

ORIGINAL DOCUMENTS IN SAFE

Case No. 159

Date of filing: 21 OCT 83

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

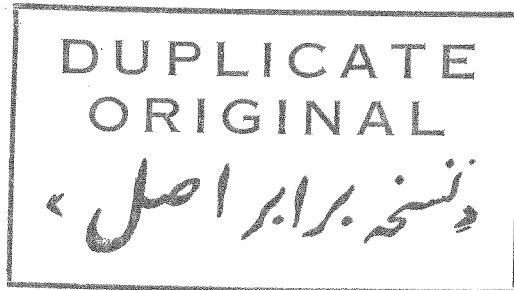
** DECISION - Date of Decision _____
 _____ pages in English _____ pages in Farsi

** 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: Correction of opinion to
interim award by mrmask
 - Date 21 OCT 83
1 pages in English _____ pages in Farsi



Case No. 159

Chamber Three

Award No. ITM 28-159-3

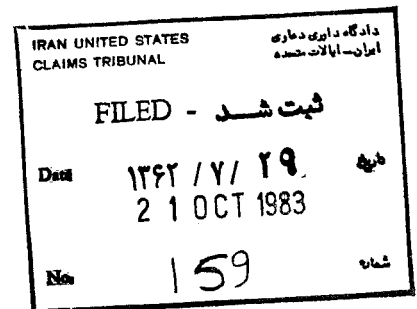
FORD AEROSPACE AND COMMUNICATIONS
CORPORATION, and AERONUTRONIC
OVERSEAS, INC.,

Claimants,

and

THE AIRFORCE OF THE ISLAMIC REPUBLIC
OF IRAN, THE GROUND FORCES OF THE
ISLAMIC REPUBLIC OF IRAN, THE MINISTRY
OF DEFENSE OF THE ISLAMIC REPUBLIC OF
IRAN, THE GOVERNMENT OF IRAN and BANK
MARKAZI IRAN,

Respondents.



CONCURRING OPINION TO INTERIM AWARD

NOTIFICATION OF CORRECTION

Please find attached copy of the corrected page 3 of
the English version of Mr. Mosk's Concurring Opinion in
Award No. ITM 28-159-3 filed 21 October 1983.


The Co-Registrars

Tribunal cases which present issues virtually identical to those in the instant request for relief. Thus, I see no reason for holding a hearing in connection with the request for interim measures in this case.

I also believe that the Order should have specified that the proceedings before the Public Court of Tehran be stayed until further order of the Tribunal rather than until 30 days after the Tribunal hearing. Based on a history of this Tribunal, I have some concern that a decision may not be forthcoming within the 30 day period.

With regard to assertions that a case in Iran cannot be stayed without the request of both parties, the fact is that the Respondents are fully able to comply with the Order under Iranian municipal law. Generally courts have inherent power to stay proceedings. See Roussel-Uclaf v. G.D. Searle & Co. Ltd. [1978] 1 Lloyd's L.R. 225, 229-230. Iranian municipal law provides for means for complying with the Order. See, e.g., Civil Procedure Code of Iran, Articles 127, 298. That the Respondents may take effective steps short of withdrawal of the action is confirmed by a letter of April 25, 1983 filed in Case No. 928 by the Islamic Republic of Iran, in which its Agent stated that in a case before the Public Court of Tehran involving similar circumstances, a stay of proceedings was obtained at the mere request of the attorney for the Ministry of Defense. In the instant case, the matter was postponed in Iran without any intervention by Claimant in the Iranian proceedings.