

ORIGINAL DOCUMENTS IN SAFE

Case No. 418

Date of filing 29 March 1983

☒ AWARD. Date of Award 29 March 1983

5 pages in English. 4 pages in Farsi.

418-16
EIA-19

☐ 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.

418 - 16

418 - 16

PARIDOKHT KOHAN HAROONIAN,
Claimant,

and

THE ISLAMIC REPUBLIC OF IRAN,
Respondent.

CASE NO. 418
CHAMBER TWO
AWARD NO. 33 - 418-2

IRAN UNITED STATES
CLAIMS TRIBUNAL

دادگاه داری دماوی
ایران - ایالات متحده

FILED - ثبت شد

No. 418 / 418 شماره

Date 29 MAR 1983

1362 / 11 9 تاریخ

AWARD

DUPLICATE
ORIGINAL

تسخیر برابر اصل

I. THE FACTS

On 18 January 1982, the Claimant, Paridokht Kohan Haroonian filed a Statement of Claim against the Government of the Islamic Republic of Iran seeking recovery of U.S.\$500,000 as compensation for expropriation of an office building in Tehran. The Claimant said she became a citizen of the United States on 22 June 1981.

On 12 October 1982 the Respondent filed a Statement of Defense asserting that the Tribunal lacked jurisdiction over the claim as the Claimant was a national of Iran and had not even acquired American nationality until after the date of the Algiers Declaration.

On 25 October 1982 the Tribunal ordered the Claimant to file by 20 January 1983 "any written comments on the Statement of Defense with particular reference to the date of his naturalization and its bearing on the jurisdiction of the Tribunal...." The Tribunal added that it intended to decide the issue of jurisdiction on the basis of the documents before it.

The Claimant has neither filed any further documents nor requested an extension of time.

II. REASONS FOR THE AWARD

The Claimant has acknowledged that she became a citizen of the United States through naturalization subsequent to 19 January 1981, the date of the Algiers Declarations. Article VII, paragraph 2 of the Claims Settlement Declaration provides:

"'Claims of nationals' of Iran or of the United States, as the case may be, means claims owned continuously, from the date on which the claim arose to the date on which this agreement enters into force, by nationals of that state...."

In the present case, the claim has been owned continuously from the date it arose by the same person, the Claimant. During the critical time, however, that is, from the date the claim arose (which is not specified in the Statement of Claim) until the date the Algiers Declarations entered into force (19 January 1981), the Claimant was an Iranian national and an Iranian national only.

Therefore, the Tribunal holds that it has no jurisdiction over this claim against Iran as it does not qualify as a claim of a national of the United States under the Claims Settlement Declaration.

III. AWARD

For the foregoing reasons,

THE TRIBUNAL AWARDS AS FOLLOWS:

The Claim of Paridokht Kohan Haroonian against the Government of the Islamic Republic of Iran is hereby dismissed for lack of jurisdiction.

Each party shall bear its own costs of the arbitration.



Dated: The Hague

29 March 1983

Pierre Bellet

Chairman

Chamber Two



George H. Aldrich

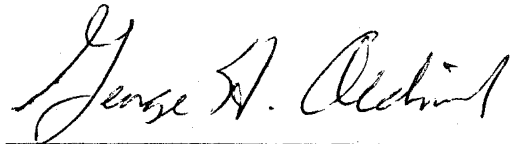
Shafie Shafeiei



Mr. Shafeiei took part in the deliberation of this case. He signed the English text of the Award. Having been invited by letter dated 25 March 1983 to sign the Farsi text on 28 March 1983, he attended the meeting, but refused to sign.



Pierre Bellet
Chairman
Chamber Two



George Aldrich

29 March 1983