

A28-112

ORIGINAL DOCUMENTS IN SAFECase No. A28Date of filing: 21 Dec 2000

\*\* AWARD - Type of Award \_\_\_\_\_  
- Date of Award \_\_\_\_\_  
\_\_\_\_\_ pages in English \_\_\_\_\_ pages in Farsi

\*\* DECISION - Date of Decision \_\_\_\_\_  
\_\_\_\_\_ 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: Statement by the President  
\_\_\_\_\_

- Date 21 Dec 2000  
2 pages in English \_\_\_\_\_ pages in Farsi

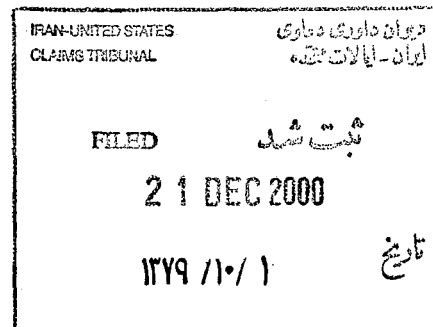
## IRAN-UNITED STATES CLAIMS TRIBUNAL

## دیوان داوری دعای ایران - ایالات متحدہ



CASE NO. A28  
FULL TRIBUNAL  
DECISION NO. DEC 130-A28-FT

THE UNITED STATES OF AMERICA and  
THE FEDERAL RESERVE BANK OF NEW YORK,  
Claimants,  
and  
THE ISLAMIC REPUBLIC OF IRAN and  
BANK MARKAZI IRAN,  
Respondents.



## STATEMENT BY THE PRESIDENT

1. Although it is not customary for a Member of the Tribunal to comment on another Member's individual opinion filed in a case, the nature of some of the statements made by Mr Broms in his Concurring and Dissenting Opinion of 19 December 2000, appended to the Tribunal's Decision No. DEC 130-A28-FT (19 Dec. 2000), warrants the present remarks on my part.

2. In para. 1 of his Opinion, Mr Broms states that "[a]s Paragraph 95 in its present form was proposed by the President after the final deliberations had ended, and as the President did not call the members to open further deliberations, the purpose of the two sentences remains unclear." To the extent that this statement is suggesting that the Members were not given full opportunity to offer their views in the deliberative process leading to the Decision in this Case, the statement is wrong. It is unclear what Mr Broms means by "final" deliberations. Deliberations may, and in fact do, continue until the last moment before the filing of a Decision or Award. Deliberations take place during formal meetings of Members of the Tribunal; and, in addition, they take place through less formal exchanges (whether written or

oral or both) among Members. This is also what took place in the present Case. At all stages of the Tribunal's work on the Decision, all Members were given ample opportunity to present their views, either orally or in writing, on each and every issue that arose in this Case -- including Paragraph 95 of the Decision.

3. Furthermore, I note with regret that Mr Broms's Opinion in a number of instances contravenes the rule of confidentiality of the Tribunal's deliberations, as set forth in Note 2 to Article 31 of the Tribunal Rules (see, in particular, paras. 1 and 5 of Mr Broms's Opinion).

Dated, The Hague

21 December 2000



---

Krzysztof Skubiszewski