

CASE NO. A28
 FULL TRIBUNAL
 DECISION NO. DEC 130-A28-FT

THE UNITED STATES OF AMERICA and
 THE FEDERAL RESERVE BANK OF NEW YORK,
 Claimants,
 and
 THE ISLAMIC REPUBLIC OF IRAN and
 BANK MARKAZI IRAN,
 Respondents.

IRAN-UNITED STATES CLAIMS TRIBUNAL	دیوان داری دعاری ایران - ایالات متحدہ
FILED	ثبت شد
21 DEC 2000	
۱۳۷۹ / ۱۰ / ۱	تاریخ

STATEMENT BY THE PRESIDENT

1. Although it is not customary for a Member of the Tribunal to comment on another Member's individual opinion filed in a case, the nature of some of the statements made by Mr Broms in his Concurring and Dissenting Opinion of 19 December 2000, appended to the Tribunal's Decision No. DEC 130-A28-FT (19 Dec. 2000), warrants the present remarks on my part.

2. In para. 1 of his Opinion, Mr Broms states that "[a]s Paragraph 95 in its present form was proposed by the President after the final deliberations had ended, and as the President did not call the members to open further deliberations, the purpose of the two sentences remains unclear." To the extent that this statement is suggesting that the Members were not given full opportunity to offer their views in the deliberative process leading to the Decision in this Case, the statement is wrong. It is unclear what Mr Broms means by "final" deliberations. Deliberations may, and in fact do, continue until the last moment before the filing of a Decision or Award. Deliberations take place during formal meetings of Members of the Tribunal; and, in addition, they take place through less formal exchanges (whether written or

oral or both) among Members. This is also what took place in the present Case. At all stages of the Tribunal's work on the Decision, all Members were given ample opportunity to present their views, either orally or in writing, on each and every issue that arose in this Case -- including Paragraph 95 of the Decision.

3. Furthermore, I note with regret that Mr Broms's Opinion in a number of instances contravenes the rule of confidentiality of the Tribunal's deliberations, as set forth in Note 2 to Article 31 of the Tribunal Rules (~~see~~, in particular, paras. 1 and 5 of Mr Broms's Opinion).

Dated, The Hague

21 December 2000



Krzysztof Skubiszewski