

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
WASHINGTON, D.C. 20579

IN THE MATTER OF THE CLAIM OF

HERBERT HAMANN

Under the International Claims Settlement
Act of 1949, as amended

Claim No. G-0135

Decision No. G-0041

PROPOSED DECISION

This claim in the asserted amount of \$450.00 against the German Democratic Republic, under Title VI of the International Claims Settlement Act of 1949, as amended, is based upon the loss of a stamp collection mailed from the United States to an addressee in East Berlin.

Under section 602, Title VI of the International Claims Settlement Act of 1949, as amended by Public Law 94-542 (90 Stat. 2509), the Commission is given jurisdiction as follows:

"The Commission shall receive and determine in accordance with applicable substantive law, including international law, the validity and amounts of claims by nationals of the United States against the German Democratic Republic for losses arising as a result of the nationalization, expropriation, or other taking of (or special measures directed against) property, including any rights or interests therein, owned wholly or partially, directly or indirectly, at the time by nationals of the United States whether such losses occurred in the German Democratic Republic or in East Berlin. . ."

Claimant, HERBERT HAMANN, stated at the time of filing that he acquired United States nationality on January 27, 1933. In 1976 he mailed a package containing certain cancelled and uncanceled stamps of Nyassa and cancelled United States stamps to an addressee in East Berlin. He further stated that the package was seized in East Berlin and not forwarded to the addressee or returned to him.

In support of his claim claimant has submitted a document dated February 5, 1976, entitled Beschlagnahme/Einziehungs-Entscheid which shows that certain cancelled and uncanceled stamps, a greeting card and enclosure were taken by the customs authorities pursuant to Section 16, of the Customs Law of the German Democratic Republic dated March 28, 1962. This section of the law provides for the confiscation of goods as a penalty for intentionally importing or exporting such goods through the territory of the German Democratic Republic in violation of that country's law. The record also contains a letter dated July 12, 1976, from the Embassy of the German Democratic Republic in Washington, D.C. which states that the decision to confiscate the claimant's property was taken on the basis of valid legal regulations.

Under the general principles of international law which this Commission is required to apply by Public Law 94-542 to claims against the German Democratic Republic, it is well recognized that independent governments have the right to punish by confiscation the attempted introduction of contraband articles or the attempted removal of goods which are prohibited from export.

In view of the foregoing the Commission finds that the loss of claimant's property was the result of a violation of the laws of the German Democratic Republic prohibiting the importation of such property and, therefore, such loss does not give rise to a valid claim under international law or under the provisions of Public Law 94-542. Accordingly, this claim must be and it is hereby denied.

The Commission finds it unnecessary to make determinations concerning any other elements of this claim.

Dated at Washington, D.C.
and entered as the Proposed
Decision of the Commission.

6 OCT 1977

J. Raymond Bell

J. Raymond Bell, Chairman

Wilfred J. Smith

Wilfred J. Smith, Commissioner

Robert E. Lee

Robert E. Lee, Commissioner

This is a true and correct copy of the decision
of the Commission which was entered as the final
decision on 28 NOV 1977

Harold T. Matthews

Executive Director

NOTICE: Pursuant to the Regulations of the Commission, if no objections are filed within 15 days after service or receipt of notice of this Proposed Decision, the decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after such service or receipt of notice, unless the Commission otherwise orders. (FCSC Reg., 45 C.F.R. 531.5 (e) and (g), as amended.)

G-0135