

DEPARTMENT OF STATE
INTERNATIONAL CLAIMS COMMISSION
OF THE UNITED STATES

In the Matter of the Claim of

DOLORES MOJA MOORE

Under the Yugoslav Claims Agreement
of 1948 and the International Claims
Settlement Act of 1949

Docket No. Y-910

Decision No. 2

FINAL DECISION

MARVEL, CHAIRMAN. Pursuant to notice, this claim came on for hearing before the International Claims Commission of the United States. The claimant was represented by counsel, appeared as a witness, and was cross examined by the Solicitor of the Commission.

The uncontradicted evidence was that the claimant was born in Yugoslavia of Yugoslav parents, that she became a national of the United States on August 3, 1948, and that the property alleged to have been taken by the Yugoslav Government was taken either in December 1947 or March 1948.

The Yugoslav Claims Agreement of 1948, which was signed on July 19, 1948, states in part:

Article 1 (a) The Government of Yugoslavia agrees to pay, and the Government of the United States agrees to accept, the sum of \$17,000,000 United States currency in full settlement and discharge of all pecuniary claims of the Government of the United States against the Government of Yugoslavia, other than those arising from Lend-Lease and civilian supplies furnished as military relief, arising between September 1,

1939 and the date hereof, and in full settlement and discharge of all claims of nationals of the United States against the Government of Yugoslavia on account of the nationalization and other taking by Yugoslavia of property and of rights and interests in and with respect to property, which occurred between September 1, 1939 and the date hereof.

* * * * *

Article 2 The claims of nationals of the United States to which reference is made in Article 1 of this Agreement include those respecting property, and rights and interests in and with respect to property, which at the time of nationalization or other taking were:

- (A) Directly owned by an individual who at such time was a national of the United States.

The International Claims Settlement Act of 1949 provides in part:

Sec. 4. (a) The International Claims Commission shall have jurisdiction to receive, examine, adjudicate, and render final decisions with respect to claims of the Government of the United States and of nationals of the United States included within the terms of the Yugoslav Claims Agreement of 1948, * * *

Sec. 2. (c) The term "nationals of the United States" includes (1) persons who are citizens of the United States, and (2) persons who, though not citizens of the United States, owe permanent allegiance to the United States. It does not include aliens.

The term "nationals of the United States" who can assert claims for property nationalized or otherwise taken by the Yugoslav Government is strictly limited, by the Agreement of July 19, 1948, to those who were nationals at the time of nationalization or other taking occurring between September 1, 1939 and July 19, 1948.

This limitation expressed in the Yugoslav Claims Agreement of 1948 conforms with international law and practice that an injury to an individual is an injury to the state of which he is a national. Thus, the nationalization or other taking of the property of a person who is not a citizen of the United States at the time of such taking

could not constitute an injury to the United States warranting it to intervene on his behalf.

This claimant, not being a national of the United States during this specified period of time, cannot assert a claim against the fund created by the Yugoslav Claims Agreement of 1948.

The claim is denied in whole.

This decision constitutes a full and final disposition of this case.

April 16, 1952

DEPARTMENT OF STATE
INTERNATIONAL CLAIMS COMMISSION
OF THE UNITED STATES

In the Matter of the Claim of

DOLORES MOJA MOORE

Under the Yugoslav Claims Agreement
of 1948 and the International Claims
Settlement Act of 1949

Docket No. Y-910

Decision No. 2

PROPOSED DECISION

MARVEL, CHAIRMAN. This claim seeks the recovery of the dollar value of 200,000,000 dinars for the nationalization or other taking by the Government of Yugoslavia of property alleged to be owned by the claimant. The claimant avers that she was born at Jesenice, Yugoslavia, of Yugoslavian parents. She further avers that she became a national of the United States on August 3, 1948.

This claim is before this Commission upon the proceeding of the Solicitor of the Commission pursuant to Section 300.16 of the Rules of Practice and Procedure of the Commission.

The question presented is whether a claimant, not a national of the United States between September 1, 1939 and July 19, 1948 can successfully assert a claim against the fund created by the Yugoslav Claims Agreement of 1948. The answer is clearly in the negative.

The Yugoslav Claims Agreement of 1948, which was signed on July 19, 1948, states in pertinent part: (herein called the Agreement)

"Article 1(a) The Government of Yugoslavia agrees to pay, and the Government of the United States agrees to accept, the sum of \$17,000,000 United States currency in full settlement and discharge of all pecuniary claims of the Government of the United States against the Government of Yugoslavia, other than those arising from Lend-Lease and civilian supplies furnished as military

relief, arising between September 1, 1939, and the date hereof, and in full settlement and discharge of all claims of nationals of the United States against the Government of Yugoslavia on account of the nationalization and other taking by Yugoslavia of property and of rights and interests in and with respect to property, which at the time of nationalization or other taking were:

"(A) Directly owned by an individual who at such time was a national of the United States."

The International Claims Settlement Act of 1949 states in pertinent part: (herein called the Act)

"Sec. 4(a) The International Claims Commission shall have jurisdiction to receive, examine, adjudicate, and render final decisions with respect to claims of the Government of the United States and of nationals of the United States included within the terms of the Yugoslav Claims Agreement of 1948"

"Sec. 2 (c) The term 'nationals of the United States' includes (1) persons who are citizens of the United States, and (2) persons who, though not citizens of the United States, owe permanent allegiance to the United States. It does not include aliens."

Evidence before the Commission shows that the claimant was admitted to United States citizenship on August 3, 1948 in the United States District Court at Washington, D. C.

The nationals of the United States who can assert claims for property nationalized or otherwise taken by the Yugoslavian Government is strictly limited, by the Treaty of July 19, 1948 referred to above, to those who were nationals at the time of nationalization or other taking, occurring between September 1, 1939 and July 19, 1948.

This claimant, not being a national of the United States during this specified period of time, cannot assert a claim against the fund created by the Yugoslav Claims Agreement of 1948.

The claim is denied in whole.

December 21, 1951