

IRAN-UNITED STATES CLAIMS TRIBUNAL

دیوان داورى دعاوى ایران - ایالات متحدہ

CASES NOS. B26/B28/B35/B60

CHAMBER TWO

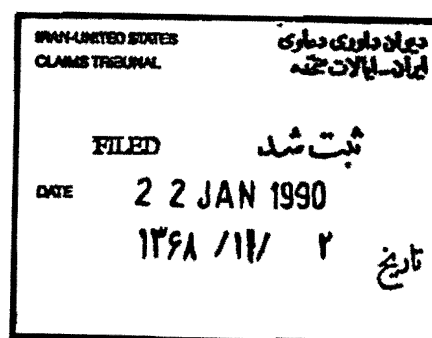
AWARD NO. 463-B26/B28/B35/B60-2

Case No. B26

THE UNITED STATES OF AMERICA,
(Federal Aviation Administration),
Claimant,

and

THE ISLAMIC REPUBLIC OF IRAN
(Civil Aviation Organization),
Respondent.

Case No. B28

THE UNITED STATES OF AMERICA,
(Food & Drug Administration
of the Public Health Service),
Claimant,

and

THE ISLAMIC REPUBLIC OF IRAN
(Ministry of Health and Social Welfare),
Respondent.

Case No. B35

THE UNITED STATES OF AMERICA,
(Department of the Air Force),
Claimant,

and

THE ISLAMIC REPUBLIC OF IRAN
(The Iranian Air Force and
The Foreign Ministry),
Respondent.

Case No. B60

THE ISLAMIC REPUBLIC OF IRAN
(Civil Aviation Organization),
Claimant,

and

THE UNITED STATES OF AMERICA
(Military Assistance Advisory Group),
Respondent.

AWARD ON AGREED TERMS

1. On 19 January 1982, THE UNITED STATES OF AMERICA (Federal Aviation Administration) ("United States") filed a Claim against THE ISLAMIC REPUBLIC OF IRAN (Civil Aviation Organization) ("Iran") seeking payment of unpaid invoices for goods and services provided to Iran. This Claim is numbered B26.

2. On 19 January 1982, THE UNITED STATES OF AMERICA (Food & Drug Administration of the Public Health Service) ("United States") filed a Claim against THE ISLAMIC REPUBLIC OF IRAN (Ministry of Health and Social Welfare) ("Iran") seeking payment of expenses incurred by the United States pursuant to a service agreement. This Claim is numbered B28.

3. On 19 January 1982, THE UNITED STATES OF AMERICA (Department of the Air Force) ("United States") filed a Claim against THE ISLAMIC REPUBLIC OF IRAN (The Iranian Air Force and The Foreign Ministry) ("Iran") seeking payment for aircraft services provided to Iran. This Claim is numbered B35.

4. On 19 January 1982, THE ISLAMIC REPUBLIC OF IRAN (Civil Aviation Organization) ("Iran") filed a Claim against THE UNITED STATES OF AMERICA (Military Assistance Advisory Group) ("United States") seeking payment of fees for airport services, including water and electricity costs. This Claim is numbered B60.

5. Pursuant to Article 34, paragraph 1, of the Tribunal Rules, a Joint Request was filed on 28 December 1989, signed by the Agent of the Government of the United States of America on the one hand and by the Agent of the Government of the Islamic Republic of Iran on the other, requesting that the Tribunal render an Award on Agreed Terms recording and giving effect to the Settlement Agreement in these Cases, dated 12 December 1989, which provides for certain reciprocal obligations of the Parties thereto.

6. Pursuant to a decision of the President dated 9 January 1990, Case No. B35, pending before Chamber One and Cases Nos. B28 and B60, pending before Chamber Three, were transferred to Chamber Two in order to facilitate a single Award for the four Cases.

7. Article I of the Settlement Agreement provides, inter alia, for the United States to be paid the sum of U.S.\$20,000 in full and final settlement of Cases Nos. B26 and B60 and that the Claims in Cases Nos. B28 and B35 are withdrawn with prejudice.

8. Copies of the Joint Request and the Settlement Agreement are attached hereto.

9. In view of the fact that the provisions of the Settlement Agreement fulfill the requirements for the issuance of an Award on Agreed Terms, the Tribunal accepts the Settlement Agreement in accordance with Article 34, paragraph 1, of the Tribunal Rules.


