

CORRESPONDENCE

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I. THE SECRETARY OF STATE OF THE UNITED STATES OF AMERICA TO THE
PRESIDENT OF THE INTERNATIONAL COURT OF JUSTICE

Washington, 29 November 1979.

The Government of the United States is today filing with the Court an Application¹ and a Request² for Interim Measures of Protection in a case against the Government of Iran for the seizure, and holding as hostages, of members of the United States Embassy in Tehran. As you are aware, at least 50 United States nationals are being subjected to prolonged and inhumane detention. They have already been held hostage for more than three weeks, and threats have been made that they may be placed on trial.

In view of the extraordinary urgency of this case, which is unlike any before submitted to the Court, I respectfully suggest that you, as President of the Court, urge the Government of Iran to act immediately to appoint its Agent in the case. I further urge that the Court in any event hold any hearing on the request for Interim Measures as soon as it has a quorum. My Government earnestly hopes that the Court will issue an Order indicating appropriate interim measures within days. As the Secretary-General of the United Nations has informed the Security Council, the present crisis constitutes a serious threat to international peace and security.

May I further respectfully suggest that you, as President of the Court, immediately request the Government of Iran to ensure that no steps are taken to inflame opinion against the hostages, to heighten the danger to which they are exposed, or to place them on trial.

I have designated the Legal Adviser of the United States Department of State, the Honorable Roberts B. Owen, as Agent of the United States in this case.

(Signed) Cyrus VANCE.

2. THE REGISTRAR OF THE COURT TO THE MINISTER FOR FOREIGN AFFAIRS OF
IRAN

(telegram)

29 November 1979.

In accordance with Article 40, paragraph 2, Statute of International Court of Justice, have honour inform you Government of United States of America today filed in Registry application instituting proceedings against Iran and request for indication of provisional measures under Article 41 of Statute and Article 73 of Rules of Court. Proceedings relate to seizure and holding as hostages of members of United States Embassy in Tehran. Basing itself upon (1) 1961 Vienna Convention on Diplomatic Relations and Optional Protocol concerning Compulsory Settlement of Disputes. (2) 1963 Vienna Convention on Consular Relations and Optional Protocol concerning Compulsory Settlement of Dis-

¹ See pp. 3-8, *supra*.

² See pp. 11-12, *supra*.

putes, (3) Article 21 of 1955 Treaty of Amity, Economic Relations and Consular Rights between United States and Iran and (4) 1973 Convention on Prevention and Punishment of Crimes against Internationally Protected Persons, United States requests Court to adjudge and declare:

[See pp. 7-8, supra]

On the other hand, full text of request for provisional measures follows:

[See pp. 11-12, supra]

Copies of application and request together with letter from US Secretary of State to President of Court airmailed today. United States Government urges that request for provisional measures "be treated as a matter of extreme urgency" and requests "that the Court set a hearing on this request at the earliest possible date". Would respectfully draw Your Excellency's attention to Article 40, paragraph 2, of 1978 Rules of Court concerning appointment of respondent's agent pursuant Article 42 of Statute. May I respectfully also draw Your Excellency's attention to Article 31, paragraph 2, of Statute of the Court which provides that "If the Court includes upon the bench a judge of the nationality of one of the parties any other party may choose a person to sit as judge". If Government of Iran wishes to choose judge *ad hoc* it should inform Court of his name as a matter of urgency.

3. THE REGISTRAR TO THE MINISTER FOR FOREIGN AFFAIRS OF IRAN

29 November 1979.

Express airmail

Confirming my cable of today's date, a copy of which is enclosed, I have the honour to inform Your Excellency that the Government of the United States of America has this day filed in the Registry of the International Court of Justice an Application instituting proceedings against Iran concerning the seizure and holding as hostages of members of the United States Embassy in Tehran. The Government of the United States has also today filed a request for the indication of provisional measures under Article 41 of the Statute of the Court and Article 73 of the 1978 Rules of Court.

I have the honour to send Your Excellency herewith a certified copy of the Application and of the request for the indication of provisional measures; I shall in due course transmit to you certified printed copies of the Application in the bilingual (English and French) edition which will be prepared by the Registry. I also enclose copy of a letter from the Secretary of State of the United States of America to the President of the Court, filed in the Registry at the same time as the Application and request.

May I take this opportunity of drawing Your Excellency's attention to Article 40 of the 1978 Rules of Court which provides, in paragraph 2, that the respondent, upon receipt of the certified copy of the Application, or as soon as possible thereafter, should inform the Court of the name of its Agent. Paragraph 1 of the same article provides that Agents shall have an address for service at the seat of the Court to which all communications concerning the case are to be sent.

May I respectfully also draw your Excellency's attention to Article 31, paragraph 2, of the Statute of the Court which provides that: "If the Court includes upon the Bench a judge of the nationality of one of the parties, any

other party may choose a person to sit as judge." If your Government wishes to choose a judge *ad hoc* it should inform the Court of his name as a matter of urgency.

(Signed) S. AQUARONE.

4. THE REGISTRAR TO THE AGENT OF THE UNITED STATES OF AMERICA

29 November 1979.

I have the honour to acknowledge receipt of the Application by the United States of America instituting proceedings against Iran concerning the seizure and holding as hostages of members of the United States Embassy in Tehran, and the request for the indication of provisional measures in those proceedings, filed in the Registry by you today. The President has also asked me to acknowledge receipt of the letter addressed to him by the Secretary of State, dated 29 November 1979, deposited by you at the same time.

Your appointment as Agent of the United States in these proceedings has been duly noted, as has the fact that your address for service, under Article 40, paragraph 1, of the Rules of Court is the Embassy of the United States, Lange Voorhout 102, The Hague.

The Government of Iran was immediately informed by telegram of the filing of the Application and request for the indication of provisional measures; in accordance with Articles 38, paragraph 4, and 73, paragraph 2, of the 1978 Rules of Court, certified copies of these documents were immediately transmitted to the Government of Iran, together with a copy of the letter from the Secretary of State to the President.

5. THE REGISTRAR TO THE SECRETARY-GENERAL OF THE UNITED NATIONS

(telegram)

29 November 1979.

With reference Article 40, paragraph 3, of Statute have honour inform you that on 29 November United States filed (1) application instituting proceedings against Iran relating to seizure and holding as hostages of members of United States Embassy in Tehran and (2) request for indication of provisional measures under Articles 41, Statute, and 73 Rules. Measures requested are:

[See p. 12, *supra*]

6. THE REGISTRAR TO THE MINISTER FOR FOREIGN AFFAIRS OF IRAN

(telegram)

30 November 1979.

Have honour to refer to application by United States of America instituting proceedings against Iran on 29 November and to simultaneous request filed by United States for indication of provisional measures. The President directs me to

express his hope that the two Governments concerned will take into account the fact that the matter is now *sub judice* before the International Court. This being so the President in conformity with Article 74, paragraph 4, of the Rules of Court draws the attention of both parties to the need to act in such a way as will enable any Order the Court may make on the request for provisional measures to have its appropriate effects. Similar communication addressed today to Government of United States. Court will hold public hearings at an early date to afford parties the opportunity of presenting their observations on request for interim measures. Projected date and time for such hearings is Monday, 10 December, at 3 p.m.

7. THE REGISTRAR TO THE MINISTER FOR FOREIGN AFFAIRS OF IRAN¹

(telegram)

3 December 1979.

Further to my telegram and letter of 29 November announcing institution of proceedings by United States and my telegram of 30 November I have the honour to confirm that public hearing at Peace Palace, The Hague, on request for provisional measures is fixed for Monday, 10 December, at 15 hours.

8. THE LEGAL COUNSEL OF THE UNITED NATIONS TO THE REGISTRAR

(telegram)

4 December 1979.

I have the honour to acknowledge receipt of your cable of 29 November 1979 to the Secretary-General informing him that the United States had submitted an application to the Court instituting proceedings against Iran relating to seizure of US Embassy in Tehran and holding of its members as hostages with a request to the Court for indication of provisional measures of protection. The Secretary-General will inform all Members of the United Nations in accordance with paragraph 3 of Article 40 of Statute as soon as copies of the application in printed form are received at UN headquarters.

(Signed) Erik Suy.

9. THE REGISTRAR TO THE MINISTER FOR FOREIGN AFFAIRS OF IRAN

(telegram)

4 December 1979.

Reference request by United States of America for provisional measures have honour inform Your Excellency following questions put to United States Agent today by President of Court:

[See pp. 17-18, supra]

¹ A similar communication was sent to the Agent of the United States of America and to the Secretary-General of the United Nations.

10. THE REGISTRAR TO THE SECRETARY-GENERAL OF THE UNITED NATIONS
(telegram)

4 December 1979.

President Intercourt addresses following request to Secretary-General:

"Reference proceedings before Court instituted by United States concerning US Diplomatic and Consular Staff in Tehran may I request Your Excellency to transmit to the Court by the most rapid possible means text of any resolution which Security Council may adopt concerning question brought before it by you as well as verbatim or other records of all discussions of that matter by Security Council. Highest consideration. Waldock."

