revocation of the JCPoA SLP (civil aviation licences) has already proved to be very harmful to Iran and the safety of Iranian civil aviation. Under the pre-8 May 2018 *Statement of Licensing Policy*, US and non-US persons were previously able

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<sup>39</sup> See e.g.: J. Dupont-Calbo, "PSA et Renault affichent leurs divergences face au piège iranien", *Les Echos*, 20 June 2018, available at : [www.lesechos.fr/industrie-services/automobile/0301850273403-psa-et-renault-affichent-leurs-divergences-face-au-piege-iranien-2185749.php](http://www.lesechos.fr/industrie-services/automobile/0301850273403-psa-et-renault-affichent-leurs-divergences-face-au-piege-iranien-2185749.php); or "Le constructeur automobile PSA prépare son retrait d'Iran", *Le Monde*, 5 June 2018, available at : [www.lemonde.fr/automobile/article/2018/06/05/le-constructeur-automobile-psa-prepare-son-retrait-d-iran\\_5309642\\_1654940.html](http://www.lemonde.fr/automobile/article/2018/06/05/le-constructeur-automobile-psa-prepare-son-retrait-d-iran_5309642_1654940.html).

<sup>40</sup> In this respect see the earlier statements of the World Health Organization, "Iran – Country Cooperation Strategy", May 2017, WHO/CCU/17.01/Iran, available at: [apps.who.int/iris/bitstream/handle/10665/136898/ccsbrief\\_irn\\_en.pdf?jsessionid=49F78DE5A0B5EAD6D5926778B23CB1D6?sequence=1](https://apps.who.int/iris/bitstream/handle/10665/136898/ccsbrief_irn_en.pdf?jsessionid=49F78DE5A0B5EAD6D5926778B23CB1D6?sequence=1); A. M. Cheraghali, "Impacts of international sanctions on Iranian pharmaceutical market", *DARU Journal of Pharmaceutical Sciences*, 2013, p. 3, available at: [apps.who.int/medicinedocs/documents/s20247en/s20247en.pdf](https://apps.who.int/medicinedocs/documents/s20247en/s20247en.pdf).

<sup>41</sup> World Food Programme, Food and Nutrition Security in Iran, 2016, available at: [docs.wfp.org/api/documents/WFP-0000021105/download/](https://docs.wfp.org/api/documents/WFP-0000021105/download/).

“to request specific authorization from OFAC to engage in transactions for the sale of commercial passenger aircraft and related parts and services to Iran, provided such transactions do not involve any person on OFAC’s Specially Designated Nationals and Blocked Persons List (“SDN List”).”<sup>42</sup>

32. Relying on OFAC authorisations, multiple Iranian airline companies committed to buy 140 Boeing aircraft (80 for Iran Air, 30 for Iran Aseman Airlines, 10 for Kish Air and 20 for Qeshm Airlines) for a total book value of US\$24 billion.<sup>43</sup> At the same time, Airbus sold or was committed to sell 171 aircraft to Iranian companies (98 to Iran Air, 28 to Zagros Airlines and 45 to Iran Air Tours) for a total of over US\$30 billion.<sup>44</sup> Save for the very few aircraft that were delivered before May 2018, all of these transactions are now in jeopardy, if not already cancelled.<sup>45</sup> The following table summarises the contracts that were cancelled or most adversely affected in the aviation sector as a direct result of the sanctions:

**Aviation sector**

Iranian contracting party	Foreign contracting party	Subject-matter of the transaction	Value (B\$)
Iran Air	Boeing	Sale of 80 Aircraft to Iran Air	17.5
Iran Air	Airbus	Sale of 100 Aircraft to Iran Air	21.2
Iran Air	ATR	Sale of 20 Aircraft to Iran Air	0.5
Iran Aseman Airlines	Boeing	Planned sale of 60 Iran Aseman Airlines	6.7
Zagros Airlines	Airbus	Planned sale of 28 Aircraft to Zagros Airlines	4.3
Kish Air	Boeing	Planned sale of 10 Aircraft to Kish Air	1.1
Qeshm Airlines	Boeing	Planned sale of 20 Aircraft to Qeshm Airlines	2.1
Iran Air Tours	Airbus	Planned sale of 45 Aircraft to Iran Air Tour	5.0
<b>TOTAL (in Billions of USD)</b>			<b>58.4</b>

33. Iran’s commercial airlines and civil passengers are therefore left to use an aging fleet,<sup>46</sup> with limited access to maintenance information, services and spare parts, thus creating a

<sup>42</sup> Statement of Licensing Policy for Aircrafts.

