

ORIGINAL DOCUMENTS IN SAFE

Case No. 368

Date of filing: 17 / 11 / 1993

368-94

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

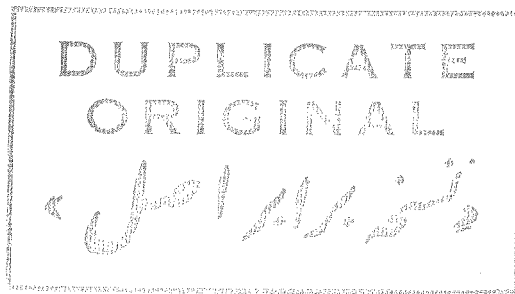
**\*\* DECISION** - Date of Decision \_\_\_\_\_  
 \_\_\_\_\_ pages in English \_\_\_\_\_ pages in Farsi

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

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

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

**\*\* OTHER; Nature of document:** Supplemental opinion of  
Mr. Arangio-Ruiz and Mr. Allison  
 - Date 17 Nov 1993  
2 pages in English 1 pages in Farsi



CHAMBER THREE

CASE NO. 368

AWARD NO. 551-368-3

UNIDYNE CORPORATION,  
Claimant,

and

THE ISLAMIC REPUBLIC OF IRAN  
acting by and through  
THE NAVY OF THE ISLAMIC  
REPUBLIC OF IRAN,  
Respondent.

IRAN-UNITED STATES CLAIMS TRIBUNAL	دیوان دآوری دعای ایران - ایالات متحدہ
FILED	ثبت شد
DATE	17 NOV 1993
	تاریخ ۱۳۷۲ / ۸ / ۲۶

SUPPLEMENTAL OPINION OF  
JUDGE ARANGIO-RUIZ AND JUDGE ALLISON

1. The Members of the Tribunal rarely respond to Dissenting Opinions, and, accordingly, we do not comment on Judge Aghahosseini's Dissenting Opinion in Case No. 368 insofar as it relates to the Tribunal's procedure in arriving at the Award in this Case. However, in his Dissenting Opinion Judge Aghahosseini has chosen to enter into a discussion of the substance of the Chamber's deliberations in this Case as he claims to perceive them.<sup>1</sup>

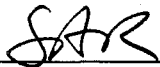
<sup>1</sup> Judge Aghahosseini does not mention that he absented himself from the Chamber's oral deliberations immediately after the Hearing; declared his unwillingness to participate therein; and refused in writing to resume his participation despite repeated written invitations that he do so. The Chamber thereafter continued deliberations by trilateral written exchanges.

2. In entering into the said discussion the Judge violates the Rules of this Tribunal as well as the generally observed principle of the confidentiality of arbitral deliberations.<sup>2</sup> It is not sufficient that his breach of confidence is, in his opinion, "absolutely necessary for the present purposes" (whatever those may be). The salutary effect of a rule so widely accepted in international dispute settlement cannot be well served if it is to be subject to the opinion, however strongly held, of individual arbitrators. ~~We deeply regret the course taken by Judge Aghahosseini.~~

3. It only remains to be said that every argument put forward in Judge Aghahosseini's dissent had been carefully considered by the majority in the course of the above-mentioned written exchanges.<sup>3</sup>

Dated, The Hague

17 November 1993



Gaetano Arangio-Ruiz



Richard C. Allison

<sup>2</sup> See Tribunal Rules, Article 31, Note 2 ("The arbitral tribunal shall deliberate in private. Its deliberations shall be and remain secret."); 1 Encyc. of Pub. Int'l Law 185 (1981) ("Art. 54(3) of the ICJ Statute, which provides that 'the deliberations of the Court shall take place in private and remain secret', represents a practice of such widespread application as to be arguably a general principle of law."). See also Uiterwyk Corporation, et al. and The Government of the Islamic Republic of Iran, et al., Partial Award No. 375-381-1 (6 July 1988), reprinted in 19 Iran-U.S. C.T.R. 107, 169, 169-71 (supplemental opinion, Böckstiegel, J. & Holtzmann, J.); Granger Associates and The Islamic Republic of Iran, et al., Award No. 320-184-1 (20 October 1987), reprinted in 16 Iran-U.S. C.T.R. 317, 329, 329-30 (separate opinion, Böckstiegel, J. & Holtzmann, J.) and 333, 333-34 (separate opinion, Böckstiegel, J.).

<sup>3</sup> See note 1, supra.