

**INTERNATIONAL LAW PROFESSORS BLOG**

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## **International Court of Justice Allows Part of Iran's Case to Proceed Against the United States**

By International law Blogger



**The International Court of Justice delivered its judgment on the U.S. preliminary objections in *Certain Iranian Assets* (Islamic Republic of Iran v. United States of America) on February 13, 2019. The ICJ found that it has jurisdiction to entertain part of the Application of the Islamic Republic of Iran and that its Application is admissible.**

**Iran had brought the action against the United States in 2016, alleging various violations of the Iran-U.S. Treaty of Amity, Economic Relations, and Consular Rights. In 2017, the United States raised preliminary objections to the admissibility of Iran's Application and to the exercise of jurisdiction by the ICJ.**

**Iran argued that Iran and Iranian State-owned companies are entitled to immunity from the jurisdiction of U.S. courts and in respect of enforcement proceedings in the United States. Iran argued that the failure of the United States to recognize the separate juridical status and separate legal personality of Iranian companies violated its obligations under the Treaty of Amity and international law.**

**The United States asked the ICJ to dismiss all of Iran's claims as inadmissible.**

Among its findings, the ICJ held that the Treaty of Amity was still in force and that none of its provisions excluded certain matters from the jurisdiction of the ICJ. However the ICJ found that Iran's claims based on the alleged violation of sovereign immunities guaranteed by customary international law did not relate to the interpretation or application of the Treaty of Amity.

More information about the case [can be found by clicking here](#). Judges Peter Tomka of Slovakia and James Richard Crawford of Australia issued a joint separate opinion. Judges Patrick Linton Robinson of Jamaica and Kirill Gevorgian of the Russian Federation issued individual separate opinions, as did *ad hoc* judges Charles Brower (United States) and Djamchid Montaz (Islamic Republic of Iran). (The United States appointed an *ad hoc* judge because Judge Joan Donoghue recused herself from the case.) Judge Giorgio Gaja of Italy issued a declaration. The judgment and the separate opinions and declaration can be found at [www.icj-cij.org/en/case/164/judgments](http://www.icj-cij.org/en/case/164/judgments). The pdf of the Court's February 13 judgment can be found at [www.icj-cij.org/files/case-related/164/...](http://www.icj-cij.org/files/case-related/164/...)