

ORIGINAL DOCUMENTS IN SAFE

Case No. A-14

Date of filing: 6 Dec 1983

** AWARD - Type of Award AWARD DISMISSING PART OF CLAIM FOR LACK OF JURISDICTION
 - Date of Award 6 Dec.
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** DECISION - Date of Decision _____
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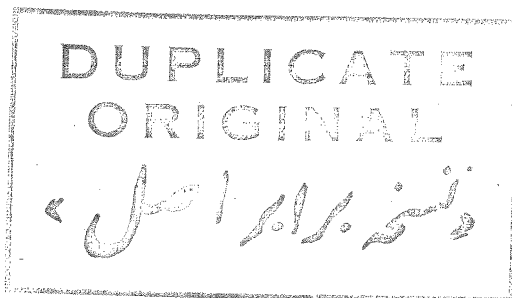
** CONCURRING OPINION of _____
 - Date _____
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** SEPARATE OPINION of _____
 - Date _____
 _____ pages in English _____ pages in Farsi

** DISSENTING OPINION of _____
 - Date _____
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** OTHER; Nature of document: _____

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CASE NO. A/14

CHAMBER TWO

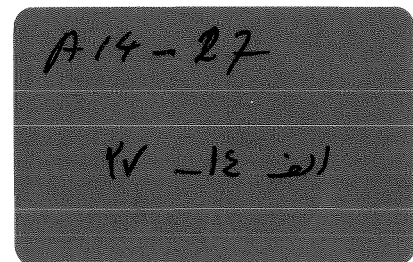
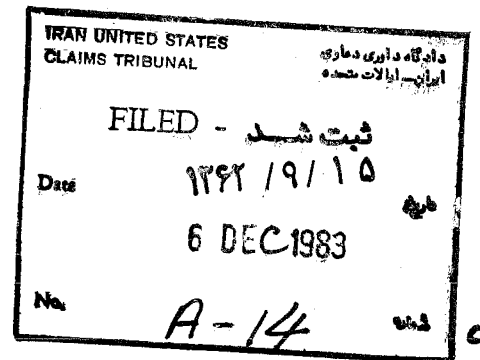
AWARD NO. 88-A/14-2

MINISTRY OF NATIONAL DEFENSE OF THE
ISLAMIC REPUBLIC OF IRAN,

Claimant,

- and -

THE US GOVERNMENT and FMC CORPORATION,
Respondents.



AWARD DISMISSING PART OF CLAIM
FOR LACK OF JURISDICTION

Procedure

On 19 January 1981, the Claimant, the MINISTRY OF NATIONAL DEFENSE OF THE ISLAMIC REPUBLIC OF IRAN filed a claim against the US GOVERNMENT and FMC CORPORATION ("FMC"). The claim against FMC is based on its alleged breach of a contract concluded on 5 February 1978, for the sale and delivery of military vehicles and related spare parts to the Claimant and seeks performance of the contract, or, in the alternative, payment of damages in the amount of US \$ 70,000,000. The claim against the United States Government seeks a ruling by the Tribunal that the United States should grant export permits for the military equipment to be delivered under the above-mentioned contract.

On 22 October 1982, the United States Government filed a Petition for an order dismissing the claim for lack of jurisdiction. The United States Government repeated this petition on 22 November 1982.

On 4 March 1983, the Claimant filed a Reply to this Petition, in which it requested that this case be transferred from the Full Tribunal to Chamber Two, to be dealt with together with Case 353 in which FMC had filed a claim, inter alia, against the Ministry of National Defense.

On 10 March 1983, the Full Tribunal issued an Order transferring Case A/14 to Chamber Two.

On 26 October 1983, Chamber Two held a Pre-hearing Conference in this case and in Case 353.

Jurisdiction

FMC is a private United States corporation organized under the laws of the state of Delaware. In its decision in Case A/2, of 26 January 1982, the Tribunal held that it has no jurisdiction over direct claims filed by the Islamic Republic of Iran against United States nationals. Applying this principle to the present case, the Tribunal holds that it lacks jurisdiction over the present claim insofar as it is directed against FMC.

Moreover, it should be noted that the Claimant in the present case, as one of the Respondents in Case 353 filed a counterclaim against FMC on 1 February 1983, which counterclaim is a duplication of the claim in the present case. This is acknowledged by the Claimant in its Reply of 4 March 1983, in point 3:

FMC Corporation submitted a Statement of Claim No. 353 against Ministry of National Defense and nine other Respondents, in reply to which Ministry of National Defense submitted its Statement of Defense and Counter-Claim wherein it repeated the same points that were submitted through Statement of Claim No. A/14.

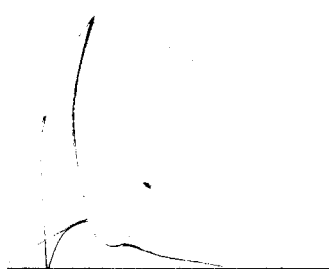
For the foregoing reasons,

THE TRIBUNAL DECIDES AS FOLLOWS:

The Claim of the MINISTRY OF NATIONAL DEFENCE OF THE ISLAMIC REPUBLIC OF IRAN, insofar as it is directed against Respondent FMC CORPORATION, is dismissed for lack of jurisdiction. The name of this Respondent shall be stricken from the Tribunal's Register.

Dated, The Hague

6 December 1983



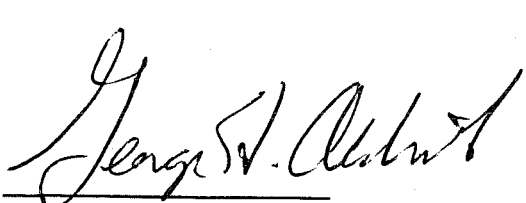
Willem Riphagen
Chairman
Chamber Two

Considering the fact that the claim of the Ministry of National Defence against FMC in Case A/14 is identical with the former's counterclaim against FMC in Case 353, and since the latter case is presently being disposed of in Chamber Two; therefore, to the extent that the claim of the Ministry of National Defence in Case A/14 is directed against the Respondent FMC, I concur that the name of this Respondent be stricken in the course of the present proceedings

In the name of God



Shafie Shafeiei



George H. Aldrich