11. THE DIRECTOR OF THE OFFICE OF THE LEGAL COUNSEL OF THE UNITED
NATIONS TO THE REGISTRAR
(telegram)

5 December 1979.

At its 2178 meeting this afternoon the Security Council adopted by 15 votes in favour resolution 457 (1979) which reads as follows:

[See pp. 225-226, supra]

After adoption resolution representative of United States made statement in course of which he made following comments regarding request for indication provisional measures of protection:

[See p. 34, supra]

(Signed) SCOTT.

12. LE GREFFIER AU MINISTRE DES AFFAIRES ÉTRANGÈRES D'AFGHANISTAN¹

6 décembre 1979.

Le 29 novembre 1979 a été déposée au Greffe de la Cour internationale de Justice une requête par laquelle les Etats-Unis d'Amérique ont introduit contre l'Iran une instance en l'affaire relative au *Personnel diplomatique et consulaire des Etats-Unis à Téhéran*.

Conformément à l'article 42 du Règlement de la Cour, j'ai l'honneur de vous transmettre ci-joint une copie de cette requête.

¹ Une communication analogue a été adressée aux autres Etats admis à ester devant la Cour.

13. THE REGISTRAR TO THE SECRETARY-GENERAL OF THE UNITED NATIONS

6 December 1979.

I refer to my cable of 29 November 1979 by which I informed you of the filing by the Government of the United States of America of an application instituting proceedings against Iran relating to the seizure and holding as hostages of members of the United States Embassy in Tehran (case concerning *United States Diplomatic and Consular Staff in Tehran*), and of a request for the indication of provisional measures in that case. I now have the honour to inform you that I am forwarding to you under separate cover (by airmail parcel post, marked "Attention Director, General Legal Division") 200 copies of the application referred to.

I would be grateful if, in accordance with Article 40, paragraph 3, of the Statute of the Court, you will be good enough to inform the Members of the United Nations of the filing of this Application.

14. THE REGISTRAR TO THE AMBASSADOR OF AUSTRALIA TO THE NETHERLANDS

6 December 1979.

I refer to my letter of today's date by which I had the honour to transmit to Your Excellency a copy of the Application of the United States of America instituting proceedings against Iran in the case concerning *United States Diplomatic and Consular Staff in Tehran*.

With reference to Article 63 of the Statute of the Court, I have the honour to draw Your Excellency's attention to the fact that in the said Application the United States of America invokes, *inter alia*, the following multilateral conventions:

1. the 1961 Vienna Convention on Diplomatic Relations (and the Optional Protocol to that Convention concerning the Compulsory Settlement of Disputes);
2. the 1963 Vienna Convention on Consular Relations (and the Optional Protocol to that Convention concerning the Compulsory Settlement of Disputes);
3. the 1973 Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, including Diplomatic Agents.

I have the honour further to point out that the present notification does not prejudice any decision which the Court may be called upon to take with regard to the possible application of Article 63 of the Statute in this case.

15. THE REGISTRAR TO THE MINISTER FOR FOREIGN AFFAIRS OF IRAN¹

6 December 1979.

I have the honour to inform Your Excellency that, inasmuch as the Application filed by the Government of the United States of America on 29 November 1979 in the case concerning *United States Diplomatic and Consular Staff in Tehran* invokes a number of multilateral international conventions, I

¹ A similar communication was sent to the Agent of the United States of America.

have this day, pursuant to Article 63, paragraph 1, of the Statute of the Court, addressed the notification provided under that article to States other than those concerned in the case which are parties to one or more of those conventions.

The conventions in question are:

1. the 1961 Vienna Convention on Diplomatic Relations (and the Optional Protocol to that Convention concerning the Compulsory Settlement of Disputes);
2. the 1963 Vienna Convention on Consular Relations (and the Optional Protocol to that Convention concerning the Compulsory Settlement of Disputes);
3. the 1973 Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, including Diplomatic Agents.

I have the honour to send Your Excellency herewith for your information a copy of the notification sent to those States which are parties to all these instruments; the notifications sent to other States follow the same form, but refer only to the instruments to which the State notified is a party. May I draw Your Excellency's attention to the reservation expressed in the final paragraph of the notification.

16. THE AGENT OF THE UNITED STATES OF AMERICA TO THE REGISTRAR

Washington, December 1979.

In response to the President's request¹ of 4 December 1979, for certain further information, I have the honor to submit the enclosed declaration of Under Secretary David D. Newsom with its three appendices².

(Signed) Roberts B. OWEN.

17. THE REGISTRAR TO THE MINISTER FOR FOREIGN AFFAIRS OF IRAN

7 December 1979.

With reference to my telegram of 4 December 1979, by which I communicated to Your Excellency the text of the questions put by the President of the Court on that date to the Agent of the United States of America in the case concerning *United States Diplomatic and Consular Staff in Tehran*, I now have the honour to transmit to Your Excellency herewith a copy of a letter from the United States Agent received in the Registry today, and copies of the enclosures to that letter. I also enclose, for Your Excellency's convenience, a further copy of the text of the questions put by the President on 4 December 1979.

¹ See pp. 17-18, *supra*.

² See pp. 43-115, *supra*.

18. THE CHARGÉ D'AFFAIRES OF IRAN TO THE NETHERLANDS TO THE PRESIDENT
OF THE COURT

9 December 1979.

I have the honour to convey herewith to Your Excellency the telegram¹ of His Excellency Mr. Sadegh Ghotbzadeh, Minister for Foreign Affairs of the Islamic Republic of Iran, addressed to Your Excellency, dated 9 December 1979.

(Signed) N. HELMI.

19. THE REGISTRAR TO THE MINISTER FOR FOREIGN AFFAIRS OF IRAN

10 December 1979.

I have the honour to send Your Excellency herewith three copies of the provisional verbatim record of the public hearing of today's date, relating to the request by the United States of America for the indication of provisional measures in the case concerning *United States Diplomatic and Consular Staff in Tehran*.

20. THE REGISTRAR TO THE CHARGÉ D'AFFAIRES OF IRAN TO THE NETHERLANDS

11 December 1979.

I have the honour to acknowledge receipt of your letter of 9 December 1979, addressed to the President of the Court and delivered to me by hand at my private address at 9.45 p.m. on that day, with which you enclosed the message dated 9 December 1979, and transmitted by telegram, from His Excellency the Minister for Foreign Affairs of the Islamic Republic of Iran to the President of the Court.

21. THE AGENT OF THE UNITED STATES OF AMERICA TO THE REGISTRAR

11 December 1979.

In response to questions² posed by members of the International Court of Justice on 10 December in the course of its proceedings in the case concerning *United States Diplomatic and Consular Staff in Tehran (Request for the Indication of Provisional Measures)*, I have the honor to submit the attached answers³.

¹ See p. 18, *supra*.

² See p. 37, *supra*.

³ See pp. 116-117, *supra*.

22. THE REGISTRAR TO THE MINISTER FOR FOREIGN AFFAIRS OF IRAN

11 December 1979.

I have the honour to transmit to Your Excellency herewith a copy of the replies furnished in writing by the Agent of the United States of America in the case concerning *United States Diplomatic and Consular Staff in Tehran* to the questions put to him by the President on behalf of the Court, and by one Member of the Court, at the close of the public hearing of 10 December 1979. Copies of the verbatim record of that hearing were transmitted to Your Excellency with my letter of yesterday's date.

23. THE REGISTRAR TO THE AGENT OF THE UNITED STATES OF AMERICA

11 December 1979.

I have the honour to send you herewith the text, already communicated to you by telephone this afternoon, of a question put by Judge Gros in connection with the request of your Government for the indication of provisional measures in the case concerning *United States Diplomatic and Consular Staff in Tehran*.

Question by Judge Gros

With reference to the reply of the Agent of the United States of America to the Court's question concerning the two United States Consulates at Tabriz and Shiraz, will the Agent please indicate to the Court whether, following the attack on these two Consulates in February 1979, the Government of the United States invoked the Treaty of Amity, Economic Relations and Consular Rights of 15 August 1955, and in particular Article XXI, paragraph 1, thereof; and if so, will the Agent please supply copies of any documents relating to the matter?

24. THE REGISTRAR TO THE MINISTER FOR FOREIGN AFFAIRS OF IRAN

11 December 1979.

I have the honour to transmit to Your Excellency herewith the text of a question put in writing this afternoon by Judge Gros to the Agent of the United States of America in the case concerning *United States Diplomatic and Consular Staff in Tehran*.

25. THE REGISTRAR TO THE MINISTER FOR FOREIGN AFFAIRS OF IRAN

12 December 1979.

Further to my letter of 10 December 1979, with which I transmitted to Your Excellency copies of the provisional verbatim record of the hearing of that date in the case concerning *United States Diplomatic and Consular Staff in Tehran*, I now have the honour to send Your Excellency herewith a copy of the unofficial French translation, prepared by the Registry, of that record.

I have the further honour to transmit to Your Excellency a copy of the

original verbatim record incorporating the corrections made by the Agent and Counsel of the United States of America, pursuant to Article 71, paragraph 4, of the Rules of Court.

