

IRAN-UNITED STATES CLAIMS TRIBUNAL

دیوان داوری دعاوی ایران - ایالات متحدہ

DUPLICATE
ORIGINAL

نسخہ برابر اصل

CASES NOS. B32, B74, and 12786
through 12892 (Claims of Less Than
US\$250,000)

CHAMBER THREE

AWARD NO. 517-B32/B74/12786..12892-3

CASE NO. B32

THE UNITED STATES OF AMERICA,
Claimant,

and

MINISTRY OF DEFENSE OF
THE ISLAMIC REPUBLIC OF IRAN,
Respondent.

IRAN-UNITED STATES CLAIMS TRIBUNAL	دیوان داوری دعاوی ایران - ایالات متحدہ
FILED	ثبت شد
DATE	26 JUL 1991
	تاریخ ۱۳۷۰ / ۵ / ۴

CASE NO. B74

MINISTRY OF DEFENSE OF THE ISLAMIC
REPUBLIC OF IRAN,

Claimant,

and

THE GOVERNMENT OF THE UNITED STATES OF AMERICA,
Respondent.

CLAIMS OF LESS THAN US\$250,000
NOS. 12786 Through 12892*

presented by
THE ISLAMIC REPUBLIC OF IRAN
Claimants,

and

THE GOVERNMENT OF THE UNITED
STATES OF AMERICA,
Respondent.

AWARD ON AGREED TERMS

* See attached list

1. On 28 June 1991 the Agent of the Government of the Islamic Republic of Iran and the Agent of the Government of the United States, pursuant to Article 34 of the Tribunal Rules, submitted a Joint Request for an Arbitral Award on Agreed Terms in Cases Nos. B32, B74, and 12786 through 12892 (the "Joint Request"). Attached to the Joint Request is a Settlement Agreement dated 3 June 1991 between THE UNITED STATES OF AMERICA ("the United States"), on behalf of the Claimant in Case No. B32 and the Respondents in Cases Nos. B74, and 12786 through 12892, and THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF IRAN ("Iran"), on behalf of the Respondent in Case No. B32 and the Claimants in Cases Nos. B74, and 12786 through 12892 (the "Settlement Agreement"). In the Joint Request the Tribunal was requested "to record the Settlement Agreement as an Arbitral Award on Agreed Terms and terminate Cases Nos. B32, B74 and 12786 through 12892 in their entirety and with prejudice". Copies of the Joint Request and the Settlement Agreement are attached hereto and incorporated herein by reference.

2. Article I paragraph 1 of the Settlement Agreement states that

[i]n consideration of full and final settlement of all disputes, differences, claims, counterclaims and matters directly or indirectly raised or capable of arising out of relationships, transactions, contracts and events related to the subject matter of Cases Nos. B32, B74, and 12786 through 12892, the sum of U.S.\$416,000 (Four Hundred Sixteen Thousand Dollars) ("the Settlement Amount") shall be paid to Iran.

It appears from paragraph 2 of the same Article that the Settlement Amount was paid by means of a check delivered by the United States to the Agent of Iran simultaneously with the submission of the Settlement Agreement to the Tribunal. Copies of the check No. 3007 27126346 and the receipt therefor are attached hereto.

3. The Settlement Agreement provides in Article II that

[u]pon the issuance by the Tribunal of the Award on Agreed Terms, the United States and Iran shall cause, without delay and with prejudice, all proceedings in relation to the claims, counter-claims and matters related to Cases Nos. B32, B74, and 12786 through 12892 in all courts, fora, or before any authority or administrative body to be dismissed, withdrawn and terminated, and shall be barred from instituting or continuing any such 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.

4. Article III of the Settlement Agreement states, inter alia, that

[i]n consideration of the covenants, premises, and other agreements contained [in the Settlement Agreement], upon the issuance by the Tribunal of the Award on Agreed Terms, 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, counterclaims and matters stated in, related to, arising from, or capable of arising from the subject matter of Cases Nos. B32, B74, and 12786 through 12892.

5. Article V of the Settlement Agreement further provides that

it shall not affect any position of the parties in any matters other than Cases Nos. B32, B74, and 12786 through 12892. Particularly, nothing in [the Settlement Agreement], including the releases and waivers set forth in Articles II and III ..., shall constitute or be construed as a waiver of, or release from, or affect in any way any claims raised by Iran and/or Iranian Ministry of Defence in Claims 2 and 3 in Case No. B1 before the Tribunal for the principal amount and interest thereon pursued in said Claims for excess payments and short delivery of services in the Letters of

Offer and Acceptance, including but not limited to the Letters of Offer and Acceptance Nos. DN-IR-TAR-8, IR-TAH-P4, DN-IR-TAL-6, IR-TAI-P5 and DN-IR-TAP-7. Iran, however, undertakes not to seek in Claim 6 of Case No. B1 or in any other claim consequential damages based on its claims for the excess payments and short delivery of services in the Letters of Offer and Acceptance in so far as they constitute the subject matter of Case No. B74.

