

ORIGINAL DOCUMENTS IN SAFECase No. 381

381-242

Date of filing: 17 Apr '91

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

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

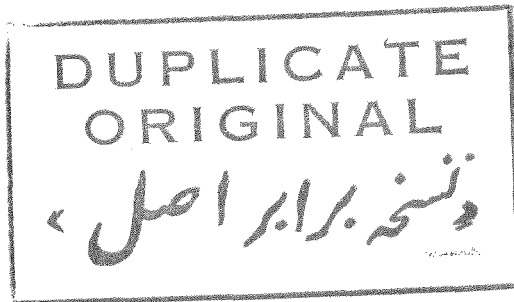
** CONCURRING OPINION of _____
- Date _____
_____ pages in English _____ pages in Farsi

** SEPARATE OPINION of _____
- Date _____
_____ pages in English _____ pages in Farsi

** DISSENTING OPINION of _____
- Date _____
_____ pages in English _____ pages in Farsi

** OTHER; Nature of document: Statement

- Date 17 Apr '91
2 pages in English 2 pages in Farsi



CASE NO. 381

CHAMBER ONE

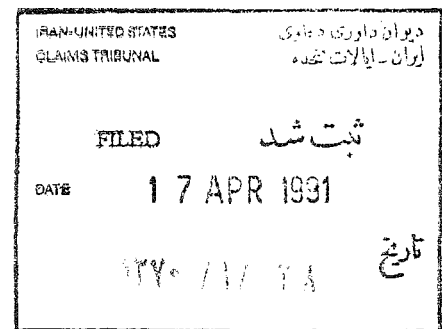
DECISION No. DEC 96-381-1

UITERWYK CORPORATION,
 JAN C. UITERWYK,
 MARIA UITERWYK,
 ROBERT UITERWYK,
 HENDRIK UITERWYK,
 JAN D. UITERWYK,
 Claimants,

and

THE GOVERNMENT OF THE ISLAMIC
 REPUBLIC OF IRAN,
 THE MINISTRY OF ROADS AND
 TRANSPORTATION,
 PORTS AND SHIPPING ORGANIZATION,
 IRAN EXPRESS LINES,
 SEA-MAN-PAK,

Respondents.

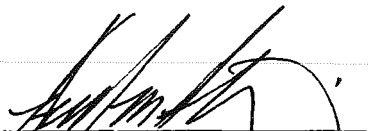
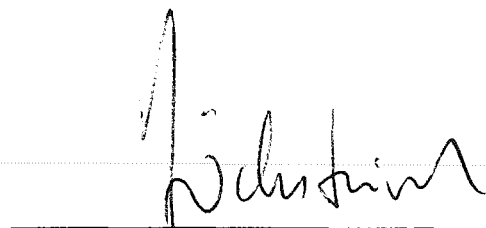


STATEMENT OF MR. BÖCKSTIEGEL
AND MR. HOLTZMANN

Mr. Mostafavi, who is a Member of the Tribunal for this Case pursuant to Article 13, paragraph 5 of the Tribunal Rules, has refused to participate in deliberations in this Case, see Partial Award No. 375-381-1, para. 30 (6 July 1988), reprinted in 19 Iran-U.S. C.T.R. 107, 116-117, and refused to sign the Partial Award, see Supplemental Opinion of Mr. Böckstiegel and Mr. Holtzmann (6 July 1988), reprinted in 19 Iran-U.S. C.T.R. 169, and the Decision and Correction to Partial Award, dated 22 November 1988, reprinted in 19 Iran-U.S. C.T.R. 171, and failed to participate in the deliberation or issuance of the Final Award, see Final Award No. 501-381-1 (8 Jan. 1991) and Statement of Mr. Böckstiegel

and Mr. Holtzmann (8 Jan. 1991). Mr. Mostafavi's reasons for refusing to participate are set forth in his letter to Mr. Böckstiegel dated 3 June 1988, reprinted in 19 Iran-U.S. C.T.R. 161, and the circumstances surrounding his refusal to participate are described in the Supplemental Opinion of Mr. Böckstiegel and Mr. Holtzmann, supra, and in the Decision and Correction to Partial Award, supra. They need not be repeated here. Notwithstanding Mr. Mostafavi's continued refusal to participate, the Tribunal sent him a draft of this Decision, along with copies of the relevant filings in this Case, by air courier and requested that he inform the Tribunal of any comments, or of his willingness to sign the Decision, by 15 March. No word from Mr. Mostafavi has been received by the Tribunal to date. Under these circumstances the Tribunal, acting in accordance with Article 32, paragraph 4 of the Tribunal Rules, issues this Decision with the signatures of the two arbitrators who constitute the majority. As noted previously, "the established practice of the Tribunal, which is in accord with recognized international procedures, is for the majority of the arbitrators to continue their work and issue an award despite the voluntary choice of an arbitrator not to participate." Supplemental Opinion, supra, p. 4, 19 Iran-U.S. C.T.R. 171. The reasons for the absence of Mr. Mostafavi's signature are stated above.

Dated, The Hague
17 April 1991


Howard M. Holtzmann
Karl-Heinz Böckstiegel