

ORIGINAL DOCUMENTS IN SAFE

Case No. 430

Date of filing 5 May 1983

ITM  
AWARD. Date of Award 5 May 1983

3 pages in English. — pages in Farsi.

DECISION. Date of Decision \_\_\_\_\_

\_\_\_\_\_ pages in English. \_\_\_\_\_ pages in Farsi.

ORDER. Date of Order \_\_\_\_\_

\_\_\_\_\_ pages in English. \_\_\_\_\_ pages in Farsi.

CONCURRING OPINION of \_\_\_\_\_

Date \_\_\_\_\_ pages in English. \_\_\_\_\_ pages in Farsi.

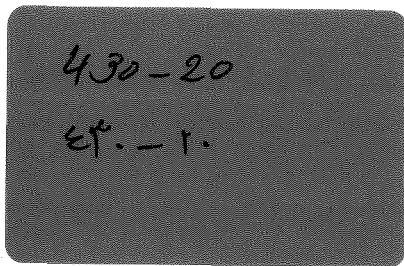
DISSENTING OPINION of \_\_\_\_\_

Date \_\_\_\_\_ pages in English. \_\_\_\_\_ pages in Farsi.

OTHER; Nature of document: \_\_\_\_\_

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Case No. 430

Chamber One

Award No. ITM 17-430-1

ROCKWELL INTERNATIONAL  
SYSTEMS, INC.,

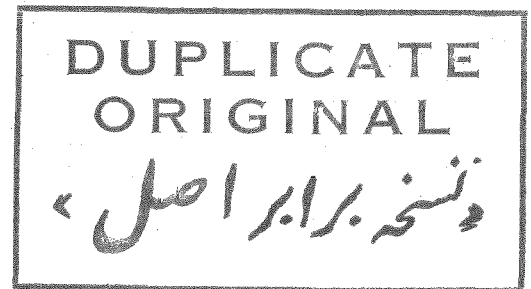
Claimant,

and

THE GOVERNMENT OF THE ISLAMIC  
REPUBLIC OF IRAN, MINISTRY  
OF DEFENCE,

Respondent.

IRAN UNITED STATES CLAIMS TRIBUNAL	داوری دعاوی ایران - ایالات متحدہ
ثبت شد - FILED	
Date	۱۳۶۲ / ۲ / ۱۵ 5 MAY 1983
No	430 ۴۲



INTERIM AWARD

On 18 January 1982 Rockwell International Systems, Inc., ("Rockwell") filed with the Tribunal a claim against the Government of Iran. This claim is alleged to arise out of two contracts between Rockwell and the Government of Iran, signed on 7 August 1977 and 3 September 1977, respectively. Rockwell contends that it has performed all of its obligations under the contracts, except those excused by force majeure, and that the contracts have been terminated by the Respondent without any fault or negligence of Rockwell. Based on these allegations Rockwell seeks an award in an amount of approximately \$17 million for services rendered, plus interest and costs. Rockwell also seeks release of certain bank guarantees which the contracts required Rockwell to issue as security for the proper

performance of the contracts and advance payments made by the Respondent.

In May 1982 the Ministry of Defence filed a claim against Rockwell with the Public Court of Tehran. In the case before the Public Court of Tehran the Ministry of Defence seeks to recover damages for an alleged breach by Rockwell of the contracts on which Rockwell's claim before the Tribunal is based.

In a request filed with the Tribunal on 2 May 1983 Rockwell alleges that it has been ordered to appear before the Public Court of Tehran on 7 May 1983 and asks the Tribunal inter alia to order the Government of Iran to stay the litigation in Iran against Rockwell until the proceedings in the case before the Tribunal have been completed.

As the Tribunal has noted in its interim award No. ITM 13-388-FT in the case E-Systems, Inc. v. The Government of the Islamic Republic of Iran, case No. 388, the Algiers Declarations leave the Government of Iran free in principle to initiate claims before Iranian courts even where the claims would have been admissible as counterclaims before the Tribunal. However, in that interim award it is also stated that the Tribunal has an inherent power to issue such orders as may be necessary to conserve the respective rights of the Parties and to ensure that its jurisdiction and authority are made fully effective. It is also stated that any award to be rendered in the case by the Tribunal, which was established by inter-governmental agreement, will prevail over any decisions inconsistent with it rendered by Iranian or United States courts.

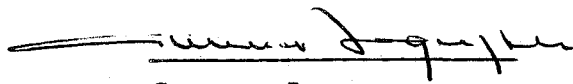
Following requests for extension of time by the Respondent the Tribunal has decided that the Statement of Defence in the instant case shall be filed by 15 August 1983. No

Statement of Defence has so far been filed with the Tribunal and the Tribunal has not yet sought comments from the Government of Iran to the Claimant's request of 2 May 1983. The Tribunal therefore holds that the Government of Iran should be granted a possibility to reply to the Claimant's request. However, in view of Rockwell's allegation that it has been ordered to appear before the Public Court of Tehran on 7 May 1983 and the Tribunal's inherent power to issue orders to conserve the respective rights of the Parties and to ensure that its jurisdiction and authority are made fully effective, the Tribunal finds it appropriate immediately to request the Government of Iran to move for a stay of the proceedings before the Public Court of Tehran until such time that the Tribunal can make a decision on the Claimant's request based on the views of both Parties.

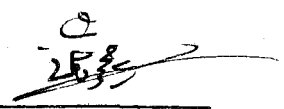
For these reasons, the Tribunal

- (i) invites the Government of the Islamic Republic of Iran to submit by 30 May 1983 a Reply to Rockwell's request filed on 2 May 1983, and
- (ii) requests the Government of the Islamic Republic of Iran to move for a stay of the proceedings before the Public Court of Tehran until 8 June 1983.

The Hague,  
5 May 1983

  
Gunnar Lagergren  
Chairman

  
Howard M. Holtzmann

  
Mahmoud M. Kashani  
(Dissenting)