

ORIGINAL DOCUMENTS IN SAFE

Case No. 10212

Date of filing: 7 Aug 86

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

\*\* DECISION - Date of Decision 7. Aug 86  
3 pages in English 3 pages in Farsi

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

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

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

DUPLICATE  
ORIGINAL

نسخه برابر اصل

CASE NO. 10212

CHAMBER TWO

DECISION NO. DEC 46-10212-2

NOAH A. BAYGELL, a claim of  
less than U.S.\$250,000 presented  
by the UNITED STATES OF AMERICA,  
Claimant,  
and  
THE ISLAMIC REPUBLIC OF IRAN,  
Respondent.

IRAN UNITED STATES CLAIMS TRIBUNAL		در آیدرگاه دآوری دعاوی ایران المیزان دهره الیالات متحده	
FILED - ثبت شد			
Date	7 AUG 1986	تاریخ	
	۱۳۶۵/۵/۱۶		
No.	/0212	شماره	

DECISION

1. On 7 May 1986, the Agent of the Islamic Republic of Iran filed a Request for Correction of Award No. 231-10212-2 filed in this Case on 2 May 1986. Specifically the Agent requests: that the name of the Claimant as stated in the caption at page one of the Award, "Noah A. Baygell, a claim of less than U.S.\$250,000 presented by the United States of America", be corrected to read "The Government of the United States of America, on behalf and for the benefit of Noah A. Baygell"; and, that the name of the payee as stated in paragraph 12(a) of the Award, be corrected to read "The

Government of the United States of America". The Request is stated to be in accordance with Article 36 of the Tribunal Rules.

2. In support of his 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. As to the description of the Claimant, the Tribunal is of the view that the formulation used in Award No. 231-10212-2 is preferable to that proposed by the Agent of the Islamic Republic of Iran in that it more closely follows the language of Article III, paragraph 3, of the Claims Settlement Declaration. Moreover, the Tribunal considers that the change in formulation has, in itself, no legal consequence.


4. As to the name of the payee, the Tribunal notes that in all the Awards issued to date in claims of less than U.S.\$250,000, the Tribunal has directed payment to an individual payee rather than to a government. In addition, in fifteen of those cases where an Award on Agreed Terms was issued, representatives of both Governments requested that Awards be issued which specifically direct payment to be made to an individual payee.

5. Therefore, the Tribunal decides that no correction of the Award is warranted and denies the Request. In view of this decision, the Tribunal does not consider it necessary


to determine whether the correction sought is of the type envisaged by Article 36 of the Tribunal Rules.

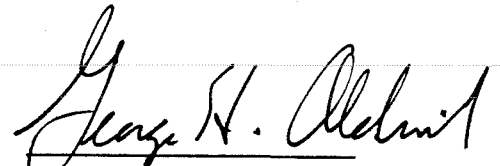
Dated, The Hague

7 August 1986

  
Robert Briner  
Chairman

In the name of God,

  
Hamid Bahrami-Ahmadi  
Dissenting

  
George H. Aldrich

Considering the fact that the Government of the United States in its statement of claim (Case No. 86) has expressly taken the position that the claims under \$250,000 were filed by that Government on the basis of diplomatic protection of its national (acting as parens patriae) and considering the express statements of the agent of the United States during the Full Tribunal meeting held on November 5, 1982 to the effect that such claims are filed by one government against another government, I hereby dissent from the position taken by the majority.