10. For the foregoing reasons,

THE TRIBUNAL AWARDS AS FOLLOWS:

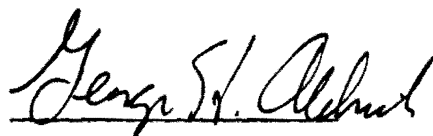
- a) The Settlement Agreement filed with the Joint Request is hereby recorded as an Award on Agreed Terms, binding on the Parties in full and final settlement of Cases Nos. B26 and B60 in their entirety.
- b) The GOVERNMENT OF THE ISLAMIC REPUBLIC OF IRAN shall pay THE GOVERNMENT OF THE UNITED STATES the amount of Twenty Thousand United States Dollars and No Cents (U.S.\$20,000.00), which obligation shall be satisfied by payment out of the Security Account established pursuant to paragraph 7 of the Declaration of the Democratic and Popular Republic of Algeria of 19 January 1981.


- c) The proceedings in Cases Nos. B28 and B35 are hereby terminated.
- d) This Award is hereby submitted to the President of the Tribunal for the purpose of notification to the Escrow Agent.

Dated, The Hague
22 January 1990


Robert Briner
Chairman
Chamber Two

In the name of God


George H. Aldrich


Seyed K. Khalilian

IRAN-UNITED STATES CLAIMS TRIBUNAL	دیوان داورى دعاوى ایران - ایالات متحده
FILED	ثبت شد
DATE	28 DEC 1989
	۱۳۶۸ / ۱۰ / ۷
	تاریخ

Before
The Iran-U.S. Claims Tribunal
The Hague, The Netherlands
Case No. B35, Chamber One
Case No. B26, Chamber Two
Cases No. B28 and B60, Chamber Three

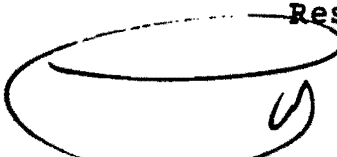
JOINT REQUEST FOR ARBITRAL AWARD ON AGREED TERMS

Pursuant to Article 34 of the Tribunal Rules, the Government of the United States, on behalf of the Claimants in Cases No. B26, B28 and B35 and the Respondent in Case No. B60, and the Government of the Islamic Republic of Iran, on behalf of the Respondents in Cases No. B26, B28 and B35 and the Claimant in Case No. B60, jointly request that the Tribunal issue an Arbitral Award on Agreed Terms that will record and give effect to the attached Settlement Agreement.

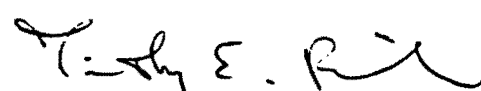
On December 12, 1989, the parties to Cases No. B26, B28, B35 and B60 entered into a Settlement Agreement which provides that the claims in Cases No. B28 and B35 are withdrawn with prejudice and that, in consideration of full and final settlement of all disputes, differences, claims and matters directly or indirectly raised or capable of arising out of the relationships, transactions, contracts and events related to the subject matter of Cases No. B26 and B60, the sum of U.S. \$20,000 (Twenty Thousand Dollars) shall be paid to the Government of the United States out of the Security Account.

The undersigned request the Tribunal to record the Settlement Agreement as an Arbitral Award on Agreed Terms and terminate Cases No. B26, B28, B35 and B60 in their entirety and with prejudice.

Respectfully submitted,


Ali H. Nobari
Agent of the Government
of the Islamic Republic
of Iran to the Iran-U.S.
Claims Tribunal

Date 28 / 12 / 89


Timothy E. Ramish
Agent of the Government
of the United States
to the Iran-U.S.
Claims Tribunal

Date Dec. 28, 1989

SETTLEMENT AGREEMENT

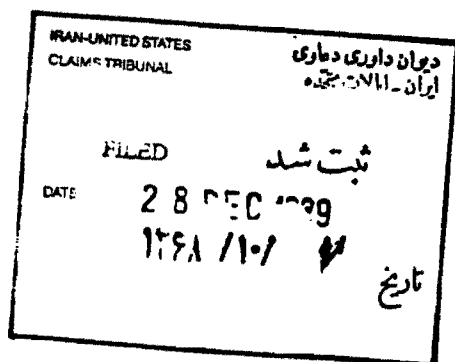
This Settlement Agreement ("the Agreement") is made this 12th day of December, 1989, by and between the Government of the United States, on behalf of the Claimants in Cases No. B26, B28 and B35 and the Respondent in Case No. B60 (hereinafter referred to as the United States), and the Government of the Islamic Republic of Iran, on behalf of the Respondents in Cases No. B26, B28 and B35 and the Claimant in Case No. B60 (hereinafter referred to as Iran).

