

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
WASHINGTON 25, D. C.

IN THE MATTER OF THE CLAIM OF

FLORENCE DOROTHY MOTTA
47-60 39th Place
Sunnyside 4, New York

GM
Claim No. IT-10,726

Decision No. IT-871

Under the International Claims Settlement
Act of 1949, as amended

GPO 942329

Attorneys for Claimant:

FINK & PAVIA
37 Wall Street
New York 5, New York

FINAL DECISION

The Commission issued its Proposed Decision on this claim on December 22, 1958, a certified copy of which was duly served upon the claimant. No objections or request for a hearing having been filed within twenty days after such service and general notice of the Proposed Decision having been given by posting for thirty days, it is

ORDERED that such Proposed Decision be and the same is hereby entered as the Final Decision on this claim.

Washington 25, D. C.

Whitney Gilliland

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Pearl Pace
Robert L. Kuyig

COMMISSIONERS

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FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
WASHINGTON 25, D. C.

IN THE MATTER OF THE CLAIM OF

FLORENCE DOROTHY MOTTA
47-60 39th Place
Sunnyside 4, New York

Claim No. IT-10,726

Decision No. IT- 871

Under the International Claims Settlement
Act of 1949, as amended

GPO 942329

Attorneys for Claimant:

FINK & PAVIA
37 Wall Street
New York 5, New York

PROPOSED DECISION

This is a claim for \$88,893.00 under Section 304 of the International Claims Settlement Act of 1949, as amended, by Florence Dorothy Motta, a United States citizen since the date of her birth on January 14, 1918, and is for loss of personal property and occupation by enemy military forces of her home, located in Via Lungomonte, Bussolengo, Italy, for internment during the war in Italy and for reimbursement of expenses incurred in effecting her release and in aiding allied prisoners of war, as a result of the war in which Italy was engaged from June 10, 1940 to September 15, 1947.

Section 304 of the Act provides for the receipt and determination by the Commission, in accordance with the Memorandum of Understanding and applicable substantive law, including international law, of the validity and amounts of claims of nationals of the United States against the Government of Italy, arising out of the war in which Italy was engaged from June 10, 1940 to September 15, 1947, and with respect to which provision was not made in the treaty of peace with Italy.

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Under Article 78 of the treaty of peace the Government of Italy undertook, among other things, to restore all legal rights and interests in Italy of United Nations nationals as they existed on June 10, 1940; to return all property in Italy of the United Nations nationals as they existed on the date of said treaty, September 15, 1947; and, in cases where the property could not be returned, or where, as a result of the war, a United Nations national had suffered a loss by reason of injury or damage to property in Italy, to make compensation in accordance with the terms of the treaty.

The claimant herein seeks compensation for alleged war losses of personal property located in the sovereign state of Italy.

Inasmuch as provision was made for such claims in the treaty of peace with Italy, the Commission finds that the claim is not compensable under the provisions of Section 304 of the aforementioned Act.

It is further concluded that there is no provision under Section 304 of the Act authorizing compensation to claimant for reimbursement of expenses allegedly incurred in effecting her release from prison and money spent in aiding allied prisoners of war in Italy.

The record reveals that claimant was interned on or about February 4, 1944, first in Verona, Italy, and later in other Italian concentration camps.

Under well-established principles of international law, a sovereign state may detain, intern or expel enemy subjects, and the mere fact of internment is not of itself a violation of international law. Consequently, claims based on detention only and in the absence of evidence showing that a rule of international

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law was violated during such internment or detention, are not compensable under Section 304 of the Act.

The evidence before the Commission, including statements of the claimant, fails to establish that there was any violation of international law.

For the foregoing reason, the claim must be and is hereby denied. Other elements bearing on eligibility have not been considered.

Dated at Washington, D. C.

JMR
DEC 22 1958

FOR THE COMMISSION:

J. Noble Richards
J. Noble Richards, Director
Italian Claims Division

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