

ORIGINAL DOCUMENTS IN SAFE

Case No. 388

Date of filing: 19 Dec 1983

** AWARD - Type of Award ON AGREED TERMS
 - Date of Award _____
3 pages in English 2 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 _____
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** OTHER; Nature of document: _____

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CASE NO. 388

CHAMBER ONE

AWARD NO. 94- 388-1

E-SYSTEMS, INC.,

Claimant,

and

THE ISLAMIC REPUBLIC OF IRAN,

BANK MELLI IRAN,

Respondents.

IRAN UNITED STATES CLAIMS TRIBUNAL	دادگاه دآوری دعاوی ایران - ایالات متحده
ثبت شد - FILED	
Date	۱۳۶۲ / ۹ / ۲۸ 19 DEC 1983
No.	388 - ۳۸۸

AWARD ON AGREED TERMS

DUPLICATE
ORIGINAL
نسخه برابر اصل

On 8 December 1983 a Joint Request for an Arbitral Award on agreed terms was filed with the Tribunal, signed by representatives of E-SYSTEMS, INC. and THE MINISTRY OF DEFENCE OF THE ISLAMIC REPUBLIC OF IRAN and by the Agent of THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF IRAN, requesting the Tribunal to record the Settlement Agreement attached thereto, dated 7 November 1983, as an Arbitral Award on agreed terms pursuant to Article 34 of the Tribunal Rules.

The Settlement Agreement provides for certain reciprocal obligations by the Parties.

In the Joint Request the Parties request that the Settlement be kept confidential until the obligations contained in the Settlement Agreement have been fulfilled.

The Tribunal accepts the Settlement Agreement in accordance with Article 34 of the Tribunal Rules.

Based on the foregoing,

The Settlement Agreement is hereby recorded as an Award on agreed terms, binding on the Parties. Consequently THE MINISTRY OF DEFENCE OF THE ISLAMIC REPUBLIC OF IRAN is obligated to pay the Claimant E-SYSTEMS, INC., the amount of Six Million United States Dollars (\$6,000,000.00) 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, dated 19 January 1981, in the manner prescribed by Article 12 of the Settlement Agreement and further described in Attachment B thereto.

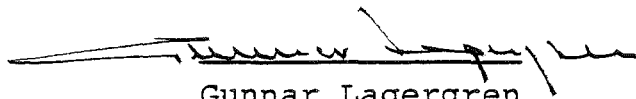
The Tribunal determines in accordance with the request of the Parties and pursuant to Article 32 paragraph 5 of the Tribunal Rules that the Settlement Agreement shall not be

made public until the obligations contained in the Settlement Agreement have been fulfilled.

The Tribunal hereby submits this Award to the President for notification to the Escrow Agent.

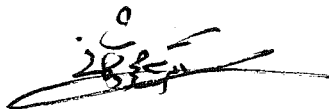
Dated, The Hague,

19 December 1983



Gunnar Lagergren
Chairman
Chamber One

I agree with the Chairman in accepting and recording of the Settlement Agreement as an Award on agreed terms but I dissent as to the remaining part of this Award not only because that part unilaterally condemns one of the parties to the performance of its obligations and ignores the reciprocal obligations of the other party but also because it provides for an enforcement procedure, which a judge is barred from after deciding the dispute or accepting and recording the settlement, according to Article 34 of the UNCITRAL Rules.



Mahmoud M. Kashani



Howard M. Holtzmann

Concurring Opinion,
but dissenting as to
the determination that
the ~~settlement agreement~~ Award will not be
made public.

