

243-73
۲۴۳-۷۳

ORIGINAL DOCUMENTS IN SAFE

Case No. 243

Date of filing: 6. Sep 83

** AWARD - Type of Award Award on agreed Terms
- Date of Award 6. Sep 83
4 pages in English 4 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 _____
- Date _____
_____ pages in English _____ pages in Farsi

** OTHER; Nature of document: _____

- Date _____
_____ pages in English _____ pages in Farsi

243-73
۲۴۳-۷۳

CASE NO. 243
CHAMBER ONE
AWARD NO. 76-243-1

ADVANCED COMPUTER TECHNIQUES
CORPORATION and INTER-ACT
CORPORATION,
Claimants,
and
THE ISLAMIC REPUBLIC OF IRAN,
INFORMATION SYSTEMS IRAN ("ISIRAN"),
IRANIAN AIR FORCE,
Respondents.

IRAN UNITED STATES CLAIMS TRIBUNAL	دادگاه داوری دعاری ایران - ایالات متحدہ
فیلڈ - ثبت شد	
No. 243	شماره ۲۴۳
Date	تاریخ
6 SEP 1983	
۱۳۶۲ / ۶ / ۱۵	

AWARD ON AGREED TERMS

DUPLICATE
ORIGINAL
نسخه برابر اصل

On 23 August 1983 ADVANCED COMPUTER TECHNIQUES CORPORATION ("ACT"), INTER-ACT CORPORATION ("INTER-ACT"), the Claimants in case No. 243, and INFORMATION SYSTEMS IRAN ("ISIRAN"), one of the Respondents, filed with the Tribunal a Settlement Agreement dated 23 June 1983 resolving the matters in dispute between them the subject of case No. 243. The Settlement Agreement provides for certain reciprocal obligations by the Parties including the payment of the sum of Three Hundred and Twenty Three Thousand Five Hundred and Four United States Dollars to the Claimants.

Article 4 of the Settlement Agreement provided that the Agreement would enter into force upon ratification by the "concerned authorities of Iran" on or before 1 August 1983, and that, failing such ratification by that date, the Agreement would be null and void.

On 23 August 1983 a Joint Request for an Arbitral Award on agreed terms, signed by the authorised representatives of ACT, INTER-ACT and ISIRAN, was filed with the Tribunal, requesting that the Settlement Agreement be recorded as an Arbitral Award on agreed terms. On the same date the Deputy Agent of the Government of the Islamic Republic of Iran filed a letter confirming that the approval of the authorities in Iran had been obtained subject to certain amendments to the Settlement Agreement and the Joint Request. Also on that day the Tribunal received a telex from the authorised representative of the Claimants confirming their agreement to the said amendments and to the extension of the prescribed period for ratification to 8 August 1983, the date on which notice of ratification had been received by them.

Copies of the Settlement Agreement, the Joint Request, and the said letter and telex are annexed hereto.

The Tribunal accepts the Settlement Agreement as amended by the letter and telex of 23 August 1983 in accordance with Article 34 of the Tribunal Rules. The Joint Request as amended provides for the withdrawal of the Claimants' claim against ISIRAN, THE IRANIAN AIR FORCE and THE ISLAMIC REPUBLIC OF IRAN. The Tribunal considers that the Settlement Agreement is in full and final settlement of all claims and counterclaims in case No. 243.

Based on the foregoing:

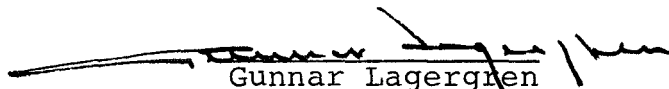
The claim against THE IRANIAN AIR FORCE and THE ISLAMIC REPUBLIC OF IRAN is terminated.

The Settlement Agreement as amended by the letter and telex of 23 August 1983 is hereby recorded as an Award on agreed terms, binding on the Parties. Consequently, the Respondent ISIRAN is obligated to pay the Claimants, ADVANCED COMPUTER TECHNIQUES CORPORATION and INTER-ACT CORPORATION jointly a total of Three Hundred and Twenty Three Thousand Five Hundred and Four United States Dollars (US \$323,504.00) which obligation shall be satisfied by payment out of the Security Account established pursuant to paragraph 7 of the Declaration of the Government of the Democratic and Popular Republic of Algeria dated 19 January 1981. The Joint Request provides that payment shall be made to Account Number 003-04 5536 at Chemical Bank, New York, New York, U.S.A.