<sup>43</sup> “FACTBOX-Iran’s \$38 billion airplane purchases under nuclear deal”, *Reuters*, 8 May 2018, available at: [uk.reuters.com/article/iran-nuclear-aircraft-deals/factbox-irans-38-billion-airplane-purchases-under-nuclear-deal-idUKL8N1SE75Z](http://uk.reuters.com/article/iran-nuclear-aircraft-deals/factbox-irans-38-billion-airplane-purchases-under-nuclear-deal-idUKL8N1SE75Z).

<sup>44</sup> *Ibid*; Airbus is a European company, but its aircraft are constituted of more than 10% of US components which makes them subject to US trade control and restrictions (and same will, most probably, apply to all other aircraft manufacturers that have resumed commercial relationships with Iran, such as ATR, a French-Italian company, or Embraer, a Brazilian one).

<sup>45</sup> C. Charpentreau, “Boeing confirms passing \$20B Iran deal”, *AeroTime News*, 7 June 2018, available at: [www.aerotime.aero/clement.charpentreau/21390-boeing-confirms-passing-20b-iran-deal](http://www.aerotime.aero/clement.charpentreau/21390-boeing-confirms-passing-20b-iran-deal).

<sup>46</sup> P. Hollinger & N. Bozorgmehr, “Iran Air blazes a trail with first new aircraft in 23 years”, *Financial Times*, 15 January 2017, available at: [www.ft.com/content/9b64048c-d94e-11e6-944b-e7eb37a6aa8e](http://www.ft.com/content/9b64048c-d94e-11e6-944b-e7eb37a6aa8e).

risk to airline safety and security.<sup>47</sup> This risk has been recognized by an independent panel of experts in 2006 which “found that the U.S. embargo placed on the I.R. of Iran has adversely affected the safety of civil aviation.”<sup>48</sup>

34. The 8 May sanctions are also having or will very shortly have the following damaging effects on Iranian airline companies and on Iran’s civil aviation sector:

- Aircraft operations: impossibility or restriction to access flight planning solutions and flight management system databases, to refuel in foreign airports (European, notably), to train pilots to international standards, to receive updated flight documentations from manufacturers;
- Commercial activities: restrictions on airline interline agreements for Iranian companies, limitations on financial transfers, severe complications on cargo flights (interruption of foreign cargo management services, refusal by international banks to guarantee and finance operations) including non-access to some major destinations;
- Foreign airport services, which are no longer provided to Iranian companies;
- Engineering and maintenance operations: restriction or prohibition to purchase aircraft engines, parts and components, to obtain updated technical documentation, to request maintenance services from manufacturers or foreign providers, to ascertain aircraft airworthiness;
- Financial transactions of Iranian airline companies, who can no longer operate through the foreign banking system, at least without severe restrictions, for financing, supply or sale purposes.

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<sup>47</sup> S. Calder, “Iran Aseman Airlines crash: Years of sanctions have left passengers with one of oldest air fleets in the world”, The Independent, 18 February 2018, available at: [www.independent.co.uk/news/world/middle-east/iran-aviation-crash-aseman-airlines-oldest-fleet-boeing-727-a8216221.html](http://www.independent.co.uk/news/world/middle-east/iran-aviation-crash-aseman-airlines-oldest-fleet-boeing-727-a8216221.html).

<sup>48</sup> ICAO, Continuity of the US Trade Embargo on the Civil Aviation of the Islamic Republic of Iran and the Safety Deficiencies Arising Out of it, 15 March 2006, DGCA/06-IP/31, para. 3.2, available at: [www.icao.int/Meetings/AMC/MA/Directors General of Civil Aviation Conference on a Global Strategy for Aviation Safety \(DGCA-06\)/dgca\\_06\\_ip\\_31\\_e.pdf](http://www.icao.int/Meetings/AMC/MA/Directors%20General%20of%20Civil%20Aviation%20Conference%20on%20a%20Global%20Strategy%20for%20Aviation%20Safety%20(DGCA-06)/dgca_06_ip_31_e.pdf).

