

CLAIMS TRIBUNAL

دیوان داری دعاوی ایران - ایالات متحدہ

ORIGINAL DOCUMENTS IN SAFE

10

Case No. 11961

Date of filing: 30. May 88

\*\* AWARD - Type of Award on Agreed Terms  
- Date of Award 30. May 88  
3 pages in English 3 pages in Farsi

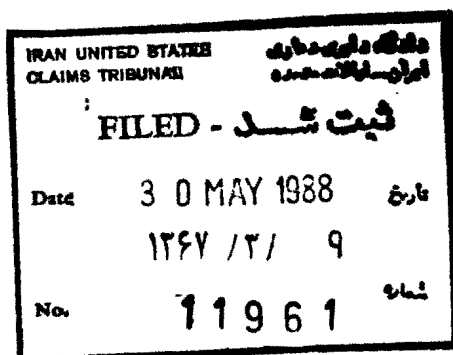
\*\* DECISION - Date of Decision \_\_\_\_\_  
\_\_\_\_\_ pages in English \_\_\_\_\_ pages in Farsi

\*\* 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: \_\_\_\_\_  
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- Date \_\_\_\_\_  
\_\_\_\_\_ pages in English \_\_\_\_\_ pages in Farsi



CASE NO. 11961

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CHAMBER ONE

AWARD NO. 366-11961-1

BELL INDUSTRIES,  
a claim of less than US \$250,000  
presented by THE UNITED STATES OF AMERICA,  
Claimant,

and

THE ISLAMIC REPUBLIC OF IRAN,  
Respondent.

AWARD ON AGREED TERMS

1. On 19 January 1982, the Government of the United States of America presented a Claim of less than US \$250,000 on behalf of BELL INDUSTRIES against the ISLAMIC REPUBLIC OF IRAN.

2. On 22 April 1988, a Joint Request for an Arbitral Award on Agreed Terms was filed with the Tribunal, signed by the Agent of the Government of the Islamic Republic of Iran and the Agent of the Government of the United States of America, requesting the Tribunal to record a Settlement Agreement dated 15 March 1988, as an Arbitral Award on Agreed Terms pursuant to Article 34 of the Tribunal Rules. The Settlement Agreement was entered into by The Islamic Republic of Iran Airlines, on the one hand, and Bell Industries, Inc., "represent[ing] itself and its subsidiaries including but not limited to Bell Industries and Bell Industries Far West Manufacturing Division" on the other. Copies of the Joint Request and the Settlement Agreement are attached hereto.

3. The Settlement Agreement provides for certain reciprocal obligations of the Parties. It is stated in Article One that "In consideration of full and final settlement of all disputes, differences, claims and matters directly or indirectly, raised or capable of arising out of the relationships, transactions, contracts and events related to the subject matter of the Case No.11961 and/or against Iran Air, its agents, affiliates and subsidiary companies and/or against the Islamic Republic of Iran, its political subdivisions, Iranian entities, agencies, organizations, institutions and instrumentalities (Iran) Bell Industries Inc. will be paid the sum of US\$766 (seven hundred and sixty six U.S. dollars) only."

4. The Tribunal notes that the Claimant in the Statement of Claim filed on 19 January 1982 was Bell Industries. The Tribunal further notes that the Settlement Agreement was concluded and signed by Bell Industries, Inc., and that the Joint Request for an Arbitral Award on Agreed Terms, which was signed by both the Agent of the Government of the

Islamic Republic of Iran and the Deputy Agent of the Government of the United States of America, refers to Bell Industries, Inc. as the party to the Settlement Agreement to whom the settlement amount is to be paid.

