



CLAIMS TRIBUNAL

48-320  
دیوان داوری دعاوی ایران - ایالات متحدہ

ORIGINAL DOCUMENTS IN SAFE

Case No. 48

Date of filing: 19 Mar 87

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

\*\* DECISION - Date of Decision 19. Mar 87  
\_\_\_\_\_ 3 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: \_\_\_\_\_  
\_\_\_\_\_  
- Date \_\_\_\_\_  
\_\_\_\_\_ pages in English \_\_\_\_\_ pages in Farsi

IRAN-UNITED STATES CLAIMS TRIBUNAL

دیوان داوری دعاوی ایران - ایالات متحدہ

CASE NO. 48

CHAMBER THREE

DECISION NO. DEC 58-48-3

AMERICAN BELL INTERNATIONAL INC.,  
Claimant,

and

THE ISLAMIC REPUBLIC OF IRAN,  
THE MINISTRY OF DEFENSE OF THE  
ISLAMIC REPUBLIC OF IRAN,  
THE MINISTRY OF POST, TELEGRAPH and  
TELEPHONE OF THE ISLAMIC REPUBLIC  
OF IRAN, and THE TELECOMMUNICATIONS  
COMPANY OF IRAN,

Respondents.

IRAN UNITED STATES CLAIMS TRIBUNAL		ایران - ایالات متحدہ
ثبت شد - FILED		
Date	19 MAR 1987	تاریخ
	۱۳۶۵ / ۱۲ / ۲۸	
No.	48	شماره

DUPLICATE  
ORIGINAL  
نسخه برابر اصل

DECISION

1. On 6 February 1987 a submission entitled "Respondents' Request for Correction of Computational Errors and for Interpretation of Award" (the "Request") was filed by the Agent of the Government of the Islamic Republic of Iran seeking the correction and interpretation of Award No. 255-48-3 (English text filed 19 September 1986; Farsi text filed 8 January 1987) (the "Award"). The Claimant's objection to the Request was filed on 4 March 1987. Respondents' comments on Claimant's objection were received on 17 March 1987.

2. The Request consists of two parts. The first seeks the correction of certain "computational errors" in the Award

pursuant to Article 36 of the Tribunal Rules. The second part seeks interpretations of several aspects of the Award for the purpose of "clarifying" or "reviewing" its findings pursuant to Article 35 of the Tribunal Rules.

3. Insofar as the Request allegedly seeks the correction of computational errors in the provisions of the Award, the Tribunal finds that Respondents have identified no such errors. Rather, they have submitted an elaborate reargumentation based on the evidentiary record aiming at the reconsideration and revision of some of the findings on the basis of which computations are made in the Award. Such a request does not fall within the scope of Article 36.

4. Insofar as the Request allegedly seeks an interpretation of the Award, the Tribunal finds that it does not identify any aspect of the Award where the Tribunal's interpretation is necessary. Respondents ask that the Tribunal interpret the Award for the purposes of "Clarifying the Legal Basis of the Acts Creating Responsibility and the Articles Relied Upon in the Award," "Rectifying its Inconsistenc[ies] in Respect of the Invoices of November and December 1978 with the Termination Costs," and "Rectifying its Inconsistencies Governing the Issue of Defects and the Non-performance of the Work." Additionally, Respondents ask for a "Review of the Award After Interpretation," and for an "Interpretation for the Purpose of Determining the Date of the Legal Act Creating Responsibility, Should the Tribunal Find that the Interpretation Does Not Require a Review of the Award." These requested interpretations largely parallel the alleged computational errors, and, as is apparent from the headings just quoted, would require the Tribunal to review or revise its Award. Respondents have not shown that any clarification is necessary to remove an ambiguity which could impede the execution of the Award. Consequently, the requested interpretations fall outside the scope of Article 35.

5. According to Article IV, paragraph 1, of the Claims Settlement Declaration, awards of the tribunal are "final and binding." Moreover, Article 32, paragraph 2, of the Tribunal Rules provides that an award "shall be final and binding on the parties." The Request contravenes these mandatory provisions since it is neither a request for interpretation nor a request for correction of computational errors within the meaning of Articles 35 and 36 of the Tribunal Rules, but rather a request for revision of the Tribunal's Award. As such, the Request is inadmissible.

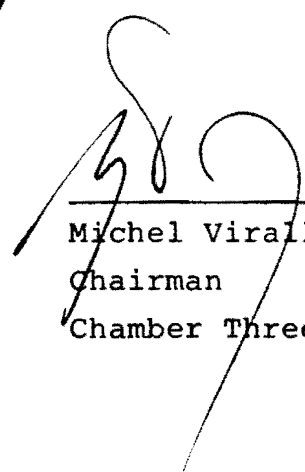
6. In view of the fact that this Decision only deals with procedural matters, Mr. George H. Aldrich participates as an acting member of the Chamber pursuant to Presidential Order No. 51, filed 3 February 1987.

7. For the foregoing reasons,

THE TRIBUNAL DECIDES AS FOLLOWS:

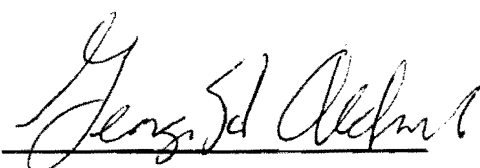
The request for correction of computational errors and for interpretation of Award No. 255-48-3 (19 September 1986), filed by the Respondents on 6 February 1987, is denied.

Dated, The Hague,  
19 March 1987



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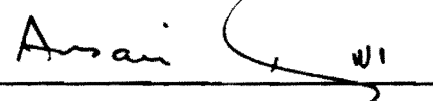
Michel Virally  
Chairman  
Chamber Three



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George H. Aldrich

In the name of God ,



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Parviz Ansari Moin  
Dissenting