35. If nothing is done to prevent the US from giving full effect to its sanctions, the lives of Iranian people and other customers of Iranian airlines will be placed in danger by preventing Iranian airlines renewing airlines fleets, receiving necessary spare parts and aircraft repairs in foreign countries in circumstances where the Iranian airlines companies' fleets are already old.<sup>49</sup> This cannot but lead to irreparable human damages.
36. Another key industrial sector of Iran that has been and is being directly affected by the re-imposition of the US sanctions is the oil and gas sector. As a US State Department official reported, the United States is asking countries to cut their oil imports from Iran to “zero” as soon as possible and not later than 4 November 2018.<sup>50</sup> Already, several important actors have decided to withdraw from Iran including the termination of contractual relations with Iranian companies and nationals:
- Total SA, announced<sup>51</sup> that it would pull out<sup>52</sup> of a billion-dollar deal<sup>53</sup> it made with Iran and the Chinese company CNCP.
  - Lukoil, which was to develop oil fields in Iran, decided<sup>54</sup> at the end of May that it would no longer pursue any joint ventures with Iranian oil companies due to the impending US sanctions.

<sup>49</sup> Iranian airline companies' fleet age in years, based on the information available at: [www.airfleets.net/ageflotte/fleet-age-search.htm](http://www.airfleets.net/ageflotte/fleet-age-search.htm), and at: [www.planespotters.net](http://www.planespotters.net),

Iran Air	Mahan Air	Iran Aseman	Zagros Air.	ATA Air.	Kish Air	Qeshm Air.	Meraj Air.	Taban Air	Iran Air Tours	Caspian Air.	Atrak Air	Karun Air
20.2	23.9	25.7	25.7	23.1	22.5	22.6	21.1	21.8	25.7	26.9	25.9	25.1

<sup>50</sup> B. Hook, Director of Policy Planning, “Briefing With an Iran Diplomacy Update”, 2 July 2018, available at: [www.state.gov/r/pa/prs/ps/2018/07/283669.htm](http://www.state.gov/r/pa/prs/ps/2018/07/283669.htm); see also “U.S. Toughens Stance on Future Iran Oil Exports”, *WSJ*, 26 June 2018, available at: [www.wsj.com/articles/u-s-signals-zero-tolerance-on-future-iran-oil-exports-1530028859](http://www.wsj.com/articles/u-s-signals-zero-tolerance-on-future-iran-oil-exports-1530028859) and “U.S. pushes allies to halt Iran oil imports, waivers unlikely”, *Reuters*, 27 June 2018, available at: [uk.reuters.com/article/us-usa-iran/u-s-pushes-allies-to-halt-iran-oil-imports-waivers-unlikely-idUKKBN1JM26Q](http://uk.reuters.com/article/us-usa-iran/u-s-pushes-allies-to-halt-iran-oil-imports-waivers-unlikely-idUKKBN1JM26Q).

<sup>51</sup> S. Kar-Gupta & J. Irish, “France's Total to quit Iran gas project if no sanctions waiver”, 16 May 2018, available at: [www.reuters.com/article/us-iran-nuclear-france-total/frances-total-to-quit-iran-gas-project-if-no-sanctions-waiver-idUSKCN1IH1XK](http://www.reuters.com/article/us-iran-nuclear-france-total/frances-total-to-quit-iran-gas-project-if-no-sanctions-waiver-idUSKCN1IH1XK).

<sup>52</sup> Total, US withdrawal from the JCPOA: Total's position related to the South Pars 11 project in Iran, 16 May 2018, available at: [www.total.com/en/media/news/press-releases/us-withdrawal-jcpoa-totals-position-related-south-pars-11-project-iran](http://www.total.com/en/media/news/press-releases/us-withdrawal-jcpoa-totals-position-related-south-pars-11-project-iran).

<sup>53</sup> The contract was signed on 3 July 2017: Total, “Iran : Total signe avec la NIOC le contrat portant sur le développement de la phase 11 du champ gazier géant de South Pars”, 03 July 2017, available at: [www.total.com/fr/medias/actualite/communiqués/iran-total-signe-avec-la-nioc-le-contrat-portant-sur-le-developpement-de-la-phase-11-du-champ-gazier](http://www.total.com/fr/medias/actualite/communiqués/iran-total-signe-avec-la-nioc-le-contrat-portant-sur-le-developpement-de-la-phase-11-du-champ-gazier).



- Reliance Industries Ltd., an Indian company that owns the world's largest oil-refining complex, announced<sup>55</sup> on 30 May 2018 that it would no longer accept crude oil imports from Iran.

