IRAN-UNITED STATES CLAIMS TRIBUNAL

دیوان داوری دعاوی ایران - ایالات متحده

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IRAN-UNITED STATES CLAIMS TRIBUNAL

دیوان داوری دعاوی ایران - ایالات متحده

DUPLICATE ORIGINAL

«نسخه برابر اصل»

CASE NO. 336
CHAMBER ONE
AWARD NO. ITL 81-336-1

IRAN-UNITED STATES CLAIMS TRIBUNAL
دیوان داوری دعاوی ایران - ایالات متحده

FILED ثبت شد

DATE 18 FEB 1993

تاریخ ۲۹ /۱۱/ ۱۳۷۱

RANA NIKPOUR,
Claimant,

and

THE ISLAMIC REPUBLIC OF IRAN,
FOUNDATION FOR THE OPPRESSED,
Respondents.

INTERLOCUTORY AWARD

I. PROCEEDINGS

1. On 18 January 1982, the Claimant RANA NIKPOUR ("the Claimant") filed a Statement of Claim against THE ISLAMIC REPUBLIC OF IRAN ("IRAN") and FOUNDATION FOR THE OPPRESSED (collectively "the Respondents") seeking compensation, in the amount of US$1,070,000, for the alleged expropriation of a single-family dwelling and land appurtenant thereto located in Elahieh Shemiran, Tehran. The Claim arose in or about the summer of 1979, when the Respondents allegedly expropriated her house.

2. In accordance with its practice in similar cases, the Tribunal, citing the decision of the Full Tribunal in Case No. A18, Decision No. DEC 32-A18-FT (6 Apr. 1984), reprinted in 5 Iran-U.S. C.T.R. 251, informed the Parties on 25 June 1985 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." In the above-mentioned Order, the Tribunal requested the Claimant to file by 24 September 1985 all evidence that she wished the Tribunal to consider in determining her dominant and effective nationality. In the same Order, the Tribunal ordered the Respondents to file by 24 December 1985 all evidence they wished the Tribunal to consider on the issue of the Claimant's nationality.

3. The Claimant submitted her evidence on 27 December 1985. The Respondents were granted two extensions until 26 September 1986. The Tribunal in its Order of 1 October 1986 granted one further extension until 26 December 1986, stating that after that date the Tribunal would make a decision regarding its jurisdiction on the basis of the evidence before it. The Tribunal denied the Respondents' request for a further extension in its Order of 21 January 1987, in view of the procedural history of the Case. The Tribunal indicated that it intended to commence deliberations regarding its jurisdiction on the basis of the evidence before it, unless both Parties informed it that ongoing settlement discussions would call for a postponement of the proceedings.

4. After Iran filed a submission entitled "Respondent's Evidence on the Issue of Claimant's Nationality" on 7 February 1991, the Tribunal in its Order of 19 February 1991 invited the Claimant to file by 22 April 1991 a response to Iran's filing and any additional evidence. The same Order invited the Respondents to file by 21 June 1991 any additional evidence and a response to the Claimant's submission. The Claimant, after seeking and obtaining an extension of time, filed "Response of Rana Nikpour Including Affidavit and Exhibits in Reply to Respondent's Submission on the Issue of Claimant's Dominant and Effective Nationality" on 14 June 1991. Thereafter, Iran, after seeking and obtaining four extensions of time, filed a submission entitled "Respondent's Response to the Claimant's Submission of 14 June 1991" on 26 May 1992.

5. On 15 July 1992, the Claimant filed a letter in which she requested an opportunity to reply to the above-mentioned Iran's submission of 26 May 1992 because that submission, according to her, includes new documents not previously submitted to the Tribunal. The Agent of the Government of the Islamic Republic of Iran filed a letter on 24 July 1992 objecting to the request. By a letter of 13 August 1992, the Claimant renewed the request.

6. Before proceeding further, the Tribunal decides the Claimant's request. Having regard to Iran's rebuttal filing of 26 May 1992, the Tribunal considers that the evidence submitted in that filing is admissible as rebuttal evidence. Further, the Tribunal notes that it has already twice given both the Claimant and the Respondents a full opportunity of presenting their evidence concerning the Claimant's dominant and effective nationality. See, supra, paras. 2 and 4. Moreover, the Tribunal points out that its practice in conducting the proceedings is that a respondent is entitled to file a final rebuttal submission. Consequently, the Tribunal does not deem it necessary to grant the Claimant's request or to request any further filings concerning the issue of the Claimant's dominant and effective nationality.

