

ORIGINAL DOCUMENTS IN SAFE

70

Case No. 10173Date of filing: 8 oct 86

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

** DECISION - Date of Decision 7 oct 86
 _____ pages in English _____ pages in Farsi

** 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: _____

 - Date _____
 _____ pages in English _____ pages in Farsi

70

دیوان دآوری دعاوی ایران - ایالات متحدہ

IRAN-UNITED STATES CLAIMS TRIBUNAL

DUPLICATE ORIGINAL
نسخہ برابر اصل

CASE NO. 10173

CHAMBER THREE

DECISION NO. DEC 48-10173-3

PICKER INTERNATIONAL CORPORATION,
a claim of less than US\$250,000 presented
by the UNITED STATES OF AMERICA,
Claimant,
and
THE ISLAMIC REPUBLIC OF IRAN,
Respondent.

IRAN UNITED STATES CLAIMS TRIBUNAL	دادگاه دآوری دعاوی ایران - ایالات متحدہ
ثبت شد - FILED	
Date	8 OCT 1986 تاریخ
	۱۳۶۵ / ۷ / ۱۶
No.	10173 شماره

DECISION

1. On 9 May 1986, the Agent of the Islamic Republic of Iran submitted a Request for Correction and Interpretation of Award No. 229-10173-3 issued in this Case on 1 May 1986, asking that the Award be corrected. The Tribunal understands the Agent to request that the name of the Claimant as stated in the caption at page one of the Award, "Picker International Corporation, a claim of less than US\$250,000 presented by the United States of America," be changed to read "The Government of the United States of America, on behalf and for the benefit of the Picker International Corporation". The Request is stated to be in accordance with Articles 35 and 36 of the Tribunal Rules.

2. In support of this Request the Agent invokes Article III, paragraph 3, of the Claims Settlement Declaration, which provides:

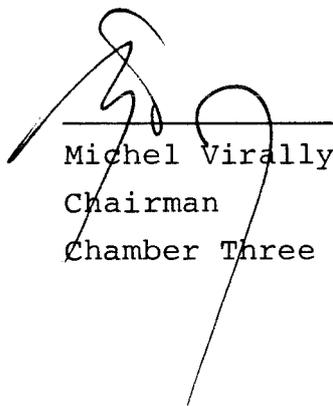
Claims of nationals of the United States and Iran that are within the scope of this Agreement shall be presented to the Tribunal either by claimants themselves or, in the case of claims of less than \$250,000, by the government of such national.

3. The Tribunal finds that the wording used in the Award No. 229-10173-3 exactly reproduces the language of Article III, paragraph 3 of the Claims Settlement Declaration and therefore is more appropriate than the formulation proposed by the Agent. For this reason the Tribunal cannot accept the opinion expressed by the Agent that the wording adopted would have the effect of altering the identity of the Claimant in Case No. 10173 which was presented pursuant to Article III, paragraph 3, of the Claims Settlement Declaration.

4. For the foregoing reasons, the Tribunal determines that no correction or interpretation of the Award is warranted and denies the Request.

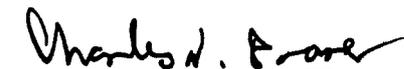
5. In light of this conclusion, the Tribunal need not determine whether the Request for Correction and Interpretation is of the nature specified in Article 35 and Article 36 of the Tribunal Rules.

Dated, The Hague,
7 October 1986



Michel Virally
Chairman
Chamber Three

In the Name of God



Charles N. Brower



Parviz Ansari Moin

With regard to the Statement
of Claim of the Government of
the United States of America

filed in Case 86, in which the U.S. Government expressly concedes that claims less than \$250,000 have been instituted through "the exercise of diplomatic protection of its nationals, acting as parens patriae, trustee, guardian and representative and on their behalf" (Statement of Claim, p.1); and furthermore, as the U.S. Agent has stated at the Tribunal's 64th meeting on 2 November 1982 that "...this claim [86] was based on espousal by the United States of the claims of its nationals... Accordingly, it was a claim by one Government against the other" (Para. 10 of the minutes); and in addition, as I stated in my previous opinion in this case, the Tribunal should not alter the captions referring to the parties to claims; it is instead obliged to conform to the forms which they have used in their own submissions; therefore, on the basis of the foregoing, I respectfully disagree with the Majority's Decision.