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ORIGINAL DOCUMENTS IN SAFE

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Case No. 420

Date of filing: 29.2.88

\*\* AWARD - Type of Award Final  
- Date of Award 25. Feb 88  
4 pages in English \_\_\_\_\_ 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: \_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_ pages in English \_\_\_\_\_ pages in Farsi

IRAN-UNITED STATES CLAIMS TRIBUNAL

دیوان داوری دعاری ایران - ایالات متحدہ

CASE 420

29

CHAMBER THREE

AWARD NO. 349-420-3

KIANOOSH JAFARI,  
Claimant,

and

THE ISLAMIC REPUBLIC OF IRAN,  
Respondent.

IRAN UNITED STATES CLAIMS TRIBUNAL	دیوان داوری دعاری ایران - ایالات متحدہ	
ثبت شد - FILED		
Date	29 FEB 1988	تاریخ
	۱۳۶۶ / ۱۲ / ۱۰۱	
No.	420	شماره

DUPLICATE  
ORIGINAL  
نسخه برابر اصل

AWARD

I. PROCEEDINGS

1. On 18 January 1982 the Claimant KIANOOSH JAFARI (the "Claimant") submitted a Statement of Claim against the Respondent the ISLAMIC REPUBLIC OF IRAN ("Iran"), seeking U.S.\$2,020,000 as compensation for an alleged breach of contract by the Iranian Ministry of Education and for the alleged expropriation by Iran of the Claimant's real and private property in Tehran, Iran. On 30 July 1982 Iran submitted its Statement of Defence.

2. On 28 June 1985 the Tribunal, referring to the Full Tribunal Decision in Case No. A/18, Decision No. DEC 32-A18-FT (6 April 1984), in which it 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," ordered the Claimant to submit all written evidence and briefs he wished the Tribunal to consider regarding the issue of the Claimant's dominant and effective nationality. The Claimant submitted his evidence on 19 December 1985.

3. On 15 January 1986 the Tribunal set the time limit for Iran to submit by 19 March 1986 all evidence it wished the Tribunal to consider on the issue of the Claimant's nationality. After granting several extension requests to Iran and receiving no responsive submission, the Tribunal issued an Order on 6 February 1987 informing the Parties that, pursuant to Article 28 paragraph 3 of the Tribunal Rules, it intended to proceed with its deliberation of the jurisdictional issues in this Case on the basis of evidence then before the Tribunal.

4. On 18 February 1988 Iran submitted a "Statement of Defence on the Claimant's Nationality" together with evidence attached thereto. Iran asserted that the Claimant was

exclusively a national of Iran on 19 January 1981, the date of the Claims Settlement Declaration ("Declaration"), and that therefore he has no locus standi to assert his Claim before the Tribunal.

## II. REASONS FOR THE AWARD

5. The Claimant states that he was naturalized as a United States citizen on 17 March 1981. Thus, he was not a United States citizen on 19 January 1981 and his Claim was not that of a national of the United States, as required by Article VII paragraph 2 of the Declaration.

6. Consequently, the Tribunal lacks jurisdiction over this Claim.

## III. AWARD


7. For the foregoing reasons,

### THE TRIBUNAL AWARDS AS FOLLOWS:

- (a) The Claim of KIANOOSH JAFARI against the ISLAMIC REPUBLIC OF IRAN is hereby dismissed for lack of jurisdiction.

(b) Each Party shall bear its own costs of arbitration.

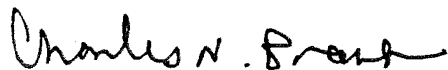
Dated, The Hague  
25 February 1988



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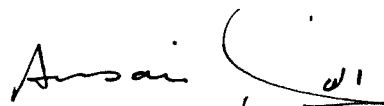
Michel Virally  
Chairman  
Chamber Three

In the name of God



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Charles N. Brower



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Parviz Ansari Moin