26. THE COUNSEL FOR THE UNITED STATES OF AMERICA TO THE REGISTRAR

12 December 1979.

On behalf of the United States Agent in the case concerning *United States Diplomatic and Consular Staff in Tehran*, I wish to acknowledge with thanks your letter of December 11, 1979, attaching a question put by Judge Gros in connection with the request of the Government of the United States for the indication of provisional measures.

I have the honor to attach an answer¹ to the question of Judge Gros.

(Signed) Stephen M. SCHWEBEL.

27. THE COUNSEL FOR THE UNITED STATES OF AMERICA TO THE REGISTRAR

12 December 1979.

I have the honor to refer to the request for interim measures of protection filed with the Court by the United States on 29 November 1979, and the Oral Argument of the Agent of the United States of December 10, 1979, in the case concerning *United States Diplomatic and Consular Staff in Tehran*, and to attach the terms of the final submissions of the United States Request.

10 December 1979.

First, 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.

Second, that the Government of Iran immediately clear the premises of the United States Embassy, Chancery and Consulate in Tehran 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.

Third, that the Government of Iran ensure that, to the extent that the United States should choose, and Iran should agree, to the continued presence of United States diplomatic and consular personnel in Iran, all persons attached to the United States Embassy and Consulates should be accorded, and protected in, full freedom of movement, as well as the privileges and immunities to which they are entitled, necessary to carry out their diplomatic and consular functions.

Fourth, that the Government of Iran not place on trial any person attached to the Embassy and Consulates of the United States and refrain from any action to implement any such trial; and that the Government of Iran not detain or permit

¹ See pp. 118-119, *supra*.

the detention of any such person in connection with any proceedings, whether of an "international commission" or otherwise, and that any such person not be required to participate in any such proceeding.

Fifth, that the Government of Iran ensure that no action is taken which might prejudice the rights of the United States in respect of 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.

28. THE REGISTRAR TO THE MINISTER FOR FOREIGN AFFAIRS OF IRAN

13 December 1979.

I have the honour to send Your Excellency herewith a copy of the reply, received on 12 December 1979, to the question put by Judge Gros on 11 December 1979 to the Agent of the United States in the case concerning *United States Diplomatic and Consular Staff in Tehran*. A copy of the question put by Judge Gros was transmitted to you with my letter of 11 December 1979.

29. THE REGISTRAR TO THE MINISTER FOR FOREIGN AFFAIRS OF IRAN

13 December 1979.

I have the honour to send Your Excellency herewith a copy of the final submissions of the United States of America, as to the provisional measures which it requests the Court to indicate in the case concerning *United States Diplomatic and Consular Staff in Tehran*; these submissions were filed in the Registry of the Court on 12 December 1979.

30. THE COUNSEL FOR THE UNITED STATES OF AMERICA TO THE REGISTRAR

13 December 1979.

On behalf of the United States Agent in the case concerning *United States Diplomatic and Consular Staff in Tehran*, I wish to correct an error which is found in the answer¹ to a question of the Court concerning the categories of persons held in Iran to which the United States Agent responded in his letter to you of 11 December 1979.

After further review of the information available in Washington, I wish to confirm that the figures given in the declaration² of 6 December 1979 of Under Secretary of State David D. Newsom are correct, to the best of the knowledge of the Government of the United States; that is, the number of diplomatic staff is at least 28 and the number of administrative and technical staff is at least 20. These total figures were correctly stated in the letter¹ of the United States Agent of 11 December.

However, the number of military personnel considered to be on the diplomatic staff is seven and the number of military personnel (apart from security guards) considered to be on the administrative and technical staff is four.

¹ See p. 116, *supra*.

² See p. 45, *supra*.

The inaccurate information respecting the positions at the Embassy of two persons held hostage contained in the answer¹ of 11 December is regretted, but I hope that it will be understood that the situation in Tehran has severely handicapped our ability to respond to the Court's inquiries.

31. THE REGISTRAR TO THE MINISTER FOR FOREIGN AFFAIRS OF IRAN

13 December 1979.

With reference to my letter of 11 December, with which I transmitted to Your Excellency a copy of the replies furnished in writing by the Agent of the United States of America in the case concerning *United States Diplomatic and Consular Staff in Tehran* to the questions put to him by the President on behalf of the Court, and by one Member of the Court, at the close of the public hearing of 10 December 1979, I now have the honour to send Your Excellency herewith a copy of a letter from Counsel for the United States concerning a correction to one of those replies.

32. THE REGISTRAR TO THE MINISTER FOR FOREIGN AFFAIRS OF IRAN²

(telegram)

14 December 1979.

Have honour inform you Court will hold public sitting in Peace Palace tomorrow, 15 December at 17 hours, for purpose of announcing its decision of United States request for provisional measures.

33. THE REGISTRAR TO THE MINISTER FOR FOREIGN AFFAIRS OF IRAN

(telegram)

15 December 1979.

Have honour inform you that today, 15 December 1979, Court composed as follows, President Sir Humphrey Waldock, Vice-President Elias, Judges Forster, Gros, Lachs, Morozov, Nagendra Singh, Ruda, Mosler, Tarazi, Oda, Ago, El-Erian, Sette-Camara and Baxter delivered at a public sitting a unanimously adopted Order indicating in accordance with Article 41 of its Statute the following provisional measures in the proceedings instituted by the United States:

[See *I.C.J. Reports 1979*, pp. 20-21]

Texte français:

[*Ibid.*]

The Court further decided that: "Until the Court delivers its final judgment in the present case, it will keep the matters covered by the Order continuously under review."

¹ See p. 116, *supra*.

² A similar communication was sent to the Agent of the United States of America and to the Secretary-General of the United Nations.

Texte français: "Décide que, jusqu'à ce que la Cour rende son arrêt définitif en l'espèce, elle demeurera saisie des questions qui font l'objet de la présente ordonnance." The English text is authoritative. An official copy of the full Order has been dispatched to you today. Other official copies have been handed to Agent of United States and sent to United Nations Secretary-General for transmission to Security Council in accordance with Article 41 (2) of Statute.

34. THE REGISTRAR TO THE SECRETARY-GENERAL OF THE UNITED NATIONS
(*telegram*)

15 December 1979.

Have honour inform you, in particular with reference Article 41(2) of Statute, that Court in Order made today, 15 December, and delivered at public sitting has given unanimous decision on United States request for provisional measures in case concerning *United States Diplomatic and Consular Staff in Tehran*. Dispositif follows beginning with authoritative English text:

[See *I.C.J. Reports 1979*, pp. 20-21]

French text:

[*Ibid.*]

All 15 judges participated. Letter with official text for transmission to Security Council follows.

35. THE REGISTRAR TO THE SECRETARY-GENERAL OF THE UNITED NATIONS

15 December 1979.

I have the honour, in accordance with Article 41, paragraph 2, of the Statute of the Court, to send you herewith an official copy for transmission to the Security Council of an Order of today's date by which the Court has indicated provisional measures in the case concerning *United States Diplomatic and Consular Staff in Tehran*.

36. THE REGISTRAR TO THE MINISTER FOR FOREIGN AFFAIRS OF IRAN
(*telegram*)

19 December 1979.

Have honour inform Your Excellency that in accordance with Statute and Rules President of Court proposes to make Order on 24 December 1979 fixing time-limits for written proceedings in case instituted by United States against Iran and for that purpose wishes to ascertain views of Your Excellency's Government pursuant Rules, Article 31. President has in mind fixing time-limit for United States Memorial expiring 15 January 1980 and proposes, subject to any views expressed by Government of Iran, to make Order in following terms:

[Same text as Order of 24 December 1979, *I.C.J. Reports 1979*, pp. 23-24]

May I request indication of views of Your Excellency's Government soonest possible and not later than Monday, 24 December?

37. LE GREFFIER AU MINISTRE DES AFFAIRES ÉTRANGÈRES D'AFGHANISTAN¹

21 décembre 1979.

Le Greffier de la Cour internationale de Justice a l'honneur de transmettre, sous ce pli, un exemplaire de l'ordonnance rendue par la Cour le 15 décembre 1979 sur la demande en indication de mesures conservatoires soumise par le Gouvernement des États-Unis d'Amérique en l'affaire relative au *Personnel diplomatique et consulaire des États-Unis à Téhéran*.

38. THE AGENT OF THE UNITED STATES OF AMERICA TO THE PRESIDENT OF THE COURT

Washington, 21 December 1979.

I have the honor to inform you that the Government of the United States has designated the Ambassador of the United States at The Hague, the Honorable Geri Joseph, as Deputy Agent in the case concerning *United States Diplomatic and Consular Staff in Tehran*.

I further wish to inform you that United States Counsel in the case, Mr. Stephen M. Schwebel, has been designated as Deputy Agent and Counsel.

39. THE REGISTRAR TO THE MINISTER FOR FOREIGN AFFAIRS OF IRAN

4 January 1980.

I have the honour to inform Your Excellency that the President of the Court has made an Order concerning time-limits in the terms set out in my telegram of 19 December 1979, of which a copy is enclosed, and to transmit herewith an official copy of that Order.

Further, printed copies of the Order will be dispatched to you next week.

