

IRAN-UNITED STATES CLAIMS TRIBUNAL

دیوان دآوری دعاوی ایران - ایالات متحدہ

IRAN UNITED STATES CLAIMS TRIBUNAL	دادگاه دآوری دعاوی ایران - ایالات متحدہ
ثبت شد - FILED	
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No.	B-53

CASE NO. B-53

CHAMBER ONE

AWARD NO. 107-B-53-1

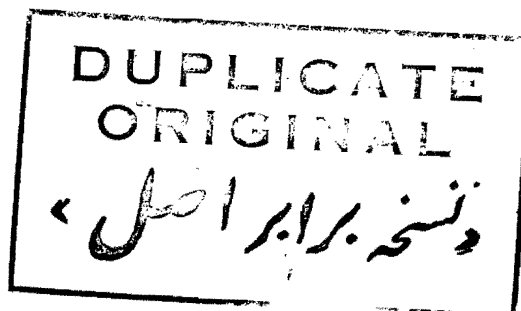
DEPARTMENT OF THE ENVIRONMENT
OF THE ISLAMIC REPUBLIC OF IRAN,

Claimant

and

THE UNITED STATES OF AMERICA,

Respondent.



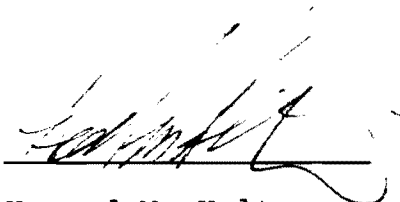
CONCURRING OPINION OF HOWARD M. HOLTZMANN

I concur in the Tribunal's Award in this case. I write separately to reiterate my view that the Tribunal should not set interest rates arbitrarily on its awards. This, in my view, works injustice on all successful claimants, whether Iranian or American, as the present case shows.

Claimant, the Department of the Environment of the Islamic Republic of Iran, sought interest of 18%. The Tribunal without explanation granted 10% interest. Claimant provided no evidence as to the interest rates prevailing during the period at issue; nevertheless, on the basis of publicly available data, it would have been possible for the Tribunal to determine an interest rate approximating the average rate during those years.¹ I believe that would have been a more just approach toward making the Claimant whole.

Dated, The Hague

7 February 1984


Howard M. Holtzmann

¹ See Economy Forms Corp. and The Government of the Islamic Republic of Iran, Case No. 165 (Concurring Opinion of Howard M. Holtzmann, filed 20 June 1983).