The Award is hereby submitted to the President of the Tribunal for notification to the Escrow Agent.

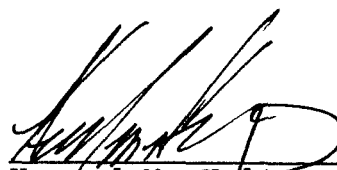
Dated, The Hague

5 September 1983

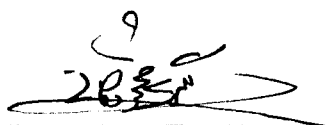


Gunnar Lagergren
Chairman
Chamber One

I agree with the Chairman in accepting and recording of the Settlement Agreement as an Award on agreed terms but I dissent as to the remaining part of this Award not only because that part unilaterally condemns one of the parties to the performance of its obligations and ignores the reciprocal obligations of the other party but also because it provides for an enforcement procedure, which a judge is barred from after deciding the dispute or accepting and recording the settlement, according to Article 34 of the UNCITRAL Rules.



Howard M. Holtzmann
Concurring Opinion



Mahmoud M. Kashani



EMBASSY OF THE ISLAMIC REPUBLIC OF IRAN
Agent Bureau
The Hague

No. 7088
Date. 23.8.83
Encl. ۲۲/۲۱

IN THE NAME OF GOD, THE MOST COMPASSIONATE, THE MOST MERCIFUL.

Honourable Judge Lagergren,
Chairman,
Chamber 1,
Iran-U.S. Claims Tribunal,
Parkweg 13,
The Hague.

جناب قاضی لاکرگرن
رئیس
شعبه یک
دادگاه داوری و دعاوی ایران - ایالات متحده
پارک و خ ۱۳
لااه

Re: Case No.243

موضوع : پرونده شماره ۲۴۳

Sir,

عالیجناب ،

By submitting the original copy of the Settlement Agreement concluded between the parties in the abovementioned Case, I would like to inform you that the approval of the concerned authorities referred to in Article 4 of the Settlement Agreement has been obtained with the following minor amendments, which both parties have agreed upon:

به پیوست ضمن تقدیم یک نسخه اصل موافقتنامه حل و فصل منعقدہ بین طرفین پروندہ فوق الذکر، اعلام میدارم کہ تصویب مورداشارہ در بند ۴ توافقنامہ با اصلاحاتی جزئی بشرح زیر کہ بہ تاءید طرفین نیز رسیدہ ، کسب گردیدہ است :

۱- خط پنجم پاراگراف سوم تقاضای مشترک به این شرح اصلاح میگردد :

1. Lines No. 7 and 8 of Paragraph 3 of the joint request is amended to read as follows:

"دعای خواهانها علیہ ایزایران ، نیروی هوائی ودولت جمهوری اسلامی ایران مسترد میگردد."

"against Isiran, the Iranian Air Force and the Islamic Republic of Iran."

۲- خط ۵ پاراگراف ۳ موافقتنامه به شرح زیر اصلاح میگردد :

2. Line No.6, Paragraph e, Article 3 of the Settlement Agreement is amended to read as follows:

"... ناشی شده و علیہ خواهانها در ایران اقامہ گردد، مصون ومبری داردو در صورت اقامہ ..."

"be asserted against the Claimants in Iran and..."

علیرغم تاریخ تصویب پیش بینی شده در ماده

Notwithstanding the approval deadline mentioned in the Article 4 of the Settlement

IRAN UNITED STATES CLAIMS TRIBUNAL	دادگاه داورى دعاوى ایران-ایالات متحده
ثبت شد - FILED	
No. 243	شماره
Date	تاریخ
23 AUG 1983	۲۳ اگ ۱۹۸۳


Agreement, the parties have agreed to file the Settlement Agreement, with the amendments referred to above to be taken into consideration, with the Tribunal, for an arbitral award on agreed terms.

۴، طرفین توافق نموده اند که موافقتنامه مذکور با اصلاحات فوق الذکر نزد دیوان داورى به ثبت رسیده و مبنای رأی قرار گیرد.