40. THE REGISTRAR TO THE AGENT OF THE UNITED STATES OF AMERICA

4 January 1980.

I have the honour to transmit to you, herewith an official copy of the Order dated 24 December 1979 by which the President of the Court fixed time-limits for the written proceedings in the case concerning *United States Diplomatic and*

¹ Une communication analogue a été adressée aux autres États admis à ester devant la Cour.

Consular Staff in Tehran and to enclose for your information a copy of a telegram on the subject which was sent to the Minister for Foreign Affairs of Iran on 19 December 1979 and to which no reply has been received.

Further, printed copies of the Order will be dispatched to you next week.

41. THE AGENT OF THE UNITED STATES OF AMERICA TO THE REGISTRAR

Washington, 14 January 1980.

I wish to thank you for your kind letter¹ of 18 December 1979, enclosing a copy of a Note for the parties concerning the printing of pleadings.

I take pleasure in sending you herewith:

(a) A copy signed by me as Agent of the Government of the United States of America of the United States Memorial² in the case concerning *United States Diplomatic and Consular Staff in Tehran*;

(b) A second copy of the Memorial, in which, pursuant to Article 52, paragraph 1, of the Rules of Court, I certify the pleading and the documents annexed to it; and

(c) 123 additional copies of the Memorial, in which my name is printed as Agent but which I have not signed.

42. THE REGISTRAR TO THE MINISTER FOR FOREIGN AFFAIRS OF IRAN

(telegram)

15 January 1980.

Have honour inform your Excellency that United States Memorial was filed today, 15 January. Certified copy has been dispatched to you by registered express airmail.

43. THE AGENT OF THE UNITED STATES OF AMERICA TO THE REGISTRAR

Washington, 29 January 1980.

In connection with the case concerning *United States Diplomatic and Consular Staff in Tehran*, the Deputy Agent of the United States, Ambassador Geri Joseph, will be absent from The Hague from 14 February to 22 March 1980.

I accordingly wish to name the United States Deputy Chief of Mission, Mr. Thomas J. Dunnigan, who will be Chargé d'Affaires during that period, as a Deputy Agent of the United States in the case.

¹ Not reproduced.

² See pp. 123-247, *supra*.

44. THE DEPUTY AGENT OF THE UNITED STATES OF AMERICA TO THE REGISTRAR¹

31 January 1980.

On behalf of the United States Agent and in respect of the current proceedings before the Court in the case concerning *United States Diplomatic and Consular Staff in Tehran*, I would be grateful if you would draw to the attention of the President and Members of the Court the continuing urgency which the Government of the United States attaches to the disposition of the case.

In the view of the Government of the United States, the importance of an early judgment by the Court on the merits of the case is acute. The urgency of a judgment stems from the nature of the claims, the dangerous and demeaning circumstances of the hostages, the threat to the peace which the detention of the hostages poses, and the failure of the Government of the Islamic Republic of Iran to comply with the provisional measures indicated by the Court in its Order of 15 December 1979.

Pursuant to the Order of the President of the Court of 24 December 1979, the Government of the United States filed its Memorial on 15 January 1980. Under that Order, the Government of Iran is scheduled to file its counter-memorial on or before 18 February 1980. The Order reserved subsequent procedure for further decision.

In the event that Iran does not file a counter-memorial by 18 February 1980, and does not seek in pursuance of the Order of 24 December a reconsideration of that time-limit, the Government of the United States will be prepared to proceed with the oral hearing immediately thereafter and would respectfully request that the Court schedule the hearing prior to the end of the month of February. In the event that Iran does file a counter-memorial by 18 February 1980, the Government of the United States would remain at the disposal of the Court in order to submit its views on the timing of future proceedings.

(Signed) Geri M. JOSEPH.

45. THE REGISTRAR TO THE MINISTER FOR FOREIGN AFFAIRS OF IRAN

31 January 1980.

I have the honour to transmit herewith to Your Excellency a certified copy of a letter which the Honorable Geri M. Joseph, Deputy Agent of the United States of America, addressed to me today on the subject of the case concerning *United States Diplomatic and Consular Staff in Tehran*.

46. THE REGISTRAR TO THE MINISTER FOR FOREIGN AFFAIRS OF IRAN²

1 February 1980.

I have the honour to send you herewith for your information copies of a translation into French of the Memorial of the United States of America in the

¹ See also *I.C.J. Reports 1980*, p. 22, para. 41.

² A communication in the same terms was sent to the Agent of the United States of America.

case concerning *United States Diplomatic and Consular Staff in Tehran*. This translation has been produced by the Registry for the use of Members of the Court and has no official character whatever.

47. THE REGISTRAR TO THE SECRETARY-GENERAL OF THE UNITED NATIONS
(*telex*)

21 February 1980.

Further proceedings in the case concerning *United States Diplomatic and Consular Staff in Tehran* due to be considered shortly. President would appreciate communication of any available information on the terms of reference of the Commission going to Tehran. In particular will the Commission report to the Secretary-General or to the two States concerned? Most grateful for early reply.

48. THE LEGAL COUNSEL OF THE UNITED NATIONS TO THE REGISTRAR
(*telex*)

21 February 1980.

In response to your cable to the Secretary-General following is statement made by Secretary-General on 20 February:

[*See p. 455, supra*]

This statement contains information requested in aforementioned cable.

49. THE REGISTRAR TO THE MINISTER FOR FOREIGN AFFAIRS OF IRAN
(*telex*)

28 February 1980.

I have the honour to refer Your Excellency to the Order of 24 December 1979 in the case instituted by the United States against Iran, under which 18 February 1980 was fixed as the time-limit for the filing of the Counter-Memorial of the Islamic Republic of Iran with liberty for the Republic to apply for reconsideration of that time-limit. As Your Excellency will be aware a Counter-Memorial has not been filed by the Islamic Republic and no request has been made by it for the reconsideration of the time-limit.

I have the further honour to inform you that the President of the Court considers that he must now assume that it is not the intention of the Islamic Republic to avail itself of the possibility of an extension of the time-limit provided for in the above mentioned Order. The President has therefore to fix the subsequent procedure in the case in accordance with the Statute and the Rules of Court.

Under Article 54 of the Rules of Court upon the closure of the written proceedings the case has become ready for hearing and the date for the opening of the oral hearings has now to be fixed. For this purpose, pursuant to Article 31 of the Rules, the President desires to ascertain the views of Your Excellency's

Government. Monday, 17 March 1980, appears to him to be one possible date for the opening of the hearings, but he would be glad to receive any views which Your Excellency's Government may wish to express in regard to such date. May I, however, respectfully request that any indication of your views may be forwarded to me as soon as possible to reach me not later than 10 March 1980.

50. THE DEPUTY AGENT OF THE UNITED STATES OF AMERICA TO THE REGISTRAR

11 March 1980.

On behalf of the United States Agent and in respect of the current proceedings before the Court in the case concerning the *United States Diplomatic and Consular Staff in Tehran*, I would be grateful if you would convey to the Court that the United States is prepared to proceed with the oral hearings. We would wish to suggest for the Court's consideration that the oral hearings begin on Monday, 17 March 1980.

(Signed) Thomas J. DUNNIGAN.

51. THE REGISTRAR TO THE MINISTER FOR FOREIGN AFFAIRS OF IRAN

(telex)

12 March 1980.

I have the honour to transmit herewith to Your Excellency the following text of a letter to the Registrar dated 11 March 1980 from the Deputy Agent of the USA in the case instituted by the USA against Iran:

[See No. 50, supra]

I have the further honour to inform Your Excellency that the Court is meeting on Monday afternoon, 17 March 1980, to determine subsequent procedure. The President of the Court would be glad to receive any views which Your Excellency's Government may wish to express in regard to the aforementioned letter of 11 March 1980. May I further respectfully request that any indication of your views may be forwarded to me as soon as possible to reach me not later than 1 p.m. on 17 March 1980.

52. THE PRESIDENT OF THE COURT TO THE SECRETARY-GENERAL OF THE UNITED NATIONS

(telex)

13 March 1980.

I have the honour to refer to your statement of 20 February 1980 announcing the "establishment of a Commission of enquiry to undertake a fact-finding mission to Iran to hear Iran's grievances and to allow for an early solution of the crisis between Iran and the United States". I should be grateful to be advised whether any further information is now available regarding the terms of reference of the commission. In that event, I should much appreciate it if you could see your way to have the information forwarded to me at your very early convenience.

53. THE SECRETARY-GENERAL OF THE UNITED NATIONS TO THE PRESIDENT OF THE COURT*(telex)*

15 March 1980.

With reference to your cable of 13 March, I should like to inform you that in pursuance of my statement of 20 February, the Commission of inquiry established to undertake a fact-finding mission to Iran arrived in Tehran on 23 February. Upon its arrival, the Commission issued a statement indicating that it had travelled to Iran in order to fulfil the mandate entrusted to it "to undertake a fact-finding mission to Iran to hear Iran's grievances and to allow for an early solution of the crisis between Iran and the United States".

