

ORIGINAL DOCUMENTS IN SAFE

Case No. 243

Date of filing: 10 OCT 83

** 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 Mr M. HOLTZMAN
 - Date 10 OCT 83
2 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 - 83
۲۴۳ - ۸۳

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 داری دعاوی ایران - ایالات متحده
ثبت شد - FILED	
1362 / 7 / 18	تاریخ
10 OCT 1983	
No. 243	شماره

CONCURRING OPINION OF HOWARD M. HOLTZMANN
TO AWARD ON AGREED TERMS


I write concerning the statement which Mr. Kashani has inserted above his signature on the Award on Agreed Terms in this case. That statement reads as follows:

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.

DUPLICATE
ORIGINAL
نسخه برابر اصل

I have previously commented upon a similar statement by Mr. Kashani in three earlier cases. I need now only incorporate my prior reasons by reference. See Concurring Opinions of Howard M. Holtzmann to Awards on Agreed Terms in Case Nos. 279, 427 and 807 (Part IV).¹

Dated, The Hague
10 October 1983


Howard M. Holtzmann

¹Mr. Kashani's statements in Case Nos. 279, 427 and 807 objected to the so-called "enforcement procedure" included in the conclusion of the Award on Agreed Terms not only on the ground of Article 34 of the UNCITRAL Rules but also on the additional ground of "the functus officio rule (dessaisissement du juge)". The latter ground is not cited in this case, but may well be implicit.

Arrondissementsrechtbank te 's-Gravenhage

Griffier

243-81

۲۴۳-۸۱

Aan: Iran-United States Claims
Tribunal,
Parkweg 13,
2585 JH 's-GRAVENHAGE.

kenmerk JvL/PvdW
bijlagen

uw kenmerk

's-Gravenhage

-9 SEP. 1983

onderwerp arbitraal vonnis no. 153/1983

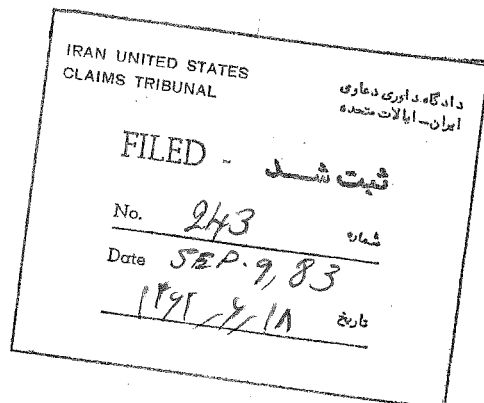
Hiermede bericht ik u, dat het op 5 september 1983
door uw Tribunal gewezen vonnis inzake:

award no. ۷۶-243-1

op 9 september 1983, onder nummer 153/1983
te mijner griffie is nedergelegd.

Het verschuldigde griffierecht ad f.30,-- wordt van uw
rekening-courant afgeschreven.

De griffier,



De rechtbank is gevestigd Juliana van Stolberglaan 2
corresp. adres: postbus 20302-2500 EH 's-Gravenhage
telefoonnummer 070-824041

gironummer 3223541 ten name van de griffie van de arrondissementsrechtbank te 's-Gravenhage