

A8-91
91-11 ایالت متحده

دیوان دادی دعوی ایران - ایالت متحده

ORIGINAL DOCUMENTS IN SAFE

Case No. A-18

Date of filing: 11 APRIL 84

** AWARD - Type of Award _____
 - Date of Award _____
 _____ 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: Notification of correction -
Concurring opinion of MR. Mosh

- Date 11 April 84
3 pages in English _____ pages in Farsi

A18-9*

۹۹ - ۱۸

دیوان داوری دعاوی ایران - ایالات

IRAN UNITED STATES
CLAIMS TRIBUNALدادگاه داوری دعاوی
ایران - ایالات متحده

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11 APR 1984

A-18

CONCURRING OPINION OF RICHARD M. MOSKTO DECISION IN CASE NO. A18NOTIFICATION OF CORRECTION

Attached is the corrected page 7 of the English version of the Concurring Opinion of Richard M. Mosk to Decision in Case No. A18, filed on 10 April 1984, together with an explanatory memorandum.

The Co-Registrars

MEMORANDUM

TO: The Co-Registrars
FROM: Richard M. Mosk *RMM*
DATE: 11 April 1984
RE: NOTIFICATION OF CORRECTION

Attached please find the corrected page 7 of the English version of the CONCURRING OPINION OF RICHARD M. MOSK TO DECISION IN CASE NO. A18, filed on 10 April 1984.

The correction is as follows:

Page 7, line 16: "to so so" should be "to do so"

Arising out of the War and the Occupation of 26 May 1952, as amended on 23 October 1954, Chapt. 4, reprinted in (German) Bundesgesetzblatt, 1955 II, 431-32; C. Norgaard, The Position of the Individual in International Law 238-39 (1962).

It may be, as implied by the Tribunal, that the use by a United States citizen of his or her Iranian nationality in a fraudulent or other inappropriate manner might adversely affect the claim by that person. Cf. Flegenheimer Case, XIV U.N. Rpts. Int'l Arb. Awds. 327, 398 (U.S.-Ital. Conc. Comm. 1958). But it should be noted that Iranian law imposes Iranian nationality on a broad spectrum of people, makes it very difficult to renounce that nationality and drastically penalizes persons who succeed in doing so.⁷

Thus, some United States citizens have not been able to renounce their Iranian nationality or have not been willing to do so because of their reluctance to give up their

⁷ Iranian citizens cannot abandon their nationality until, inter alia, they reach the "full age" of 25, they have the approval of the Council of Ministers and they make arrangements to transfer to Iranian nationals all rights in real property in Iran (including that which they "may acquire by inheritance"). Those who renounce their Iranian nationality must leave Iran or be expelled, and such persons can only thereafter visit Iran once, and then, only with "special permission" from the Council of Ministers. Article 988 of the Iranian Civil Code. The following are examples of those who are deemed Iranian nationals: a woman who marries an Iranian national; children of an Iranian father; and those who have a parent of foreign nationality, and who are born in Iran and who continue to reside in Iran for one year immediately after reaching the full age of 18. Article 976 of the Iranian Civil Code.