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159-157

STATES CLAIMS TRIBUNAL

دیوان دآوری دعاوی ایران - ایالات متحد

ORIGINAL DOCUMENTS IN SAFE

146

Case No. 829

Date of filing: 19. Sep 88

** AWARD - Type of Award _____
- Date of Award _____
_____ pages in English _____ pages in Farsi

** DECISION - Date of Decision 19. Sep 88
3 pages in English 4 pages in Farsi

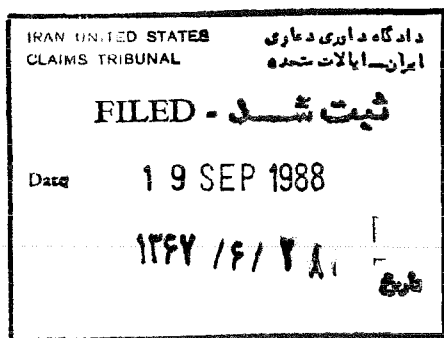
** CONCURRING OPINION of _____
- Date _____
_____ pages in English _____ pages in Farsi

** SEPARATE OPINION of _____
- Date _____
_____ pages in English _____ pages in Farsi

** DISSENTING OPINION of _____
- Date _____
_____ pages in English _____ pages in Farsi

** OTHER; Nature of document: _____

- Date _____
_____ pages in English _____ pages in Farsi

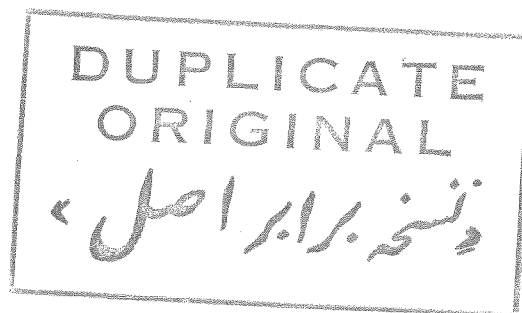


146

CASE NO. 829

CHAMBER TWO

DECISION NO. DEC 84-829-2



LOCKHEED CORPORATION,
Claimant,

and

THE GOVERNMENT OF IRAN,
THE IRANIAN MINISTRY OF WAR,
and THE IRANIAN AIR FORCE,
Respondents.

DECISION

1. On 11 July 1988, the Agent of the Islamic Republic of Iran timely filed a letter of the Ministry of Defense (formerly the Ministry of War) requesting a correction of Award No. 367-829-2 (the "Award"), filed on 9 June 1988.

2. In its letter, the Respondent states that the Tribunal, when dismissing Claim No. 4 under which the Claimant sought an amount of U.S.\$12,652 in repair cost, had

... not identified the status and the manner in which the above mentioned parts and components which are in Lockheed's possession are to be turned over. It is requested that the Tribunal order that these parts be delivered to the Respondent.

3. Respondent furthermore states that

89 items and 68 line items of C-130 repair parts, which are in Lockheed's possession, constitute a part of the Iranian Air Force's counterclaim in Claim No. 5. But the status of the above-mentioned parts has not been identified. It is respectfully requested that the status of these parts be clarified.

4. Neither request identifies the relevant Tribunal Rule under which it is submitted. Under such circumstances, the Tribunal examines the request under the particular rule which might be applicable.

5. The Tribunal notes that Article 35, paragraph 1 of the Tribunal Rules provides that a party may request the Tribunal to give an "interpretation" of the Award. This Article is applicable to awards which contain ambiguous language and thus require clarification.

6. Article 36, paragraph 1 of the Tribunal Rules provides that a party may request the Tribunal to "correct" an award due to "errors in computation, any clerical or typographical errors, or any errors of similar nature." This Article is clearly not applicable to the requests raised.

7. Article 37, paragraph 1 of the Tribunal Rules provides that a party "may request the arbitral tribunal to make an additional award as to claims presented in the arbitral proceedings but omitted from the award."

8. In considering both requests of the Respondent, the Tribunal notes that the counterclaims filed by the Respondent consistently requested damages on the basis that the parts had not been returned to it but not the physical delivery of the parts which are the subject matter of the requests. The present requests therefore amount to new counterclaims which obviously cannot be considered after the Award has been issued.

9. The Tribunal furthermore finds that it examined the initial counterclaims for damages related to these parts in Paragraphs 83, 84 and 90 of the Award and dismissed them for lack of evidence. The Award therefore requires no interpretation pursuant to Article 35, paragraph 1 of the Tribunal Rules.


10. The Respondent's requests also did not identify any claims which had been put forward by it in its pleadings and which had not been dealt with by the Tribunal in its Award. Therefore, the Tribunal finds no basis on which to render an additional award within the meaning of Article 37, paragraph 1 of the Tribunal Rules.

11. For the foregoing reasons,

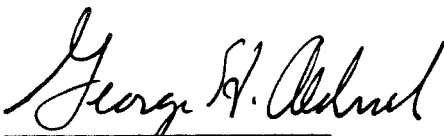
THE TRIBUNAL DECIDES AS FOLLOWS:

The request filed by the Agent of the Government of the Islamic Republic of Iran on 11 July 1988 concerning Award No. 367-829-2 is denied.

Dated, The Hague
19 September 1988




Robert Briner
Chairman



George H. Aldrich

In the Name of God



Seyed K. Khalilian
Dissenting Opinion