5. The Tribunal accepts the Settlement Agreement in accordance with Article 34, paragraph 1, of the Tribunal Rules.

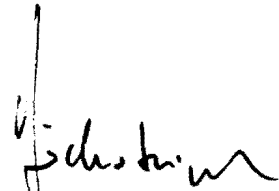
6. Pursuant to the foregoing,

THE TRIBUNAL AWARDS AS FOLLOWS:

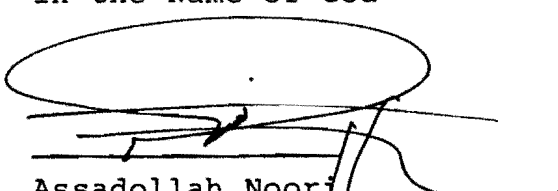
The Settlement Agreement is hereby recorded as an Award on Agreed Terms binding upon the Parties. Consequently the Respondent is obligated to pay the Claimant BELL INDUSTRIES, INC. the amount of Seven Hundred Sixty Six United States Dollars (U.S. \$766.00) which obligation shall be satisfied by payment out of the Security Account established pursuant to paragraph 7 of the Declaration of the Government of the Democratic and Popular Republic of Algeria dated 19 January 1981.

This Award will be submitted to the President for notification to the Escrow Agent.

Dated, The Hague,  
30 May 1988

  
\_\_\_\_\_  
Karl-Heinz Böckstiegel  
Chairman  
Chamber One

In the Name of God

  
\_\_\_\_\_  
Assadollah Noori  
\_\_\_\_\_  
Howard M. Holtzmann

IN THE NAME OF GOD

Iran-U.S. Claims Tribunal  
The Hague, The Netherlands

The Government of the United States  
of America on behalf and for the  
benefit of Bell Industries, Inc., a  
United States national,

Claimant,

-and-

The Islamic Republic of Iran,

IRAN UNITED STATES CLAIMS TRIBUNAL		دادگاه داری و داری ایران ایالات متحده
FILED - ثبت شد		
Date	22 APR 1988	تاریخ
	1367 / 2 / 2	
No.	11961	شماره

Case No. 11961

Chamber One

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Joint Request for Arbitral Award on Agreed Terms


Pursuant to Article 34 of the Tribunal Rules, the Government of the United States of America, and the Government of the Islamic Republic of Iran, jointly request that the Tribunal issue an Arbitral Award on Agreed Terms that will record and give effect to the Settlement Agreement reached by Bell Industries, Inc. (Bell Industries) and the Islamic Republic of Iran Airlines (Iran Air), a copy of which is attached hereto.

Bell Industries and Iran Air have entered into a Settlement Agreement which provides that Bell Industries shall be paid the amount of United States \$766.00 (seven hundred sixty six U.S. dollars only) in complete and final settlement of all claims and counterclaims now existing or capable of arising in connection with this case.

The undersigned hereby ratify the said Agreement and request the Tribunal to record it as an Arbitral Award on Agreed Terms, with payment to be made to Bell Industries out of Security Account.

*in the name of God*

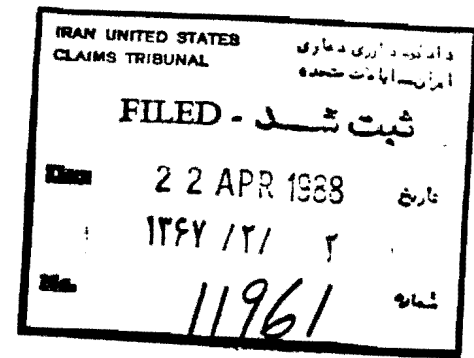
Respectfully submitted,

  
Mohammad K. Eshragh,  
Agent of the Government of the  
Islamic Republic of Iran to the  
Iran-U.S. Claims Tribunal

*Michael F. Raboin*  
Michael F. Raboin,  
Deputy Agent of the Government  
of the United States of America  
to the Iran-U.S. Claims Tribunal

IN THE NAME OF GOD

SETTLEMENT AGREEMENT



This Settlement Agreement (the "Agreement") is made this 15th day of March 1988 (25th of Esfand 1366) by and between the Islamic Republic of Iran Airlines (Iran Air) and Bell Industries, Inc., a United States national, which for the purpose of this Settlement Agreement represents itself and its subsidiaries including but not limited to Bell Industries and Bell Industries Far West Manufacturing Division;

