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 - Date of Award \_\_\_\_\_  
6 pages in English 6 pages in Farsi

\*\* DECISION - Date of Decision \_\_\_\_\_  
 \_\_\_\_\_ pages in English \_\_\_\_\_ pages in Farsi

\*\* CONCURRING OPINION of \_\_\_\_\_  
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CASE NO. 377

CHAMBER THREE

AWARD NO. ITL 74-377-3

DUPLICATE  
ORIGINAL  
نسخه برابر اصل

KATRIN ZOHRABEGIAN ABRAHAMIAN,  
Claimant,

and

THE GOVERNMENT OF THE  
ISLAMIC REPUBLIC OF IRAN,  
Respondent.

IRAN-UNITED STATES  
CLAIMS TRIBUNAL  
دیوان داورى دعاوى  
ایران - ایالات متحدہ  
ثبت شد  
FILED  
DATE 1 DEC 1989  
تاریخ ۱۳۶۸ / ۹ / ۱۰

INTERLOCUTORY AWARD

I. THE PROCEEDINGS

1. On 18 January 1982 KATRIN ZOHRABEGIAN ABRAHAMIAN<sup>1</sup> (the "Claimant") submitted a Statement of Claim against THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF IRAN ("Iran") claiming U.S.\$750,000 for the alleged expropriation in 1979 of real property on the outskirts of Karaj in Iran. On 1 October 1982 Iran filed its Statement of Defense, alleging that the Claimant is an Iranian national under Iranian law and therefore cannot raise a claim before this Tribunal.

2. On 6 April 1984 the Full Tribunal issued a decision in Case No. A18, Decision No. DEC 32-A18-FT, p. 25, reprinted in 5 Iran-U.S. C.T.R. 251, 265, 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."

3. On 28 June 1985 the Tribunal requested the Claimant to submit all written evidence she wished the Tribunal to consider in determining her dominant and effective nationality. On 2 September 1985 the Claimant submitted "Evidence in Support of Claimant's U.S. Nationality." The Tribunal thereafter invited Iran to file "all evidence that it wishes the Tribunal to consider on the issue of Claimant's nationality." After granting three extensions of the original deadline, the Tribunal on 6 February 1987 denied Iran's fourth request for extension and informed the Parties that it intended to proceed with its deliberations on the issue

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<sup>1</sup>Certain of the documents submitted by Iran such as the Claimant's Iranian identity card bear the name "Katrine Zohrabegians Abrahamian," not "Katrin Zohrabegian Abrahamian" as referred to in the Statement of Claim and in the subsequent submissions of the Claimant.

of jurisdiction in this Case as soon as its schedule permitted on the basis of the evidence then before the Tribunal, pursuant to Article 28, paragraph 3, of the Tribunal Rules.

4. On 8 September 1988 Iran submitted a memorial on the Claimant's nationality asserting the Claimant's dominant and effective nationality during the relevant time period was Iranian.

## II. FACTUAL BACKGROUND

5. The Claimant was born in June 1923<sup>2</sup> in Iran to Iranian parents. She states that in 1969 she emigrated with her husband, also an Iranian national, to the United States. Soon thereafter, in October 1969, she purchased a home in Maryland. She was naturalized as a United States citizen on 17 January 1975, together with her husband. Her two children, born in Iran, were naturalized as United States citizens in 1976 and 1980.

6. As evidenced by wage and tax statements and pension plan statements, she has been employed in the United States since 1975 and has maintained financial relations with United States banks. She has held a United States passport since 1976 and asserts that she did not travel to Iran since then.

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<sup>2</sup>The Certificate of Naturalization submitted by the Claimant recites the date of birth of the Claimant as 19 November 1923, not June 1923 as evidenced by the Iranian identity card submitted by Iran.

### III. THE TRIBUNAL'S DETERMINATION

7. The Tribunal has first to determine whether the Claimant was, from the time her claim arose until 19 January 1981, a national of the United States or of Iran or of both countries. If the Tribunal concludes that the Claimant holds both nationalities, it must then determine which one is "dominant and effective" during the relevant time and, consequently, which must prevail for purposes of jurisdiction over the present proceedings. Case No. A18, Decision No. DEC 32-A18-FT, p. 25 (6 Apr. 1984), reprinted in 5 Iran-U.S. C.T.R. 251, 265.

8. Due to her birth in Iran to Iranian parents, the Claimant is a national of Iran under Iranian law. As evidenced by her certificate of naturalization, she also became a United States citizen on 17 January 1975. The Claimant thus holds nationality of both Iran and the United States.

9. The pertinent issue thus becomes one of determining the Claimant's dominant and effective nationality at the relevant time. In its decision in Case No. A18, supra, the Tribunal noted that the determination of a claimant's dominant and effective nationality requires consideration of "all relevant factors, including habitual residence, center of interests, family ties, participation in public life and other evidence of attachment." Id. In this Chamber's decision in Reza Said Malek and Islamic Republic of Iran, Interlocutory Award No. ITL 68-193-3, para. 14 (23 June 1988), the Tribunal held that "the entire life of the Claimant, from birth, and all the factors which, during this span of time, evidence the reality and the sincerity of the choice of national allegiance he [or she] claims to have made, are relevant."

10. Although the Claimant spent her childhood, youth and much of her adult life in Iran, in 1969 she and her family took a deliberate decision to leave Iran and to settle in the United States. No evidence before the Tribunal indicates that she maintained any contacts with Iran following her emigration. Quite to the contrary, her employment, financial obligations and family life became centered in the United States. In particular, the purchase of a home in Maryland soon after her arrival and her early application for naturalization as a United States citizen speak in favor of a strong intention to live in the United States on a permanent basis and to integrate into American society and culture. Judging from her conduct throughout the period of her residence in the United States, the Tribunal finds that by the time her claim is alleged to have arisen in 1979, many years after she arrived in the United States, she had become a fully integrated American citizen and her United States nationality predominated over the nationality of her origin. This conclusion is strengthened by the fact that by that time her contacts with Iran were minimal. Accordingly, the Tribunal finds that the dominant and effective nationality of the Claimant during the relevant period is that of the United States.

#### IV. AWARD

11. In view of the foregoing,

THE TRIBUNAL AWARDS AS FOLLOWS:

- a. For the purpose of the Tribunal's jurisdiction, the dominant and effective nationality of the Claimant KATRIN ZOHRABEGIAN ABRAHAMIAN is that of the United States.

