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# WITHDRAWAL SHEET

## Ronald Reagan Library

**Collection Name** EXECUTIVE SECRETARIAT, NSC: COUNTRY FILE

**Withdrawer**

DLB 5/18/2006

**File Folder** IRAN (06/01/1984-07/23/1984)

**FOIA**

F01-113

**Box Number** 37

MCDERMOTT,  
JOHN

6

ID	Doc Type	Document Description	No of	Doc Date	Restrictions
24603	MEMO	CHARLES HILL TO ROBERT MCFARLANE, RE: TAVEL OF IRANIAN OFFICIAL TO THE UNITED STATES <i>D 10/21/2011 F2001-113/1</i>	1	6/8/1984	B1
24604	PAPER	RE: PARTICIPATION OF IRANIAN OFFICIAL IN AN INVENTORY OF IRANIAN-OWNED PROPERTY AT THE BEHRING WAREHOUSE <i>D 10/21/2011 F2001-113/1</i>	2	ND	B1
24605	MEMO	PHILIP DUR TO POINDEXTER, RE: MEETING <i>D 10/21/2011 F2001-113/1</i>	2	7/6/1984	B1
24606	CABLE	#202135Z JUL 84 <i>D 3/28/2007 NLRRF01-113</i>	5	7/20/1984	B1 B3
24607	MEMO	DUR TO POINDEXTER, RE: PROTECTION OF AWACS	1	7/24/1984	B1
24608	PAPER	RE: PROTECTION OF AWACS	1	ND	B1
24609	MEMO	DUPLICATE OF #24607	1	7/24/1984	B1
24610	PAPER	DUPLICATE OF #24608	1	ND	B1

### Freedom of Information Act - [5 U.S.C. 552(b)]

B-1 National security classified information [(b)(1) of the FOIA]

B-2 Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]

B-3 Release would violate a Federal statute [(b)(3) of the FOIA]

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B-7 Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]

B-8 Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]

B-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

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NSC/S PROFILE

CONFIDENTIAL

ID 8404668

UNCLASSIFIED UPON REMOVAL OF  
CLASSIFIED ENCLOSURE(S)

RECEIVED 09 JUN 84 11

TO MCFARLANE

FROM HILL, C

*dlb 5/2/84*

DOCDATE 08 JUN 84

KEYWORDS IRAN

LEGAL ISSUES

SUBJECT: TRAVEL OF IRANIAN OFFICIALS TO US RE CLAIMS TRIBUNAL

ACTION: PREPARE MEMO KIMMITT

DUE: 11 JUN 84 STATUS S FILES PA

FOR ACTION

FOR CONCURRENCE

FOR INFO

KEMP

THOMPSON

DUR

KIMMITT

COMMENTS

REF# 8416713

LOG

NSCIFID

( EN )

ACTION OFFICER (S) ASSIGNED ACTION REQUIRED DUE COPIES TO

*C 6/21 No action necessary per Kemp*

DISPATCH

W/ATTCH FILE

*OK* (C)

34

NATIONAL SECURITY COUNCIL

June 19, 1984

TO: PAUL THOMPSON

FROM: MICHAEL LAZAN *ML*

SUBJECT: NSC Log #4668

Geoff and I don't feel that any action is necessary on this. Do you agree?

*yes - please close out*



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<i>ID</i>	<i>Document Type</i> <i>Document Description</i>	<i>No of</i> <i>pages</i>	<i>Doc Date</i>	<i>Restric-</i> <i>tions</i>
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IRAN-UNITED STATES CLAIMS TRIBUNAL  
IRANIAN CLAIMS

دیوان داوری دعاری ایران - ایالات متحدہ

CHAMBER THREE  
CASE NO. 382

MAY 08 1984

DEPARTMENT OF STATE

BEHRING INTERNATIONAL, INC.,

Claimant,

-and-

ISLAMIC REPUBLIC IRANIAN AIR FORCE,  
IRAN AIRCRAFT INDUSTRIES and THE  
GOVERNMENT OF IRAN,

Respondents.

IRAN UNITED STATES CLAIMS TRIBUNAL	دادگاه داوری دعاری ایران - ایالات متحدہ
ثبت شد - FILED	
Date	۱۳۶۲ / ۲ / ۱۳ 3 MAY 1984
No.	382

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4 MEI 1984

AMENDMENT TO DECISION

OFFICE U.S. AGENT

By its Decision of 19 December 1983, the Tribunal appointed an expert in this case and set forth his terms of reference. According to such terms of reference, the expert was to "inventory the items of property belonging to the Air Force of the Islamic Republic of Iran and being stored in Behring's warehouse" (point 1) and to determine the condition of those items (point 2).

