

IRAN - UNITED STATES

STATE CLAIMS TRIBUNAL
 دادگاه ادعای خسارت
 ایران - ایالات متحده

CLAIMS TRIBUNAL

ثبت شد - FILED

Date ۱۳۶۱ / ۷ / ۸ تاریخ
 30 SEP 1982

No. 281 شماره

ایالات متحده

281-3
 281-3

CASE NO. 281
CHAMBER THREE

GENERAL ATOMIC COMPANY,
Claimant,

AWARD NO. 12-281-3

- and -

ATOMIC ENERGY ORGANIZATION OF
IRAN and THE GOVERNMENT OF THE
ISLAMIC REPUBLIC OF IRAN,
Respondents.

DUPLICATE
 ORIGINAL
 نسخه برابر اصل

AWARD

In the Statement of Claim, General Atomic Company ("the Claimant") raised the question whether it was a United States national within the meaning of Article VII, paragraph 1, of the Claims Settlement Declaration, stating as follows:

At the time this claim arose, General Atomic Company was a partnership legally constituted to do business in the State of California in the United States of America. For purposes of filing this Statement of Claim with the Tribunal General Atomic Company may be a "national" of the United States. However, as set forth herein, General Atomic Company believes there is reasonable doubt as to whether or not it was a "national" of the United States within the meaning of Article VII of the Claims Settlement Declaration at the time the claim arose through the date of the Claims Settlement Declaration.

The Respondents were ordered to file a Statement of Defence by 20 April 1982 and, in particular, to provide their position on the jurisdiction of the Tribunal. The Tribunal has, however, received no Statement of Defence by the Respondents.

In order to determine whether the claim was properly before the Tribunal, the Tribunal requested the Claimant to submit a statement "setting forth its position, arguments and necessary facts (or appropriate presumptions) as to whether its claim is a claim of a national" within the meaning of the Declaration. In its statement filed on 23 June 1982, the Claimant provided information concerning its direct and indirect owners summarized as follows:

In sum, during the relevant period, General Atomic Company was owned by three corporations. One of these (Gulf) held a 50% interest in the Claimant, was a United States corporation, and was owned, inferentially, by a preponderance of United States nationals. The other two corporations (Royal Dutch and Shell T & T), held a combined 50% interest in the Claimant, were European corporations, and were owned, inferentially, by a preponderance of non-United States nationals.

The 23 June statement did not set forth the Claimants position on its nationality nor draw any conclusions from the information it supplied. Therefore, the Tribunal ordered the Claimant to supplement its statement by responding in writing to a series of questions intended to elicit a more definite position.

In its supplemental statement, filed on 19 August 1982, the Claimant noted that it was in "an unusual position" and offered additional detailed information concerning the residence of its ultimate individual shareholders but was again unwilling to draw inferences, concluding instead:

[N]one of Claimant's officers is willing to execute a sworn affidavit contending that Claimant is a "national of the United States" as defined in Article VII (1) of the Claims Settlement Declaration. For this reason, Claimant cannot contend that it is a United States national.

Based upon the pleadings and submissions, the Tribunal finds that the Claimant has not alleged sufficient grounds concerning its nationality as that term is defined by the Claims Settlement Declaration. The Tribunal therefore dismisses the Claim.

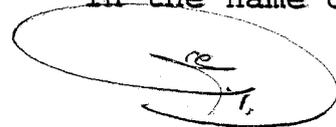
Dated, the Hague,
30 September 1982



Nils Mangård
Chairman
Chamber Three

Richard M. Mosk
Richard M. Mosk

In the name of God,



M. Jahangir Sani