[See pp. 457-458, supra]

On 11 March, on its departure from Tehran, the Commission issued a communiqué as follows:

"With the active co-operation of the Iranian authorities, the Commission of inquiry undertook its task in regard to the consideration of all of Iran's grievances, and it stands ready to receive any relevant further documentation that the Iranian authorities have indicated that they wish to submit.

With respect to its contribution to resolving the international crisis, the Commission considered it imperative, in the light of recent developments, to proceed to New York in order to confer with the Secretary-General of the United Nations with a view to pursuing its task, which it regards as indivisible. Under these circumstances, the Commission is not in a position to prepare its report. It has informed the Iranian Government accordingly."

The Commission remained in New York from 12 to 14 March. The following statement was then issued:

"The Secretary-General held three meetings with the Commission of inquiry from 12 to 14 March 1980, at which a detailed review was made of the work carried out by the Commission in Tehran. The Commission informed the Secretary-General of the consultations held with the Iranian authorities on the implementation of its mandate, which it regards as indivisible. The Secretary-General and the Commission also discussed its future activities.

The Secretary-General expressed to the members of the Commission his appreciation for their untiring and dedicated efforts in the fulfilment of the tasks entrusted to them. The Secretary-General will remain in contact with the parties and the Commission regarding the resumption of its work."

(Signed) Kurt WALDHEIM.**54. THE CHARGÉ D'AFFAIRES OF IRAN TO THE NETHERLANDS TO THE REGISTRAR***(telex)*

17 March 1980.

I have the honour to transmit hereby the telex received from Minister for Foreign Affairs of the Islamic Republic of Iran addressed to the President of the I.C.J.

[See pp. 253-254, supra]

55. THE REGISTRAR TO THE MINISTER FOR FOREIGN AFFAIRS OF IRAN

(telex)

17 March 1980.

Have honour inform Your Excellency that public hearings will open at 3 p.m. on Tuesday, 18 March 1980. Following is text of communiqué now being issued by the Registry:

"Following the delivery on 15 December 1979 of the Order indicating provisional measures, the proceedings have taken the course laid down in the Statute and the Rules of Court.

By an Order of 24 December 1979 the President of the Court fixed 15 January 1980 as the time-limit for the filing of a Memorial by the United States, and 18 February 1980 as that for the filing of a Counter-Memorial by the Islamic Republic of Iran, with liberty for the Islamic Republic, if it appointed an Agent for the purpose of appearing before the Court and presenting its observations on the case, to apply for reconsideration of the latter time-limit.

The United States filed its Memorial within the time-limit appointed. The Islamic Republic of Iran did not however file a Counter-Memorial or apply for an extension of the time-limit.

The phase of written proceedings have thus ended, the Court has now come to the oral phase and has fixed Tuesday, 18 March, at 3 p.m., as the date on which public hearings are to begin."

56. THE REGISTRAR TO THE MINISTER FOR FOREIGN AFFAIRS OF IRAN

18 March 1980.

I have the honour to inform Your Excellency that I have sent under separate cover three copies of the provisional verbatim record of the public hearing held today in the case concerning *United States Diplomatic and Consular Staff in Tehran*.

You will similarly be sent three copies of all further verbatim records in the case.

57. THE REGISTRAR TO THE MINISTER FOR FOREIGN AFFAIRS OF IRAN¹*(telex)*

18 March 1980.

I have the honour to refer to Article 53, paragraph 2, of the Rules of Court, which provides that "the Court may, after ascertaining the views of the parties, decide that copies of the pleadings and documents annexed shall be made accessible to the public on or after opening of the oral proceedings".

I shall be obliged if Your Excellency would communicate to the Court as soon as possible any views which the Government of the Islamic Republic of Iran may

¹ A similar communication was sent to the Agent of the United States of America.

desire to express on this question in respect of the case concerning *United States Diplomatic and Consular Staff in Tehran*.

58. THE AGENT OF THE UNITED STATES OF AMERICA TO THE REGISTRAR

18 March 1980.

I wish to acknowledge with thanks your kind letter of 18 March 1980 referring to the provision of Article 53, paragraph 2, of the Rules of Court, respecting making pleadings and documents accessible to the public.

I have the honor to inform you that the Government of the United States favors now making available to the public the pleadings and annexed documents filed by the United States in the case concerning *United States Diplomatic and Consular Staff in Tehran*.

59. THE AGENT OF THE UNITED STATES OF AMERICA TO THE REGISTRAR

19 March 1980.

Inquiry has been raised about the nature and public character of the reports of the United States Foreign Broadcast Information Service, transcribed passages of which have been reproduced in the United States Memorial and oral arguments in the case concerning *United States Diplomatic and Consular Staff in Tehran*.

I take pleasure in attaching a letter¹ of 14 March 1980 from Mr. John F. Pereira, Director of the Foreign Broadcast Information Service, which describes the accuracy, authenticity, and public availability of FBIS publications.

I should add that, in a number of cases, the United States Memorial and oral argument reproduce or refer to excerpts from FBIS materials relating to Iran and do not provide the full texts of those materials. Those full texts are on file in Washington and can be provided to the Court in any instance where it may be requested.

60. THE REGISTRAR TO THE MINISTER FOR FOREIGN AFFAIRS OF IRAN

(telex)

19 March 1980.

I have the honour to inform Your Excellency that with the record of today's hearing you will also receive three photocopies of a letter of today's date handed to me by the Agent of the United States and reading as follows:

[See No. 59, supra]

Letter of Mr. Pereira reads as follows:

[See pp. 329-330, supra]

¹ See pp. 329-330, supra.

61. THE AGENT OF THE UNITED STATES OF AMERICA TO THE REGISTRAR

19 March 1980.

In accordance with Article 56 of the Rules of Court, I have the honor of submitting herewith Supplemental Documents¹ in the case concerning *United States Diplomatic and Consular Staff in Tehran*. These documents consist of public statements which are readily available, consisting as they do of publications of the Foreign Broadcast Information Service, of the United Nations Department of Public Information, and White House or Department of State press releases.

I hereby attest to and certify the accuracy of the attached Supplemental Documents.

62. THE REGISTRAR TO THE MINISTER FOR FOREIGN AFFAIRS OF IRAN*(telex)*

20 March 1980.

I have the honour to inform Your Excellency that I have received the following letter from the Agent of the United States:

[See No. 61, supra]

A complete set of the documents referred to, covered by an original letter of certification in the aforesaid terms, is being sent to you by express airmail.

63. THE REGISTRAR TO THE MINISTER FOR FOREIGN AFFAIRS OF IRAN

20 March 1980.

I have the honour to enclose for Your Excellency's convenience a copy of the unofficial French translation, prepared by the Registry, of the provisional verbatim record of the public sitting of 18 March 1980 in the case concerning *United States Diplomatic and Consular Staff in Tehran*, and to advise you that a copy of the French translations of the records of the further hearings will also be sent to you when completed.

I take this opportunity of further advising Your Excellency that copies of each of the original verbatim records of the present hearings, incorporating the corrections made by the Agent and Counsel of the United States of America, pursuant to Article 71, paragraph 4, of the Rules of Court, will be sent to you shortly in one dispatch.

64. THE AGENT OF THE UNITED STATES OF AMERICA TO THE REGISTRAR

20 March 1980.

Pursuant to Article 60, paragraph 2, of the Rules of Court, I have the honor to attach a signed copy of the final submissions of the Government of the United

¹ See pp. 331-462, *supra*.

States of America in the case concerning *United States Diplomatic and Consular Staff in Tehran*.

[See pp. 190-191, *supra*]

65. THE REGISTRAR TO THE MINISTER FOR FOREIGN AFFAIRS OF IRAN
(*telex*)

20 March 1980.

I have the honour to inform Your Excellency that a copy of the final submissions of the United States is being dispatched to you today in accordance with Article 60 (2) of the Rules of Court. For your immediate information their text is identical with the submissions appearing in the Memorial¹.

66. THE REGISTRAR TO THE AGENT OF THE UNITED STATES OF AMERICA

21 March 1980.

On the instructions of the President of the Court I have the honour to send you herewith the text of an additional question which has been put by Judge Gros in the case concerning *United States Diplomatic and Consular Staff in Tehran*.

I would appreciate it if your reply² were submitted in writing as soon as possible.

Question de M. Gros

A l'audience du 19 mars 1980 (CR 80/2)³, Monsieur l'agent du Gouvernement des Etats-Unis a donné quelques exemples du genre de traitement infligé à des otages pendant les premières semaines de leur captivité. Monsieur l'agent pourrait-il adresser à la Cour un exposé sur les différents témoignages recueillis auprès de ces otages décrivant plus complètement les diverses mesures qui leur furent imposées?

67. THE REGISTRAR TO THE MINISTER FOR FOREIGN AFFAIRS OF IRAN
(*telex*)

21 March 1980.

I have the honour to inform Your Excellency that on the close of the oral proceedings in the case concerning *United States Diplomatic and Consular Staff in Tehran* Judge Gros requested that the following additional question be put to the agent of the United States:

[See No. 66, *supra*]

This question has been transmitted to the Agent of the United States with a request for an early written answer.

¹ See pp. 190-191, *supra*.

² See pp. 463-474, *supra*.

