



American Model United Nations
International Court of Justice

THE ISLAMIC REPUBLIC OF IRAN,)

APPLICANT)

V.)

THE UNITED STATES OF AMERICA,)

RESPONDENT)

MEMORIAL OF THE ISLAMIC REPUBLIC OF IRAN

COMES NOW the Islamic Republic of Iran and for their Memorial to the Court states the following:

STATEMENT OF LAW:

- a. The United States of America and Iran signed a “Treaty of Amity” on 15 August 1955, ratified by the United States on 14 September 1956, ratified by Iran 30 April 1957, and entering into force 16 June 1957. The United States and Iran, in this exchange, formally entered into a commercial and industrial state of exchange with one another. The United States has breached this treaty on several points specifically with Article IV, Paragraph 3, Article VIII, Paragraph 2, Article IX, Paragraph 2, and Article X, Paragraph 1.
- b. The United States violated both the direct and indirect agreement of the Amity Treaty. The violation of direct and indirect trade was produced with the attack of

19 October 1987 and with the issuance by Ronald Reagan, Chief of State of the United States of Executive Order 12613 placed on 30 October 1987, where the United States prohibited the importation of goods and services from Iran. The violation of indirect trade was witnessed on 18 April 1988 where the United States proceeded again to attack the Islamic Republic of Iran's oil platforms.

STATEMENT OF FACT:

In 1984 Iraq began attacking oil tankers traveling in the Persian Gulf in an attempt to disrupt Iran's oil trade. These attacks continued and were condemned by the U.N. Security Council on 1 June 1984 (Resolution 552). On 16 October 1987, a Kuwaiti tanker flying a United States flag, the Sea Isle City, was hit by an Iraqi missile. The United States, without evidence or review, blamed the Iraqi attack on Iran, and launched strikes against two Iranian offshore oil platforms in the Reshadat complex. As a result of the attack, one platform was completely destroyed and the other was 90 percent destroyed, with this destruction resulting in the complete stoppage of oil production. On 18 April 1988, the United States again attacked Iranian oil platforms and other commercial property of the Iranian state, resulting in further damage to oil production and commerce.

STATEMENT OF JURISDICTION

The Court has jurisdiction over this case because of the Treaty of Amity which was ratified by both Iran and the United States, and put into force June 16, 1957, included in Article XXI, Paragraph 2, states that, "Any dispute between the High Contracting Parties as to the interpretation or application of the present Treaty, not satisfactorily adjusted by diplomacy, shall be submitted to the International Court of Justice, unless the High Contracting Parties agree to settlement by some other pacific means."

ARGUMENTS

I. Iran did not attack the United States.

There is no documented or valid evidence that provoked the attacks on the off-shore oil platforms from the United States. Claims made to that nature are based purely on speculation, and the United States did not try to resolve these issues through diplomacy, instead acting in direct violation of the Amity Treaty with the blatant molestation of Article IV, Paragraph 3.

II. The United States attacks on the Iran's oil platforms violated several clauses of the Amity Treaty.

In addition to Article IV, the United States attacks devastated the ability of Iran to conduct normal oil commerce operations and violated in particular Article X, Paragraph 1 which states, "Between the territories of the two High Contracting Parties there shall be freedom of commerce and navigation." By ensuring the destruction and loss of productivity of the Reshadat and other oil complexes, the United States restricted Iran's freedom of commerce.

III. Other restrictions of the United States through an Executive Order Embargo also violated the Amity Treaty.

The executive order issued by the United States October 30, 1987 barred the importation of Iranian goods with three particular exceptions. The fact that these various goods and services were not subjected to similar importing constriction from third parties or nations causes such an executive order to be in violation of Article VIII, Paragraph 2 which states, "Neither High Contracting Party shall impose restrictions or prohibitions on the importation of any product of the other High Contracting Party or on the exportation of any product to the territories of the other High Contracting Party, unless the importation of the like product of, or the exportation of the like product to, all third countries is similarly restricted or prohibited," and Article IX, Paragraph 2, which states, "Nationals and companies of

either High Contracting Party shall be accorded treatment no less favorable than that accorded nationals and companies of the other High Contracting Party, or of any third country, with respect to all matters relating to importation and exportation.”

IV. Though the United States embargo preceded the attack of 18 April 1988 on off-shore Iranian oil platforms, it does not, however, preclude those attacks from qualifying as violations of the Amity Treaty.

The United States embargo restricted the importation of all Iranian products with the exception of three specific goods or services. The second exception stated in the Executive Order Embargo Sec. 2, Subsection b, states that the prohibition of the imported products will not apply to, “Petroleum products refined from Iranian crude oil in a third country.” Documented evidence points to the United States importing such products refined from Iranian crude oil through Western European nations. Thus the restriction of commerce ensuing from the attacks directly resulting from the loss of production of crude oil, or the increase in delay for oil production in inactive oil complexes can apply regardless of the executive embargo.

V. Regardless of the active or inactive status of the oil complexes, attacks upon them still constitute a violation of the “freedom of commerce” as stated in the Amity Treaty.

In the *Oscar Chinn* (1934) case under the Court of International Justice, the expression, “freedom of commerce”, was seen as contemplating not only the purchase and sale of goods, but also “industry”. The treaty of 1955, Article X, paragraph 1 includes commercial activities in general, and is not restricted to the immediate purchases and sales of goods and services, but also the ancillary activities integrally related to commerce. Thus the fact that one or more of the platforms were inactive is seen as irrelevant since the destruction of any single platform prejudices and impedes the exportation of oil or the ability thereof which constitutes an important part of commercial foreign trade.

SUMMARY AND PRAYER FOR RELIEF

The United States had no basis for its attacks or for the embargo in the years from 1987-1988. All actions taken forth by the United States in conjunction with these attacks and the passing of the Embargo on Iran's goods and services constitute an offence to the Treaty of Amity. However Iran has taken pains to only ask for the damages ensued from the attacks on the off-shore oil platforms. Through specific clauses of the Amity Treaty, the Court retains jurisdiction over this case and the use of force by the United States commands the International Court of Justice to intervene. We pray that the International Court of Justice will give the Islamic Republic of Iran its due restitution and relief in the form of lost opportunity cost, cost to rebuild the platforms, and punitive damages in a total of \$49 billion.