The following table recapitulates transactions that were cancelled or most adversely affected in the energy sector as a consequence of the 8 May sanctions:

**Energy sector**

Iranian contracting party	Foreign contracting party	Subject-matter of the transaction	Value (B\$)
Hampa Engineering Corporation	Siemens	Transportation equipments	1.6
NIOC	Total and CNPC	South Pars Gas field	4.8
Amin Energy Developers	Saga Energy	Solar Panels	2.9
Esfahan Oil Refining Co.	Daelim	Oil	2.2
MAPNA Group	General Electric	Pipelines	0.2
NIOC	Reliance Industries	Oil exports	1.3
NIOEC	SK E&C Co. Ltd.	Upgrade of Tabriz refinery	1.6
Iran's Ministry of Energy	Turkey's Unit International	Building of 7 natural Gas plants	4.2
NIOEC	Sinopec	Upgrade of Abadan Refinery	1.1
NIOC	Hellenic Petroleum	Oil exports	not available
NIOC	SARAS	Oil exports	1.1
<b>TOTAL (in Billions of USD)</b>			<b>21.0</b>

37. These withdrawals by US and foreign companies of activities from Iran, including the terminations of contractual relations with Iranian companies and nationals, are direct consequences of the US Administration's re-imposition of sanctions on Iranian oil trade.<sup>56</sup> As a senior US State Department official reported, the United States is asking countries to cut their oil imports from Iran to "zero" by 4 November 2018.<sup>57</sup> Already between 2011 and 2014, the US and EU sanctions had more than halved Iranian oil

<sup>54</sup> "Lukoil puts Iran plans on hold due to threat of U.S. sanctions", *Reuters*, 29 May 2018, available at: <https://www.reuters.com/article/us-russia-lukoil-iran/lukoil-puts-iran-plans-on-hold-due-to-threat-of-u-s-sanctions-idUSKCN1IU1M7>.

<sup>55</sup> "Exclusive: India's Reliance to halt oil imports from Iran: sources", *Reuters*, 30 May, 2018, available at: <https://www.reuters.com/article/us-india-iran-reliance-exclusive/exclusive-reliance-to-halt-oil-imports-from-iran-sources-idUSKCN1IV1XM>; it should be noted that because crude oil imports are contracted months in advance, Reliance will cease importing Iranian oil in October or November of this year.

<sup>56</sup> G. Harris & S. Reed, "Roiling Markets, U.S. Insists World Must Stop Buying Iranian Oil", *NY Times*, 26 June 2018, available at: [www.nytimes.com/2018/06/26/world/middleeast/us-iran-oil-sanctions.html](http://www.nytimes.com/2018/06/26/world/middleeast/us-iran-oil-sanctions.html); see also, J. Payne, D. Zhdannikov, A. Cooper, "Spooked by Trump, Europe's Iranian oil purchases set to plummet", *Reuters*, 29 June 2018, available at: [www.reuters.com/article/us-oil-iran-europe/spooked-by-trump-europes-iranian-oil-purchases-set-to-plummet-idUSKBN1JP1P4](http://www.reuters.com/article/us-oil-iran-europe/spooked-by-trump-europes-iranian-oil-purchases-set-to-plummet-idUSKBN1JP1P4).

<sup>57</sup> U.S. Department of State "Senior State Department Official On U.S. Efforts to Discuss the Re-imposition of Sanctions on Iran With Partners Around The World", 26 June 2018, available at: [www.state.gov/r/pa/prs/ps/2018/06/283512.htm](http://www.state.gov/r/pa/prs/ps/2018/06/283512.htm).

exports, costing the country between US\$ 4 and 8 billion each month.<sup>58</sup> Given that oil exports make up 80% of Iran's total export earnings and 50% to 60% of Iran's State budget,<sup>59</sup> the drastic drop in exports that will result from the re-imposition of US sanctions<sup>60</sup> will prevent the Iranian Government from continuing to provide the public utilities most essential for its population: including education, health (including access to medicines and equipment), social services, security, etc.

38. To assess the damages that Iran and Iranian nationals and companies will suffer from the full implementation of the sanctions, reference may be made to the effects caused by previous US sanctions,<sup>61</sup> while keeping in mind that the 8 May and announced further sanctions are intended to be even more damaging.
39. US previous sanctions caused severance of the relations between Iranian banks and their foreign counterparts, thereby creating severe payment problems for imports and exports of goods even where the payments are related to importing of non-sanctioned items,<sup>62</sup> as well as the inability to receive insurance services or purchase equipment and spare parts required for Iran's port operators. Further effects were felt by Iranian shipping and shipbuilding sectors; and the sanctions reduced the country's revenue by prohibiting transactions related to petroleum, petroleum products, or petrochemical products by the National Iranian Oil Company (NIOC), and other companies.<sup>63</sup>

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<sup>58</sup> "Iran nuclear crisis: What are the sanctions?", BBC, 30 March 2015, available at: [www.bbc.com/news/world-middle-east-15983302](http://www.bbc.com/news/world-middle-east-15983302); strikingly, following the entry into force of the JCPoA, the crude oil exports of Iran had returned to their previous level of 2010 and 2011, see "Crude Oil Exports for Iran", Federal Reserve Bank of St Louis, last update of 8 June 2018, available at: [fred.stlouisfed.org/series/IRNNXGOCMBD](http://fred.stlouisfed.org/series/IRNNXGOCMBD).