In a submission of 18 January 1984 the Ministry of Defense of the Islamic Republic of Iran stated, inter alia, that

"... according to the available records in the files and the reports submitted by Ministry of Defence to the Tribunal, it has been explicitly stated that, besides the properties belonging to the Air Force, other properties from various organizations of Iran, including Aircraft Industries Co. and the Ground Force, etc. are available in the store of Behring, the inventory of which must be taken..."

Accordingly, the Ministry of Defense requested the Tribunal to review the 19 December 1983 Decision and to issue a new decision covering "all properties of Iran in the store of Behring, including those of Aircraft Industries and Ground Forces". The Ministry also requested that the expert's terms of reference be extended in certain other respects.

On 25 April 1984 Claimant commented on the above-mentioned request suggesting, inter alia, broader terms of reference which would, in addition, provide for the transfer of the properties. Claimant also suggested that the expert's report be first submitted to the Parties prior to its submission to the Tribunal.

It appears from the record before the Tribunal that this case not only concerns property belonging to Respondent Iranian Air Force but also property belonging to Respondent Iranian Aircraft Industries. In view of this the Tribunal finds that the 19 December 1983 Decision should be amended so as to cover also the properties of the latter Respondent.

Accordingly, the Tribunal hereby amends point 1 of the terms of reference of the expert as follows:

1. The expert shall inventory the items of property belonging to the Air Force of the Islamic Republic of Iran or Iran Aircraft Industries and being stored in Behring's warehouse, indicating the following particulars, as may be applicable to each specific item:

- a. nomenclature (name of the item)
- b. unit of issue (number of items)
- c. part number
- d. stock number
- e. serial number
- f. date of arrival at the warehouse
- g. consignor
- h. consignee
- i. shelf life time.



40

The expert is further instructed to carry out the inventory and determine the condition of the items as set forth in point 2 of the Decision in close cooperation and contact with the Parties' representatives. According to the letter from the Agent for the United States filed with the Tribunal on 21 February 1984 the United States Government will send one or more of its representatives to be present at the inventory, "in order to ensure compliance with United States laws and regulations and to safeguard U.S. security interests." The expert shall keep any such representative informed as to when and where he intends to carry out his tasks. The Parties should notify the expert of the name and address of any Party or Government representative referred to above.

Before the finalization and submittal of his report to the Tribunal, the expert should send a preliminary report to the Parties for their possible comments.

As to Claimant's further suggestions, the Tribunal finds it impossible to give detailed instructions in advance on questions such as how the transfer of the property to another location should be arranged or where the inventory and any tests should be carried out. The Tribunal feels that such practical matters are best dealt with on the spot, through consultations between the expert and the representatives of the Parties. The Parties are reminded that, according to point 7 of his terms of reference, "[i]n case of any difficulty in the course of performing his work under these terms of reference, the expert may refer to the Tribunal for clarification or resolution, as may any party."

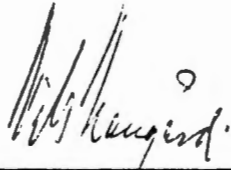
The expert appointed by the Tribunal is hereby instructed to proceed forthwith in carrying out the inventory and possible tests in accordance with the 19 December 1983 Decision (copy attached hereto) as amended herein. Unless otherwise agreed between the expert and the Parties, the expert shall commence his work on 15 June 1984.

41

If Respondents wish to comment on other proposals contained in Claimant's submission of 16 April 1984, they are requested to do so by 8 June 1984.

