



CASE NO. B-24

CHAMBER ONE

AWARD NO. 106-B-24-1

THE UNITED STATES OF AMERICA,  
Claimant  
and  
THE ISLAMIC REPUBLIC OF IRAN,  
Respondent.

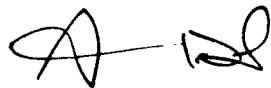
IRAN UNITED STATES CLAIMS TRIBUNAL	دادگاه داوری دعاوی ایران - ایالات متحده
ثبت شد - FILED	
Date	۱۳۶۲ / ۱۲ / ۳ [ ] تاریخ
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No.	B-24 شماره

OPINION OF HOWARD M. HOLTZMANN CONCURRING  
IN PART AND DISSENTING IN PART

NOTIFICATION OF CORRECTION

Attached is the corrected page 6 of the English version of the Opinion of Mr. Howard M. Holtzmann concurring in part and dissenting in part, filed on 9 February 1984.

DUPLICATE  
ORIGINAL  
نسخه برابر اصل

  
The Co-Registrars

The majority's Award also incorrectly concludes that the activities of the immigration officers were not performed to facilitate Iran Air's income-producing business, but were "measures ... taken by the United States in order to protect its own interest ... rather than as a service to the airline." That conclusion is plainly contradicted by the wording of the Immediate and Continuous Transit Agreement. Thus, the introductory paragraph of that Agreement makes clear that Iran Air entered into the Agreement, and thus agreed to pay for the services of immigration officers, "in consideration of additional passengers which it expects to receive by reason of the fact that under the immigration laws and regulations certain documentary requirements as to aliens proceeding to the United States ... may be waived." On the other hand, the provisions of the Agreement quoted above make it clear that the United States was willing to provide the services necessitated by the waiver of the documentary requirements, but only if Iran Air, not the United States, bore the cost of providing them. Thus, it will be recalled, paragraph 7 of the Agreement refers to Iran Air's duty "under this agreement" to carry aliens "through the United States without expense thereto." (Emphasis added.)

Accordingly, I would hold that the claim of the United States under the Immediate and Continuous Transit Agreement is a claim arising out of contractual arrangements between