

409-187

STATES CLAIMS TRIBUNAL

دیوان داورى دعاوى ایران - ایالات متحدہ

E.9-11V

ORIGINAL DOCUMENTS IN SAFE

187

Case No. 409

Date of filing: 26. Jan 88

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

\*\* DECISION - Date of Decision 26. Jan 88  
4 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

IRAN UNITED STATES CLAIMS TRIBUNAL	داوان دآوری دعاوی ایران - ایالات متحدہ
ثبت شد - FILED	
26 JAN 1988	تاریخ
۱۳۶۶ / ۱ / ۶	
No. 409	شماره

CASE NO. 409

CHAMBER ONE

DECISION NO. DEC 73-409-1

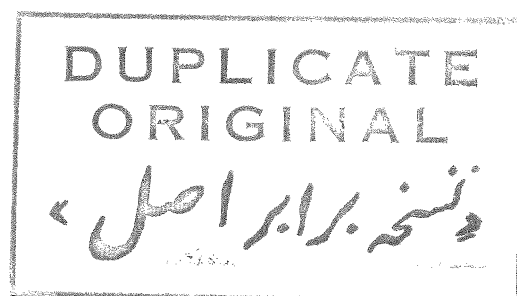
HARRIS INTERNATIONAL TELECOMMUNICATIONS, INC.,

Claimant,

and

THE ISLAMIC REPUBLIC OF IRAN,  
THE MINISTRY OF DEFENCE OF THE  
ISLAMIC REPUBLIC OF IRAN,  
BANK MARKAZI,  
BANK MELLI IRAN,

Respondents.



DECISION

1. On 3 December 1987, the Claimant filed with the Tribunal a Request, pursuant to Articles 36 and 37 of the Tribunal Rules, for "a review and correction" and a Request for "an additional award" with respect to the Tribunal's Partial Award No. 323-409-1 filed on 2 November 1987. Both Requests were filed within the thirty-day period provided by the Rules.

2. The Request for "a review and correction" concerns "certain of the calculations" in the Award. Article 36 permits corrections only of "any errors in computations, any clerical or typographical errors, or any errors of similar nature." The basis of the Claimant's request is its disagreement with the Tribunal's approach to determining certain elements of the Claimant's claim for performance. The Award states that the Tribunal adopted its approach "[a]fter careful consideration of various options" (see para. 134) and then explains its reasoning in considerable detail. The Claimant here seeks a revision of the Tribunal's reasoned findings, not a mere correction of an arithmetic error. The provisions of Article 36 do not apply in such a circumstance. See American Bell International Inc. and Islamic Republic of Iran, et al., Decision No. DEC 58-48-3 (19 Mar. 1987).

3. Insofar as the Request constitutes an attempt "to reargue certain aspects of the Case and to disagree with the conclusions of the Tribunal" in its Award, the Tribunal points out again that "there is no basis in the Tribunal Rules of Procedure or elsewhere for a review of an award on such grounds." See Paul Donin de Rosiere, et al. and Islamic Republic of Iran, Decision No. DEC 57-498-1, para. 4 (10 Feb. 1987); Ford Aerospace & Communications Corporation and Government of the Islamic Republic of Iran, Decision No. DEC 59-93-1, para. 4 (23 Apr. 1987).

4. As to the Request to make an additional award with respect to the delivery of the United States General Data Base Library ("the library"), the Tribunal notes that Article 37 of the Tribunal Rules permits a party to make a request for an additional award only "as to claims presented in the arbitral proceedings but omitted from the award." The subject matter of this request was not omitted from the award, but is discussed in detail in paragraphs 177 through 181 and is also referred to in the dispositif. See para. 184(d). The Tribunal, therefore, finds that there is no basis under the Tribunal Rules for making the additional award requested. Accordingly, the order contained in paragraph 181 continues in force, and requires, inter alia, that the Claimant apply to the United States for any export licence that might be required under existing law in order to deliver the library to Iran. The Tribunal notes the Claimant's argument with respect to the question of who should bear the cost of applying for an export license and for the delivery and storage of the library, and points out that paragraph 181 specifically deals with those concerns by providing that the Claimant shall file a specific proposal which "should also include a discussion of the allocation of the cost of obtaining the export license, arranging the delivery of the library and the storage at [a bonded] warehouse".

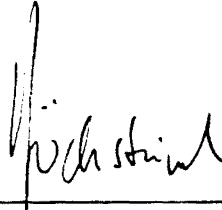
5. For the foregoing reasons,

THE TRIBUNAL DECIDES AS FOLLOWS:

- a) The Request for a review and correction of Partial Award No. 323-409-1 (2 Nov. 1987), filed on 3 December 1987 by the Claimant, is denied.

- b) The request for an additional award with regard to Partial Award No. 323-409-1 (2 Nov. 1987), filed on 3 December by the Claimant, is denied.

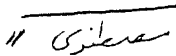
Dated, The Hague  
26 January 1988



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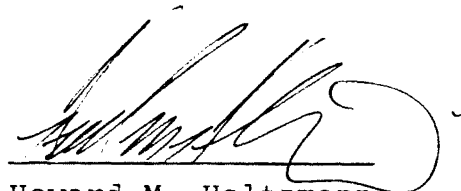
Karl-Heinz Böckstiegel  
Chairman  
Chamber One

In the Name of God



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Mohsen Mostafavi



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Howard M. Holtzmann