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ORIGINAL DOCUMENTS IN SAFE

Case No. 382

Date of filing: 3 MAY 84

** 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: Amendment to decision

- Date: 3 MAY 84
4 pages in English _____ pages in Farsi
+ exhibits

CHAMBER THREE

CASE NO. 382

BEHRING INTERNATIONAL, INC.,

Claimant,

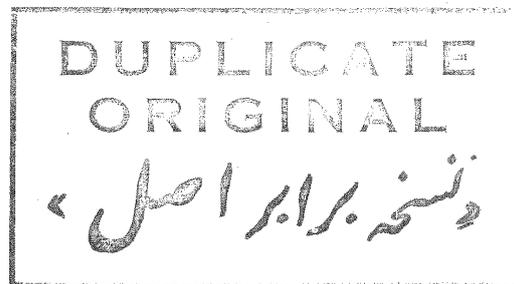
-and-

ISLAMIC REPUBLIC IRANIAN AIR FORCE,
IRAN AIRCRAFT INDUSTRIES and THE
GOVERNMENT OF IRAN,

Respondents.

AMENDMENT TO DECISION

IRAN UNITED STATES CLAIMS TRIBUNAL	دادگاه داوری دعاری ایران - ایالات متحده
ثبت شد - FILED	
Date	۱۳۶۲ / ۲ / ۱۳ 3 MAY 1984
No.	382



By its Decision of 19 December 1983, the Tribunal appointed an expert in this case and set forth his terms of reference. According to such terms of reference, the expert was to "inventory the items of property belonging to the Air Force of the Islamic Republic of Iran and being stored in Behring's warehouse" (point 1) and to determine the condition of those items (point 2).

In a submission of 18 January 1984 the Ministry of Defense of the Islamic Republic of Iran stated, inter alia, that

"... according to the available records in the files and the reports submitted by Ministry of Defence to the Tribunal, it has been explicitly stated that, besides the properties belonging to the Air Force, other properties from various organizations of Iran, including Aircraft Industries Co. and the Ground Force, etc. are available in the store of Behring, the inventory of which must be taken..."

Accordingly, the Ministry of Defense requested the Tribunal to review the 19 December 1983 Decision and to issue a new decision covering "all properties of Iran in the store of Behring, including those of Aircraft Industries and Ground Forces". The Ministry also requested that the expert's terms of reference be extended in certain other respects.

On 25 April 1984 Claimant commented on the above-mentioned request suggesting, inter alia, broader terms of reference which would, in addition, provide for the transfer of the properties. Claimant also suggested that the expert's report be first submitted to the Parties prior to its submission to the Tribunal.

It appears from the record before the Tribunal that this case not only concerns property belonging to Respondent Iranian Air Force but also property belonging to Respondent Iranian Aircraft Industries. In view of this the Tribunal finds that the 19 December 1983 Decision should be amended so as to cover also the properties of the latter Respondent.

Accordingly, the Tribunal hereby amends point 1 of the terms of reference of the expert as follows:

1. The expert shall inventory the items of property belonging to the Air Force of the Islamic Republic of Iran or Iran Aircraft Industries and being stored in Behring's warehouse, indicating the following particulars, as may be applicable to each specific item:

- a. nomenclature (name of the item)
- b. unit of issue (number of items)
- c. part number
- d. stock number
- e. serial number
- f. date of arrival at the warehouse
- g. consignor
- h. consignee
- i. shelf life time.

The expert is further instructed to carry out the inventory and determine the condition of the items as set forth in point 2 of the Decision in close cooperation and contact with the Parties' representatives. According to the letter from the Agent for the United States filed with the Tribunal on 21 February 1984 the United States Government will send one or more of its representatives to be present at the inventory, "in order to ensure compliance with United States laws and regulations and to safeguard U.S. security interests." The expert shall keep any such representative informed as to when and where he intends to carry out his tasks. The Parties should notify the expert of the name and address of any Party or Government representative referred to above.

Before the finalization and submittal of his report to the Tribunal, the expert should send a preliminary report to the Parties for their possible comments.

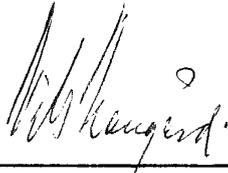
As to Claimant's further suggestions, the Tribunal finds it impossible to give detailed instructions in advance on questions such as how the transfer of the property to another location should be arranged or where the inventory and any tests should be carried out. The Tribunal feels that such practical matters are best dealt with on the spot, through consultations between the expert and the representatives of the Parties. The Parties are reminded that, according to point 7 of his terms of reference, "[i]n case of any difficulty in the course of performing his work under these terms of reference, the expert may refer to the Tribunal for clarification or resolution, as may any party."

The expert appointed by the Tribunal is hereby instructed to proceed forthwith in carrying out the inventory and possible tests in accordance with the 19 December 1983 Decision (copy attached hereto) as amended herein. Unless otherwise agreed between the expert and the Parties, the expert shall commence his work on 15 June 1984.

If Respondents wish to comment on other proposals contained in Claimant's submission of 16 April 1984, they are requested to do so by 8 June 1984.

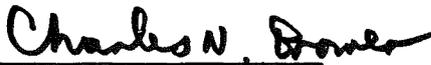
Dated, The Hague

3 May 1984

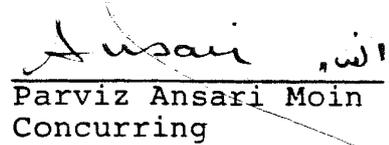


Nils Mangård
Chairman
Chamber Three

In the Name of God



Charles N. Brower
Concurring Opinion



Parviz Ansari Moin
Concurring