

ORIGINAL DOCUMENTS IN SAFE

Case No. A3

A3-106

Date of filing: 27 Nov '91

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

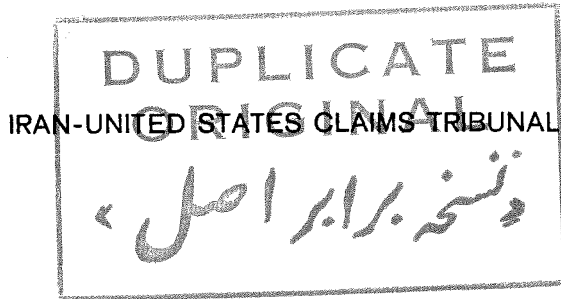
\*\* DECISION - Date of Decision \_\_\_\_\_  
\_\_\_\_\_ pages in English \_\_\_\_\_ pages in Farsi

\*\* CONCURRING OPINION of \_\_\_\_\_  
- Date \_\_\_\_\_  
\_\_\_\_\_ pages in English \_\_\_\_\_ pages in Farsi

\*\* SEPARATE OPINION of \_\_\_\_\_  
- Date \_\_\_\_\_  
\_\_\_\_\_ pages in English \_\_\_\_\_ pages in Farsi

*Caraction to E*  
\*\* DISSENTING OPINION of Adelmirch  
- Date 27 Nov '91  
2 pages in English \_\_\_\_\_ pages in Farsi

\*\* OTHER; Nature of document: \_\_\_\_\_  
\_\_\_\_\_  
- Date \_\_\_\_\_  
\_\_\_\_\_ pages in English \_\_\_\_\_ pages in Farsi



دیوان داوری دعوی ایران - ایالات متحدہ

CASES NOS. A3 and A8  
FULL TRIBUNAL  
DECISION NO. 100-A3/A8-FT

MINISTRY OF NATIONAL DEFENCE  
OF THE ISLAMIC REPUBLIC OF IRAN,  
Claimant,

and

THE UNITED STATES OF AMERICA and  
BELL HELICOPTER TEXTRON CO.,  
Respondents.

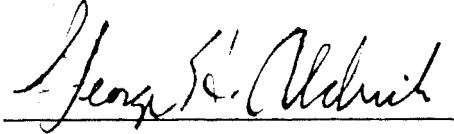
IRAN-UNITED STATES CLAIMS TRIBUNAL	دیوان داوری دعوی ایران - ایالات متحدہ
FILED	ثبت شد
DATE	27 NOV 1991
	تاریخ ۲۷/۱۱/۹۱

CORRECTION TO THE ENGLISH VERSION OF THE  
DISSENTING OPINION OF GEORGE H. ALDRICH

The following correction is hereby made to the English version of my Dissenting Opinion in this Case filed on 22 November 1991.

1. On page 1, line 14, the word "award" should be replaced by the word "charge."
2. A copy of the corrected page is attached.

Dated, The Hague  
27 November 1991

  
George H. Aldrich

MINISTRY OF NATIONAL DEFENCE  
OF THE ISLAMIC REPUBLIC OF IRAN,  
Claimant,

and

THE UNITED STATES OF AMERICA and  
BELL HELICOPTER TEXTRON CO.,  
Respondents.

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Dissenting Opinion  
of  
George H. Aldrich

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I would have preferred to terminate the proceedings in these cases against Bell Helicopter Textron Co. ("Bell") by means of a Partial Award that would have awarded Bell its modest costs of arbitration. Private parties have no place in "A Cases", which involve disputes between the Government of Iran and the United States concerning the interpretation and performance of the Algiers Declarations. Paragraph 17 of the General Declaration limits our jurisdiction in such cases to disputes between the Parties to that Declaration -- i.e., the two Governments. Consequently, when a private party, like Bell, is unjustifiably dragged into such a dispute by one of the Governments, it should not be responsible for its costs simply because the Tribunal -- quite properly -- has declined to charge to one Government the costs incurred by the other Government in disputes between them. Moreover, at least since the Full Tribunal's decision in Case A2 on 13 January 1982, it must have been apparent to Iran that the Tribunal had no jurisdiction over claims against Bell. Bell has incurred costs since then solely because, for nine and one-half years, Iran failed to withdraw its claim against Bell in this Case and, on the contrary, continued to press it.