

24-307

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CLAIMS TRIBUNAL

دیوان دآوری دعاوی ایران - ایالات متحدہ

ORIGINAL DOCUMENTS IN SAFE

307

Case No. 24

Date of filing: 21. Aug 87

** 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

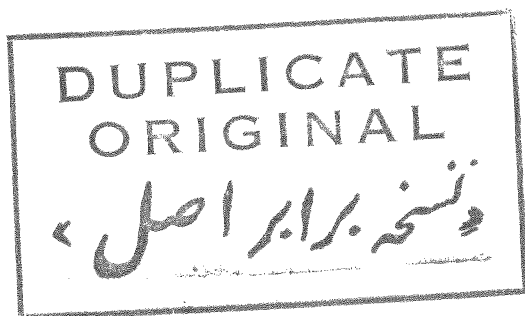
** SEPARATE OPINION of _____
- Date _____
_____ pages in English _____ pages in Farsi

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

** OTHER; Nature of document: Statement of Mr Ameli

- Date 20 Aug 87
3 pages in English _____ pages in Farsi

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CASE NO. 24

CHAMBER ONE

AWARD NO. 314-24-1

STARRETT HOUSING CORPORATION,
STARRETT SYSTEMS, INC.,
STARRETT HOUSING INTERNATIONAL, INC.,
Claimants,

and

THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF IRAN,
BANK MARKAZI IRAN,
BANK OMRAN,
BANK MELLAT,

Respondents.

IRAN UNITED STATES CLAIMS TRIBUNAL		تاریخ ثبت شد
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Date	21 AUG 1987	تاریخ
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No.	24	شماره

Statement of Mr. Ameli

I did not sign the Final Award in this Case mainly for the following reasons:

1. The Award did not decide many disputed issues crucial to the outcome of the Case, although those issues were reflected in the Facts and Contentions of the Award itself.
2. As to the issues the Award has decided it has given no reasons for many of them, without agreement or authorization of the Parties to do so and contrary

to the clear requirements of Articles 32(3) and 33(2) of the Tribunal Rules.

3. As to the issues the Award has decided and given reasons, many of them are contrary to the facts of the record, provisions of governing law, rules of logic or common sense and are supported by no relevant authority.
4. By adopting the Expert's decisions on non-accounting matters, as well as on matters where his decisions are contrary to the facts of the record, provisions of governing law, rules of logic or common sense — which are the criteria set by the Tribunal itself for testing the Expert's Report — the Tribunal has clearly delegated its own functions to an outsider and made its Award amenable to invalidation.
5. By its obstinate resolve of not quantifying those items it has itself adjusted in the Expert's Report, the Tribunal has, conveniently for the Claimants, avoided arriving at a negative value for Shah Goli which those adjustments alone would have produced.

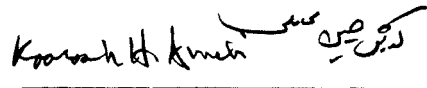
Instead, the Tribunal has maintained a very minor positive value of Rials 27 million (\$382,000) that it had reached in a highly speculative manner a month earlier, despite the increase of Rials 762 million (\$10.9 million) for utility charges in the remaining Project costs that was accepted by the Tribunal only a day before the Award was signed. However discounted, this figure, or Coopers & Lybrand's figure of Rials 515.38 million (\$7.3 million) or even the earlier Radice figure of \$4.7 million, would be sufficient easily to wipe out the above positive value the Tribunal had reached much earlier. But by not calculating this and the other

adjusted items the Tribunal has enabled itself to award the Claimants the so-called loans of \$33.5 million which make up the largest portion of the awarded sums.

In my view, each of these reasons is sufficient to set aside the Final Award in this Case, although proper decision rests with others. My detailed analysis of these and other points will be filed later.

Dated, The Hague

29 Mordad 1366 / 20 August 1987


Koorosh H. Ameli

Koorosh H. Ameli