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CLAIMS TRIBUNAL

دیوان دآوری دعاوی ایران - ایالات متحدہ

ORIGINAL DOCUMENTS IN SAFE

Case No. 947

Date of filing: 24.3.86

** AWARD - Type of Award Final
- Date of Award 20.3.86
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** 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 دآوری دعاوی ایران - ایالات متحدہ

CASE NO. 947

CHAMBER TWO

AWARD NO. 219 - 947-2

SHAHRAM MOBASSER,

Claimant,

and

THE GOVERNMENT OF THE
ISLAMIC REPUBLIC IRAN,

Respondent.

IRAN UNITED STATES CLAIMS TRIBUNAL	دادگاه دآوری دعاوی ایران - ایالات متحدہ
ثبت شد - FILED	
Date	24 MAR 1986 تاریخ
	۱۳۶۵ / ۱۱ / ۴
No.	947 شماره

DUPLICATE ORIGINAL
دستخبره برابر اصل

AWARD

I. PROCEEDINGS AND FACTS

1. On 18 January 1982, the Claimant SHAHRAM MOBASSER filed a Statement of Claim against THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF IRAN ("Iran") seeking recovery of U.S.\$ 100,000.00 as compensation for the alleged expropriation by Iran of 250 acres of agricultural land. The Statement of Claim alleged that the Claimant became a citizen of the United States on 21 August 1981.

2. On 12 March 1982, the Registry refused acceptance of the Claim on the ground that the Claim was under U.S.\$ 250,000.00 and, therefore, should have been presented by the United States Government. Subsequently, the Claimant amended his Claim by increasing the amount sought to U.S.\$ 300,000.00 and appealed the Refusal. By its Decision No. DEC-Ref 5-3, of 25 June 1982, the Tribunal decided to accept the Claim.

3. On 23 November 1982, the Tribunal ordered the Respondent to file its Statement of Defence by 30 March 1983.

After the Respondent requested an extension of that date, the Tribunal, by its Order of 14 April 1983, informed the Parties that it would proceed to render its decision on the question of whether it had jurisdiction over the Claim, on the basis of the Statement of Claim, unless either Party filed a request for a Hearing. On 31 May 1983 the Agent of the Islamic Republic of Iran requested the suspension of proceedings in this Case until after the decision of the Full Tribunal in Case No. A18, relating to the Tribunal's jurisdiction over claims by dual nationals.

4. In its Order of 9 July 1985, the Tribunal advised the Parties of its Decision in Case No. A18, Decision No. DEC 32-A18-FT (6 Apr. 1984), in which the Tribunal 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.

Accordingly, the Tribunal established a schedule for the submission of evidence and briefs regarding the issue of the Claimant's dominant and effective nationality. The Tribunal set a filing date of 5 October 1985 for the Claimant.

5. The Claimant did not file a submission by this date. The Tribunal then issued a second Order on 20 November 1985 instructing the Claimant to inform the Tribunal, by 18 January 1986, whether he intended to pursue his Claim. The Order further stated that if the Claimant failed to observe this filing deadline, without showing sufficient cause, the Tribunal would consider taking action in accordance with Article 28 of the Tribunal Rules.

6. The Claimant has neither filed any evidence or brief nor requested an extension of time. Neither Party has requested a Hearing in this Case.

II. REASONS FOR THE AWARD

7. Article VII(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

The Claimant has alleged that he became a citizen of the United States through naturalization subsequent to 19 January 1981, the date on which the Declaration entered into force. Accordingly, the Claim does not qualify as a "claim[] of nationals" of the United States because the

Claimant lacked United States citizenship, much less dominant and effective American nationality, during the requisite jurisdictional period.

8. Therefore, the Tribunal holds that it lacks jurisdiction over this Claim.

AWARD

9. For the foregoing reasons,

THE TRIBUNAL AWARDS AS FOLLOWS:

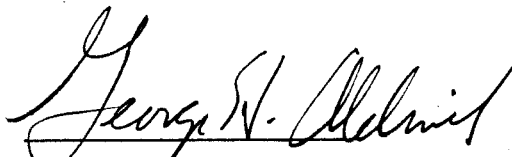
(a) The Claim of SHAHRAM MOBASSER against THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF IRAN is hereby dismissed for lack of jurisdiction.

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

Dated, The Hague

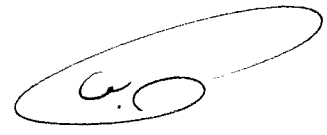
20 March 1986



Robert Briner
Chairman

George H. Aldrich

In the name of God,



Hamid Bahrami-Ahmadi
Concurring, due to the inadmissibility of such claims.