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ORIGINAL DOCUMENTS IN SAFE

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Case No. 414

Date of filing: 29. Feb 88

** AWARD - Type of Award Final
- Date of Award 25. Feb 88
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: _____

- Date _____
_____ pages in English _____ pages in Farsi

IRAN-UNITED STATES CLAIMS TRIBUNAL

دیوان داری دعاوی ایران - ایالات متحدہ

IRAN UNITED STATES CLAIMS TRIBUNAL	دادگاه داری دعاوی ایران - ایالات متحدہ
ثبت شد - FILED	
Date	29 FEB 1988 ۱۳۶۶ / ۱۲ / ۹
No.	414

CASE 414

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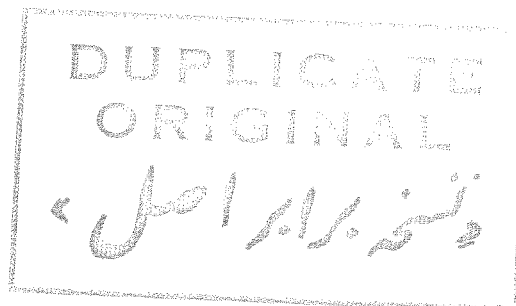
CHAMBER THREE

AWARD NO. 348-414-3

RICHARD NOURAFCHAN,
Claimant,

and

THE ISLAMIC REPUBLIC OF IRAN,
Respondent.



AWARD

I. PROCEEDINGS

1. On 18 January 1982 the Claimant RICHARD NOURAFCHAN (the "Claimant") submitted a Statement of Claim against the Respondent THE ISLAMIC REPUBLIC OF IRAN ("Iran"), seeking U.S.\$4,795,765.00¹ as compensation for the alleged expropriation by Iran of his interest in two real properties in Tarasht, Iran. On 3 January 1983 Iran submitted its Statement of Defense.

2. On 28 June 1985 the Tribunal, referring to the Full Tribunal Decision in Case No. A/18, Decision No. DEC 32-A18-FT (6 April 1984), in which it held that "it has jurisdiction over claims against Iran by dual Iran-United States nationals when 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," ordered the Claimant to submit all written evidence and briefs he wished the Tribunal to consider regarding the issue of the Claimant's dominant and effective nationality. The Claimant submitted his evidence on 6 March 1986.

3. On 14 March 1986 the Tribunal set the time limit for Iran to submit by 17 June 1986 all evidence it wished the Tribunal to consider on the issue of the Claimant's nationality. After granting several extension requests to Iran and receiving no responsive submission, the Tribunal issued an Order on 25 March 1987 informing the Parties that, pursuant to Article 28, paragraph 3 of the Tribunal Rules, it intended to proceed with its deliberation of the jurisdictional issues in this Case on the basis of the evidence then before the Tribunal.

¹This amount was subsequently amended by the Claimant to U.S.\$7,917,313.63.

4. On 27 January 1988 Iran submitted a "Statement of Defence Concerning Claimant's Nationality" in which it asserted that the Claimant was exclusively an Iranian national on 19 January 1981, the date of the Claims Settlement Declaration ("Declaration"), and therefore not entitled to bring a Claim against Iran before this Tribunal.

II. REASONS FOR THE AWARD

5. The Claimant states that he was naturalized as a citizen of the United States on 22 June 1981. Thus he was not a United States citizen on 19 January 1981 and his Claim is not that of a United States national as required by Article VII, paragraph 2 of the Declaration.

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

III. AWARD

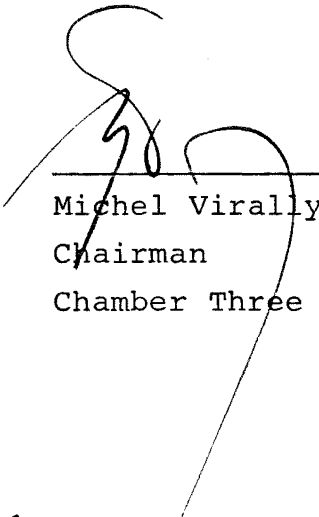
7. For the foregoing reasons,

THE TRIBUNAL AWARDS AS FOLLOWS:

- (a) The Claim of RICHARD NOURAFCHAN against the ISLAMIC REPUBLIC OF IRAN is hereby dismissed for lack of jurisdiction.

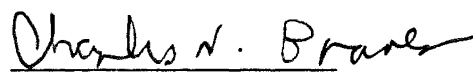
(b) Each Party shall bear its own costs of arbitration.

Dated, The Hague
25 February 1988



Michel Virally
Chairman
Chamber Three

In the Name of God


Charles N. Brower


Parviz Ansari Moin