WHEREAS, the United States and Iran wish to settle all claims and disputes which are outstanding or capable of arising in connection with Cases No. B26, B28, B35 and B60 and their subject matter;

THEREFORE, the United States and Iran agree as follows:

Article I

In consideration of full and final settlement of all disputes, differences, claims and matters directly or indirectly raised or capable of arising out of the relationships, transactions, contracts and events related to the subject matter of Cases No. B26 and B60, the sum of U.S. \$20,000 (Twenty Thousand Dollars)



("the Settlement Amount") shall be paid to the Government of the United States out of the Security Account established pursuant to paragraph 7 of the Declaration of the Government of the Democratic and Popular Republic of Algeria dated 19 January 1981. It is agreed that the claims in Cases No. B28 and B35 are hereby withdrawn with prejudice.

Article II

Upon the issuance by the Tribunal of the Award on Agreed Terms, and in contemplation of payment of the Settlement Amount, the United States and Iran shall cause, without delay and with prejudice, all proceedings in all courts, fora, or before any authority or administrative bodies to be dismissed, withdrawn and terminated, and shall be barred from instituting and/or continuing with any proceedings before the Tribunal or any other forum, authority or administrative body whatsoever, including but not limited to any court in the United States or Iran, in relation to the claims and matters related to Cases No. B26, B28, B35 and B60.

Article III

1. In consideration of the covenants, premises, and other agreements contained herein, upon the issuance of the Award on Agreed Terms by the Tribunal, and in contemplation of payment of

the Settlement Amount, the United States and Iran shall release and forever discharge each other, their affiliates, agencies and instrumentalities, from any claims, rights, interests, and obligations, past, present or future, which have been raised, may in the future be raised, or could have been raised in connection with disputes, differences, claims and matters stated in, related to, arising from, or capable of arising from the subject matter of Cases No. B26, B28, B35 and B60.

2. Should any claims be pending or filed by a third party in any court or forum against any of the Parties hereto based on any assignment or transfer of rights of any kind from one of the Parties hereto in relation to Cases No. B26, B28, B35 and B60, the Party who has effected or caused such assignment or transfer of rights shall be exclusively liable to such third party.

Article IV

Upon the issuance by the Tribunal of the Award on Agreed Terms, and in contemplation of payment of the Settlement Amount, the releases, dismissals, waivers and withdrawals contained and referred to in this Settlement Agreement become self-executing. After the issuance of the Award on Agreed Terms by the Tribunal, no further documents need to be executed to implement this Agreement.

Article V

It is agreed that this Settlement Agreement is made in a spirit of private settlement of disputes, that it shall be null and void if not approved by the Tribunal and that it shall not affect any position of the Parties hereto in any matters other than Cases No. B26, B28, B35 and B60. The Parties further agree that they shall not use, or cause any person to use this Settlement Agreement in the prosecution or defense of any case before the Tribunal or any other forum, except that the Parties may use this Agreement for the purpose of implementing its terms.

Article VI

Upon the issuance of the Award on Agreed Terms, and in contemplation of payment of the Settlement Amount, the United States and Iran shall waive any and all claims for costs (including attorneys' fees) arising out of or related to the arbitration, prosecution or defense of the claims asserted before the Tribunal, United States courts or elsewhere with respect to matters involved in Cases No. B26, B28, B35 and B60 and/or in this Settlement Agreement.

Article VII

This Settlement Agreement is to be submitted to the Tribunal on or before February 1, 1990. If this Settlement Agreement is not

submitted by such date, or within such additional time as the Parties may agree, then it shall automatically become null and void and the Parties, without prejudicing their respective rights, will be placed in the same position as they were prior to the date of this Settlement Agreement.

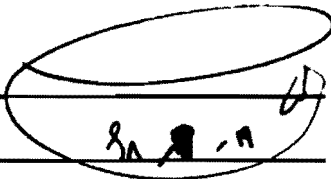
Article VIII

This Agreement has been written and signed in both languages of Persian and English and each text shall have the same and equal validity.

For Iran:

By

Date



For The United States:

By

Date