II. FACTS AND CONTENTIONS

7. The Claimant was born in Tehran, Iran, on 31 July 1945. Her parents, Manuchehr Nikpour and Fatema Malekdokht Nikpour, were both Iranian citizens. The Claimant states that at the age of two she left Iran for the United States, where her parents attended the University of Indiana in Bloomington, Indiana, and that she returned to Iran at the age of four. The Claimant contends that in 1961 she graduated from the "Iran Bethel School," which was established by the Presbyterian Church of the United States. According to the Claimant, the teachers in that school were Americans and British, and the teaching language was English.

8. On 24 September 1963, the Claimant married Dr. Homayoon Ganji, an Iranian national, in Iran. Immediately after their marriage, the couple moved to New Orleans, Louisiana, where Dr. Ganji began his residency at Charity Hospital. During their residence in Louisiana both of their children were born, Layla on 13 August 1964 and Amirali on 27 October 1966. Both children acquired Iranian and United States citizenship at birth.

9. On 5 May 1965, the Claimant was granted permanent residence status in the United States. The Claimant has submitted a certificate, dated 11 June 1991, from the U.S. Department of Justice, Immigration and Naturalization which states that available records reflect that the Claimant was naturalized as a United States citizen in the Eastern District of Louisiana at New Orleans on 17 September 1971. The Claimant has also produced her petition for naturalization of 26 May 1971 containing the stamped date, 17 September 1971, indicating the date on which her petition was granted and Certificate of Naturalization No. 9456390 was issued to her. She has also produced the relevant page from her U.S. passport issued on 20 September 1971.

10. In March 1968, the Claimant was awarded a high school equivalency diploma from Cathedral-Carmel High School in Lafayette, Louisiana. In 1969, the Claimant enrolled in the University of Southwestern Louisiana where she, as she states in her affidavit, completed a year of college. In support of this

she has submitted a Certificate of Merit dated 28 April 1969 from the Associated Women Students indicating achievement of academic excellence during the first semester of her freshman year. It appears also that in 1970 the Claimant completed a training course in Extra-Corporeal Technology at Charity Hospital in New Orleans, Louisiana, and that between April 1971 and April 1972 she was a member of the American Society of Extra-Corporeal Technology.

11. The Claimant contends that in 1964 she jointly purchased a home with her husband in Metarie, Louisiana, and that in 1972 they moved with their children to Spokane, Washington. On 2 April 1973, the Claimant filed a complaint for divorce against Dr. Ganji, and on 30 October 1973 she was granted a divorce by the Superior Court of Washington for Spokane County. It appears from a copy of the divorce decree that during the court proceeding the Claimant had declared her intention to remain a resident of Spokane, Washington, and to continue her studies at Gonzaga University in Spokane.

12. The Claimant asserts that between 1963 and 1971 she visited her parents in Iran three or four times. Further, she states that from 1971 to 1972 she lived in Iran for approximately eleven months, but that during that period she visited the United States twice and maintained her contacts there. In addition, the Claimant contends that after 1972 she made only brief visits to Iran to see her parents. The Claimant asserts that when she and her husband left Iran in 1972, it was to live permanently in the United States, as her husband had joined a group of doctors in Spokane, Washington.

13. The Claimant states that after her divorce she lived with her children in rented apartments in Spokane, Washington, and that in 1976 she purchased a condominium in Spokane which she sold a year later as evidenced by a photocopy of a deed. In addition, the Claimant has produced copies of her Washington automobile registration cards from 1975 and 1976 to indicate her address in Spokane during this period. While in Spokane the Claimant attended Gonzaga University and graduated in May 1977 with a Bachelor of Business Administration degree. During the

academic year 1976-1977, the Claimant worked as a teaching assistant at that University.

