

371-65

CVI-20

MS TRIBUNAL

دیوان داوری دعاری ایران - ایالات متحدہ

ORIGINAL DOCUMENTS IN SAFE

Case No. 371

Date of filing: 18 Dec 87

\*\* AWARD - Type of Award Final  
- Date of Award 18 Dec 87  
4 pages in English \_\_\_\_\_ 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

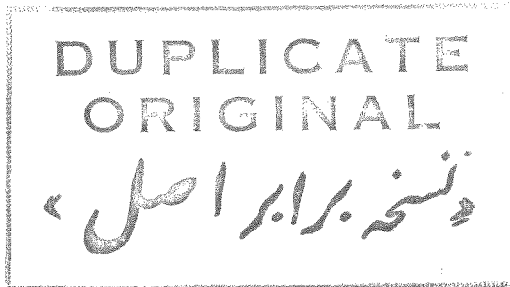
\*\* OTHER; Nature of document: \_\_\_\_\_  
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- Date \_\_\_\_\_  
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CASE NO. 371

CHAMBER THREE

AWARD NO. 341-371-3



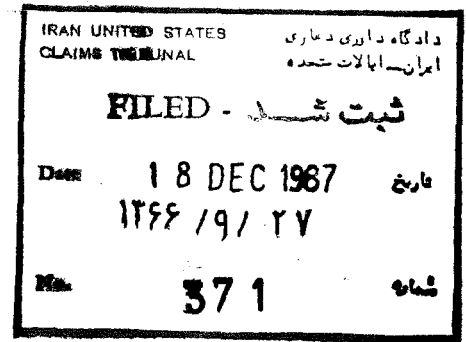
NASROLLAH KHOSROWSHAHI,

Claimant,

and

THE GOVERNMENT OF THE  
ISLAMIC REPUBLIC OF IRAN,  
for itself and on behalf of its  
agencies and instrumentalities,  
THE MINISTRY OF INDUSTRY AND MINES,  
THE ALBORZ INVESTMENT CORPORATION,  
THE CYANAMID-KBC COMPANY,  
THE KBC COMPANY,  
THE DEVELOPMENT AND INVESTMENT BANK OF IRAN,  
THE MERCANTILE BANK OF IRAN AND HOLLAND,  
THE INTERNATIONAL BANK OF IRAN, and  
THE IRAN-ARAB BANK,

Respondents.



AWARD

I. PROCEEDINGS

1. On 18 January 1982 the Claimant NASROLLAH KHOSROWSHAHI (the "Claimant") submitted a Statement of Claim against Respondents THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF IRAN ("Iran"), for itself and on behalf of its agencies and instrumentalities, THE MINISTRY OF INDUSTRY AND MINES, THE ALBORZ INVESTMENT CORPORATION, THE CYANAMID-KBC COMPANY, THE KBC COMPANY, THE DEVELOPMENT AND INVESTMENT BANK OF IRAN, THE MERCANTILE BANK OF IRAN AND HOLLAND, THE INTERNATIONAL BANK OF IRAN and THE IRAN-ARAB BANK, seeking recovery of US\$3,932,131.22 as compensation for the alleged expropriation by Iran of his investments and property rights in Iran.

2. On 1 October 1982 Iran submitted its Statement of Defense in which it asserted that the Claimant is an Iranian national and requested the Tribunal to dismiss the claim for lack of jurisdiction.

3. By Order of 25 October 1982 the Tribunal stated that it would "consider the jurisdictional issue of the Claimant's nationality . . . as a preliminary issue" and directed the Claimant to submit a memorial addressing the issue of his nationality. The Claimant filed the requested memorial on 29 November 1982.

4. On 30 September 1985 the Claimant submitted a "Notice of Withdrawal from Prosecution of Claims and Request for Dismissal of Claims for Lack of Prosecution," in which he admitted that he "became a U.S. citizen . . . after 19 January 1981" and "respectfully request[ed] the Tribunal to issue an Award dismissing the claims for lack of jurisdiction."

5. By Order of 20 November 1985 the Tribunal expressed its intention to "dismiss the Claim for lack of jurisdiction" and directed the Parties to submit their comments by 6 January 1986. The Tribunal also stated that it would "render its decision in this Case on the basis of the documents submitted."

6. In its submission filed on 6 January 1986 the Agent of the Government of the Islamic Republic of Iran stated that the Iran "is in agreement with the Tribunal's view."

## II. REASONS FOR THE AWARD

7. It is undisputed that the Claimant became a naturalized citizen of the United States on 4 March 1981. Therefore, he did not possess the nationality of the United States on 19 January 1981 and his Claim is not that of a national of the United States as required by Article VII, paragraph 2, of the Claims Settlement Declaration.

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

## III. AWARD

9. For the foregoing reasons,

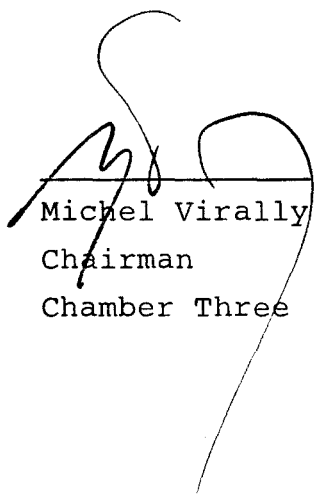
THE TRIBUNAL AWARDS AS FOLLOWS:

- (a) The Claim of NASROLLAH KHOSROWSHAHI against THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF IRAN, for itself and on behalf of its agencies and instrumentalities, THE MINISTRY OF INDUSTRY AND

MINES, THE ALBORZ INVESTMENT CORPORATION, THE  
CYANAMID-KBC COMPANY, THE KBC COMPANY, THE  
DEVELOPMENT AND INVESTMENT BANK OF IRAN, THE  
MERCANTILE BANK OF IRAN AND HOLLAND, THE  
INTERNATIONAL BANK OF IRAN and THE IRAN-ARAB BANK  
is hereby dismissed for lack of jurisdiction.

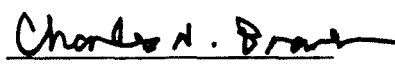
(b) Each Party shall bear its own costs of  
arbitration.

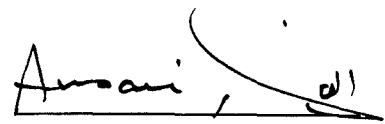
Dated, The Hague,  
18 December 1987



Michel Virally  
Chairman  
Chamber Three

In the name of God

  
Charles N. Brower

  
Parviz Ansari Moin

Concurring, as regards  
the inadmissibility of  
dual national claims.  
See Case A18, Dissent-  
ing Opinion of Parviz  
Ansari of 10 September  
1984.