

DEPARTMENT OF STATE
INTERNATIONAL CLAIMS COMMISSION
OF THE UNITED STATES

In the Matter of the Claim of

RUDOLPH ZALETEL

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

Docket No. Y-257

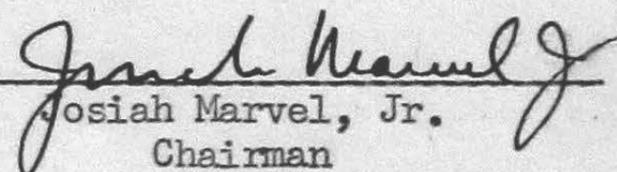
ORDER

And now, to wit, this fourth day of June, 1952, it appearing that pursuant to due notice a hearing in the above entitled claim proceeding was fixed at 10:00 A.M. on June 3, 1952, in the office of the Commission, Room 2031, Temporary Building "V", 1400 Pennsylvania Avenue, N.W., Washington, D. C., and that due notice thereof was given to the above named claimant; and it further appearing that said claimant did not appear in person or by attorney, and that the Solicitor of the Commission did appear pursuant to said notice of said hearing,

IT IS ORDERED by the Commission, a majority concurring therein, that the proposed decision in the above entitled claim proceeding rendered on March 11, 1952 be and the same hereby is affirmed, and that this Order shall constitute a full and final disposition of said claim proceeding.

INTERNATIONAL CLAIMS COMMISSION
OF THE UNITED STATES

By


Josiah Marvel, Jr.
Chairman

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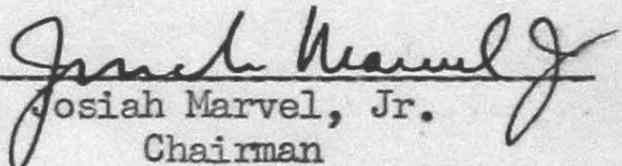
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Decision No. 36

PROPOSED DECISION

MARVEL, CHAIRMAN. This claim seeks the recovery of approximately twenty-five thousand dollars, the asserted value of property destroyed by the Italian and/or German armies on May 6, 1944.

The 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.

Evidence before the Commission supports the claimant's assertion that his property was destroyed by the German and Italian armies. It is evident that the type of loss suffered by claimant is war damage occasioned by belligerent action during World War II. The general rule is that private individuals are owed no compensation on account of injustice caused by legitimate military activities. However, the Government of Yugoslavia has recognized the principle of war damage compensation and has enacted legislation for the registration of war damage claims, for the purpose of compiling a reparations account as a basis for exacting reparations from its recent enemies under reparation provisions of World War II peace treaties. This legislation applied only to Yugoslav citizens. The claimant here is a

citizen and national of the United States. Article 7 of the Yugoslav Claims Agreement of 1948 provides as follows:

Claims of nationals of the United States for war damage to property which has not been nationalized or otherwise taken prior to the date hereof shall be treated not less favorably than those of the nationals of any other country.

The record shows that this claim for war damage was filed with the Yugoslav authorities on March 26, 1948, by the American Embassy at Belgrade. The claim filed herein is not within the terms of the Yugoslav Claims Agreement of 1948 and over it this Commission has no jurisdiction. Consequently, it is denied in whole.

The Commission emphasizes that the denial of this claim by this Commission does not in any way dispose of the claim for war damage filed with the Yugoslav Government through the Department of State.

March 11, 1952