<sup>59</sup> U.S. Energy Information and Administration, "Sanctions reduced Iran's oil exports and revenues in 2012", 26 April 2013, available at: [www.eia.gov/todayinenergy/detail.php?id=11011](http://www.eia.gov/todayinenergy/detail.php?id=11011).

<sup>60</sup> "Iran's oil payment via European banks 'impossible'", Mehr News, 25 June 2018, available at: [en.mehrnews.com/news/135110/Iran-s-oil-payment-via-European-banks-impossible](http://en.mehrnews.com/news/135110/Iran-s-oil-payment-via-European-banks-impossible).

<sup>61</sup> See Application Instituting Proceedings, paras. 35-36.

<sup>62</sup> M. Nichols, L. Charbonneau, "U.N. chief says sanctions on Iran affecting its people", *Reuters*, 05 October 2012, available at: [www.reuters.com/article/us-iran-sanctions-un/u-n-chief-says-sanctions-on-iran-affecting-its-people-idUSBRE89412Z20121005](http://www.reuters.com/article/us-iran-sanctions-un/u-n-chief-says-sanctions-on-iran-affecting-its-people-idUSBRE89412Z20121005).

<sup>63</sup> US Secretary of State, "Statement on Significant Reductions of Iranian Crude Oil Purchases", Press Statement, 20 March 2012, available at: [2009-2017.state.gov/secretary/20092013clinton/rm/2012/03/186086.htm](http://2009-2017.state.gov/secretary/20092013clinton/rm/2012/03/186086.htm).

40. The decision taken by the US may already have caused irreparable damages, which are becoming worse every day. As explained above, since the US announcement of the re-imposition of the sanctions, US and foreign companies have had no other option, in order to escape the extraordinary high penalties<sup>64</sup> than to choose not to trade and invest in Iran. The loss of these trading opportunities and investments will not be reparable by money since they are damaging the whole Iranian economic and social system.
41. The irreparable damages to the whole Iranian economy and society, more particularly to certain sectors such as the auto industry, the oil industry, the civil aviation and the banking and financial system, as well as the irreparable damages to Iranian nationals and companies and the imminent risk to the health and safety of Iranians cannot be fully described at this stage. Iran will present more factual information to the Court during the hearings; however, it considers that the above can leave no doubt on the threat of irreparable harm if the Court does not grant the provisional measures requested below.

## V. THE ORDER REQUESTED

42. In view of the above, the Islamic Republic of Iran in its own right and as *parens patriae* of its nationals respectfully requests that, pending final judgment in this case, the Court indicate:
- a. That the USA shall immediately take all measures at its disposal to ensure the suspension of the implementation and enforcement of all of the 8 May sanctions, including the extraterritorial sanctions, and refrain from imposing or threatening announced further sanctions and measures which might aggravate or extend the dispute submitted to the Court;

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<sup>64</sup> See for instance the \$8,9B fine imposed to BNP Paribas for not complying with the US sanctions against Iran and other States.

- b. That the USA shall immediately allow the full implementation of transactions already licensed, generally or specifically, particularly for the sale or leasing of passenger aircraft, aircraft spare parts and equipment;
  - c. That the USA shall, within 3 months, report to the Court the action it has taken in pursuance of sub-paragraphs (a) and (b);
  - d. That the USA shall assure Iranian, US and non-US nationals and companies that it will comply with the Order of the Court, and shall cease any and all statements or actions that would dissuade US and non-US persons and entities from engaging or continuing to engage economically with Iran and Iranian nationals or companies;
  - e. That the USA shall refrain from taking any other measure that might prejudice the rights of Iran and Iranian nationals and companies under the Treaty of Amity with respect to any decision this Court might render on the merits.
43. Iran reserves the right to amend this Request and the measures requested in Para. 42 above.

Respectfully submitted,

M. H. Zahedin Labbaf  
Agent of the Government of the  
Islamic Republic of Iran

Done at The Hague on 16 July 2018