

## MEMORIAL OF THE UNITED STATES OF AMERICA

COMES NOW the United States of America and for their Memorial to the Court states the following:

### STATEMENT OF LAW

1. International law gives the unimpaired, inherent right to an individual to self-defense if an armed attack occurs against a Member of the United Nations.

2. The United States of America and the Islamic Republic of Iran on August 15, 1955 signed the Treaty of Amity, Economic Relations and Consular Rights, in which firm, enduring peace and sincere friendship as well as freedom of commerce and navigation were to be observed. Iran violated this treaty with its attacks on the Sea Isle City, a Kuwaiti tanker flying a United States flag, and the U.S.S. Samuel B. Roberts.

### STATEMENT OF FACT

The United States of America and the Islamic Republic of Iran on August 15, 1955 signed the Treaty of Amity, Economic Relations and Consular Rights, which sought to reaffirm the high principles in the regulation of human affairs to which they were committed and to encourage mutually beneficial trade and a closer economic relation. The treaty was entered into force on June, 16 1957 and applied between the countries without violation until in 1984 Iran began attacking neutral ships in the Persian Gulf. This came as a response to an Iraqi attack on Iranian oil tankers to which the U.N. Security Council condemned in Resolution 552. Because of Iran's attacks on neutral trade ships, the Sea Isle City, a Kuwaiti tanker flying a United States flag, was hit by a missile on October, 16 1987. In its defense, the United States attacked two Iranian offshore oil platforms in the Reshadat complex because the platforms were being used to attack neutral shipping. In April 1988, the U.S.S. Samuel B. Roberts was hit by an Iranian mine off the coast of Bahrain to which the United States responded by attacking two off-shore Iranian oil platforms.

### STATEMENT OF JURISDICTION

The Court does not have the jurisdiction to hear this case because the 1955 Treaty of Amity, Economic Relations, and Consular Rights relates to the encouragement of trade and investments and closer economic interrelation between the United States of America and the Islamic Republic of Iran. Therefore, the Treaty of 1955 is not applicable to jurisdiction in the event of the use of force. Since Iran used force against the Sea Isle City tanker, constituting force against the United States of America under Article X Paragraph 2 of the Treaty of 1955, and the U.S.S. Samuel B. Roberts, the Treaty of 1955 cannot be applied in determining jurisdiction.

## ARGUMENTS

I. The United States use of force against the Iranian oil platforms were motivated by self-defense.

Under international law, the United States observed the principle of distinction in the use of force. Iran violated this principle unlawfully used indiscriminate force against the Sea Isle City and the U.S.S. Samuel B. Roberts, to which the United States is legally entitled to defend itself and its citizens. The United States did give Iran notice before using force against the oil platforms to minimize loss of life, which is the appropriate response for a nation defending itself against an attack.

II. Iran violated the Treaty of 1995 and should pay compensatory damages for the damage their violent action produced.

Iran's attack of vessels under the United States flags, lying of mines, and engaging in military action is detrimental to maritime freedom of commerce and navigation, constituting a violation of Article X in the Treaty of 1955. Compensatory damages are necessary to maintain and restore international peace and security stipulated in Article XX of the Treaty of 1955

## SUMMARY AND PRAYER FOR RELIEF

Iran violated the Treaty of 1955 with its attacks on the Sea Isle City and the U.S.S. Samuel B. Roberts. These attacks forced the United States to take actions of self-defense, limiting itself to actions protected under international law. The United States prays the Court will find that the actions taken against Iran were for the security of the nations threatened interests and compensatory damages be awarded for Iran's violation of the Treaty of 1955.