6. In addition, the Settlement Agreement provides in Article VI that

[u]pon the issuance by the Tribunal of the Award on Agreed Terms, the parties 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 and counter-claims asserted before the Tribunal, United States courts or elsewhere with respect to matters involved in Cases Nos. B32, B74, and 12786 through 12892.

7. Finally, Article VIII of the Settlement Agreement states that "[f]or the purpose of construction and interpretation of this Settlement Agreement the entire Agreement shall be read and construed as a whole without giving any specific effect to any article or articles separately."

8. Finding the provisions of the Settlement Agreement and the Joint Request in compliance with the conditions for the issuance of an Award on Agreed Terms, the Tribunal accepts the Settlement Agreement in accordance with Article 34 of the Tribunal Rules.

9. Based on the foregoing,

THE TRIBUNAL AWARDS AS FOLLOWS:

The Settlement Agreement is hereby recorded as an Award on Agreed Terms binding on the Parties, each of which is bound to fulfill the conditions set forth in the Settlement Agreement. Each and every one of the Cases

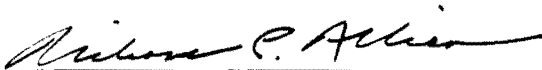
Nos. 12786 through 12892 as listed in the attached list as well as Cases Nos. B32 and B74 are hereby terminated.

Dated, The Hague
26 July 1991



Gaetano Arangio-Ruiz
Chairman
Chamber Three

In the name of God



Richard C. Allison



Mohsen Aghahosseini

MOHAMMAD RASOUL GOL KARAM NAI,	Case No. 12786
GHOLAM ABBAS AKHAVAN,	Case No. 12787
AGHIL NABAVI,	Case No. 12788
ASGHAR HASHEMI SOUDMAND,	Case No. 12789
MIR NASSER MIR MEHMANDOUST,	Case No. 12790
AMIR ALI ESKANDARI,	Case No. 12791
HASSAN GHANEH SASSANSARAI,	Case No. 12792
SA'ID GUILANI,	Case No. 12793
ALIREZA HAJI MOHAMMADI,	Case No. 12794
ABOLHASSAN VALIPOUR,	Case No. 12795
REZA OHADI,	Case No. 12796
FATHOLLAH VAHIDI,	Case No. 12797
NADER NOURAI,	Case No. 12798
FARMAN PISHGAHI,	Case No. 12799
SOHRAB SAIDI,	Case No. 12800
ALI SADEGHI POUR RANJBAR,	Case No. 12801
ABDORRASOUL RASTGAR,	Case No. 12802
SA'ID PARVIZ,	Case No. 12803
MOHSEN YAGHOUBIAN ABKENAR,	Case No. 12804
TAIMOUR CHEGUINI,	Case No. 12805
SEYED MEHRDAD ETEMAD,	Case No. 12806
SEYED KAZEM NAJIBI,	Case No. 12807
BAHRAM ASHRAF NOBARI,	Case No. 12808
SA'ID SIAHI SAHAR KHIZ,	Case No. 12809
PARVIZ ABEDINI,	Case No. 12810
FARSHAD PASDAR,	Case No. 12811
MEHRDAD KAVOUSI MOGHADDAM,	Case No. 12812
MANOUCHEHR GHAYEBI,	Case No. 12813
MOHAMMAD BAGHER SHIRAZI,	Case No. 12814
ALI HABIBI TONKABONI,	Case No. 12815
HASSAN SAYAD KHODSHENAS,	Case No. 12816
RAMEZAN ALI SHOMALI VARZANDEH,	Case No. 12817
ABBAS ESFANDI SARFARAZ,	Case No. 12818
EBRAHIM RAHMATI,	Case No. 12819
ABDOLLAH FARD BASKAH,	Case No. 12820
AKBAR SADEGHIAN SADEGH ABADI,	Case No. 12821
MIR KAMALEDDIN SEYED RAHIMI,	Case No. 12822
SOUSAN SHAHIN,	Case No. 12823
MARYAM GHODRAT,	Case No. 12824
GHASSEM RAMJERDI FARD,	Case No. 12825
EBRAHIM ISMAILPOUR,	Case No. 12826
MAHBOUBEH BANI MAHJOUR,	Case No. 12827
MOHSEN SALEHIN NAJAFABADI,	Case No. 12828
GHOLAMREZA ABEDINI,	Case No. 12829
JAVAD MIRPANAHA,	Case No. 12830
MEHRDAD HEIDARI SANI,	Case No. 12831
DAVOUD KHANALIZADEH,	Case No. 12832
ALI TAHAMI,	Case No. 12833
AMIR BAHMAN SOLAIMANI,	Case No. 12834
MOHAMMAD SADEGH RADVAR,	Case No. 12835
ALBORZ GHASSEMI SHAL,	Case No. 12836
SIROUS MOSLEH GOLTAPPEH,	Case No. 12837
ATAOLLAH MOGHADDAMI KHOMAMI,	Case No. 12838
MAJID RASHTCHIAN,	Case No. 12839
MOHAMMAD HOSSEIN SAFAI,	Case No. 12840
SEYED AKBAR MIR MEHDI,	Case No. 12841
MANSOUR ALI NAZARI DASTJERDI,	Case No. 12842

