

11038-10

11038-10

CLAIMS TRIBUNAL

دیوان داوری دعاری ایران - ایالات متحدہ

ORIGINAL DOCUMENTS IN SAFE

10

Case No.

11038

Date of filing:

6. May 1988

** AWARD

- Type of Award

Final on Agreed Terms

- Date of Award

6. 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:

- Date

_____ pages in English

_____ pages in Farsi

IRAN UNITED STATES CLAIMS TRIBUNAL	دادگاه داوری دعاوی ایران - ایالات متحدہ
ثبت شد - FILED	
6 MAY 1988	تاریخ
۱۳۶۷ / ۲ / ۱۶	
11038	شماره

10

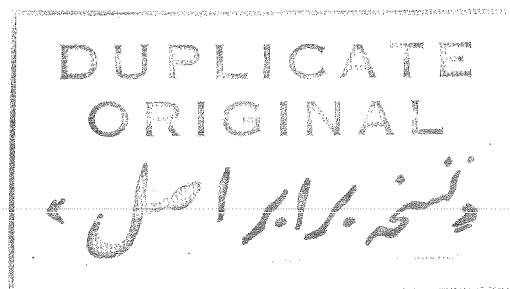
CASE NO. 11038

CHAMBER THREE

AWARD NO. 362-11038-3

FREDERIC K. SINKER,
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 United States of America presented a claim of less than US\$250,000 on behalf of FREDERICK K. SINKER ("the Claimant") against THE ISLAMIC REPUBLIC OF IRAN ("Iran").

2. On 7 February 1988 and 26 March 1988 the Claimant and the ISLAMIC REPUBLIC OF IRAN AIRLINES entered into a Settlement Agreement, in which it was agreed that the Respondent would pay to the Claimant U.S.\$115.00 ("Settlement Amount") in "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 this Case.

3. On 12 April 1988 a Joint Request for an Arbitral Award on Agreed Terms ("Joint Request") was filed with the Tribunal, signed by the Agent of the Government of the Islamic Republic of Iran and by the Agent of the Government of the United States of America, ratifying the Settlement Agreement and requesting that it be recorded as an Arbitral Award on Agreed Terms. The Settlement Agreement is annexed to the Joint Request and incorporated by reference.

4. The Tribunal has satisfied itself that it has jurisdiction in this matter under the terms of the Claims Settlement Declaration.

5. For the foregoing reasons,

THE TRIBUNAL AWARDS AS FOLLOWS:

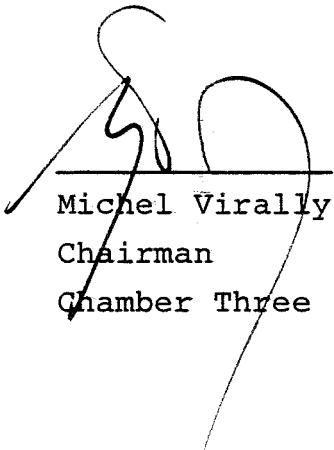
a. Pursuant to Article 34(1) of the Tribunal Rules, the Settlement Agreement filed with the Joint Request is hereby accepted and recorded as an Award on Agreed Terms, binding on FREDERICK K. SINKER, THE ISLAMIC REPUBLIC OF IRAN AIRLINES and THE ISLAMIC REPUBLIC OF IRAN in complete and final settlement of all claims and counterclaims now existing or

capable of arising in connection with this Case, in accordance with the terms of the Settlement Agreement.

b. THE ISLAMIC REPUBLIC OF IRAN AIRLINES shall pay to FREDERICK K. SINKER, the sum of One Hundred and Fifteen United States Dollars (U.S.\$115.00), 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 of 19 January 1981.

c. This Award is hereby submitted to the President of the Tribunal for notification to the Escrow Agent.

Dated, The Hague,
6 May 1988

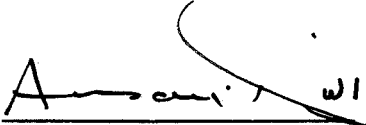


Michel Virally
Chairman
Chamber Three

In the name of God



Richard C. Allison



Parviz Ansari Moin

9

IN THE NAME OF GOD

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

IRAN UNITED STATES CLAIMS TRIBUNAL		دادگاه داری دعاوی ایران - ایالات متحده
FILED - ثبت شده		
Date	12 APR 1988 ۱۳۶۷ / ۱۱ / ۲۲	تاریخ
No.	11038	شماره

The Government of the United States of
America on behalf and for the benefit of
Frederick K. Sinker, a United States national,

Claimant,

-and-

Case No. 11038

Chamber 3

The Islamic Republic of Iran

Respondent.

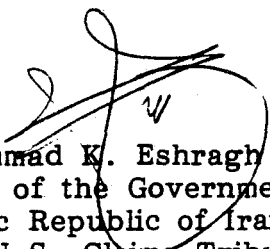
Joint Request for Arbitral Award on Agreed Terms

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 Frederick K. Sinker (Sinker) and The Islamic Republic of Iran Airlines (Iran Air) a copy of which is attached hereto.

Sinker and Iran Air have entered into a Settlement Agreement which provides that Sinker shall be paid the amount of US\$115.00 (one hundred and fifteen 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 Sinker out of Security Account.

Respectfully submitted,


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


Timothy E. Ramish
Agent of the Government of the
United States of America to the
Iran-U.S. Claims Tribunal

IN THE NAME OF GOD

IRAN UNITED STATES CLAIMS TRIBUNAL		دائرة ادعای ایران ایالات متحده
FILED - ثبت شد		
Date	12 APR 1988	تاریخ
	۱۳۶۷ / ۱۱ / ۲۳	
No.	11038	شماره

SETTLEMENT AGREEMENT

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

WHEREAS, Frederic K. Sinker (Sinker) and the Islamic Republic of Iran Airlines (Iran Air) wish to settle all claims and disputes which are outstanding or capable of arising in connection with Case No. 11038 and its subject matter.

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 and subject matter of the Case No. 11038 against Iran Air, its agents, affiliates and subsidiary companies and/or against the Islamic Republic of Iran, its political sub-divisions, Iranian entities, agencies, organizations, institutions and instrumentalities (Iran) Sinker will be paid the sum of US\$115 (one hundred and fifteen United States dollars) only.

ARTICLE TWO

(1) Sinker and Iran Air for themselves and for the successors, transferees, and assigns of themselves by this Agreement release and forever discharge each other and the successors, transferees, and assigns of each other 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. 11038.

(2) Frederic K. Sinker declares that he has no pending claim in any forum against Iran Air or Iran and undertakes to withdraw such claims forthwith, if any.

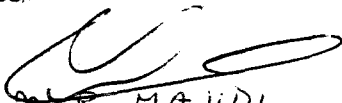
ARTICLE THREE

This Settlement Agreement is for the sole purpose of settling Case No. 11038. 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 FOUR

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

Islamic Republic of Iran
Airlines

By: 
M. R. MAJIDI

Date: 7 Feb 1988

Frederic K. Sinker

By: 
F. K. SINKER

Date: 26 MAR 1988