

625-16

IS TRIBUNAL

دیوان داوری دعای ایران - ایالات متحد

250-12

ORIGINAL DOCUMENTS IN SAFE

16

Case No. 625

Date of filing: 4. Jun 86

** AWARD - Type of Award Final
 - Date of Award 4. Jun 86
4 pages in English 4 pages in Farsi

** 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

Case No. 625

16

Chamber Three

Award No. 235_ 625-3

IRAN UNITED STATES CLAIMS TRIBUNAL	دادگاه داوری دعاوی ایران - ایالات متحدہ	
ثبت شد - FILED		
Date	4 JUN 1986	تاریخ
	۱۳۶۵ / ۲ / ۱۴	
No.	625	شماره



RAYMOND JOSEPH KHUBIAR,
Claimant,

and

THE GOVERNMENT OF THE ISLAMIC
REPUBLIC OF IRAN,
Respondent.

AWARD

I. Proceedings

1. On 18 January 1982 the Claimant, Raymond Joseph Khubiar, submitted a Statement of Claim against the Government of the Islamic Republic of Iran ("Iran") seeking recovery of U.S.\$814,000.00 as compensation for the alleged expropriation by Iran of real property and personal property.

2. On 12 October 1982 the Tribunal ordered the Respondent to submit its Statement of Defense by 3 February 1983. On that date the Respondent requested an extension of time, which was granted until 16 May 1983.

3. On 16 May 1983 Respondent requested the Tribunal to stay the proceedings in this Case pending the decision of the Full Tribunal in Case A/18. The Tribunal granted the request on 8 June 1983.

4. In its Order of 28 June 1985 the Tribunal informed the Parties of the Full Tribunal Decision in Case No. A/18, Dec. No. DEC 32-A18-FT (6 April 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.

5. 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 2 September 1985 for the Claimant.

6. The Claimant did not file the required submission on that date. By its Order of 18 October 1985 the Tribunal extended the filing date for the Claimant until 20 December 1985, stating that if the Claimant failed to observe this deadline without showing sufficient cause the Tribunal

would consider taking action in accordance with Article 28 of the Tribunal Rules.

7. The Claimant has filed neither the requested submission nor any extension request on that date.

II. Reasons for the Award

8. In the Statement of Claim, which is the only document submitted by the Claimant, he alleges that he is a United States national. In view of the Full Tribunal Decision in Case No. A18, the Claimant was requested to submit proof of his dominant and effective United States nationality. No such evidence has been provided in response to the Tribunal's above-mentioned Order.

9. On the basis of the evidence before it and in accordance with Article 28 (3) of the Tribunal Rules, the Tribunal therefore decides that the Claimant has failed to prove that he is a United States national within the meaning of Article VII (1) of the Claims Settlement Declaration.

III. AWARD

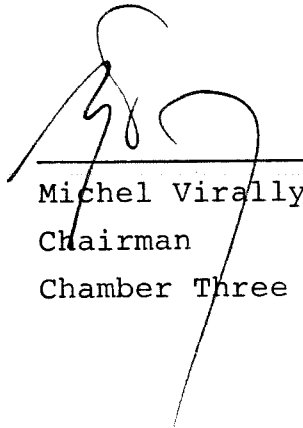
10. For the foregoing reasons,

THE TRIBUNAL AWARDS AS FOLLOWS:

The Claim of RAYMOND JOSEPH KHUBIAR against THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF IRAN is hereby dismissed for lack of jurisdiction.

Each Party shall bear its own costs of arbitration.

Dated, The Hague
04 June 1986



Michel Virally
Chairman
Chamber Three

Charles N. Brower
Charles N. Brower

In the name of God

Parviz Ansari Moin
Parviz Ansari Moin
Concurring, as
regards the inadmis-
sibility of dual
nationals claims.
See Case A18,
Dissenting Opinion
of Parviz Ansari, of
10 September 1984