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CLAIMS TRIBUNAL

دیوان داری دعاوی ایران - ایالات متحدہ

ORIGINAL DOCUMENTS IN SAFE

112

Case No. 161

Date of filing: 3. Dec 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 Correction To Mr Ameli opinion
- Date 3. Dec 86
2 pages in English _____ pages in Farsi

** OTHER; Nature of document: _____

- Date _____
_____ pages in English _____ pages in Farsi

In His Exalted Name



INA CORPORATION,
 Claimant,
 and
 THE GOVERNMENT OF THE
 ISLAMIC REPUBLIC OF IRAN,
 Respondent.

CASE NO. 161
 CHAMBER ONE
 AWARD NO. 184-161-1

IRAN UNITED STATES CLAIMS TRIBUNAL	دادگاه دآوری دعاوی ایران - ایالات متحده
ثبت شد - FILED	
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CORRECTION TO DISSENTING
 OPINION OF JUDGE AMELI

The following corrections should be made in the English version of my Dissenting Opinion in this Case dated 5 Azar 1365/26 November 1986:

1. Page 17, first paragraph, line 7, add an * following the sentence ending with the word "issue."
2. Page 17, add a footnote at the bottom of the page as follows:

"* Apparently because of the heavy workload resulting from his participation in cases pending before the permanent panel of Chamber One and the Full Tribunal, as well as in the disposition of cases by this ad hoc panel."

A copy of the corrected page is attached.

Dated, the Hague,
12 Azar 1365/3 December 1986

Koorosh H. Ameli

Koorosh-Hossein Ameli

Tribunal "adopted the formulation that the successor must be held liable to pay 'appropriate compensation taking into account all the circumstances of the case.'"²⁰ (Emphasis added by Judge Lagergren.) Judge Holtzmann in his Separate Opinion in INA argues that the term "appropriate compensation" in Oil Field of Texas was used in answer to the argument that no compensation was payable rather than what level of compensation was due.

On this point, I also share Judge Lagergren's view rather than that of Judge Holtzmann whose view is after all ex post facto. Judge Holtzmann, who has been quick to file separate opinions in awards he indicates to do so, never filed his Concurring Opinion in the Oil Field of Texas Case. He also later withdrew from participating in the decision in that Case on the compensation issue.* Judge Mosk, who at the time had filed his Concurring Opinion in Oil Field of Texas, later resigned but was subsequently appointed as ad hoc Member when that Case came to be decided by Chamber One on the compensation issue. Judge Mosk's Concurring Opinion in the Interlocutory Award does not address the issues Judge Holtzmann discusses. The final Award in the Case clearly indicates that a major part of the awarded compensation was for the "taking" of three blowout preventers.²¹ The final Award in that Case under the chairmanship of Judge Böckstiegel states:

The Tribunal finds that the replacement value, in the circumstances of this Case, is an appropriate

²⁰ Oil Field of Texas, Inc. and The Government of the Islamic Republic of Iran, et al, Interlocutory Award No. ITL 10-43-FT (9 December 1982) p. 22 reprinted in 1 Iran-U.S. C.T.R. 347, 356 and 362.

²¹ Oil Field of Texas, Inc. and The Government of the Islamic Republic of Iran, et al., Award No. 258-43-1 (8 October 1986), paras. 41-45 and 56 (a).

* Apparently because of the heavy workload resulting from his participation in cases pending before the permanent panel of Chamber One and the Full Tribunal, as well as in the disposition of cases by this ad hoc panel.