

313-102

ORIGINAL DOCUMENTS IN SAFECase No. 313Date of filing: 13, 2, 92

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

** DECISION - Date of Decision 13 Feb 92
_____ 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

دیوان داری دعاوی ایران - ایالات متحدہ

DUPLICATE
ORIGINAL

نسخہ برابر اصل

CASE NO. 313

CHAMBER TWO

DECISION NO. dec103-313-2

ESAHAK SABOONCHIAN,
Claimant,

and

THE ISLAMIC REPUBLIC OF IRAN,
Respondent.

IRAN-UNITED STATES CLAIMS TRIBUNAL	دیوان داری دعاوی ایران - ایالات متحدہ
FILED	ثبت شد
DATE	13 FEB 1992
	۱۳۶۰ / ۱۱ / ۲۴ تاریخ

DECISION

1. On 11 December 1991, the Claimant, Esahak Saboonchian, timely filed a letter requesting the Tribunal to issue "[a]n additional award in respect of items omitted" from its Award No. 524-313-2 filed on 15 November 1991.

2. In his letter the Claimant asserts that "[t]he Tribunal has not considered other claims of the Claimant, namely the ownership of his late father of the buildings and improvements up to the date of his death in 1979 ...".

3. The Claimant submitted its request in reliance on Article 37, paragraph 1, of the Tribunal Rules, which provides as follows:

1. Within thirty days after the receipt of the award, either party, with notice to the other party, may request the arbitral tribunal to make an additional award as to claims presented in the arbitral proceedings but omitted from the award.

However, the Tribunal cannot agree that the Claimant presented a claim which was omitted from the Award. The Award in its dispositif, Part IV, paragraph 23, dismissed all the claims of the Claimant. It dismissed the claim based on the alleged expropriation of the buildings and improvements on the land after determining that the Claimant did not have ownership interests in either the land or the buildings and improvements on the land after 1975, when both land and such fixtures had been transferred to NPIC, as stated in the parts dealing with Facts and Contentions and Reasons for the Award. See Award No. 524-313-2. Moreover, in para. 20 of the Award, the Tribunal dismissed any claim for personal property left on the farm. Accordingly, in the present Case there is no basis for an additional Award under the Tribunal Rules.

4. Without reference to any provision of the Tribunal Rules, the Claimant also requests that the Tribunal consider the validity of his father's ownership of the land in

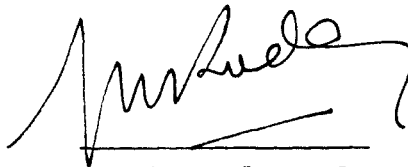
question under Iranian law. However, as the Award in paragraph 19 has specifically dealt with that issue, such a request is an attempt to reargue the Case with no basis in the Tribunal Rules. See Norman Gabay/Nourollah Armanfar and Islamic Republic of Iran, Decision No. DEC 99-771-2 (24 Sept. 1991).

5. For the foregoing reasons:

THE TRIBUNAL DECIDES AS FOLLOWS:

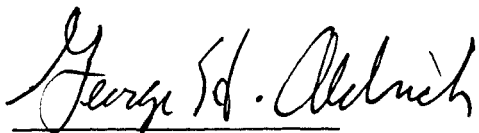
The Request of Esahak Saboonchian, filed on 11 December 1991, is hereby denied.

Dated, The Hague
13 February 1992

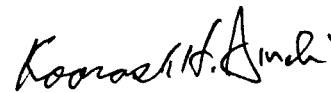


José María Ruda
Chairman
Chamber Two

In the Name of God



George H. Aldrich



Koorosh H. Ameli