

Iran-U.S. Hostage Crisis

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ABSTRACT

This paper is regarding the Iran hostage crisis which was the boiling point of historical tensions between Iran and the U.S. and the backstory to understand this international crisis is that it came into light during the Iranian Revolution. This act wasn't something that was planned overnight, the actions of the students and the protestors came from a deep resentment towards the U.S. who they believed were interfering in Iranian affairs for decades then, which eventually led to the Iranian revolution and then revoked the Iran hostage crisis. The hostage situation played as a major foreign policy change, negotiations were stalled and ties between the U.S. and Iran were being severed. Jimmy Carter, in all his power, imposed sanctions and attempted a rescue mission which had failed but that didn't stop him from fighting for his citizens.

Keywords: Hostage - Jimmy Carter - International Crisis - Rescue Mission

INTRODUCTION

During the presidential rule of Jimmy Carter, the 39th President of the United States of America, an unseen challenge had presented itself and left everyone in a moral dilemma.

On November 4th of 1979, a bunch of Iranian college students, under the Ayatollah Khomeini-led government, attacked and took over the US embassy in Iran and held the employees as hostages for 444 days. This was not only a crisis affecting the USA but had an impact worldwide, making it a major international crisis to deal with.

This act wasn't something that was planned overnight, the actions of the students and the protestors came from a deep resentment towards the U.S. who they believed were interfering in Iranian affairs for decades then, which eventually led to the Iranian revolution and then revoked the Iran hostage crisis.

The hostage situation played as a major foreign policy change, negotiations were stalled and ties between the U.S. and Iran were being severed. Jimmy Carter, in all his power, imposed sanctions and attempted a rescue mission which had failed but that didn't stop him from fighting for his citizens.

Finally, the hostage release was negotiated when Algeria acted as an intermediary between them and founded the pact of Algiers Accords which acted as a portal to put an end to the hostage crisis and to resolve any other existing disputes between these two countries and their nationals.

Iran ended up suffering greatly from this crisis as it had lost "all International support" especially during the Iran-Iraq war, and it "failed to get any" concession" it "had demanded from" the United States. Iran's assets, valued at around a billion dollars, are still blocked in the United States, and since 1992, the United States has not imported any oil from Iran, permanently severing ties between the two nations.

ISSUE IDENTIFICATION

The Iran hostage crisis was the boiling point of historical tensions between Iran and the U.S. and the backstory to understand this international crisis is that it came into light during the Iranian Revolution.

The Iranian Revolution was provoked during Mohammad Reza Pahlavi's, famously known as the Shah, oppressive rule which was backed by the U.S. and that fueled a widespread anger amongst the citizens of Iran as the Shah was appointed by the British and the U.S. government for their own betterment and benefits such as holding control over foreign affairs and supply of oil from Iran.

The United States was also a major player. In Iran, the strategically bolstering authoritarian regimes backfired. Miscalculations resulted from a lack of knowledge regarding the scope and objectives of the revolution. Iranians were incensed at the grave error of allowing the Shah, a symbol of oppression, to receive medical care in the United States.

In January 1979, Khomeini's theocratic regime came into power as soon as the Shah escaped into exile and the new government wasn't looking to re-write better terms with the U.S. even after the U.S. government's futile attempts to do so. Iranians grew even more resentful of the U.S.'s ideology of westernization which the Shah was trying to implement in Iran, this set their own country to take a step back and resort to international conflicts.

At the extremities of the Iranian Revolution, hundreds of Americans were evacuated from Iran. Evacuees from one such incident, which occurred just before the initial attack on the embassy, were evacuated from Iran to an aviation base in Greece. After Iranians attacked the American embassy on February 14, 1979, and seized 102 American hostages which was then resolved with President Carter sending out commercial airplanes which additionally also flew an intimidated amount of four thousand people out of Iran.

The second takeover on the U.S. embassy was on November 4th, 1979, where 52 Americans were held in captivity for a total of 444 days. President Carter received multiple updates from his cabinet members which left him restless for justice and freedom for the hostages. At first, he tried diplomatic pressure, trying to impose legal opinions and actions but when that didn't work out he hinted at economic pressure. He stopped all the imports and exports from Iran, especially in oil and weapons.

Carter realized that none of these negotiations were going to get him what he sought for so he decided to try a different approach. On April 24th, 1980, President Carter ordered Operation Eagle Claw which was a rescue mission to free the hostages. However, that didn't end well for President Carter either.

Helicopters malfunctioned, leaving few of them stuck in quicksand and a few others ended up crashing into a transport aircraft which caused eight servicemen to die. President Carter immediately called off the mission before there could be any more casualties or damages.

