

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

IN THE MATTER OF THE CLAIM OF

GEORGE THEOHARI
51 Dennis Street
New Brunswick, New Jersey

Against the Government of Bulgaria
Under the International Claims Settlement
Act of 1949, as amended

Claim No. BUL-1,086

Decision No. BUL-26

GPO 16-72126-1

Counsel for Claimant:

A. E. Andreades, Esquire
152 West 42nd Street
New York 18, New York

FINAL DECISION

In a Proposed Decision issued on February 6, 1957, and duly served upon the claimant, the Commission denied the above-captioned claim, based upon alleged loss of property in Greece through the action of Bulgarian forces of occupation during World War II, on the ground that such a loss must have occurred within the boundaries of Bulgaria in order to be compensable under Section 303(1) or Section 303(2) of the International Claims Settlement Act of 1949, as amended.

The contention has been made that the territory in which the loss occurred was a part of Bulgaria during its occupation by Bulgarian forces in World War II; and that, therefore, the taking or damage of property of the occupying forces did occur "in Bulgaria." In international law, however, the only theory under which Bulgaria could be considered as having acquired sovereignty over the territory in question, so that a taking of property therein would have occurred "in Bulgaria" within the meaning of the Act, is that of subjugation. It is well established that acquisition of territory by subjugation requires a formal annexation following a firmly established conquest; and that a conquest does not become firmly

established so long as the armed conflict continues. (Oppenheim, International Law, vol. I, secs. 169, 210, 236, 237, 239.) In this instance, the armed conflict continued until the conquest was nullified under the terms of the armistice. The Commission has concluded, therefore, that none of the territory which was under Greek sovereignty at the inception of World War II became a part of Bulgaria at any time thereafter.

Full consideration having been given to the objections and the arguments presented at a hearing held on April 11, 1957, 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.

Dated at Washington, D. C.

JUN 18 1957

Whitney Gilliland

COMMISSIONERS

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

In the Matter of the Claim of

GEORGE THEOHARI
51 Dennis Street
New Brunswick, New Jersey

Against the Government of Bulgaria
Under the International Claims
Settlement Act of 1949, as Amended.

Claim No. BUL-1,086

Decision No. BUL-26

Attorney for Claimant:

A. E. Andreades
152 West 42nd Street
New York 18, New York

PROPOSED DECISION

This is a claim for sixty thousand four hundred and twenty-three dollars (\$60,423.00) under the provisions of Section 303 of the International Claims Settlement Act of 1949, as amended, against the Government of Bulgaria by GEORGE THEOHARI, for alleged loss of property in the towns of Chrysoupolis and Drama, East Macedonia, Greece, through the actions of Bulgarian forces of occupation during World War II.

Section 303(1) of the Act authorizes the Commission to receive and determine claims against the Government of Bulgaria for failure to restore or pay compensation for property of nationals of the United States as required by article 23 of the Treaty of Peace with Bulgaria. Article 23 of the Treaty provides that Bulgaria should restore all legal rights and interests in Bulgaria of the United Nations and their nationals as they existed on April 24, 1941, and that it should return all property of the United Nations and their nationals in Bulgaria as it existed on September 15, 1947, and that Bulgaria should pay certain compensation to those United Nations nationals whose properties in Bulgaria suffered war damage or those whose properties in Bulgaria could not be returned.

Thus, under Section 303(1) of the Act, a United States national otherwise qualified, may receive an award for certain property losses in Bulgaria, but he may not obtain such relief where the property on which his claim is based was not, at the time of loss, in Bulgaria as it existed on September 15, 1947.

Further, Section 303 (2) of the Act authorizes the Commission to receive and determine claims of nationals of the United States based upon the nationalization, compulsory liquidation or other taking by the Government of Bulgaria prior to August 9, 1955, of property of nationals of the United States in Bulgaria. Here also the provisions of the Act clearly require that the taking of property have occurred within the borders of Bulgaria.

Accordingly, this claim is denied for the reason that the alleged loss did not occur within the boundaries of Bulgaria as they existed on September 15, 1947. The Commission does not find it necessary to make determinations with respect to other elements of the claim.

Dated at Washington, D. C.

FEB 6 1957

FOR THE COMMISSION:



Donald G. Benn, Director
Balkan Claims Division