Yours sincerely,

با احترام

Mohammad K. Eshragh,
Deputy Agent of the Islamic
Republic of Iran to the
Iran-U.S. Claims Tribunal.



محمد کریم اشراق
قائم مقام نماینده دولت جمهوری اسلامی
ایران در دادگاه داورى دعاوى ایران -
ایالات متحده .

IRAN-UNITED STATES CLAIMS TRIBUNAL

----- x
 ADVANCED COMPUTER TECHNIQUES :
 CORPORATION and : Case No.243
 INTER-ACT CORPORATION, : Chamber No.1
 Claimants, :
 -against- :
 INFORMATION SYSTEMS IRAN, :
 ----- Respondent ----- x

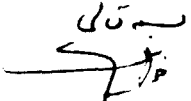
JOINT REQUEST FOR ARBITRAL AWARD ON AGREED TERMS

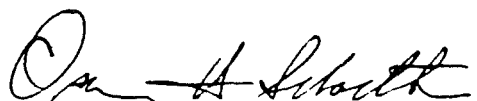
Pursuant to Article 34 of the Tribunal's Provisional Rules, claimants, Advanced Computer Techniques Corporation ("ACT") and Inter-ACT Corporation ("Claimants") and respondent Information Systems Iran ("Respondent") jointly request that the Tribunal issue an arbitral Award on Agreed Terms in accordance with the Settlement Agreement among the parties that is annexed hereto as Exhibit A.

This Settlement Agreement, dated June 23, 1983, requires a payment by the Respondent to Claimants of \$323,504 from the Security Account.

Accordingly, the parties request the Tribunal to record the Settlement Agreement as an arbitral Award on Agreed Terms, with payment to Claimants of \$323,504 to be made out of the Security Account into Account Number 003-045536 at Chemical Bank, New York, New York, U.S.A., and the withdrawal of Claimants claims against the Iranian Air Force and the Islamic Republic of Iran.

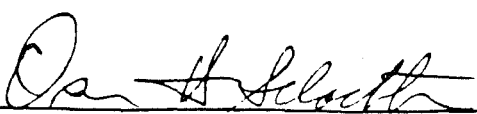
INFORMATION SYSTEMS IRAN. ADVANCED COMPUTER TECHNIQUES CORPORATION.

By 
Nematollah Khoshini

By 
Oscar H. Schachter, President

ISLAMIC REPUBLIC OF IRAN. INTER-ACT CORPORATION.

By _____

By 
Oscar H. Schachter, President

IN THE NAME OF GOD

SETTLEMENT AGREEMENT

This Agreement made as of the 23rd day of June 1983 by and between Advanced Computer Techniques Corporations (hereinafter "ACT") organized under the laws of the State of New York and; ~~Inter-Act Corporation (hereinafter "Inter-ACT")~~, organized under the laws of the State of New York (hereinafter Claimants) on one side and; Information Systems Iran (hereinafter "ISIRAN") a Corporation incorporated under the laws of Iran on the other side (hereinafter Respondent).

ARTICLE 1 : REPRESENTATION

Claimants are duly represented by Oscar H. Schachter, and Respondent is represented by Nematollah Khoshini who are authorized to sign this Agreement.

ARTICLE 2 : PURPOSE

The purpose of this Agreement is to arrive at a full and complete settlement to the dispute existing between the parties and which has occasioned the submittal of statement of Claim No.243 dated January 13, 1982 by the Claimants to the Iran-United States Claims Tribunal and Counterclaim and the Statement of Defence filed by Respondent with the abovementioned Tribunal. The intention of the parties is to fully settle all claims, differences, disputes and counterclaims which has arisen out of Contract No. ISI/S/101, and seven subsequent letters of intent and any causes of action thereof (subject of Claim No.243). The parties also intend to sign a joint request for an Award on Agreed Terms as provided in Article 34 (1) of the Tribunal Rules.