In response to this, the hostage-takers in Iran moved the captives into various prisons throughout Tehran to avoid such rescue attempts in the future. Many of these hostages, for the longest time, were frequently tormented and beaten. Some had their hands tied down for weeks or were kept in solitary confinement for months altogether. These cells the hostages were being held in had centipedes crawling their faces and bodies during nights. Any mails that were sent to these hostages were destroyed by the hostage-takers without a second thought.

There were serious repercussions for Jimmy Carter's 1980 re-election following the hostage crisis. Shortly after Ronald Reagan took office, Iran freed its hostages so that they could return to the United States, contrary to the belief of many Americans who thought Jimmy Carter couldn't handle the problem or didn't do his duties efficiently as a President.

RULE STATEMENT

1. Article 40(1) of the Statute of International Court of Justice.²
2. Article 53 of Statute of International Court of Justice.² (sub articles 36 and 37)

3. Article 53 of Statute of International Court of Justice.¹ (sub articles 36 and 37)
4. Article 51 of Charter of United Nations.²
5. Article 2(4) of Charter of United Nations.³
6. The Vienna Convention on Diplomatic and Consular Relations.⁴
7. The 1955 The Treaty of Amity, Economic Relations and Consular Rights.⁵
8. The 1973 Convention on Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents.⁶

APPLICATION OF LAW TO FACTS

The Iran-US hostage crisis, which lasted from 1979–1981, left a lasting influence on the US-Iran relationship even now, decades later. Shah, a leader of Iran, who abused Iranian people along with the Iranian students, was supported by the United States. After enduring years of abuse, the people of Iran, along with their Muslim religious fundamentalist leader, Ayatollah Khomeini, decided to place him in power and take Iran back.

On November 4th 1979, Iranians stormed into the American embassy and took 66 Americans hostage. They were held hostage for 444 days. Even the Carter administration's hands were tied during this entire situation. The Iranians said that they would release the hostages only if Shah returned to Iran and face the trial for the crimes committed by him against the people of Iran.⁷ Then President James Earl Carter Jr. tried using force to free the hostages, but the mission became unsuccessful, even after several tries. The hostages were finally freed on January 20th 1981, when a deal was struck between the US- Iran and a day before Ronald Reagan became the President.

However, in 1979, this issue was taken to the International Court of Justice by the United Nations. The Iran Government was charged with violation of legal principles in international law. It was also charged with violation of four treaties, namely, “The Vienna Conventions on Diplomatic and Consular Relations”⁸, “The 1955 The Treaty of Amity, Economic Relations and Consular Rights”⁹ and “The 1973 Convention on Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents”¹⁰. The application was made by the United States to the Registrar under “Article 40(1) of the ICJ”¹¹. The Iranian government went against these treaties by failing to protect the American embassy during the events of November 4th. “The United States requested the International Court of

¹ Statute of the International Court of Justice, art. 53.

² U.N. Charter art. ¶ 51

³ U.N. Charter art. ¶ 2(4)

⁴ The Vienna Convention on Diplomatic Relations, 1961.

⁵ The Treaty of Amity, Economic Relations and Consular Rights, 1955.

⁶ The Convention on Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, 1973.

⁷ “Daugherty, *In The Shadow Of The Ayatollah*, pg. 104-110; Harris, *The Crisis*, pg. 104; Gillon, *The American Paradox*, pg. 327; Patterson, *American Foreign Relations*, pg. 409-410.”

⁸ Vienna Convention on Diplomatic Relations, Apr. 18, 1961, 23 U.S.T. 3230, T.I.A.S. No. 7502, 500 U.N.T.S. 241 [hereinafter cited as Diplomatic Relations Convention]; Vienna Convention on Consular Relations, Apr. 24, 1963, 21 U.S.T. 77, T.I.A.S. No. 6820, 596 U.N.T.S. 261 [hereinafter cited as Consular Relations Convention].

⁹ Treaty of Amity, Economic Relations, and Consular Rights, Aug. 15, 1955, United States-Iran, 8 U.S.T. 899, T.I.A.S. No. 3853 [hereinafter Treaty of Amity].

¹⁰ Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents, opened for signature Dec. 14, 1973, 28 U.S.T. 1977, T.I.A.S. No. 8532.

¹¹ “Statute of the International Court of Justice, art. 40(1).”

Justice” to issue an order for the release of hostages along with ensuring their safe return to the US from Iran. It also asked for the prosecution of the persons responsible for the whole hostage situation. It was also alleged by the United Nations that the Iranian government did not take any steps to prevent the people of Iran from taking such drastic steps, nor did they take any measures to rescue the hostages. Even after various negotiation attempts from the US, Iran was not ready to negotiate, except for thirteen female and black hostages who were released.

