

## INTERNATIONAL COURT OF JUSTICE

YEAR 1981

1981  
12 May  
General List  
No. 64

12 May 1981

CASE CONCERNING UNITED STATES  
DIPLOMATIC AND CONSULAR STAFF  
IN TEHRAN

(UNITED STATES OF AMERICA v. IRAN)

## ORDER

The President of the International Court of Justice,

Having regard to Article 48 of the Statute of the Court and to Article 88 of the Rules of Court,

Having regard to the Application by the United States of America filed in the Registry of the Court on 29 November 1979 instituting proceedings against the Islamic Republic of Iran in respect of a dispute concerning the seizure and holding as hostages of members of the United States diplomatic and consular staff in Iran,

Having regard to the Judgment given by the Court on 24 May 1980 in the proceedings thus instituted, by which the Court decided *inter alia* that the Government of the Islamic Republic of Iran was under an obligation to make reparation to the Government of the United States of America for the injury caused to the latter in the circumstances described in the Judgment, and that the form and amount of such reparation, failing agreement between the Parties, should be settled by the Court, and reserved for that purpose the subsequent procedure in the case,

Whereas no request has been made to the Court to settle the form and amount of such reparation ;

Whereas by a letter dated 6 April 1981 the Deputy Agent of the United States informed the Court –

“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 U.S. nationals had safely departed from Iran, ‘the United States will promptly withdraw all claims now pending against Iran before the International Court of Justice . . . ’” ;

Whereas certified copies of the two Declarations of the Government of the Democratic and Popular Republic of Algeria dated 19 January 1981, referred to in the said letter, originals of which were on that date initialled by duly authorized representatives of the Government of the United States of America and the Government of the Islamic Republic of Iran, have since been furnished to the Court by the Deputy Agent of the United States ;

Whereas in the said letter of 6 April 1981 the Deputy Agent of the United States, referring to Article 88, paragraph 1, of the Rules of Court, requested on behalf of his Government that all proceedings pending before the Court relating to United States claims against Iran for reparation be discontinued ;

Whereas in the said letter the Deputy Agent of the United States nevertheless went on to state –

“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.” ;

Whereas in response to a letter from the President of the Court dated 15 April 1981, in which it was observed that a discontinuance subject to a right to reinstitute and pursue the proceedings could not be considered by the Court as falling within the terms of Article 88 of the Rules of Court, the Deputy Agent of the United States, by letter of 1 May 1981, gave certain explanations and informed the Court that

“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” ,

and that the statement in the letter of 6 April quoted above

“was not meant to condition or qualify the normal procedural effect of a discontinuance” ;

Whereas copies of the letters of 6 and 15 April and 1 May 1981, recited above, were transmitted by the Registrar to the Government of Iran ; and whereas no communication has been received from the Government of Iran ;

Whereas the Court has thus been notified separately by one of the Parties of a commitment by that Party, the Applicant in the case, in the context of an agreed settlement arrived at between the two Parties, that all its claims before the Court should be withdrawn ; and whereas the other Party, having been informed of such notification, has not addressed to the Court any observation ;

Having regard to the adherence by the Parties to the two Declarations of the Government of Algeria dated 19 January 1981 ;

Being satisfied that it is the common intention of the Parties that the proceedings before the Court should now be brought to an end by their unconditional discontinuance, and being satisfied that the case should accordingly be removed from the list ;

*Places on record* the discontinuance of the proceedings in the case, following upon an agreement between the Parties ; and

*Directs* that the case be removed from the list.

Done in English and in French, the English text being authoritative, at the Peace Palace, The Hague, this twelfth day of May, one thousand nine hundred and eighty-one, in three copies, one of which will be placed in the archives of the Court, and the others transmitted to the Government of the United States of America and the Government of the Islamic Republic of Iran, respectively.

(Signed) Humphrey WALDOCK,  
President.

(Signed) Santiago TORRES BERNÁRDEZ,  
Registrar.