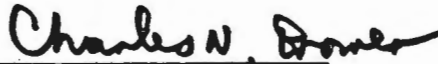
Dated, The Hague

3 May 1984

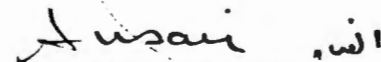


Nils Mangård  
Chairman  
Chamber Three

In the Name of God



Charles N. Brower  
Concurring Opinion



Parviz Ansari Moin  
Concurring

CHAMBER THREE

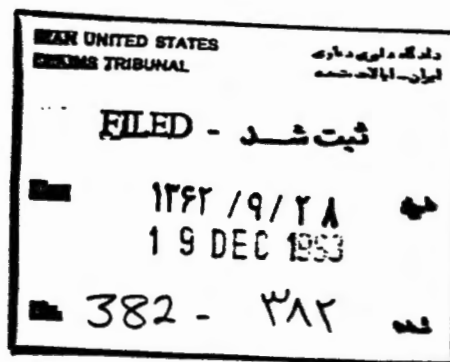
CASE NO. 382

BEHRING INTERNATIONAL, INC.,  
Claimant,

- and -

ISLAMIC REPUBLIC IRANIAN AIR FORCE,  
IRAN AIRCRAFT INDUSTRIES and THE  
GOVERNMENT OF IRAN,

Respondents.



DECISION

On 18 January 1982, the Claimant, BEHRING INTERNATIONAL, INC., filed a Statement of Claim against the Respondents IRANIAN AIR FORCE, IRAN AIRCRAFT INDUSTRIES and THE GOVERNMENT OF IRAN, seeking recovery of warehouse and storage costs in connection with certain property belonging to the Respondents.

On 2 December 1982, THE MINISTRY OF DEFENSE OF THE ISLAMIC REPUBLIC OF IRAN ("Ministry of Defense") filed a Statement of Defence on behalf of the above named Respondents, including a Statement of Counterclaim and a Request for Interim Award for the conservation of the goods stored in the Claimant's warehouse.

47

On 15 February 1983, the Claimant filed a Reply to the Statement of Defence and Counterclaim, including a response to the Request for Interim Award. On 1 March 1983, the Deputy Agent of the Islamic Republic of Iran, on behalf of the Respondents, requested that proceedings with regard to the Request for Interim Award be expedited.

By an Order dated 18 March 1983, the Tribunal requested the Claimant to file an inventory of the materials of the Respondents stored in the Claimant's warehouse.

On 31 March 1983, the Claimant filed a Supplemental Reply to Respondent's Request for Interim Award and supporting submission. On 18 April 1983, the Respondents filed a Supplement to their Statement of Counterclaim stating an additional counterclaim.

On 29 April 1983, the Claimant filed a Reply to the Supplement to the Statement of Counterclaim and a Cross-petition for Interim Measures of Protection. In its Cross-petition, the Claimant requested, inter alia, that the ordered inventory be conducted by the Respondents either solely or in conjunction with the Claimant.

By an Order dated 11 May 1983, the Tribunal vacated its Order of 18 March 1983 and requested the Respondents to file a Reply to the Claimant's submissions of 31 March and 29 April 1983. The time for filing the Reply was set for 20 June 1983 and subsequently extended to 20 July 1983.

On 7 July 1983, the Claimant filed a notice of its intention to sell on 15 August 1983 the goods held in the warehouse and to deposit the proceeds in a blocked account pending further authorisation by the United States Department of Treasury.



47

On 20 July 1983, the Respondents filed their Reply to the Claimant's submissions of 31 March and 29 April 1983.

On 4 August 1983, the Ministry of Defense filed a Request for Interim Order, ordering, inter alia, the Claimant to refrain from auctioning the goods at issue pending a final decision of the Tribunal.

On 10 August 1983, the Claimant filed a Reply to the Ministry's 4 August 1983 Request. On the same date, the Tribunal issued an Interim Award, in which the Tribunal, inter alia, requested the Claimant to take whatever measures necessary to assure that the sale of assets scheduled for 15 August 1983 was not carried out, and ordered a Hearing to be held on 27 September 1983 at which the Parties would have the opportunity to present oral arguments in relation to the 2 December 1982 and 4 August 1983 Requests of the Ministry of Defense. A statement of clarification of the Interim Award was transmitted to the Parties on 11 August 1983.

On 30 August 1983, the Tribunal cancelled the 27 September 1983 Hearing previously scheduled, stating that it was the Tribunal's intention to decide the issues of interim measures of protection on the basis of the Parties' written submissions.

