

ORIGINAL DOCUMENTS IN SAFE

Case No. 930

930-42

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** DECISION - Date of Decision _____
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** CONCURRING OPINION of _____
 - Date _____
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** SEPARATE OPINION of _____
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** DISSENTING OPINION of _____
 - Date _____
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IRAN-UNITED STATES CLAIMS TRIBUNAL

CASE NO. 930

CHAMBER THREE

AWARD NO. 541-930-3



JULIETTE ALLEN,

Claimant,

and

THE GOVERNMENT OF THE ISLAMIC
REPUBLIC OF IRAN,

Respondent.

IRAN-UNITED STATES CLAIMS TRIBUNAL	دیوان داورى دعاوى ایران - ایالات متحده
FILED	ثبت شد
DATE	11 DEC 1992
	تاریخ ۱۳۷۱ / ۹ / ۲۰

AWARD

I. THE PROCEEDINGS

1. On 19 January 1982 the Claimant, JULIETTE ALLEN, submitted a claim against the Respondent THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF IRAN seeking U.S.\$1,142,000.00 for the alleged "appropriation" after the Revolution of real property allegedly owned by her in Iran.

2. The Claimant contends that she was born on 27 January 1945 in Tehran, Iran to Iranian parents, and that, following her marriage to a United States national on 13 August 1969, she was naturalized as a United States citizen on 7 August 1973.

3. On 6 April 1984 the Full Tribunal issued a decision in Case No. A18, Decision No. DEC 32-A18-FT (6 Apr. 1984), reprinted in 5 Iran-U.S. C.T.R. 251, in which it determined 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." Id. at p. 25, reprinted in 5 Iran-U.S. C.T.R. at 265.

4. Accordingly, on 29 July 1985 the Tribunal ordered the Claimant to file "all written evidence [she] wishes the Tribunal to consider in determining whether the Claimant is a national of the United States of America or of the Islamic Republic of Iran, or of both, and, in case the Claimant is a national of both, the Claimant's dominant and effective nationality."

5. The Claimant having submitted a memorial including exhibits on 25 October 1985, the Tribunal on 14 November 1985 directed the Respondent to file "all evidence that it wishes the Tribunal to consider on the issue of the Claimant's nationality." Following three extensions the Tribunal by Order of 6 February 1987 refused a further extension request by Iran and decided, "as soon as its working schedule permits, to proceed with its deliberations on the issues of jurisdiction in this Case on the basis of evidence then before the Tribunal."

6. The Respondent submitted a memorial on the Claimant's nationality on 31 May 1989, arguing, inter alia, that in its view the documents she had submitted do not prove her United States nationality. The memorial included a request to the Tribunal to order the Claimant to provide information about her period of residence in Iran, in order for the Respondent to be able to comment on her connection to Iran.

7. By Order of 11 July 1990 the Tribunal directed the Claimant to submit "a complete photocopy of the United States passport, if any, held by the Claimant from the date her claim arose through 19 January 1981" as well as "other documentary evidence confirming her naturalization as a United States citizen, including, if available, a photocopy of her United States certificate of naturalization." The Order also required the Claimant to submit specific "information and evidence regarding the period of her life spent in Iran as well as her subsequent connection, if any, to that country." The Respondent was invited subsequently to file comments and responsive evidence.

8. On 6 August 1990 the Claimant submitted the requested copies of her United States passport and her United States certificate of naturalization, followed, on 11 September 1990, by information and documentary exhibits pertaining to the time she had spent in Iran.

9. The Respondent having protested on 13 September 1990 that the submissions so made did not comply with the requirement, set out in Note 3 to Article 17 of the Tribunal Rules, that they be filed both in the English and in the Persian language, the Claimant on 28 September 1990 provided a translation of the exhibits filed with her submission of 11 September 1990.

10. By Order of 2 October 1990 the Tribunal instructed the Claimant, pursuant to Article 17 of the Tribunal Rules and in accordance with the Tribunal Guidelines for the translation of documentary evidence, to file by 12 November 1990 a translation

of her submission of 6 August 1990. The Respondent having protested, through submissions filed on 3 and 9 October 1990, the incomplete character of the translations the Claimant had provided on 28 September 1990, the Tribunal on 30 November 1990 ordered the Claimant to submit by 28 December 1990 "full English and Persian translations of her submissions filed 6 August and 11 September 1990." The Tribunal further emphasized that, considering the procedural status of the Case, no extension of the time limit was envisaged.

11. Observing that none of the required translations had been filed, the Tribunal on 5 March 1991 issued a further Order in which it informed the Parties that it would consider application of Article 28 (3) of the Tribunal Rules if the Claimant, without showing sufficient cause, failed to submit by 28 March 1991 the said translations. The Tribunal again added that it did not envisage any extension of the time limit set by the Order.

12. By Order of 14 May 1991, the Tribunal noted that the Claimant had not filed the translations within the extended time limit set by its Order of 5 March 1991, nor, the Tribunal noted, had she provided any explanation for her failure to do so. Accordingly, the Tribunal announced its intention, pursuant to Article 28 (3) of the Tribunal Rules, "to proceed with its deliberations on the issue of jurisdiction in this Case on the basis of the evidence properly filed in both Persian and English as of 28 March 1991."

II. THE TRIBUNAL'S DETERMINATION

13. The Tribunal first must determine whether Juliette Allen was, from the time her claim arose until 19 January 1981, a national of the United States or Iran or of both countries.

14. By virtue of her birthplace and her parents' Iranian nationality, the Claimant is considered under Iranian law to be a national of Iran.

15. The Tribunal notes that the Claimant has not filed the translations required pursuant to Article 17 of the Tribunal Rules of, inter alia, her American passport and certificate of naturalization despite the Tribunal's repeated Orders for her to do so. Thus, there is no properly filed evidence indicating that she possesses United States nationality.

16. Consequently, the Tribunal does not reach the question of the Claimant's dominant and effective nationality. It is compelled to reject her claim for failure to comply with the jurisdictional requirement set out in Article II, paragraph 1, of the Claims Settlement Declaration, which establishes the Tribunal's purpose in relevant part as "deciding claims of nationals of the United States against Iran and claims of nationals of Iran against the United States"

III. AWARD

17. In view of the foregoing,

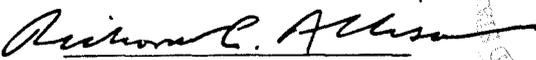
THE TRIBUNAL AWARDS AS FOLLOWS:

- a. The claim of the Claimant JULIETTE ALLEN is dismissed for lack of jurisdiction.
- b. Each Party shall bear its own costs of arbitration.

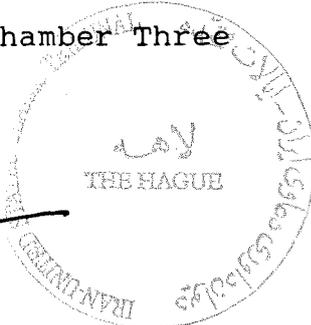
Dated, The Hague, 11 Dec. 1992



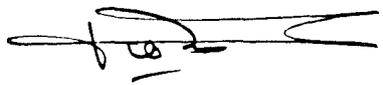
Gaetano Arangio-Ruiz
Chairman
Chamber Three



Richard C. Allison



In the Name of God



Mohsen Aghahosseini