

INTERNATIONAL CLAIMS COMMISSION OF THE UNITED STATES  
DEPARTMENT OF STATE  
Washington, D. C.

In the Matter of the Claim of

ALEXANDER CHIEREGO  
2529 Cambreling Avenue  
Bronx 58, New York  
New York

Docket No. Y-1309

Decision No. 774

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

FINAL DECISION

Thirty days having elapsed since the Claimant herein was notified of the Proposed Decision of the Commission on the above Claim, and objections thereto having been filed containing a statement by the Claimant that Yugoslavia had openly declared its intention to keep forever the so-called Zone "B" and that all nations, including the United States, accepted in fact such claim by Yugoslavia; which statement by the Claimant is not supported by any evidence nor is it material to the issue in the claim; that the property has not yet been nationalized nor taken by Yugoslavia within the terms of the Yugoslav Claims Agreement of 1948; therefore, the Proposed Decision, No. 774, is hereby adopted as the Commission's Final Decision on this Claim.

  
Henry T. Clay  
Acting Chairman

  
George W. Spangler  
Acting Commissioner

Dated at Washington, D. C.

JUN 16 1954.



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PROPOSED DECISION

This claim is in the amount of \$25,000 as the asserted value of certain real and personal property located at Portorose, community of Pirano, territory of Trieste. Claimant alleges that the property was taken by the Government of Yugoslavia in July 1945.

Claimant is now and has been a citizen and national of the United States since his naturalization December 10, 1943, by the United States District Court for the District of Columbia.

Claimant asserts ownership of property described as No. 179 at Portorose, community of Pirano, consisting of a furnished house used as a residence and a hotel. The property is located in the so-called Free Territory of Trieste, Zone "B", presently occupied by Yugoslav military authorities. This area is not under Yugoslav sovereignty, but Annex VI of the Treaty of Peace with Italy, dated at Paris on February 10, 1947, and entered into force September 15, 1947, provides



that an area which includes Portorose shall be organized as the Free Territory of Trieste. Portorose is still occupied by Yugoslav military forces, as is the entire so-called Zone "B". However, this is viewed as a temporary occupation only and not an annexation.

In a statement dated June 15, 1953, the Yugoslav Government takes the position that, even if the Yugoslav military authorities took over property belonging to the claimant, he has no right to claim indemnity, because the Yugoslav Claims Agreement of 1948 is not applicable to the Free Territory of Trieste.

In a prior proceeding, the Commission, in the Matter of the Claim of Mary Rongetti Moffa, Docket No. Y-683, Proposed Decision No. 627, June 16, 1953, held that:

"The record shows that claimant's decedent was the owner of the real property No. 2673 . . . . town of Piran, under Docket No. 3241. This property is not located within the territory of Yugoslavia but in what is known as the Free Territory of Trieste . . . . The Government of Yugoslavia is and has been occupying that portion of the Free Territory of Trieste in which the property is located as a conqueror, . . . it cannot acquire permanent possession or title to the property which is the basis of this claim . . . . Such action we hold not to be within the terms of the Yugoslav Claims Agreement of 1948 and the International Claims Settlement Act of 1949. The claim is denied in whole."

We believe that holding is dispositive of the present claim. The property may have been requisitioned by the Yugoslav military authorities, but such action is not viewed as a nationalization or other taking by Yugoslavia which is within the terms of the Yugoslav Claims Agreement of 1948 and the International Claims Settlement Act of 1949. Accordingly, the Commission is without jurisdiction of the claim.

For the foregoing reasons the claim is denied.

APR 19 1954