14. After graduating from Gonzaga University, the Claimant began to work in June 1977 for the Insurance Company of North America ("INA") in Philadelphia, Pennsylvania. She moved to Pennsylvania with her children and bought a house there in December 1977. The Claimant states that she started to work in INA as an Executive Intern, and that in 1979 she became a Regional Representative. The Claimant has produced an Affidavit by Brunhilde Hopkinson, the Vice-President of underwriting of the INA Reinsurance Company between 1978 and 1982. Mrs. Hopkinson states that the Claimant was not an exchange employee or an employee of any other company, and that she worked exclusively for INA. The Claimant has also submitted a photocopy of INA's offer of employment dated 14 June 1977. In addition, the Claimant has submitted photocopies of tax forms prepared by INA showing her wages, as well as her State and Federal tax returns, for the years 1977 through 1982.

15. Iran first argues that the evidence submitted by the Claimant does not demonstrate that the Claimant has obtained United States citizenship. Alternatively, Iran argues that the Claimant has failed to establish that during the relevant period she was dominantly and effectively a national of the United States.

16. Iran contends that the Claimant has not submitted any evidence to show that between the age of two and the age of four she lived in the United States with her parents. Iran has submitted the Claimant's passport application of 1963 which, according to Iran, contradicts the Claimant's statement, because in that application the Claimant has herself indicated that she had never made any trips outside Iran before the date of that application. Iran also disputes the Claimant's statement to the effect that she attended an American oriented school in Iran. Iran has produced evidence to show that the school was established by the Iranians and was under supervision of the Iranian Ministry of Education.

17. Iran asserts that the Claimant worked for Bimeh Shargh Company ("Shargh"), an Iranian insurance company, before starting to work for INA. Iran has submitted an Affidavit by Mr. Guy K. Patterson, Chairman of INA International Corporation, filed on 25 July 1983 in connection with Case No. 161. Mr. Patterson states that INA provided training for a Shargh employee, Rana Nikpour, in the United States at its own expense, and that she began her training with INA on 18 July 1977 and was still in training at INA when the nationalization of INA's investment in Iran occurred in June 1979. In addition, Iran has produced a copy of the Claimant's application form for an Iranian passport dated 18 April 1979. In that application, the Claimant has mentioned her occupation as "Member, Board of Directors of Shargh Insurance Co." and Iran as her country of residence. Iran has also submitted a "Notice of Changes in Bimeh Shargh," published in Issue No. 9795 of the Official Gazette of Iran, dated 29 July 1978. It appears from the Notice that the Claimant was elected as a Principal Member to the Board of Directors of Shargh at the Ordinary General Meeting on 1 June 1978.

18. Iran has submitted a copy of a page from the share Register indicating particulars of certain shareholders in Shargh. It appears from that Register that on 18 June 1974, the Claimant had purchased 4000 shares of Shargh constituting twenty per cent of the total number of shares. Iran has also produced the Articles of Association of Shargh. It is stated in Article 7 of the Articles that more than twenty per cent of the shares of the company cannot be transferred to real or legal persons of foreign nationality, and that such a transfer can be made only with prior consent of Central Insurance of Iran. Iran contends that in view of the fact that INA had purchased twenty per cent of Shargh shares, the Claimant could have purchased the shares only as a national of Iran, and not as a foreign national. Iran concludes by asserting that because the Claimant has not applied for the above-mentioned permission she considered herself as an Iranian and relied accordingly on her Iranian nationality in connection with the purchase of the shares.

19. Iran has produced a copy of an undated power of attorney drawn up at the Iranian Consulate in New York by which the

Claimant empowered her father to manage her financial and legal affairs. Iran has also submitted a copy of a letter dated 9 December 1975 by Ms. Jahan Banoo Mohammadi, sent to the Claimant to an unidentified address, seeking help from the Claimant. In addition, Iran has submitted letters dated 14 September 1971 and 1 August 1972, which reference the occasion of the 25th Centenary Celebrations of the Founding of the Iranian Monarchy, acknowledge her donation for the establishment of a primary school, and inform that the primary school was registered in the name of Rana Nikpour. To support its contention that the Claimant was a resident of Iran during 1971 and 1972, Iran has produced evidence to show that Dr. Ganji was working for the Iranian Social Security Organization during that period, and that his return to practice medicine was advertized in one of the Iranian newspapers, Etela-at, in 1971.

