



INTERNATIONAL COURT OF JUSTICE

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Oil Platforms

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

Iran authorized to submit an additional written pleading relating solely to the United States counter-claim

THE HAGUE, 30 August 2001. The Vice-President of the International Court of Justice (ICJ), Judge Shi Jiuyong, has authorized the submission by Iran of an additional written pleading in the case concerning Oil Platforms (Islamic Republic of Iran v. United States of America).

In its Order of 10 March 1998, whereby it had found that the counter-claim submitted by the United States was admissible, the Court, after indicating that it considered it necessary for Iran to file a Reply and for the United States a Rejoinder, relating to the claims of both Parties, had added the following:

“it is necessary moreover, in order to ensure strict equality between the Parties, to reserve the right of Iran to present its views in writing a second time on the United States counter-claim, in an additional pleading the filing of which may be the subject of a subsequent Order”.

By a letter of 30 July 2001, Iran notified the Court that it wished to present its views in writing a second time on the counter-claim of the United States, in an additional pleading, and proposed that 23 September 2001 be fixed as the time-limit for the filing of the said pleading. By a letter of 16 August 2001, the United States indicated that it did not object to Iran’s request or to the date suggested by Iran for filing such a pleading, while reserving the right to request that the Court grant it the opportunity to respond to Iran’s pleading should such a response be warranted.

By an Order of 28 August 2001, the Vice-President of the Court, taking account of the agreement of the Parties, authorized the submission by Iran of an additional pleading relating solely to the counter-claim submitted by the United States and fixed 24 September 2001 as the time-limit for the filing of that pleading. The subsequent procedure was reserved for further decision.

History of the proceedings

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

In its Application, Iran founded the jurisdiction of the Court on Article XXI, paragraph 2, of the Iran/United States Treaty of Amity, Economic Relations and Consular Rights, signed at Tehran on 15 August 1955. Iran alleged that the destruction caused by several warships of the United States Navy, on 19 October 1987 and 18 April 1988, to three offshore oil production complexes, owned and operated for commercial purposes by the National Iranian Oil Company, constituted a fundamental breach of various provisions of the Treaty of Amity and of international law. It added that the United States was under an obligation to make reparations to Iran “for the violation of its international legal obligations”. In this connection Iran referred in particular to Article I of the 1955 Treaty, under which: “There shall be firm and enduring peace and sincere friendship between the United States of America and Iran”. It also referred to paragraph 1 of Article X which provides: “Between the territories of the two High Contracting Parties there shall be freedom of commerce and navigation”.

By an Order of 4 December 1992 the President of the Court fixed 31 May 1993 as the time-limit for the filing of a Memorial by Iran and 30 November 1993 as the time-limit for the filing of a Counter-Memorial by the United States. These time-limits were later extended to 8 June and 16 December 1993 at the request of Iran and with the agreement of the United States.

Within the extended time-limits, Iran filed its Memorial, then the United States raised a preliminary objection, stating that the Court had no jurisdiction to deal with the merits of the case. Iran presented a written statement of its observations and submissions on the preliminary objection within the time-limit fixed by the Court and public sittings to hear the oral arguments of the Parties were held between 16 and 24 September 1996. On 12 December 1996, the Court delivered a Judgment, in which it rejected the preliminary objection raised by the United States and found that it had jurisdiction, on the basis of Article XXI, paragraph 2, of the Treaty of 1955 to entertain the claims made by Iran, as the destruction of oil platforms was capable of having an adverse effect upon the freedom of commerce as guaranteed by Article X, paragraph 1, of the Treaty.

By an Order of 16 December 1996 the President of the Court fixed 23 June 1997 as the time-limit for the filing of a Counter-Memorial by the United States. Within this time-limit, the United States filed its Counter-Memorial and a counter-claim. In its counter-claim, the United States asked the Court to adjudge and declare that "in attacking vessels, laying mines in the Gulf and otherwise engaging in military actions in 1987-1988", Iran "breached its obligations to the United States" under Article X of the Treaty of Amity, Economic Relations and Consular Rights of 1955. Accordingly, it requested the Court to say that Iran was "under an obligation to make full reparation to the United States . . . in a form and amount to be determined by the Court at a subsequent stage of the proceedings". By a letter of 2 October 1997 Iran informed the Court that it had "serious objections to the admissibility of the United States counter-claim", as the latter did not meet, in its view, the requirements of Article 80 of the Rules of Court.

After the Parties had submitted written observations on the issue of the admissibility of the United States counter-claim the Court, by an Order of 10 March 1998, found that the counter-claim was "admissible as such" and that it formed "part of the current proceedings". It prescribed the submission of further written pleadings relating to the claims of both Parties (a Reply by Iran and a Rejoinder by the United States) and fixed 10 September 1998 and 23 November 1999 respectively as the time-limits for the filing of these. In order to ensure strict equality between the Parties, the Court further reserved the opportunity for Iran to present its views in writing a second time on the United States counter-claim, in an additional pleading the filing of which may be the subject of a subsequent Order.

The time-limits for the filing of the Reply of Iran and of the Rejoinder of the United States were extended at the request of Iran, for the first time by an Order of 26 May 1998, and for a second time by an Order of 8 December 1998. They were then fixed as 10 March 1999 and 23 November 2000 respectively. The Reply of Iran was filed within the time-limit thus extended. By an Order of 4 September 2000 the President of the Court extended, at the request of the United States, the time-limit for the deposit of the United States Rejoinder another time, to 23 March 2001. The Rejoinder of the United States was filed within that extended time-limit.

The full text of the Order will shortly be available on the Court's website at the following address:
<http://www.icj-cij.org>.

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