

Iran: World Court Rulings of December 15, 1979 and May 24, 1980

On December 15, 1979, at The Hague, the World Court of 15 judges, including judges from the Soviet Union, Poland and Syria, first noting that the United Nations has recognized that Iran has violated several international conventions on the protection and immunity of diplomatic personnel and premises, decided, unanimously, that Iran violated international law by seizure and continuing to hold the United States diplomats as hostages and by occupying the United States embassy.

The court said:

There is no more fundamental requisite for the conduct of relations between states than the inviolability of diplomatic envoys and embassies, so that throughout history nations of all creeds and cultures have observed reciprocal obligations for that purpose.

The court indicated that it would not hesitate to speak out again, stating that "it will keep the matters covered by this order continuously under review."

On May 24, the court (all of the justices) reaffirmed the decision of December 15, 1979, and again ordered release of the 53 American hostages; it additionally ruled that Iran should pay damages for "successive and still continuing breaches" of international law. Three judges (Soviet, Polish and Syrian) opposed that portion of the ruling that said Iran should compensate the United States for the seizure. A majority decision controls.

Enforcement of the December 15, 1979, order could have been sought immediately in the United Nations Security Council under Article 94 of the United Nations Charter. It was not done. Application for enforcement now of that order and the one made on May 24, 1980, coming after the abortive military invasion and rescue attempt (criticized by the World Court on May 24) will doubtless be unproductive. The military invasion was a flagrant violation of international law, and not justified retaliation, as the impoundment of the Iranian diplomats in the Washington, D.C., Iranian embassy would have been. Indeed, the illegal invasion could have triggered an unwanted war.

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