III. REASONS FOR THE AWARD

20. In order to determine whether the Claimant has standing before this Tribunal, the Tribunal must establish whether the Claimant was a citizen of Iran, of the United States, or of both Iran and the United States during the relevant period from the date the Claim arose until 19 January 1981, the date on which the Claims Settlement Declaration entered into force. If the Claimant was a citizen of both Iran and the United States, the Tribunal must determine the Claimant's dominant and effective nationality during that period. See Case No. A18, supra, para. 2, 5 Iran-U.S. C.T.R. 251. In this Case, the relevant period commenced in or about the summer of 1979 when the Respondents allegedly expropriated the property for which the Claimant seeks compensation.

21. The Tribunal notes that there is no dispute as to the Iranian nationality of the Claimant. She was born in Iran to Iranian parents, a fact which under Iranian law established her Iranian nationality. The Claimant's United States citizenship is subject to dispute. Iran asserts that the Claimant has not submitted sufficient evidence to establish her United States citizenship. However, the Tribunal notes that the Claimant has submitted a copy of her United States passport issued on 20

September 1971.[1] The Tribunal also notes that the Claimant has submitted the certificate from the United States Department of Justice, dated 11 June 1991, which states that records reflect that the Claimant was naturalized as a United States citizen on 17 September 1971, and her petition for naturalization of 26 May 1971, which reflects the stamped date of 17 September 1971 to indicate the date on which her petition was granted. The Tribunal also notes that there is no evidence in the record to prove that the Claimant has relinquished either her Iranian citizenship in accordance with Iranian law or her United States citizenship in accordance with United States law. Consequently, the Tribunal finds that during the relevant period, the Claimant was a citizen of both Iran and the United States.

22. Having found that during the relevant period the Claimant was a citizen of both Iran and the United States, the Tribunal proceeds to determine her dominant and effective nationality during that period. For that purpose, the Tribunal must establish the country with which the Claimant had stronger factual ties. The Tribunal must consider all relevant factors, such as the Claimant's habitual residence, center of interest, family ties, participation in public life, and other evidence of attachment. See Case No. A18, supra, para. 2, p. 25, 5 Iran-U.S. C.T.R. 265. While the Tribunal's jurisdiction is dependent on the Claimant's dominant and effective nationality during the period between the dates the Claim arose and 19 January 1981, events and facts preceding that period also remain relevant to the determination of the Claimant's dominant and effective nationality during that period. See Reza Said Malek and Government of the Islamic Republic of Iran, Interlocutory Award No. ITL 68-193-3, para. 14 (23 June 1988), reprinted in 19 Iran-U.S. C.T.R. 48, 51.

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[1]The Tribunal notes that a United States passport has been accepted as proof that the party was a national of the United States at the date of issuance of the passport. See August Frederick Benedix, Jr., et al. and Government of the Islamic Republic of Iran, Award No. 412-256-2, para. 11 (22 Feb. 1989), reprinted in 21 Iran-U.S. C.T.R. 20, 22-23; Albert Berookhim, et al. and Government of the Islamic Republic of Iran, et al., Award No. 499-269-1, para. 12 (27 Dec. 1990), reprinted in 25 Iran-U.S. C.T.R. 278, 283-284.

23. As noted above, the Claimant is a native Iranian citizen who spent the period from her birth on 31 July 1945 till the age of eighteen in 1963 in Iran except for living in the United States from the ages of two to four. In 1963 she married and moved with her then-husband, Dr. Homayoon Ganji, an Iranian national, to the United States, where she resided continuously until 1971. Between 1971 and 1972, the Claimant lived for eleven months in Iran. From 1972 to 1981, she lived in the United States. Although there is evidence showing that the Claimant visited Iran for short periods while she was a resident of the United States, the Tribunal does not see any evidence showing that those visits amounted to permanent residence in Iran. Consequently, between 1945 and 1981 the Claimant spent approximately equal amounts of time in Iran and the United States. The Tribunal also notes that the Claimant, who voluntarily applied for her United States citizenship, was naturalized as a United States citizen in 1971, and that her two children were born, and have lived almost all of their lives, in the United States. Further, the divorce decree, a contemporaneous evidentiary document, shows that when she divorced from her Iranian husband in 1973, the Claimant declared her intention to remain a resident of the United States. Unrebutted evidence shows that she did reside in the United States with the exception of a few short trips to Iran. In these circumstances, the Tribunal is satisfied that the Claimant was integrated into American society by 1973. Consequently, the pertinent issue in this Case is to determine the nature of the Claimant's attachment to Iran and the United States after 1973.