The United States instituted proceedings before “The Security Council and the International Court of Justice of the United Nations”¹² also. The President of the Security Council has gone public by making a statement for the immediate release of hostages and said that he will send a personal letter to Ayatollah Khomeini, requesting their release.

Iran did not participate in oral pleadings and denied any jurisdiction. It did not even appoint an ad-hoc judge or produce its side of incidents or facts related to the case. The non-appearance of Iran is brought to light in Article 53 of the ICJ. According to Article 53, “Whenever one of the parties does not appear before the Court or fails to defend its case, the other party may call upon the Court to decide in favour of its claim. The Court must, before doing so, satisfy itself, not only that it has jurisdiction in accordance with Articles 36 and 37¹³, but also that the claim is well founded in fact and law.”¹⁴

The Court, even after supplying the information given by the United States to Iran, did not hear from them. They neither denied nor questioned the accusations made against them. Hence, the Court was satisfied that the United States was right with its claims and decided to grant interim relief by unanimous vote, as they requested. The Court ordered Iran to give back US control over their premises, to release the hostages immediately and to ensure their safe departure to the US from Iran. The Court also ordered both Iran and the US not to take any further action, which may raise the ongoing tension between them and make the situation more tense. Finally, in 1981, the hostages were released and sent back to the United States after 444 days.¹⁵

CONCLUSION

The Iran Hostage Crisis did not lead to just geopolitical consequences. There was huge effect on human lives as well. While Iran suffered greatly from the crisis, the American hostages suffered psychologically and physically. The sacrifice was ultimately done by the U.S. militants. Iran was not progressing in receiving any concessions they demanded from the United States this is apart from being given up on all international support from Iran-Iraq war. In the present day’s scenario, there is around \$1.973 billion of their assets being frozen in the US and oil import has also been put on hold since 1992.

This crisis movement was a very unexpected and different in the entire history. Wherefore, the United States’s Courts and State Department do not have to face such events ever again in future. Because, even if such crisis may arise then the Departments of States and Treasury have the greater capacity to oversee the consequences of foreign assets being controlled by regulations on the courts.

On the overall consideration of forcible self-help, we are of the view that Article 51 of the UN Charter¹⁶, Will not apply to self-help which is forcibly taken to protect foreign nationals. Additionally, Article 2(4)¹⁷

¹² Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents, opened for signature Dec. 14, 1973, 28 U.S.T. 1977, T.I.A.S. No. 8532.

¹³ “Statute of the International Court of Justice, art. 36 & 37.”

¹⁴ “Statute of the International Court of Justice, art. 53.”

¹⁵ “Farber, *Taken Hostage*, pg. 175; Harris, *The Crisis*, pg. 406.”

¹⁶ U.N. Charter art. ¶ 51

of the charter, doesn't revoke such help outright. In anyway possible if the forcible help was of use i.e., proper utilization was made out of it then such would be permissible from the Security Council but in contrast if that was subjected to improper utilization the regardless of Charter limits, such would be impermissible with respect to International Laws.

REVERSE JUDGEMENT

One of the main reasons for the court to give judgement in the favour of the United States is the absence of Iran from the proceedings. It made it difficult for the court to collect proof and facts in the favour of Iran. Any compassion the court may have shown Iran was diluted when Iran decided not to show up for oral pleadings, despite several chances given to it by the ICJ.

One of the allegations of Iran against the United States was, "The social, economic, cultural and political consequences of American intervention in the internal Iranian affairs" or "flagrant and continuing violations of all international norms committed by the United States in Iran". One such example Iran gave was 1953 coup. According to Iran, the CIA was responsible for the Pahlavi dynasty to get back to the throne after Mossadegh Government was overthrown. The court could have investigated more into this allegation made by Iran but there is nothing given in the judgement of the court as to why this allegation was disregarded or not considered. Everyone was quick to identify the failure of Iran in following the guidelines mentioned under Diplomatic and Consular Relations Conventions in the period of 1979- 1980. The fact that if enquired, the United States may also be liable for the same is not acknowledge by either the court or the United States itself. If the allegations of the Iran were further investigated and proved, then the United States would be held liable for violation of terms of the treaty- "Diplomatic and Consular Relations Conventions", the same one which the US is alleging Iran of violating.

Judge Tarazi, said that the allegation made by Iran was dismissed as the case was within narrow time frame and only legally relevant issues were taken into consideration. This decision excluded a main issue regarding the historical antecedent of the case. The court's decision to narrow down the time frame is also one of the major flaw in this case. If the court had established the truthfulness of the allegations made by Iran against the United States, then the result of the case might have been different.