³ See pp. 301-302, *supra*.

68. THE REGISTRAR TO THE MINISTER FOR FOREIGN AFFAIRS OF IRAN¹
(*telex*)

25 March 1980.

I have the honour to refer to my telex message of 18 March, inviting the views of Your Excellency's Government on the question of making accessible to the public the pleadings and annexed documents in the case concerning *United States Diplomatic and Consular Staff in Tehran* pursuant to Article 53 of the Rules of Court.

I now have the honour to inform Your Excellency that the Court, taking into account the views of the United States, in a letter dated 18 March 1980, that "the Government of the United States favours now making available to the public the pleadings and annexed documents filed by the United States" in the case, and having given Your Excellency's Government an opportunity of giving its views, has decided to make the pleadings and annexed documents accessible to the public with effect from 25 March 1980.

69. THE REGISTRAR TO THE MINISTER FOR FOREIGN AFFAIRS OF IRAN
(*telex*)

28 March 1980.

With reference to my telex of 21 March I have the honour to inform you that I have received from the United States Deputy Agent in The Hague a letter of today's date in the following terms:

[*See pp. 463-474, supra*]

A copy of the letter and of its six enclosures are being dispatched to you.

70. THE REGISTRAR TO THE AGENT OF THE UNITED STATES OF AMERICA
(*telex*)

10 April 1980.

On the instructions of the President of the Court I have the honour to send you the following request, in accordance with Article 49 of the Statute of the Court, for additional information in the case concerning *United States Diplomatic and Consular Staff in Tehran* to be supplied as soon as possible²:

1. A copy of the official text of the announcement by President Carter of the breaking-off of diplomatic relations between the United States and Iran.
2. Copies of any official statements of the United States Government made in connection therewith.
3. A copy of the diplomatic Note delivered to the Iranian Chargé d'Affaires informing him of the breaking-off of diplomatic relations between the United States and Iran.

¹ A similar communication was sent to the Agent of the United States of America.

² See pp. 475-482, *supra*.

4. Information as to statements relevant thereto made by Iranian authorities or by those holding the hostages immediately preceding or following upon President Carter's announcement of the breaking-off of diplomatic relations.

71. THE REGISTRAR TO THE MINISTER FOR FOREIGN AFFAIRS OF IRAN
(*telex*)

10 April 1980.

I have the honour to communicate hereunder to Your Excellency the text of a message I have sent by telex today to the Agent of the United States in the case concerning the *United States Diplomatic and Consular Staff in Tehran*:

[*See No. 70, supra*]

72. THE REGISTRAR TO THE MINISTER FOR FOREIGN AFFAIRS OF IRAN
(*telex*)

15 April 1980.

I have the honour to refer to my telex communication of 10 April, and to transmit to you below the text of a letter dated 15 April 1980 and received today from the Deputy Agent of the United States in the case concerning *United States Diplomatic and Consular Staff in Tehran*:

[*See pp. 475-482, supra*]

That letter enclosed the texts of an announcement by President Carter on 8 April 1980, State Department press release of 8 April 1980, memorandum for Secretary of the Treasury of 7 April 1980, Note delivered to Iranian Embassy in Washington on 7 April 1980, and a number of reports of statements relevant to the breaking-off of relations said to have been made by Iranian authorities or by those holding the hostages immediately preceding or following President Carter's announcement. A copy of the letter and of these texts is being airmailed to Your Excellency today.

73. THE REGISTRAR TO THE DEPUTY AGENT OF THE UNITED STATES OF AMERICA

17 April 1980.

I have the honour to transmit to Your Excellency the enclosed additional question addressed by Judge Gros to the Agent of the United States in the case concerning *United States Diplomatic and Consular Staff in Tehran*, together with an unofficial translation thereof.

Question de M. Gros

L'attaque, le 14 février 1979, de l'ambassade des Etats-Unis à Téhéran et la capture du personnel diplomatique qui s'y trouvait sont décrites dans la *Revue générale de droit international public*, 1979, pages 1023-1024, de la manière suivante:

«ÉTATS-UNIS ET IRAN

*Attaque de l'ambassade des Etats-Unis à Téhéran
(14 février 1979)*

Un groupe d'Iraniens armés déclarant appartenir au «fedayin» (guérilleros iraniens marxistes-léninistes) a pris pendant quelques heures, dans la matinée du 14 février 1979, le contrôle de l'ambassade des Etats-Unis à Téhéran, faisant prisonnières les soixante-dix personnes qui s'y trouvaient, y compris l'ambassadeur, M. William Sullivan. Des membres du Gouvernement iranien, le vice-premier ministre et le ministre des affaires étrangères, sont alors venus sur place pour veiller au rétablissement de l'ordre et à la restitution de l'ambassade à ses occupants légitimes. On comptait deux morts parmi les assaillants et deux blessés légers dans les rangs des *marines* qui défendaient l'ambassade.

L'attaque armée avait commencé vers 10 heures du matin par de violents tirs d'armes automatiques à partir des toits des immeubles entourant l'ambassade. Les dix-neuf *marines* chargés de la protection du bâtiment avaient riposté. D'après un témoin M. Sullivan avait ordonné aux fusiliers marins de cesser le feu pour éviter une plus grande effusion de sang et le personnel de l'ambassade «s'était rendu». Selon l'agence Reuter les combats ont duré une heure et vingt minutes. L'ambassadeur et son personnel auraient été vus quittant le bâtiment les larmes aux yeux à la suite de l'utilisation de gaz lacrymogène. Certains membres du personnel avaient les mains en l'air. L'ayatollah Khomeiny a condamné l'attaque de la représentation diplomatique américaine dès qu'il en a eu connaissance.

Au cours de l'attaque les techniciens de l'ambassade avaient brûlé ou mis hors d'usage le matériel électronique de communication et des codes d'une valeur de 500 000 dollars. Les assaillants avaient commis d'importants dégâts à l'intérieur de l'immeuble, brisant des vitres et jetant des livres à terre¹.

¹ *Monde* des 15 et 16 février; *Matin*, *Figaro*, *Journal de Genève* et *International Herald Tribune* du 15 février 1979.»

Le récit de ces événements est ainsi complété dans *Keesing's Contemporary Archives*, 1979, page 29745: «M. Sullivan (l'ambassadeur des Etats-Unis) était, dit-on [menacé] avec un couteau tenu sur son cou.»

Monsieur l'agent du Gouvernement des Etats-Unis peut-il, d'une part, confirmer l'exactitude de toutes ces indications, d'autre part, préciser quelles autorités gouvernementales intervinrent pour mettre fin à la capture du personnel diplomatique le 14 février 1979, de quelle manière et dans quels délais?

74. THE REGISTRAR TO THE MINISTER FOR FOREIGN AFFAIRS OF IRAN

(telex)

18 April 1980.

I have the honour to inform Your Excellency that the following question was yesterday transmitted on behalf of Judge Gros to the Deputy Agent of the United States concerning *United States Diplomatic and Consular Staff in Tehran*:

[See No. 73, supra]

75. THE REGISTRAR TO THE MINISTER FOR FOREIGN AFFAIRS OF IRAN
(*telex*)

22 April 1980.

I have the honour to refer to my telex communication of 18 April 1980 and to transcribe below the text of the reply received today from the Deputy Agent of the United States in the case concerning *United States Diplomatic and Consular Staff in Tehran* to the question put by Judge Gros on 17 April:

[*See p. 483, supra*]

76. THE DEPUTY AGENT OF THE UNITED STATES OF AMERICA TO THE REGISTRAR

23 April 1980.

On behalf of the Government of the United States, I have the honor to respond to the question of Judge Gros, dated April 17, 1980:

[*Text handed to the Registrar on 22 April 1980; see p. 483, supra*]

(*Signed*) Geri M. JOSEPH.

77. THE REGISTRAR TO THE DEPUTY AGENT OF THE UNITED STATES OF AMERICA

25 April 1980.

I have the honour to inform Your Excellency that the President of the Court desires to receive official communication of any statements made by or on behalf of the President and Government of the United States regarding the operation which is the subject-matter of the statement reported to have been made today by the President of the United States of America and of any further official statements that may subsequently be made with regard to that matter.

78. THE REGISTRAR TO THE MINISTER FOR FOREIGN AFFAIRS OF IRAN
(*telex*)

25 April 1980.

I have the honour to inform Your Excellency that I have today addressed to the United States Deputy Agent in The Hague a letter in the following terms:

[*See No. 77, supra*]

79. THE DEPUTY AGENT OF THE UNITED STATES OF AMERICA TO THE REGISTRAR

1 May 1980.

On behalf of the Government of the United States, I have the honor to refer to the Court's request of 25 April 1980, for additional information relating to the

case concerning *United States Diplomatic and Consular Staff in Tehran*, and to attach the information¹ which the Court has requested.

(Signed) Geri M. JOSEPH.

80. THE REGISTRAR TO THE MINISTER FOR FOREIGN AFFAIRS OF IRAN

(telex)

1 May 1980.

I have the honour to inform Your Excellency that in response to the request for additional information which I conveyed on 25 April to the United States Deputy Agent in The Hague I have received from the Government of the United States communication of the following public statements made on that date:

1. 1.15 a.m. est. White House announcement,
2. 7 a.m. est. statement by President Carter,
3. United States report to Security Council under Charter, Article 51,
4. statement of United States Secretary of Defense.

