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CLAIMS TRIBUNAL

دیوان دادرى دعاوى ایران - ایالات متحد

ORIGINAL DOCUMENTS IN SAFE

49

Case No. 315

Date of filing: 24-May 88

**** AWARD**

- Type of Award

Final

- Date of Award

24-May 88

4 pages in English

5 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 _____

- Date _____

_____ pages in English

_____ pages in Farsi

**** OTHER; Nature of document:** _____

- Date _____

_____ pages in English

_____ pages in Farsi

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IRAN UNITED STATES CLAIMS TRIBUNAL	دادگاه داوری دعاوی ایران - ایالات متحدہ
ثبت شد - FILED	
Date	24 MAY 1988 تاریخ
	۱۳۶۷ / ۲ / ۴
No.	315 شماره

CASE NO. 315

CHAMBER TWO

AWARD NO. 365-315-2



HOOSHANG KAHEN,

Claimant,

and

THE GOVERNMENT OF THE ISLAMIC
REPUBLIC OF IRAN,

Respondent.

AWARD

I. THE PROCEEDINGS

1. The Claimant, HOOSHANG KAHEN ("the Claimant") filed a Statement of Claim on 15 January 1982 against THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF IRAN ("the Respondent"), claiming the sum of U.S.\$2,680,000 as compensation for the alleged expropriation of the Claimant's personal property and mainly of Iran Digital Computers, a company fifty per cent of the shares of which were allegedly owned by the Claimant and located in Iran. According to the Claimant, the Respondent and the Revolutionary Council allegedly seized possession and control of the entire business and properties of the Claimant and his family some time in the latter part of 1981.

2. On 9 July 1985, the Tribunal, citing the Full Tribunal's decision in The Islamic Republic of Iran and The United States of America, Decision No. DEC 32-A18-FT (6 April 1984), reprinted in 5 Iran-U.S. C.T.R. 251 at p. 265, informed the Parties that "it has jurisdiction over claims against Iran by dual Iran-United States nationals where the dominant and effective nationality of the Claimant during the relevant period from the date the claim arose until 19 January 1981 was that of the United States." The Tribunal, therefore, ordered the Claimant to file by 5 October 1985, all evidence that the Claimant wished the Tribunal to consider in determining whether he was a national of the United States of America or the Islamic Republic of Iran, or both, and, in case the Claimant was a national of both, evidence relating to the Claimant's dominant and effective nationality. Likewise, the Tribunal ordered the Respondent to file by 5 January 1986 all evidence it wished the Tribunal to consider on the Claimant's nationality.

3. The Claimant submitted his evidence on 7 October 1985, and further supplementary evidence on 27 March 1986. The Respondent did not submit any evidence. The Tribunal by its

Order of 15 December 1986 granted the Respondent a final extension till 10 March 1987, to file its submission after which date the Tribunal informed the Parties that it would take a decision regarding its jurisdiction on the basis of the briefs and evidence already before it. The Tribunal denied the Respondent any further extensions and by its Order of 17 March 1987 indicated that it would consider any documents on the issue of the Claimant's nationality filed by the Respondent, prior to its deliberation of the jurisdictional issue.

4. On 18 February 1988, the Respondent submitted a Statement of Defence concerning the nationality of the Claimant and objecting also to the Tribunal's jurisdiction in this Case on the basis of the Claim not being outstanding on 19 January 1981. In that connection, the Respondent pointed out that the Claimant had asserted that his claim arose some time in the latter part of 1981.

5. The Tribunal by its Order of 11 March 1988, referred to the above assertion by the Claimant as well as to the objections raised by the Respondent and informed the Parties that it intended to dismiss the claim for lack of jurisdiction unless the Claimant by 8 May 1988 filed evidence establishing the date of the alleged expropriation and that such date was prior to 19 January 1981. The Claimant made no submission pursuant to that Order.

II. REASONS FOR THE AWARD

6. According to the Claimant's own assertion the alleged expropriation took place in the latter part of 1981. Pursuant to Article II, paragraph 1, of the Claims Settlement Declaration claims of nationals are within the jurisdiction of this Tribunal only if, inter alia, such claims were outstanding on 19 January 1981.

7. Consequently, the Tribunal lacks jurisdiction over this Claim.

III. AWARD

8. For the foregoing reasons,

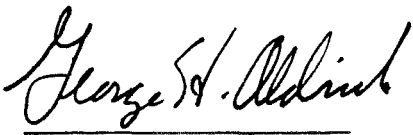
THE TRIBUNAL AWARDS AS FOLLOWS:

- (a) The claim of HOOSHANG KAHEN against THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF IRAN is dismissed for lack of jurisdiction.
- (b) Each Party shall bear its own costs of arbitration.

Dated, The Hague
24 May 1988



Robert Briner
Chairman



George H. Aldrich

In the Name of God,



Seyed Khalil Khalilian