

381-236

ORIGINAL DOCUMENTS IN SAFECase No. 381Date of filing: 8/1/91

** 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

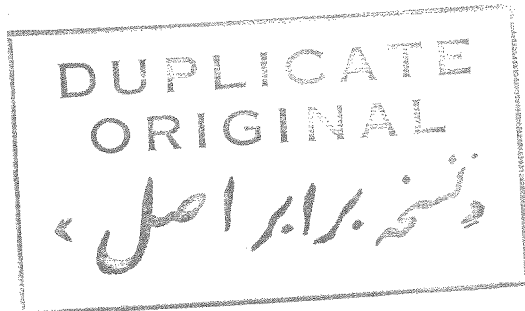
** DISSENTING OPINION of _____
- Date _____
_____ pages in English _____ pages in Farsi

** OTHER; Nature of document: Statement of Mr BOCKSTIEGE
And Mr. HOLTZMANN

- Date _____
3 pages in English 3 pages in Farsi

IRAN-UNITED STATES CLAIMS TRIBUNAL

دیوان داوری دعاوی ایران - ایالات متحدہ



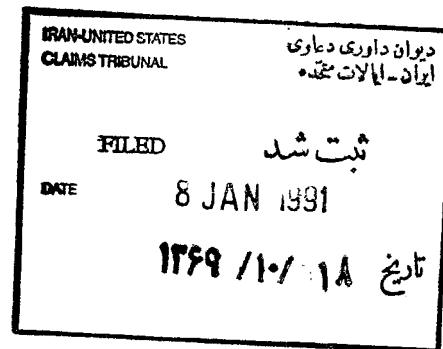
CASE NO. 381
CHAMBER ONE
AWARD NO. 501-381-1

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.



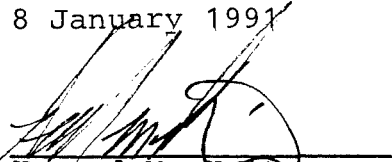
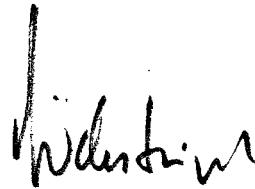
STATEMENT OF MR. BÖCKSTIEGEL
AND MR. HOLTZMANN

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. 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, and in particular his most recent failure to respond to the Tribunal's request for comments on the Decision and Correction to the Partial Award, the Tribunal has made several attempts to send him a draft of this Final Award, along with copies of all relevant filings in this Case and the six related Cases. The Tribunal used 2 different air courier services in an attempt to transmit the materials to Mr. Mostafavi in Tehran, at his address on record with the Tribunal and where he had received correspondence from the Tribunal on previous occasions. Each courier service has informed the Tribunal that it was unable to make the delivery at Mr. Mostafavi's address, and was unable to locate any other address. Under these circumstances the Tribunal, acting in accordance with Article 32, paragraph 4 of the Tribunal Rules, issues the Final Award 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
8 January 1991


Howard M. Holtzmann
Karl-Heinz Böckstiegel