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184-122

ES CLAIMS TRIBUNAL

دیوان داری دعاری ایران - ایالات متحدہ

164

ORIGINAL DOCUMENTS IN SAFE

Case No. 184

Date of filing: 24.NOV87

\*\* 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 Messrs Bockstiegel and Holtzman  
- Date 10.NOV87  
3 pages in English 2 pages in Farsi

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

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

CASE NO. 184

CHAMBER ONE

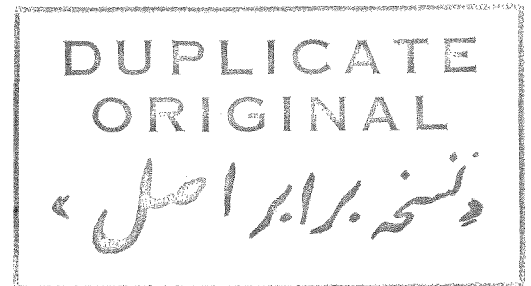
AWARD NO. 320-184-1

GRANGER ASSOCIATES,  
Claimant,

and

THE ISLAMIC REPUBLIC OF IRAN,  
THE RADIO AND TELEVISION  
ORGANIZATION OF THE ISLAMIC  
REPUBLIC OF IRAN,  
THE TELECOMMUNICATION COMPANY  
OF IRAN, THE CIVIL AVIATION  
ORGANIZATION OF IRAN,  
Respondents.

IRAN UNITED STATES CLAIMS TRIBUNAL	دادگاه داری دعوی ایران - ایالات متحدہ	
ثبت شد - FILED		
Date	24 NOV 1987	تاریخ
	۱۳۶۶ / ۹ / ۲	
No.	184	شماره



SEPARATE OPINION

The Members of the Tribunal rarely respond to dissenting opinions, and, accordingly, we do not comment on Mr. Ameli's Dissenting Opinion insofar as it relates to the Tribunal's procedures, interpretation and implementation of the Settlement Agreement in this Case.

It is necessary, however, in the interest of vindicating the integrity of the Tribunal, to reply to Mr. Ameli's statement that "it is highly questionable" how the Claimant knew before the Tribunal's Order of 1 October 1987 that it

should correct the Bill of Sale that it had initially submitted pursuant to the Settlement Agreement.<sup>1</sup>

The facts are straight-forward: The Claimant was required by the Settlement Agreement to submit to the Tribunal a Bill of Sale containing specific terms expressed in the Settlement Agreement. The Bill of Sale that it initially submitted did not meet those requirements. Later, noting that an Award on Agreed Terms had not been issued, a telephone inquiry was made on behalf of the Claimant to the Chamber Clerk asking if any problems existed with the documents. The Chamber Clerk correctly replied that the matter was under consideration by the Tribunal, and he properly did not disclose the Tribunal's deliberations. The Claimant, however, appears to have recognized that the Bill of Sale it had originally submitted was incorrect -- a circumstance that was obvious to anyone comparing it with the explicit text of the Settlement Agreement. In an effort to avoid further delay, the Claimant prepared a new Bill of Sale and sent it to The Hague to be filed in substitution. When the Chamber Clerk was informed that a new Bill of Sale was available, he advised that it was premature to file anything at that time because the Tribunal was still deliberating upon the matter. Again, the Chamber Clerk disclosed nothing about the Tribunal's deliberations or future action. On 1 October 1987, the Tribunal issued an Order directing that a new Bill of Sale be submitted containing the exact words required by the Settlement Agreement. In view of the specific provision of the Settlement Agreement, it is neither unusual nor surprising that the Claimant had accurately anticipated what would be required, and had acted so as to have a correct Bill of Sale available in The Hague for

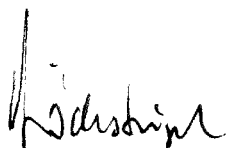
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<sup>1</sup>Note 2 to Article 31 of the Tribunal Rules states, in pertinent part, "The arbitral tribunal shall deliberate in private. Its deliberations shall be and remain secret."

immediate filing. Mr. Ameli's statement implying improper conduct is therefore entirely unwarranted.

Dated, The Hague

10 November 1987



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Karl-Heinz Böckstiegel



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Howard M. Holtzmann