On 15 September 1983, the Ministry of Defense/ filed a memorial in which it alleged that the Interim Award of 10 August 1983 had been disobeyed by the Claimant and requested that the Tribunal designate an expert or experts of the Tribunal's choice to (a) take the inventory of the items existing in Behring's warehouse; (b) record the exact condition of the Iranian properties in a technically acceptable way; (c) supervise the physical turnover of the properties and records to the Ministry of Defense designee; (d) submit to the Tribunal and the Parties certified copies of the inventories taken and the recording of the condition of the items; and (e) report to the Tribunal on any other

material and relevant facts, circumstances or developments concerning the taking of the inventory and the removal of the Iranian properties from Behring's warehouse. Attached to the Request of the Ministry of Defense was a Memorandum of Agreement executed by the Parties on 14 August 1983. In this Memorandum, Behring undertook, inter alia,

"[t]o provide reasonable access to representatives of Iran to inspect the stored property and to turn over to Iran at the Edison, N.J., warehouse all existing records, inventories and other documents generated in connection with the transportation and storage of the stored property".

In support of its 15 September 1983 Application, the Ministry of Defense argued that the adjudication of the remedies sought by the Ministry's counterclaim filed on 2 December 1982

"requires that the exact number, specifications and conditions of Iran's items in Behring's warehouse be ascertained before the removal of those items to the warehouse selected by ... (the Ministry of Defense)".

On 20 September 1983, the Agent of the Islamic Republic of Iran filed a submission stating that

"... according to the information received from the Ministry of National Defense of Iran the items in question are mainly aircraft components and spare parts.

The aircraft components and spare parts in Behring's warehouse fall into three main groups: (a) hardware spare parts, (b) electric equipment, (c) hydrolytic components. As to group (a) normal visual check would suffice, but groups (b) and (c) should be necessarily tested by special testers, and thus technical know-how in the fields of electronics and hydrolyte is required.

The remaining miscellaneous properties consist of items such as machinerics and chemicals".

On 7 October 1983, the Claimant filed a Reply to the Request of the Ministry of Defense concerning Experts. The Claimant asserted, inter alia, that there were no sufficient reasons to grant the Request for Experts because, in the 14 August 1983 Memorandum of Agreement, Behring had agreed to provide reasonable access to representatives of Iran to inspect the stored property and to turn over all existing records, existing inventories and other documents generated in connection with the transportation and storage of the stored property. Behring further argued that the Tribunal should decide as a threshold matter the question of its jurisdiction over the claim and counterclaim.

On 18 October 1983, the Ministry of Defense filed a submission reiterating its Request concerning experts.

Having considered the Parties' submissions in this case, the Tribunal finds that the advice of independent expertise with regard to the status of the goods would assist the Tribunal in the adjudication of this case. Strong practical reasons suggest that the necessary expert investigation should be carried out already at the present stage of the proceedings, in connection with the intended transfer of the goods from Behring's warehouse.

The Tribunal therefore appoints Mr. Sigfrid Akselson, President of FFV Engineering Systems, Inc., 205 The Strand, Alexandria, VA 22314 U.S.A. as expert in this case.

The Tribunal sets forth the following as the terms of reference for the expert:

1. The expert shall inventory the items of property belonging to the Air Force of the Islamic Republic of Iran and being stored in Behring's warehouse, indicating the following particulars, as may be applicable to each specific item:

- 47
- a. nomenclature (name of the item)
  - b. unit of issue (number of items)
  - c. part number
  - d. stock number
  - e. serial number
  - f. date of arrival at the warehouse
  - g. consignor
  - h. consignee
  - i. shelf life time.

2. The expert shall determine the condition of the above items through visual inspection or through any kind of required tests, including electronic or hydrolytic tests, as may reasonably be warranted by the nature of the equipment. If an item is found to be faulty or damaged, the expert should, if possible, give his opinion as to whether the fault or damage is likely to have occurred during the time before 19 January 1981 in which it was in Behring's custody.

3. The expert shall submit to the Tribunal a copy of the inventory taken in accordance with point 1. and a report on his findings with regard to the items in accordance with point 2. above.

4. The expert shall be entitled to obtain from any party inventories or other documents which he deems necessary for the performance of his work under these terms of reference.

5. The expert may be assisted in performing his work under these terms of reference by another person of his own choice.

6. The cost of the expert's work (including any assistance as mentioned under 5.) must not exceed the sum of US \$30,000. If the expert finds that this amount is not sufficient to cover all the costs, he shall refer to the Tribunal for further directives.



7. In case of any difficulty in the course of performing his work under these terms of reference, the expert may refer to the Tribunal for clarification or resolution, as may any party.