24. Turning, therefore, to explore the evidence in the record concerning the Claimant's attachment during those years, the Tribunal first notes that while living in Spokane, Washington the Claimant attended Gonzaga University, receiving a Bachelor's degree in 1977. Thereafter, in June 1977, the Claimant moved with her children to Philadelphia, Pennsylvania, where she began to work for INA, and where the Claimant bought a house in December 1977. In June 1978, the Claimant was elected as a member of the Board of Directors of Shargh, apparently as a major shareholder. However, the Tribunal notes that even though the Claimant stated, in her application of 18 April 1979 for an Iranian passport, that her occupation was as "Member of the Board

of Directors of Shargh Insurance Co.," and even though Mr. Patterson considered the Claimant a Shargh employee to whom INA provided training, there is no evidence to show that the Claimant's position as a member of the Board of Directors required her full-time presence in Iran. No evidence has been produced to prove the contention that the Claimant was assigned by Shargh to work in the INA offices in the United States, or that she had been present in the meetings of the Board of Directors of Shargh. By contrast, it appears from the affidavit by Mrs. Hopkinson and from the Claimant's tax returns that the Claimant had an active presence in the United States and worked from 1977 until the end of the relevant period exclusively for INA, a United States corporation, and received her salary also from INA. In addition, the Tribunal notes that the Claimant's property interest in Shargh was primarily an economic interest which did not require an actual presence in or direct contacts with Iran, and does not on its own acquire predominant importance when it is seen in the whole context and against the other facts of this Case.

25. In view of the holdings in paragraph 24, supra, the Tribunal does not need to consider if Article 7 of the Articles of Association of Shargh applied to the Claimant's ownership of twenty per cent of the shares, because this issue can not outweigh the dominance of the Claimant's United States nationality in the circumstances of this Case.

26. In these circumstances, the Tribunal finds, on the basis of the evidence before it, that during the relevant period the Claimant's ties to the United States outweighed her ties to Iran. Consequently, the Tribunal determines that during the relevant period the Claimant's dominant and effective nationality was that of the United States.[2]

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[2]The Tribunal recalls that the determination of the Claimant's dominant and effective nationality, which is a preliminary determination, cannot prejudge the remaining jurisdictional issues or the Tribunal's decision on the merits. See Hooshang and Catherine Etezadi and Government of the Islamic Republic of Iran, Partial Award No. 497-319-1, para. 19 (15 Nov. 1990), reprinted in 25 Iran-U.S. C.T.R. 264, 271.

27. The subsequent proceedings in this Case remain subject to the caveat of the Full Tribunal in Case No. A18, supra para. 2, p. 26, 5 Iran-U.S. C.T.R. 265-66, that "where the Tribunal finds jurisdiction based upon a dominant and effective nationality of the Claimant, the other nationality may remain relevant to the merits of the claim."

IV. INTERLOCUTORY AWARD

28. For the foregoing reasons,

THE TRIBUNAL DETERMINES AS FOLLOWS:

(a) The Claimant RANA NIKPOUR has standing before this Tribunal under Article II, paragraph 1 and Article VII, paragraph 1 of the Claims Settlement Declaration.

(b) The remaining jurisdictional issues are joined to the merits.

Dated, The Hague,
18 February 1993

Bengt Broms
Chairman
Chamber One

In the Name of God

Assadollah Noori

Howard M. Holtzmann

In my opinion, the Tribunal does not, in principle, have jurisdiction over the claims of Iranians with dual United States nationality, either according to the Claims Settlement Declaration or pursuant to recognized principles of international law, part-

icularly the principle of sovereign equality, which is rightfully the applicable principle with regard to the claims of dual nationals. The action taken by the majority of the Full Tribunal in its Decision issued in Case A18, wherein it resorted to the theory of dominant and effective nationality, constitutes, so far as the Algiers Declarations are concerned, a disregard for both the letter and the spirit of those Declarations. And insofar as the principles of international law, especially the principle of the sovereign equality of States, are concerned, that action is tantamount to a disregard for the fundamental principles of international law. It is my opinion, just as the Iranian arbitrators have stated in their Dissenting Opinion in Case A18, reprinted in 5 Iran-U.S. C.T.R. 275-337, that the Tribunal should rule that it lacks jurisdiction, and discontinue the proceedings, wherever it is confronted with a situation where, and determines that, these claimants have Iranian nationality.

