

10514-98
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TES CLAIMS TRIBUNAL

دیوان داری دعاری ایران - ایالات متحد

98

ORIGINAL DOCUMENTS IN SAFE

Case No. 10514

Date of filing: 29. Jun 88

** AWARD - Type of Award Correction
- Date of Award 29. Jun 88
2 pages in English 2 pages in Farsi

** DECISION - Date of Decision _____
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** 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

CASE NO. 10514

CHAMBER ONE

AWARD NO. 360-10514-1

LEONARD and MAVIS DALEY,
a claim of less than US\$250,000 presented
by the UNITED STATES OF AMERICA
Claimants,
and
THE ISLAMIC REPUBLIC OF IRAN,
Respondent.

IRAN UNITED STATES CLAIMS TRIBUNAL	دادگاه دآوری دعاری ایران - ایالات متحدہ
ثبت شد - FILED	
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CORRECTION TO AWARD

The following correction is made to the English version of the Award in this Case filed on 20 April 1988:

At page 9, paragraph 21, line 8, replace "\$300" with "\$1,250".

A copy of the corrected page is attached.

Dated, The Hague,
29 June 1988

Karl-Heinz Böckstiegel
Chairman
Chamber One



In the Name of God

Assadollah Noori

Howard M. Holtzmann

20. Having established that Mr. Daley still owned the car on the material date, the Tribunal is persuaded by the detailed and consistent accounts of Mr. Daley and Mr. Koch that the car was taken by Revolutionary Guards on 19 February 1979 in the circumstances described. It is by now established that the Tehran Hilton Hotel came under the control of Revolutionary Guards on 12 February 1979, and that the hotel was being used as an assembly point for American nationals prior to evacuation from Iran. See Kenneth P. Yeager and The Islamic Republic of Iran, Partial Award No. 324-10199-1, paras. 40, 41 (2 Nov. 1987). Likewise, the attributability of acts of the Revolutionary Guards to the Government of the Islamic Republic of Iran has been confirmed by the Tribunal: ibid, paras. 42,43; William L. Pereira Associates, Iran and Islamic Republic of Iran, Award No. 116-1-3, p. 43 (19 Mar. 1984), reprinted in 5 Iran-U.S. C.T.R. 198, 227. The Tribunal is accordingly satisfied that Mr. Daley's car was expropriated on 19 February 1979, and that compensation is due.

21. As to the level of compensation, the Tribunal considers it reasonable to award the amount claimed, \$7,500. Mr. Daley had evidently purchased the car in July 1978, some seven months previously. Mr. Salehi Nasab described it in his affidavit as "second hand". It had thus presumably already suffered its greatest depreciation in value by the time Mr. Daley bought it, and the deduction of a further \$1,250 appears reasonable to cover the period of his ownership. Neither Party has produced the receipt Mr. Daley is said to have prepared as evidence of the intended sale price in January 1979. The Tribunal therefore awards the Claimants \$7,500.

b) The thoroughbred horse

22. Once again the Claimants have the burden of proving that they owned the horse; that it was expropriated by persons whose acts are attributable to the Government of Iran; and that the amount they claim represents the value of the horse at the time of the expropriation.