8. The Tribunal decides, in accordance with Article 41, paragraph 2, of the Tribunal Rules that the Respondents shall deposit the sum of Thirty Thousand United States Dollars (US \$30,000) as advances for the costs of expert advice, to be deposited within 20 days from the date of this Decision. This amount shall be remitted to account number 24.58.28.583 (Dollar Account) at Pierson, Heldring and Pierson, Korté Vijverberg 2, 2513 AB The Hague, in the name of the Secretary-General of the Iran-United States Claims Tribunal (Account No.II). The account shall be administered by the Secretary-General of the Tribunal, who shall consult with the Tribunal. The Tribunal further retains jurisdiction to request from arbitrating parties such other amounts as may be required from time to time in connection with the expert's work, or to decide any disputes which may arise in connection with that work.

The Tribunal shall later determine as to which party shall ultimately bear the cost of the expert's work (including any assistance as mentioned under 5. above).

Dated, The Hague

19 December 1983

Nils Mangård  
Chairman  
Chamber Three

In the Name of God

Richard M. Mosk  
Dissenting Opinion

Parviz Ansari Moin

01/11

UNCLASSIFIED UPON REMOVAL OF RECEIVED 07 JUL 84 09  
CLASSIFIED ENCLOSURE(S)

TO POINDEXTER

FROM DUR

*dlb  
5/27/04*

DOC DATE 06 JUL 84

KEYWORDS IRAN

JAPAN

PERSIAN GULF

SUBJECT. DUR MTG W/ OKOMOTO JUL 5 RE DEVELOPMENTS IN GULF

ACTION: FOR INFORMATION

DUE: 12 JUL 84 STATUS C FILES PA

FOR ACTION

FOR CONCURRENCE

FOR INFO

POINDEXTER

COMMENTS

REF#

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( CT CM )

ACTION OFFICER (S)	ASSIGNED	ACTION REQUIRED	DUE	COPIES TO
	<i>C 7/9</i>	<i>Noted by Poindexter</i>		<i>PD</i>

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The White House

1239 OT 50

System # I

Package # 5235

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84 JUN 5 4:51 PM

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Bob Kimmitt	_____	_____	_____
John Poindexter	<u>2</u>	<u>[initials]</u>	_____
Tom Shull	_____	_____	_____
Wilma Hall	_____	_____	_____
Bud McFarlane	_____	_____	_____
Bob Kimmitt	_____	_____	_____
NSC Secretariat	_____	_____	_____
Situation Room	_____	_____	_____

I = Information    A = Action    R = Retain    D = Dispatch    N = No further Action

cc: VP Meese Baker Deaver Other \_\_\_\_\_

COMMENTS                      Should be seen by: \_\_\_\_\_  
(Date/Time)

*Interesting report.  
Pass to CMF.*

*[Signature]*



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**REVIEW WORKSHEET**

PROJECT CONTROL NUMBER \_\_\_\_\_

RECORD GROUP NUMBER	ENTRY NUMBER <b>87R01100R</b>	BOX NUMBER <b>31</b>	PERCENTAGE CLASSIFIED	PAGE	OF	PAGES
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TO: <b>CIA</b>											
SUBJECT: <b>Buckley Abduction</b>							REASON WITHHELD		MARKING APPLIED		
FILE NUMBER:											
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<b>1</b>	<b>20</b>	<b>07</b>	<b>84</b>								

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REVIEWER I <b>Mary Ronen</b>	REVIEWER II	WITHDRAWN BY
DATE: <b>7/2/84</b>	DATE:	DATE:

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	<i>Document Description</i>	<i>pages</i>		<i>tions</i>
24606	CABLE	5	7/20/1984	B1
	#202135Z JUL 84			

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RECEIVED 23 JUL 84 18

TO POINDEXTER

FROM POWELL, C

DOC DATE 23 JUL 84

MERRITT, J

20 JUL 84

KEYWORDS: MILITARY POSTURE

IRAN

SUBJECT. PROTECTION OF AWACS FM IRANIAN THREAT DURING REFUELING

ACTION. PREPARE MEMO FOR POINDEXTER DUE: 26 JUL 84 STATUS S FILES PA

FOR ACTION

FOR CONCURRENCE

FOR INFO

DUR

KEMP

NSC/S,  
This action has been completed  
per Phil Dur. Kay

COMMENTS

REF# DJSM1529

LOG

NSCIFID

( JF )

