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ORIGINAL DOCUMENTS IN SAFE

229

Case No. 36

Date of filing: 20 NOV 86

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

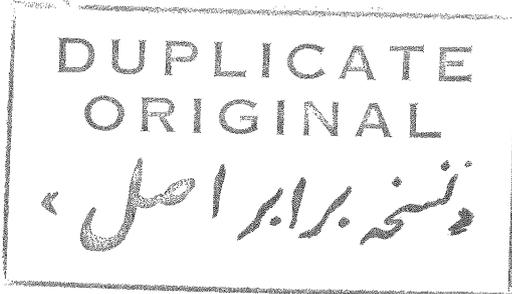
\*\* DECISION - Date of Decision \_\_\_\_\_  
\_\_\_\_\_ pages in English \_\_\_\_\_ pages in Farsi

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

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

\*\* DISSENTING OPINION of Additional correction of English  
version  
- Date 20.NOV86  
1 pages in English \_\_\_\_\_ pages in Farsi

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



CASE NO. 36  
CHAMBER ONE  
AWARD NO. 259-36-1

FLEXI-VAN LEASING, INC.,  
Claimant,

and

THE GOVERNMENT OF THE ISLAMIC  
REPUBLIC OF IRAN,  
Respondent.

IRAN UNITED STATES CLAIMS TRIBUNAL	دادگاه داوری دعوی ایران - ایالات متحدہ
ثبت شد - FILED	
Date	20 NOV 1986 ۱۳۶۵ / ۸ / ۲۰
No.	36

ADDITIONAL CORRECTION TO  
DISSENTING OPINION OF JUDGE HOLTZMANN

The following additional correction should be made in the English version of my Dissenting Opinion filed in this Case on 5 November 1986:

Page 5, line 16, delete the word "Mahajevi" and insert the word "Muhajeri."

A copy of the corrected page is attached.

Dated, The Hague  
17 November 1986

  
Howard M. Holtzmann

Iran 56 (1982)). This role of the Foundation is described in greater detail by an authoritative Iranian author:

"On the victory of the Islamic Revolution . . . plunderers and usurers fled and their possessions were confiscated and became public property. This property was such that processing thus necessitated a separate agency or institution. The establishment of the [Foundation] was for the purpose of undertaking the supervision of this property . . . .

The [Foundation] is responsible for protecting and managing confiscated property and companies and the respective income earned is spent by this Foundation for the benefit of the society's deprived and oppressed stratum . . . ."

Id. (quoting M. Muhajeri, Islamic Revolution -- Future Path of the Nations 78 (1982) (emphasis added)).

Thus, the Foundation is not an ordinary shareholder of Star Line. The Foundation displaced the former management pursuant to the order of a Revolutionary Court, not by normal corporate procedures, and it was charged with the duty to manage every aspect of the company's affairs.

The situation with respect to Iran Express is similar to that of Star Line, the only variation being that Iran Express was taken over by the Ministry rather than by the Foundation. The takeover was vividly described in an affidavit of Robert H. Uiterwyk which is summarized in the Award:

Mr. Uiterwyk states that he had been a shareholder of Iran Express and its deputy managing director from the time the company was formed in 1974 until late February or early March 1980 when he and the other non-Iranian members of the board of directors of Iran Express were informed by the Iranian board members that three government-appointed directors accompanied by the Revolutionary Guards had entered the offices of Iran Express in Tehran, had occupied the offices and ousted the directors and managers of the company from control.

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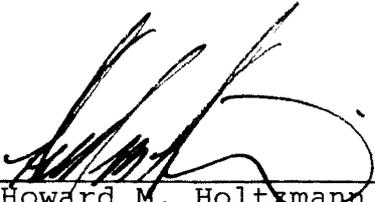
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