RAHMAT HOSSEINI,	Case No. 12843
GHOLAMREZA SOLAIMANI MANESH,	Case No. 12844
MOUSA RAHMANI,	Case No. 12845
KARIMALLAH AGHAI NASHTAROUDI,	Case No. 12846
TAHMOURES SOLTANI TOBEHBAR,	Case No. 12847
AMIR HOSSEIN DASTJANI FARAHANI,	Case No. 12848
NASSER SOLTANI,	Case No. 12849
BIJAN NADERI,	Case No. 12850
MOHAMMAD MEHDI TAHVILDARI,	Case No. 12851
MAHMOUD RASHEDI,	Case No. 12852
SEYED REZA HASHEMI GHAMSARI,	Case No. 12853
MOHARRAMALI MAHMOUDI,	Case No. 12854
SHAHRYAR SEDGHI MASSOUD,	Case No. 12855
KAMRAN AYRAM,	Case No. 12856
MOHAMMAD REZA MOGHADDAS,	Case No. 12857
AMIR BABAPOUR KHOSRAVI,	Case No. 12858
HAMID HAMIDIANI ARAGHINEJAD,	Case No. 12859
SEYED MEHDI HATIM,	Case No. 12860
GHOLAMHOSSEIN ZAMANI MALEK ALI ABAD,	Case No. 12861
FARZIN DARVISH,	Case No. 12862
ALI HAERI,	Case No. 12863
FARHAD KHAMENEH MOHAJER,	Case No. 12864
MAJID MOHAMMADI FAR,	Case No. 12865
MAZDA ARAMESH,	Case No. 12866
MOHAMMAD ALI MOVAGHARI,	Case No. 12867
HOSSEIN GARIVANI,	Case No. 12868
MIR EBRAHIM PAYMAN,	Case No. 12869
HAMID AZARI MOVAFAGH,	Case No. 12870
ARDESHIR FARID,	Case No. 12871
MANSOUR JANNATLOUR,	Case No. 12872
ALIREZA HAGHIRIAN,	Case No. 12873
MOHAMMAD REZA SAFAI JAFARABAD,	Case No. 12874
ZAHRA SHAKER,	Case No. 12875
PARMIS TAHVILDARI,	Case No. 12876
LIDA NAZEMI,	Case No. 12877
HOSSEIN NASSER GHANDI,	Case No. 12878
NADEREH IZAD PANAH,	Case No. 12879
SEYED AGHA SAI,	Case No. 12880
MOHAMMAD ALI ALIZADEH,	Case No. 12881
MOHAMMAD REZA ZAHEDI HENDEVANEH,	Case No. 12882
MAZAHER BAKHTIARI,	Case No. 12883
MOHAMMAD TARKALAM,	Case No. 12884
FAZEL HEIDARI NOURI,	Case No. 12885
KHOSROW MALEKI,	Case No. 12886
RASOUL RANG AMIZ,	Case No. 12887
BEHROUZ GHARA GHOZLOU,	Case No. 12888
MOHAMMAD ALI PARAND,	Case No. 12889
HASHEM DABESTANI,	Case No. 12890
MOHAMMAD REZA REZAIYAN,	Case No. 12891
NADER SHAGHAGHI HIDAJI,	Case No. 12892



United States Treasury

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Check No.

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GOVERNMENT OF THE ISLAMIC
REPUBLIC OF IRAN

Pay to
the order of

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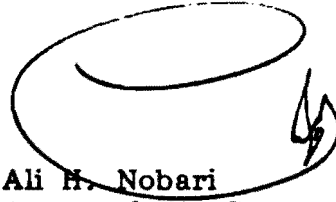
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Randy Williams
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IN THE NAME OF GOD

I hereby acknowledge receipt, from the Agent of the Government of the United States to the Iran-U.S. Claims Tribunal, of United States Treasury Check No. 3007 27126346 in settlement of Cases Nos. B32, B74 and 12786 through 12892, in accordance with the Settlement Agreement dated 3.6.1991.

A handwritten signature in black ink, consisting of a large, stylized loop followed by a vertical stroke and a small flourish at the bottom right.

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