In addition the United States Government supplied the text of President Carter's letter of 26 April 1980 to the Speaker of the House of Representatives and the President *pro tempore* of the Senate, a text which has likewise been made public.

81. THE REGISTRAR TO THE MINISTER FOR FOREIGN AFFAIRS OF IRAN²

(telegram)

21 May 1980.

Have honour inform you Court will hold public sitting in Peace Palace, Saturday 24 May, at 10 hours for purpose of delivering its judgment in case concerning *United States Diplomatic and Consular Staff in Tehran*.

82. THE REGISTRAR TO THE MINISTER FOR FOREIGN AFFAIRS OF IRAN

(telex)

24 May 1980.

Have honour inform you that today, 24 May 1980, Court composed as follows: President Sir Humphrey Waldoock, Vice-President Elias, Judges Forster, Gros, Lachs, Morozov, Nagendra Singh, Ruda, Mosler, Tarazi, Oda, Ago, El-Erian, Sette-Camera and Baxter delivered at a public sitting a Judgment the operative part of which is as follows:

[See *I.C.J. Reports 1980*, pp. 44-45]

¹ See pp. 484-489, *supra*.

² Similar communications were sent to the Agent of the United States of America and to the Secretary-General of the United Nations.

Texte français: [Ibid.]

The English text is authoritative. An official copy of the full Judgment has been dispatched to you today. Other official copy has been handed to Agent of United States.

83. THE REGISTRAR TO THE SECRETARY-GENERAL OF THE UNITED NATIONS
(*telex*)

24 May 1980.

Have honour inform you that today, 24 May 1980, International Court of Justice delivered at a public sitting a Judgment in the case concerning *United States Diplomatic and Consular Staff in Tehran (United States of America v. Iran)*, the operative part of which is as follows:

[See *I.C.J. Reports 1980*, pp. 44-45]

Texte français: [Ibid.]

84. LE GREFFIER AU MINISTRE DES AFFAIRES ÉTRANGÈRES D'AFGHANISTAN¹

12 juin 1980.

Le Greffier de la Cour internationale de Justice a l'honneur de transmettre, sous ce pli, un exemplaire de l'arrêt rendu par la Cour le 24 mai 1980 en l'affaire du *Personnel diplomatique et consulaire des Etats-Unis à Téhéran*.

85. THE REGISTRAR TO THE SECRETARY-GENERAL OF THE UNITED NATIONS

18 June 1980.

Pursuant to Article 95, paragraph 3, of the Rules of Court, I have the honour to send you herewith a copy of the Judgment delivered by the Court on 24 May 1980 in the case concerning *United States Diplomatic and Consular Staff in Tehran*.

You will recall that with a letter of 15 December 1979 I sent you a copy, for transmission to the Security Council, of the Order made by the Court on that date indicating provisional measures in this case. May I draw your attention to the fact that such measures were expressed to be indicated by the Court "pending its final decision in the proceedings".

¹ Une communication analogue a été adressée aux autres Etats admis à ester devant la Cour.

86. THE SECRETARY-GENERAL OF THE UNITED NATIONS TO THE PRESIDENT OF THE COURT
(*telex*)

20 January 1981.

The following letter dated 19 January 1981 from the Permanent Representative of the United States of America to the United Nations was handed over to me today:

"Excellency,

I have the honor to transmit the following message from the President of the United States:

'I am pleased to inform you that we have reached an agreement to free the 52 Americans now held hostage in Iran. We expect they will leave Iran shortly on their way home to the United States. I would appreciate it if you would inform officially the members of the United Nations Security Council, the representatives of Member States of the United Nations and the President of the International Court of Justice of this development.

With the release of our hostages, the United States considers that Iran has complied fully with Security Council resolutions 457 of December 4, 1979 and 461 of December 31, 1979 and with the Judgment of the International Court of Justice of May 24, 1980.

The United States has greatly appreciated your tireless public and private efforts, as well as those of the Security Council and other Member States who for the past year have sought means to gain the release of the hostages. We are particularly indebted to you, the members of your staff, and the national representatives who served on the United Nations Commission which travelled to Iran last year in search of a solution to this crisis.

This long ordeal for the hostages, their families and the people of the United States is now over. The United States Government hopes and believes that with the end to this extraordinarily difficult period for the international community all of us will be able to consider together how we might best ensure that such an occurrence is not repeated so that international relations among nations can better develop on a normal and constructive basis. My Government pledges itself to that objective.

Once again, Mr. Secretary-General, my Government extends its deepest gratitude to you and Member States of the United Nations who have worked and agonized with us over the past year.

Jimmy CARTER.'

Accept, Excellency, the assurances of my highest consideration.

Sincerely,

Donald F. MCHENRY."

87. THE REGISTRAR TO THE AGENT OF THE UNITED STATES OF AMERICA

23 February 1981.

The Secretary-General of the United Nations has communicated to the President of the International Court of Justice the text of a letter dated 19 January 1981 from the Permanent Representative of the United States of

America, transmitting a message whereby the President of the United States informed the Secretary-General that an agreement has been reached for the freeing of the American citizens held in Iran and stated that, with their release, the United States considered that Iran had fully complied with Security Council resolutions 457 and 461 and with the Court's Judgment of 24 May 1980.

You will recall that at the conclusion of that Judgment the Court reserved the subsequent procedure in the case instituted by your Government concerning *United States Diplomatic and Consular Staff in Tehran*. The case accordingly remains upon the Court's General List, and I would venture to draw your attention to the provisions of the Rules of Court concerning the discontinuance of proceedings. I should also greatly appreciate it if, in any event, a certified copy of any official instrument incorporating the above-mentioned agreement were now to be furnished to the Court.

I write upon the instructions of the President and in view of the fact that the Court will shortly be assembling to deal with the judicial and other business upon its agenda.

(Signed) Santiago TORRES BERNÁRDEZ.

88. THE LEGAL COUNSEL OF THE UNITED NATIONS TO THE REGISTRAR

(telex)

10 March 1981.

Further our telephone conversation following is text of message addressed by US Secretary of State to Secretary-General:

"I have reference to the message delivered to you from President Carter on January 19, 1981, regarding the agreement of that date on the release of the 52 American nationals held hostage in Iran. That message includes a sentence stating that

'With the release of our hostages, the United States considers that Iran has complied fully with Security Council resolutions 457 of December 4, 1979, and 461 of December 31, 1979, and with the Judgment of the International Court of Justice of May 24, 1980.'

I should like to clarify that this sentence referred only to the requirement of release contained in these instruments. It will be understood, therefore, that the United States does not consider that Iran had responded fully to the letter or spirit of other requirements of the foregoing Security Council resolutions or of the Judgment of the International Court of Justice. For example, the Government of Iran has not returned to the United States the premises, property, archives and documents of the US Embassy in Tehran and of its Consulates in Iran, as ordered by the Court in its Judgment. Mr. Secretary-General, I should like to extend once again my Government's deepest gratitude to all those who sought to gain the release of our diplomats and other American citizens and to restore the rule of law to its rightful place in the protection of diplomats. I should be most appreciative if you would transmit this message to the Members of the United Nations Security Council and the representatives of member States of the United Nations. We will be communicating directly with the President of the International Court of Justice. Alexander Haig."

89. THE DEPUTY AGENT OF THE UNITED STATES OF AMERICA TO THE PRESIDENT OF THE COURT

6 April 1981.

The United States Agent has received the Registrar's letter of 23 February 1981 referring to the proceeding instituted by the Government of the United States of America on 29 November 1979 in the International Court of Justice against the Government of Iran in the case concerning *United States Diplomatic and Consular Staff in Tehran*. On 24 May 1980 the Court rendered judgment in the case for the United States, deciding that Iran had violated international law and was under an obligation to make reparation for the injuries caused, while reserving for subsequent procedure the form and amount of such reparation.

Effective 19 January 1981 the United States and Iran entered into certain mutual commitments in order to resolve the crisis arising out of the detention of the fifty-two United States nationals, and for the settlement of claims between the United States and Iran, as reflected in two declarations issued on that date by the Government of the Democratic and Popular Republic of Algeria. Those declarations provide that upon the certification by the Government of Algeria that the fifty-two US nationals had safely departed from Iran, "the United States will promptly withdraw all claims now pending against Iran before the International Court of Justice ...".

Accordingly, and in accordance with Rule 88 (1), I request, on behalf of the United States of America, that all pending proceedings relating to United States claims against Iran for reparation be discontinued. The United States reserves the right, however, to reinstitute such proceedings if the Government of Iran fails to live up to its commitments under the foregoing declarations. Independently of the foregoing, the United States reserves the right to seek redress in the Court if Iran fails to return promptly the premises, property, archives and documents of the United States Embassy in Tehran and of its Consulates in Iran.