ARTICLE 3 : CONDITIONS

a - Respondent agrees to pay, or cause to be paid, the sum of Three Hundred and Twenty Three Thousand Five Hundred and Four United States Dollars (U.S.\$323,504) to Claimants as payment

for Claimant's claim as stated in Article 2 above
(hereinafter "Settlement Amount")

- b - Upon payment of the abovementioned sum, the parties rights to claim, sue, or bring any action against each other in relation to the Contract and letters of intent mentioned in Article 2 above, including claims and counterclaims stated in the Statement of Claim and Statement of Defence in Case No.243 before any Tribunal or Court of Law, including Courts of the United States of America or Iran, shall be considered waived.
- c - Upon issuance of an Award and payment of the above-mentioned sum, all claims and counterclaims stated in the Statement of Claim and Statement of Defence in Case No. 243 filed before the Tribunal shall be considered withdrawn.
- d - Claimants, and Respondent, and their successors and assigns and transferees, should there be any, shall have no right to make claims against each other or each others successors, directors, officers and employees based on any rights or obligations, past, present or future thereunder, and/or in connection with the aforesaid Contract and letters of intent referenced to in Article 2. Should there have been any claims asserted or proceedings instituted before this or any other forum by a third-party (either natural or juridical) claiming an assignment of rights of any kind, the party in violation of such prohibition past or present shall be exclusively liable to such third-party.
- e - The parties agree that in consideration of Claimants entering into this settlement, Respondent agrees to indemnify and hold Claimants harmless from any and all obligations or assertions of liability for any and all corporate or other taxes, including SIO premiums which might be asserted against the Claimants

arising out of the aforesaid Contract and letters of intent referred to in Article 2.

Claimants agree to indemnify and hold Respondent harmless with respect to any taxes on the Settlement Amount which may be claimed by any taxing authority outside of Iran.

f - ACT, Inter-ACT and ISIRAN agree to treat this document as confidential and to give copies only to those persons within the Government of the Islamic Republic of Iran and the United States of America and others who have a need for access to such copies and further to request those persons to treat such copies as confidential.

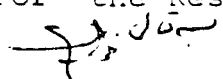
ARTICLE 4 : RATIFICATION

This Agreement shall enter into force upon subsequent ratification thereof by concerned authorities of Iran on or before August 1, 1983. In case this Agreement is not ratified by the said date, it shall be ab initio null and void. Such ratification is to be notified to ACT via telex No. 422928.

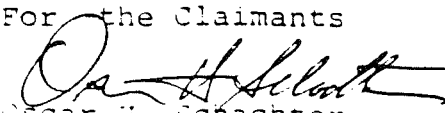
ARTICLE 5 : REQUEST FOR AN AWARD ON AGREED TERMS

Within ten (10) days of the date of the ratification as per Article 4 hereinabove, ACT and ISIRAN shall jointly request for the issuance of an Award on Agreed Terms, incorporating the conditions specified in Article 3 of this Agreement in accordance with Article 34 (1) of the Tribunal Rules. A copy of the agreed upon "Joint Request for Arbitral Award on Agreed Terms" is attached. In this case ISIRAN and ACT shall, in their request ask the Iran-United States Claims Tribunal to order payment of the Agreed Amount of U.S.\$323,504 Dollars immediately out of the Security Account.

For the Respondent


Nematoollah Khoshini

For the Claimants


Oscar H. Schachter

v

17.44
34506 iust nl

رسیدہ دستاویز ۱
۱۳۶۲ / ۶ /

23/8/83

09.20

RECEIVED 23 AUG 1983

335

to: iran-united states claims tribunal
the hague
the netherlands

subject: joint request and settlement agreement in claim 243 CH-1

isiran has informed us by telex dated august 22, 1983 that the tribunal will not issue an award unless it receives directly from act certification regarding the extension of ratification date as well as the other amendments made to the referenced documents.

this is to certify that advanced computer techniques corporation and inter-act corporation have agreed to the following amendments to the settlement agreement and joint request for arbitral award on agreed terms:

1. Lines number 7 and 8 of paragraph 3 of the joint request are amended to read:
against isiran, the iranian air force and the islamic republic of iran.
2. Line number 6 of paragraph e of article 3 of the agreement is amended to read:
be asserted against the claimants in iran.
3. Line number 2 of article 4 of the agreement is amended to extend the ratification date from august 1983 to august 8, 1983.

we also wish to confirm that we did in fact receive notice of ratification in the prescribed manner on august 8, 1983.

oscar n. schachter for
advanced computer techniques corporation and
inter-act corporation

34506 iust nl.....
aug 22 1983 1149
above sent via itt from 422928 adco

mv

06.15
34506 iust nl