

771-163

ORIGINAL DOCUMENTS IN SAFE

Case No. 771

Date of filing: 24 Sept '91

** AWARD - Type of Award _____
- Date of Award _____
_____ pages in English _____ pages in Farsi

** DECISION - Date of Decision 24 Sept '91
4 pages in English 4 pages in Farsi

** CONCURRING OPINION of _____
- Date _____
_____ pages in English _____ pages in Farsi

** SEPARATE OPINION of _____
- Date _____
_____ pages in English _____ pages in Farsi

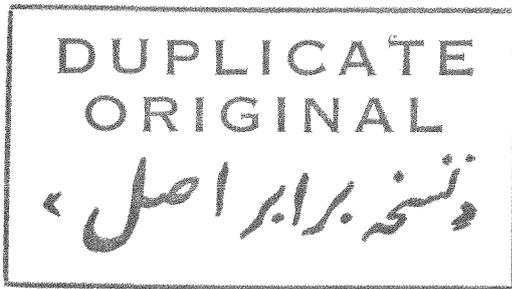
** DISSENTING OPINION of _____
- Date _____
_____ pages in English _____ pages in Farsi

** OTHER; Nature of document: _____

- Date _____
_____ pages in English _____ pages in Farsi

IRAN-UNITED STATES CLAIMS TRIBUNAL

دیوان داوری دعاوی ایران - ایالات متحده



CASE NO. 771

CHAMBER TWO

DECISION NO. DEC 99-771-2

NORMAN GABAY,
also known as Nourollah Armanfar,
Claimant,

and

THE ISLAMIC REPUBLIC OF IRAN,
Respondent.

IRAN-UNITED STATES CLAIMS TRIBUNAL	دیوان داوری دعاوی ایران - ایالات متحده
FILED	ثبت شد
DATE	24 SEP 1991
	تاریخ ۱۳۷۰ / ۷ / ۲

DECISION

1. On 12 August 1991, the Claimant, Norman Gabay, also known as Nourollah Armanfar, timely filed a letter requesting an "interpretation" of Award No. 515-771-2 (the "Award"), filed on 10 July 1991. In the Award, the Tribunal found that the Claimant had failed to prove that his claims for the expropriation of his properties by the Respondent were outstanding on the date of the Algiers Declarations, 19 January 1981. Accordingly, the Tribunal dismissed the claims for lack of jurisdiction.

2. In his letter, the Claimant states that

... the most important aspect of the Award is the date of expropriation. I feel ... that several key points regarding the date of expropriation and the evidence relating to those points have been overlooked in reaching the decisions on which the Award [i]s based.

The Claimant goes on to evaluate evidence in the record that, in his opinion, would point to a finding that the taking of his properties by the Respondent occurred before 19 January 1981.

3. The Claimant concludes by stating that "[t]his letter is not intended as a retrial, and it is solely for purposes of clarification."

4. The Claimant does not identify the relevant Tribunal Rule under which he submits his request. Although the Claimant states that he is requesting an "interpretation" of the Award, in fact he discusses the evidence on which the Award is based, and concludes that such evidence warrants a finding different from that reached by the Tribunal in the Award; at the same time, the Claimant states that he does not seek a "retrial." The Tribunal is unable precisely to understand what relief the Claimant seeks in his letter. Under such circumstances, the Tribunal will examine the request under the particular Tribunal Rule that might be applicable.

5. According to the Tribunal Rules, after a final Award has been rendered, the Tribunal may only "give an interpretation of the award" (Article 35), correct "any errors in computation, any clerical or typographical errors, or any errors of similar nature" (Article 36), or "make an additional award as to claims presented in the arbitral proceedings but omitted from the award" (Article 37).

6. Nothing in the Claimant's request falls within the scope of Articles 35, 36, or 37 of the Tribunal Rules. Article 35 permits a party to request from the Tribunal an explanation of ambiguous language contained in an Award. See Lockheed Corporation and Islamic Republic of Iran, et al., Decision No. DEC 84-829-2, para. 5 (19 Sept. 1988), reprinted in 19 Iran-U.S. C.T.R. 317, 318; Paul Donin De Rosiere, et al., and Islamic Republic of Iran, et al., Decision No. DEC 57-498-1, para. 6 (10 Feb. 1987), reprinted in 14 Iran-U.S. C.T.R. 100, 102. The Tribunal cannot identify any ambiguous language in the Award, and the Claimant has pointed to none. Accordingly, there is nothing to interpret.

7. Articles 36 and 37 of the Tribunal Rules clearly are not applicable to the request under consideration.

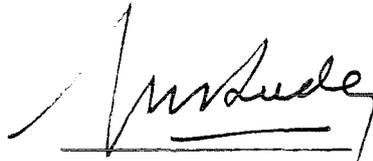
8. Insofar as the Claimant's request constitutes an attempt to reargue certain aspects of the Case, or to request the Tribunal either to review its Award or further to explain its reasons for the Award, there is no basis in the Tribunal Rules or elsewhere for a request of this kind on such grounds. See Paul Donin De Rosiere, supra, para. 4, 14 Iran-U.S. C.T.R. 101.

9. For the foregoing reasons,

THE TRIBUNAL DECIDES AS FOLLOWS:

The request filed by the Claimant, Norman Gabay, also known as Nourollah Armanfar, on 12 August 1991 concerning Award No. 515-771-2 is denied.

Dated, The Hague
24 September 1991

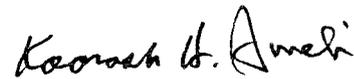


José María Ruda
Chairman
Chamber Two

In the Name of God



George H. Aldrich



Koorosh H. Ameli