

27

IRAN - UNITED STATES CLAIMS TRIBUNAL

دادگاه داری دعاوی ایران - ایالات متحده

ORIGINAL DOCUMENTS IN SAFE

Case No. 189

Date of filing 5 May 1983

✓ AWARD. Date of Award 5 May 1983

3 pages in English. 3 pages in Farsi.

DECISION. Date of Decision _____

_____ pages in English. _____ pages in Farsi.

ORDER. Date of Order _____

_____ pages in English. _____ pages in Farsi.

CONCURRING OPINION of _____

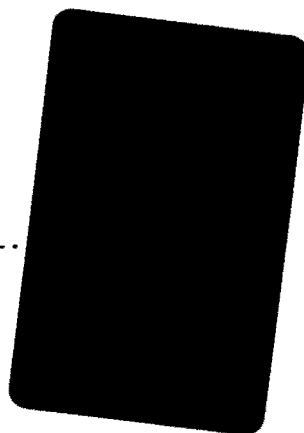
Date _____ pages in English. _____ pages in Farsi.

DISSENTING OPINION of _____

Date _____ pages in English. _____ pages in Farsi.

OTHER; Nature of document: _____

Date _____ pages in English. _____ pages in Farsi.



IRAN-UNITED STATES CLAIMS TRIBUNAL

دیوان داوری دعاوی ایران - ایالات متحدہ

CASE NO. 189

CHAMBER THREE

AWARD NO. 43-189-3

FRENCH AMERICAN BANKING
CORPORATION,

Claimant,

and

IRANIT, S.A.,

Respondent.

IRAN UNITED STATES CLAIMS TRIBUNAL	دیوان داوری دعاوی ایران - ایالات متحدہ
ثبت شد - FILED	
1262 / 2 / 15	تاریخ
5 MAY 1983	
189	شماره

AWARD

DUPLICATE
ORIGINAL

نسخہ برابر اصل

I. PROCEEDINGS, FACTS AND CONTENTIONS

The Claimant FRENCH AMERICAN BANKING CORPORATION seeks an award of U.S.\$417,791.67 plus interest as payment on six bank drafts it alleges were drawn on and accepted by Respondent IRANIT,S.A.

The Statement of Claim was filed on 29 December 1981. The Respondent filed its Statement of Defence on 20 April 1982, challenging the jurisdiction of the Tribunal on the ground, among others, that the Claimant is not a national of the United States within the meaning of Article VII, paragraph 1, of the Claims Settlement Declaration.

On 23 April 1982, after noting the objection of the Respondent and the fact that the face of the printed stationery used for the first page of the Statement of Claim included the notation "A Subsidiary of Banque Nationale de Paris", the Tribunal ordered the Claimant to file, among others, a statement of explanation setting forth the facts which would establish that the Claimant is a national of the United States within the meaning of the above-mentioned Article.

In a letter filed on 19 May 1982, the Claimant requested an extension of time for filing its statement. The Tribunal, by an Order of 19 May 1982, extended the filing date to 14 June 1982.

The Claimant not having filed the requested statement, the Tribunal issued an Order on 7 March 1983 stating that the Tribunal intended to decide upon the jurisdictional issues raised, on the basis of the parties' written submissions, and allowing the parties additional time to submit any further filings. No such submissions have been filed to this date.

II. REASONS FOR AWARD

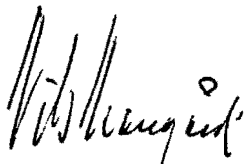
The Tribunal notes that despite the request of the Tribunal, the Claimant has failed to submit any evidence that it is a United States national within the meaning of Article VII, paragraph 1, of the Claims Settlement Declaration. Therefore, on the basis of the record before it, the Tribunal cannot find that it has jurisdiction over this claim.

III. AWARD

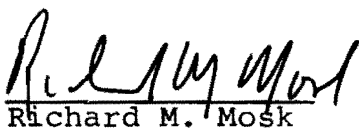
The claim of FRENCH AMERICAN BANKING CORPORATION against IRANIT, S.A., is hereby dismissed for lack of jurisdiction.

Dated, The Hague

05 May 1983



Nils Mangard
Chairman
Chamber Three


Richard M. Mosk

In the Name of God,



M. Jahangir Sani