WHEREAS, the Government of the United States of America has filed a claim on behalf and for the benefit of Bell Industries with the Iran-U.S. Claims Tribunal ("the Tribunal");

WHEREAS, Bell Industries Inc. and Iran Air wish to settle all claims and disputes which are outstanding or capable of arising in connection with Case No.11961 and its subject matter;

THEREFORE, Iran Air and Bell Industries Inc. agree as follows:

ARTICLE ONE

In consideration of full and final settlement of all disputes, differences, claims and matters directly or indirectly, raised or capable of arising out of the relationships, transactions, contracts and events related to the subject matter of the Case No.11961 and/or against Iran Air, its agents, affiliates and subsidiary companies and/or against the Islamic Republic of Iran, its political subdivisions, Iranian entities, agencies, organizations, institutions and instrumentalities (Iran) Bell Industries Inc. will be paid the sum of US\$766 (seven hundred and sixty six U.S. dollars) only.

ARTICLE TWO

Upon the issuance by the Tribunal of the Award on Agreed Terms, Bell Industries Inc. and Iran Air shall cause, without delay and with prejudice, all proceedings between the Parties

and Iran in all courts, forums, or before any authority or administrative bodies to be dismissed, withdrawn and terminated, and shall be barred from instituting and/or continuing with any proceedings before the Iran-U.S. Claims Tribunal or any other forum, authority or administrative body whatsoever, including but not limited to any court in the United States of America or the Islamic Republic of Iran, in relation to the claims and matters related to the Claim or any past dealings.

### ARTICLE THREE

(1) Upon the issuance by the Tribunal of the Award on Agreed Terms, Bell Industries, Inc. and Iran Air for themselves and their parent companies (should there be any), subsidiaries, affiliates, directors, officers, employees and agent (and for the successors, transferees, and assigns of themselves and their subsidiaries and affiliates, directors, officers and employees) by this Agreement release and forever discharge each other and their parent companies (should there be any), subsidiaries, affiliates, directors, officers and employees (and the successors, transferees, and assigns of each other and their subsidiaries, affiliates, directors, officers and employees) and Iran from any and all liability that they ever had, now have and/or in the future may have against each other in connection with Case No. 11961.

(2) Should any claims be pending or filed by a third party in any court or forum against either of the parties hereto based on any assignment or transfer of rights of any kind from one of the parties hereto, the party who has effected or caused such assignment or transfer of right shall be exclusively liable to such third party.

### ARTICLE FOUR

Upon the issuance by the Tribunal of the Award on Agreed Terms, the releases, dismissals, waivers and withdrawals contained and referred to in this Settlement Agreement become self-executing.

After the issuance of the Award on Agreed Terms by the Tribunal, no further documents need to be executed in implementing this Agreement.

ARTICLE FIVE

This Settlement Agreement is for the sole purpose of settling Case No.11961. Nothing in this Settlement Agreement shall be relied upon or construed as relevant to or affect in any way any arguments Iran Air or Iran have raised, or may raise, concerning the jurisdiction or the merits of this case or any other cases whether before the Tribunal or any other forum.

ARTICLE SIX

(1) The Parties agree to submit this Agreement to the Agents of the Governments of the United States of America and the Islamic Republic of Iran in order to be filed with the Iran-U.S. Claims Tribunal on or before 15th day of May 1988 for recording as an Arbitral Award on Agreed Terms.

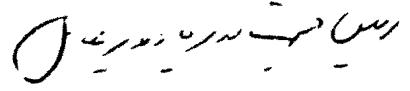
(2) This Agreement has been written and signed in both languages of Persian and English and each text shall have the same and equal validity.

  
By: Bell Industries, Inc.

Date: 2-16-88

By: The Islamic Republic  
of Iran Airlines

Date: 

  
M. R. AHMADI