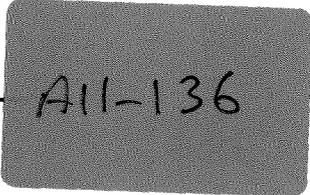


ORIGINAL DOCUMENTS IN SAFE

Case No. A 11  A11-136 Date of filing: 13 April 2000

** AWARD - Type of Award _____
 - Date of Award _____
 _____ pages in English _____ pages in Farsi

** DECISION - Date of Decision _____
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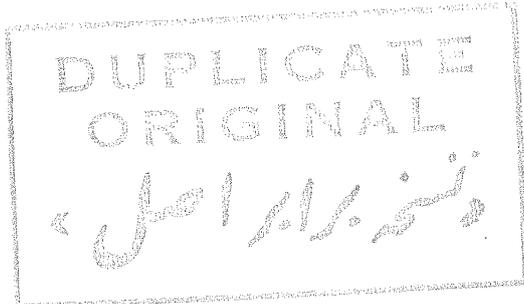
** CONCURRING OPINION of _____
 - Date _____
 _____ pages in English _____ pages in Farsi

** SEPARATE OPINION of _____
 - Date _____
 _____ pages in English _____ pages in Farsi

** DISSENTING OPINION of _____
 - Date _____
 _____ pages in English _____ pages in Farsi

** OTHER; Nature of document: correction to COAD of Mr Broms

 - Date 13 April 2000
1 pages in English 1 pages in Farsi



CASE NO. A11

FULL TRIBUNAL

AWARD NO. 597-A11-FT

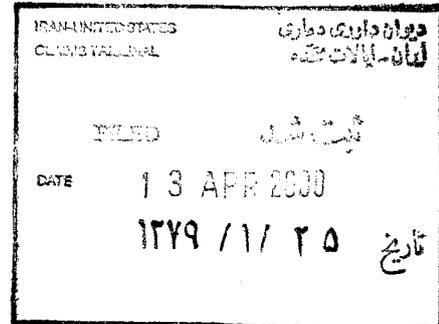
THE ISLAMIC REPUBLIC OF IRAN,

Claimant,

AND

THE UNITED STATES OF AMERICA,

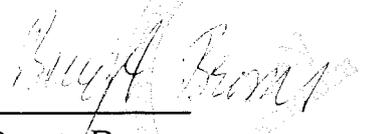
Respondent.



CORRECTION TO CONCURRING AND DISSENTING OPINION OF BENGT BROMS

The following corrections are hereby made to my Concurring and Dissenting Opinion signed and filed on 7 April 2000 :

1. Page 10, paragraph 17, line 8 which read as: "[...] the New York Supreme Court did not have jurisdiction" should read as: "[...] the New York Supreme Court had jurisdiction".
2. The title of the Opinion in the Persian version should read as:
"نظر موافق و مخالف بنگت برومس"
3. Copies of the corrected pages are attached.


Bengt Broms

would consider them on their merits. A good faith implementation of this international obligation should not entail that a case will be rejected applying forum non conveniens. Even if this happens, it would be reasonable to assume that Iran could take the claim to another court. The fact that the Parties had expressly mentioned the act of state doctrine and the sovereign immunity in paragraph 14 of the General Declaration did not mean that Iran's claims would not necessarily be adjudicated on the merits. Those defenses were only listed as examples of situations where the Claimant in its litigation attempts could rightly expect assistance from the Respondent.

17. In my opinion, the dismissal on grounds of the forum non conveniens doctrine constituted a violation of Point IV in as much as the cases were not referred to another United States court. In order for the forum non conveniens doctrine to become applicable it is required that the court must first have obtained jurisdiction over the parties. A necessary corollary of this is that it cannot be disputed that New York Supreme Court had jurisdiction over the former Shah. Also, at the time the Shah underwent hospital treatment in New York, that city was the only domicile of the Shah, because Mexico, where he had resided, informed the United States authorities that it will not grant an entry visa for the former Shah.

18. There was a clear obligation to provide Iran access to United States courts. This access could not be blocked by the interpretation of the United States courts of the forum non conveniens doctrine. The way in which the doctrine was applied resulted in a de facto dismissal of the cases Iran tried to litigate, because the cases were not directed to a perhaps more convenient forum, although that is the raison d'être of the doctrine of forum non conveniens. This meant that the New York courts gave the doctrine a new interpretation, compared