

ORIGINAL DOCUMENTS IN SAFE

Case No. 10855

Date of filing: 23.1.87

\*\* AWARD - Type of Award \_\_\_\_\_  
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\*\* DECISION - Date of Decision \_\_\_\_\_  
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\*\* CONCURRING OPINION of \_\_\_\_\_  
- Date \_\_\_\_\_  
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\*\* SEPARATE OPINION of Correction by Mr Heltzman  
- Date 22.1.87  
2 pages in English \_\_\_\_\_ pages in Farsi

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

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## IRAN-UNITED STATES CLAIMS TRIBUNAL

دیوان داری دعاوی ایران - ایالات متحدہ

CASE NOS. 10853/10854/10855/10856  
CHAMBER ONE  
AWARD NO. 282-10853/10854/10855/10856-1

IAN L. McHARG (Case No. 10853),  
WILLIAM H. ROBERTS (Case No. 10854),  
DAVID A. WALLACE (Case No. 10855),  
THOMAS A. TODD (Case No. 10856),

claims of less than \$250,000 presented  
by THE UNITED STATES OF AMERICA,

Claimants,

and

THE ISLAMIC REPUBLIC OF IRAN,

Respondent.

IRAN UNITED STATES CLAIMS TRIBUNAL		دعاوی ایران - ایالات متحدہ
FILED - <i>فائل شدہ</i>		
Date	23 JAN 1987 ۱۳۶۵ / ۱ / ۲۳	تاریخ
No.	10855	شماره


CORRECTION TO SEPARATE OPINION

The following changes should be made on page 3, first full paragraph of my Separate Opinion in this Case:

- Change line 10 to read "215-52-1, pp. 2-6 (6 March 1986). Cf. Harza and Islamic"
- In line 11, change "para. 27" to read "paras. 27 and 28"
- In line 12 insert after "in favor of" "and opposed to"

A corrected copy of page 3 is attached.

Dated, The Hague  
22 January 1987

  
Howard M. Holtzmann



the remaining shareholders of WMRT/Iran, each now owns 25% of the corporation.

More importantly, however, I would find it unnecessary to decide whether Mr. Juneja effectively transferred his shares. In my view, the Claimants' control of WMRT/Iran entitles them, pursuant to Article VII, paragraph 2 of the Claims Settlement Declaration, to bring indirectly the undivided claim of WMRT/Iran, an ineligible corporation, regardless whether it is owned in part by non-U.S. nationals. See Concurring Opinion of Richard M. Mosk in Blount Bros. Corp. and Islamic Republic of Iran, Award No. 215-52-1, pp. 2-6 (6 March 1986). Cf. Harza and Islamic Republic of Iran, Award No. 232-97-2, paras. 27 & 28 (2 May 1986) (reciting arguments in favor of and opposed to rule of full recovery). Thus, I would have permitted the Claimants, on behalf of WMRT/Iran, to recover fully on the liabilities found owing, leaving applicable municipal law to govern the Claimants' obligations to the corporation and any minority shareholder.

## II.

I dissent as well from the Tribunal's denial of the claim for termination costs. Article 17(b)(2) of the governing contract provided that in the event of termination by the Government, WMRT/Iran would be entitled to

[a]ll expenses arising from [its] agreements or undertakings . . . with respect to [its] employees or other institutions as well as the expenses relating to the return of foreign employees and their families to their countries and the cost of freight of their luggage to their countries at the time of termination of this Contract and also the cost of removing the local supervision unit, provided that such expenses are incurred for the execution of this Contract and are approved by the Employer . . . .

The Tribunal squarely holds that the Respondent could only properly have terminated the contract under Article 17(b),