In addition to the foregoing considerations, I dissent to the present majority's decision whereby it finds that Ms. Rana Nikpour's dominant and effective nationality is that of the United States. In this Case, Ms. Nikpour's links with the United States commenced in 1963, and until 1971 when she returned with her husband to Iran, she resided in the United States as an Iranian together with her Iranian spouse, who was at the time engaged in completing his general and specialized medical studies in that country. The majority itself is aware of the problem that it cannot rely upon Ms. Rana Nikpour's ties with the United States prior to the date of her divorce in 1973, since she resided in Iran at least from Shahrivar 1350 until Shahrivar 1351 (August/September 1971 until Aug-

ust/September 1972), and her Certificate of Naturalization as a United States citizen was issued only in September 1971, i.e., at the very height of her conspicuous social, political and cultural activities, links and ties with Iran, which facts were difficult for the majority to disregard (paragraphs 9, 12, 19 of the Award). In view of these same considerations, in paragraph 23 of its Award the majority has concluded that it should give particular weight to Ms. Nikpour's attachments to the Iranian and United States societies after 1973, in order to determine her dominant and effective nationality (that is, after her divorce) because her attachments prior to that date would not help the majority in arriving at its intended conclusion. Unfortunately, however, in its evaluation of the Claimant's attachments for the period after 1973, the majority has relied primarily upon the Claimant's weak ties with the United States while at the same time ignoring her solid links, ties and attachments with the Iranian society.

Except for the matter of her studies at a certain "Gonzaga University," a fact which cannot, whatever else it might signify, be regarded as confirming a student's social, political or economic attachments and ties with the country in which the college is located, the majority has invoked Ms. Nikpour's employment with INA in the United States from 1977 to 1982 (or effectively until the end of the relevant period), as evidence of the Claimant's dominant nationality. The majority's Award contains numerous defects in this connection.

First, as against the Claimant's tenuous and incidental link to the United States due to her employment with INA - which she obtained by virtue of her and her family's relations with Bimeh

Shargh -- the majority has disregarded Ms. Nikpour's numerous attachments with Bimeh Shargh, which have been proved not only by the affidavit of the President of INA (filed in INA Corporation and The Government of the Islamic Republic of Iran, Award No. 184-161-1 and invoked by the Respondent in the present Case), but also by other evidence as well. In that affidavit, the President of INA testified that Ms. Rana Nikpour had been assigned, solely as an employee of Bimeh Shargh, to INA for training in the United States. The notice printed in the Official Gazette on 7 Mordad 1357 (29 July 1978) concerning changes in Bimeh Shargh also shows that Ms. Nikpour was elected by the General Assembly as a Member of the Board of Directors of Bimeh Shargh in Khordad 1357 (June 1978). Moreover, in her passport application for travel out of Iran, dated 18 April 1979, Ms. Nikpour described her occupation as "Member of the Board of Directors of Shargh Insurance Co." (Paragraph 17 of the Award).

A further defect in connection with the majority's Award in this Case is its obvious and unjustifiable inconsistency with other awards by this same majority, wherein the Tribunal did not attach the slightest weight to the claimant's totally independent employment in Iran (for periods of time more or less equal to that of Ms. Nikpour's employment with INA). (See Award No. ITL 80-485-1 in Frederica Lincoln Riahi and The Government of the Islamic Republic of Iran, reprinted in ... Iran U.S. C.T.R. ...; Award No. 533-274-1 in Betty Laura Monemi et al. and The Islamic Republic of Iran, reprinted in ... Iran-U.S. C.T.R. ... and Award No. 543-356-1 in Joan Ward Malekzadeh, et al. and Islamic Republic of Iran, reprinted in ... Iran U.S. C.T.R. ...)

In addition to what is stated above, the majority's Award in this Case also contains the same problems which, regrettably, the majority has failed to note in a number of its recent awards. As I have noted in the comment beneath my signature in connection with the Award in Joan Ward Malekzadeh et al. (loc cit), the majority has neglected, in violation of the settled rules of law, the explicit language of the Full Tribunal's Decision in Case A18, and the Tribunal's practice and jurisprudence in numerous other awards, to take into account the financial and economic attachments of the Claimant and her family -- and in particular the Nikpour family's cultural, economic and social ties -- with Iran.