ACTION OFFICER (S) ASSIGNED ACTION REQUIRED DUE COPIES TO

POINDEXTER IX 724 For Information

AUG 01 1984 Poindexter noted

DUR S AUG 01 1984 further action

C 9/13 NPAR per Dur

DISPATCH

W/ATTCH FILE (C)

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24607	MEMO  DUR TO POINDEXTER, RE: PROTECTION OF AWACS	1	7/24/1984	B1

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The White House**

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84 JUL 24 P12: 09

System # I

Package # 5653

1267

	SEQUENCE TO	HAS SEEN	DISPOSITION
Paul Thompson	<u>1</u>	<u>✓</u>	
Bob Kimmitt		<u>✓</u>	
John Poindexter	<u>2</u>	<u>✓</u>	
Tom Shull			
Wilma Hall			
Bud McFarlane			
Bob Kimmitt			
NSC Secretariat			
Situation Room			
<u>DUR</u>	<u>3</u>		

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cc: VP    Meese    Baker    Deaver    Other \_\_\_\_\_

COMMENTS

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01 JUL 84 12: 00



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84 JUL 23 P 3: 38

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Bob Kimmitt	_____	_____	_____
John Poindexter	1	_____	_____
Tom Shull	_____	_____	_____
Wilma Hall	_____	_____	_____
Bud McFarlane	_____	_____	_____
Bob Kimmitt	_____	_____	_____
NSC Secretariat	_____	_____	_____
Situation Room	_____	_____	_____
DUR	2	_____	_____

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cc: VP Meese Baker Deaver Other \_\_\_\_\_

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(Date/Time)

*I don't recall asking for this but it is good info.*

*J.*

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5653

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**OFFICE OF THE SECRETARY OF DEFENSE**  
**THE MILITARY ASSISTANT**

All: 28

23 July 1984

NOTE FOR REAR ADMIRAL JOHN M. POINDEXTER  
DEPUTY ASSISTANT TO THE PRESIDENT  
FOR NATIONAL SECURITY AFFAIRS

John,

Per your request.



Colin L. Powell  
Major General, USA  
Senior Military Assistant  
to the Secretary of Defense

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dlb 5/17/04  
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Sec Def Cont Nr. \_\_\_\_\_

X31578





THE JOINT CHIEFS OF STAFF  
WASHINGTON, D.C. 20301

5653

THE JOINT STAFF

DJSM 1529-84  
20 July 1984

MEMORANDUM FOR THE SENIOR MILITARY ASSISTANT TO THE  
SECRETARY OF DEFENSE

*Calvin*

Subject: Protection of AWACS During Air Refueling (AR)

Reference your memorandum of 17 July, attached is a draft  
Background Paper for your use in responding to the NSC  
staff.

JACK N. MERRITT  
Lieutenant General, USA  
Director, Joint Staff

Attachment  
a/s

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*5/17/04*

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24608	PAPER  RE: PROTECTION OF AWACS	1	ND	B1

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**OFFICE OF THE SECRETARY OF DEFENSE**  
**THE MILITARY ASSISTANT**

23 July 1984

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DEPUTY ASSISTANT TO THE PRESIDENT  
FOR NATIONAL SECURITY AFFAIRS

*John,*

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Colin L. Powell  
Major General, USA  
Senior Military Assistant  
to the Secretary of Defense

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24609	MEMO  DUPLICATE OF #24607	1	7/24/1984	B1

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National Security Council  
The White House

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Paul Thompson	_____	_____	_____
Bob Kimmitt	_____	_____	_____
John Poindexter	1	_____	_____
Tom Shull	_____	_____	_____
Wilma Hall	_____	_____	_____
Bud McFarlane	_____	_____	_____
Bob Kimmitt	_____	_____	_____
NSC Secretariat	_____	_____	_____
Situation Room	_____	_____	_____
DUR	2	_____	_____

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cc: VP Meese Baker Deaver Other \_\_\_\_\_

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(Date/Time)

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*J*

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THE MILITARY ASSISTANT

23 July 1984

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DEPUTY ASSISTANT TO THE PRESIDENT  
FOR NATIONAL SECURITY AFFAIRS

*John,*

Per your request.

*[Handwritten signature]*

Colin L. Powell  
Major General, USA  
Senior Military Assistant  
to the Secretary of Defense

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*dlb 5/17/06*

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THE JOINT STAFF

DJSM 1529-84  
20 July 1984

*Calvin*  
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24610	PAPER  DUPLICATE OF #24608	1	ND	B1

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