With regard to the communication from the Secretary-General of the United Nations referred to in your letter, I should like to call your attention to the enclosed letter sent by Secretary of State Alexander M. Haig, Jr., to the Secretary-General on 3 March 1981¹. Secretary Haig's letter corrects a mistake in the prior correspondence and makes clear the United States view that Iran has not complied fully with the judgment of the Court of 24 May 1980.

(Signed) Thomas J. DUNNIGAN.

90. THE DEPUTY AGENT OF THE UNITED STATES OF AMERICA TO THE REGISTRAR

7 April 1981.

As promised, I am sending you a copy² of the "Algerian Declarations on Hostages Issue". As soon as we receive a certified copy of the declarations, I will forward it to you.

(Signed) Thomas J. DUNNIGAN.

¹ See No. 88, *supra*.

² Not reproduced.

91. THE PRESIDENT OF THE COURT TO THE DEPUTY AGENT OF THE UNITED STATES OF AMERICA

15 April 1981.

I write to acknowledge the receipt of your letter of 6 April 1981 relating to the proceedings in the case concerning *United States Diplomatic and Consular Staff in Tehran*, which I have duly brought to the attention of the Court.

In your letter you referred to "certain mutual commitments" entered into by the United States and Iran on 19 January 1981 "as reflected in two declarations issued on that date by the Government of the Democratic and Popular Republic of Algeria". On 23 February, as you will recall, the Registrar on my instructions asked that certified copies of any official instrument incorporating the above-mentioned agreement of 19 January 1981 should be furnished to the Court. Certified copies of the texts of the declarations to which you refer in your letter have not, however, yet been received by the Court, though copies of those declarations in the English language, published by the United States, have been communicated to it. Having regard to the significance of those declarations in the present connection, I must stress once more that the Court desires to be furnished at an early date with certified copies of the instruments incorporating the declarations. The Court desires further to be informed whether the declarations in question were drawn up in the English language and, if not, in what language and to be supplied with any language version in which the declarations may have been drawn up.

In paragraph 3 of your letter you state that "in accordance with Rule 88 (1)" you request, on behalf of the United States of America, "that all pending proceedings relating to United States claims against Iran for reparation be discontinued". This request, the Court notes, is accompanied by a reservation couched in the following terms:

"The United States reserves the right, however, to reinstitute such proceedings if the Government of Iran fails to live up to its commitments under the foregoing declarations."

The Court desires to be informed whether, by that sentence, the United States intends that the discontinuance which it requests of the proceedings provided for in paragraph 6 of the Court's Judgment of 24 May 1980 is to be subject to the condition that it shall retain the right, in the circumstances indicated in the sentence, to reinstitute and pursue those proceedings, notwithstanding the present request for their discontinuance. Article 88, paragraph 1, of the Rules provides, in certain circumstances, for the discontinuance, without any condition or qualification, of proceedings in a case and the removal of the case from the Court's list also without any condition or qualification. Accordingly, if the above is the meaning to be given to the sentence in question the discontinuance requested by your Government could not be considered by the Court as falling within the terms of Article 88, paragraph 1, of the Rules.

92. THE REGISTRAR TO THE MINISTER FOR FOREIGN AFFAIRS OF IRAN

15 April 1981.

I have the honour to enclose herewith a copy of a letter addressed on 6 April 1981 to the President of the Court by the Deputy Agent of the United States before the Court in the case concerning *United States Diplomatic and Consular Staff in Tehran* and also of the reply sent on 15 April 1981.

93. THE DEPUTY AGENT OF THE UNITED STATES OF AMERICA TO THE PRESIDENT OF THE COURT

1 May 1981.

Thank you for your letter of April 15, 1981, requesting clarification of the United States request of April 6, 1981, for discontinuance of proceedings in the case concerning the *United States Diplomatic and Consular Staff in Tehran*.

The United States considers Article 88 (1) the appropriate rule under which to seek a discontinuance, where, as here, the parties have concurred in such an action, but where the parties have not agreed that the order for removal of the case from the list should record that the agreement to discontinue is in consequence of having reached a settlement of the underlying dispute and have not agreed to indicate in or annex to the order the terms of such settlement.

In seeking a discontinuance, we intend that all currently pending proceedings relating to the United States claims against Iran for reparation be discontinued, and that the Court issue an order recording the discontinuance and directing the removal of those proceedings from the list. We understand that the effect of a discontinuance is exclusively procedural; that is, a discontinuance ends the current proceedings without affecting any right to institute new proceedings with regard to the same or related claims in the future, should circumstances so warrant. *Barcelona Traction, Light and Power Co., Limited, Preliminary Objections, Judgment, I.C.J. Reports 1964*, p. 6. The statement cited in your letter of April 15, 1981, that "The United States reserves the right, however, to reinstitute such proceedings if the Government of Iran fails to live up to its commitments under the foregoing declarations", was intended to reflect for the record our understanding that the request for discontinuance would neither renounce nor prejudice any further right of action with regard to these claims in the circumstances mentioned in that statement. The statement was not meant to condition or qualify the normal procedural effect of a discontinuance.

The United States hopes that the Court will consider this an adequate clarification.

(Signed) Thomas J. DUNNIGAN.

94. THE REGISTRAR TO THE MINISTER FOR FOREIGN AFFAIRS OF IRAN

4 May 1981.

Further to my letter of 15 April 1981, I have the honour to send Your Excellency herewith a copy of a letter addressed on 1 May 1981 to the President of the Court by the Deputy Agent of the United States in the case concerning *United States Diplomatic and Consular Staff in Tehran*. I have the honour further to inform Your Excellency that on 1 May 1981 the Deputy Agent of the United States filed in the Registry certified copies of the Declarations made by the Government of the Democratic and Popular Republic of Algeria on 19 January 1981, referred to in the letter from the President of the Court to the Deputy Agent dated 15 April 1981, together with related documents; a list of the documents so filed is attached hereto.

Documents¹ filed (in certified copy) in the Registry of the Court by the Deputy Agent of the United States of America on 1 May 1981

1. Declaration of the Government of the Democratic and Popular Republic of Algeria (Basic Declaration) (English texts).

¹ Not reproduced.

2. Undertakings of the Government of the United States of America and the Government of the Islamic Republic of Iran with Respect to the Declaration of the Government of the Democratic and Popular Republic of Algeria (English texts).
3. Declaration of the Government of the Democratic and Popular Republic of Algeria Concerning the Settlement of Claims by the Government of the United States of America and the Government of the Islamic Republic of Iran (English and Farsi texts).
4. Declaration of Adherence by the Government of the Islamic Republic of Iran to the Undertakings of the Government of the United States of America and the Government of the Islamic Republic of Iran with respect to the Declaration of the Government of the Democratic and Popular Republic of Algeria (English and Farsi texts).
5. Declaration of Adherence by the Government of the Islamic Republic of Iran to the two declarations issued by the Government of the Democratic and Popular Republic of Algeria relating to (1) the detention of the 52 United States nationals in Iran, and (2) the settlement of claims between Iran and the United States (English and Farsi texts).
6. Escrow Agreement among the Government of the United States of America, the Federal Reserve Bank of New York acting as fiscal agent of the United States, Bank Markazi Iran as an interested party and the Banque Centrale d'Algérie acting as ESCROW agent (English text).

95. THE REGISTRAR TO THE MINISTER FOR FOREIGN AFFAIRS OF IRAN¹

12 May 1981.

Further to my letters of 15 April and 4 May 1981 enclosing copies of correspondence with the Deputy Agent of the United States of America in the case concerning *United States Diplomatic and Consular Staff in Tehran*, I have the honour to inform Your Excellency that the President of the Court has today made an Order² recording the discontinuance of the proceedings and removing the case from the list. I enclose the sealed copy of the Order for the Government of the Islamic Republic of Iran; further printed copies will be despatched in due course.

96. THE REGISTRAR TO THE SECRETARY-GENERAL OF THE UNITED NATIONS

(telex)

13 May 1981.

I have the honour to inform you on 12 May 1981 the President of the Court made an Order recording the discontinuance of the proceedings in the case concerning *United States Diplomatic and Consular Staff in Tehran (United States of America v. Iran)* and removing the case from the list. Copies of the Order are being transmitted to you by mail.

¹ A similar communication was sent to the Agent of the United States of America.

² *I.C.J. Reports 1981*, p. 45.

97. LE GREFFE AU MINISTÈRE DES AFFAIRES ÉTRANGÈRES D'AFGHANISTAN¹

29 mai 1981.

Le Greffe de la Cour internationale de Justice, se référant à sa lettre du 6 décembre 1979 transmettant un exemplaire de la requête introductive d'instance en l'affaire relative au *Personnel diplomatique et consulaire des Etats-Unis à Téhéran (Etats-Unis d'Amérique c. Iran)*, ainsi qu'à sa communication du 12 juin 1980 à laquelle un exemplaire de l'arrêt rendu par la Cour le 24 mai 1980 en l'affaire était joint, a l'honneur de transmettre ci-inclus une copie de l'ordonnance par laquelle, le 12 mai 1981, le Président a prescrit de rayer ladite affaire du rôle de la Cour.

¹ La même communication a été adressée aux autres Etats admis à ester devant la Cour.

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