

**REPORTS OF INTERNATIONAL  
ARBITRAL AWARDS**

**RECUEIL DES SENTENCES  
ARBITRALES**

**José María Vásquez Díaz, Assignee of Pablo Elías Velásquez (Panama) v. U.S**

27 June 1933

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Practical common sense indicates that the mere passage of an act under which private property may later be expropriated without compensation by judicial or executive action should not at once create an international claim on behalf of every alien property holder in the country. There should be a *locus penitentiae* for diplomatic representation and executive forbearance, and claims should arise only when actual confiscation follows.

The Commission holds that the damage from which the Mariposa claim arose<sup>1</sup> was not sustained prior to October 3, 1931, and that the claim is not within its jurisdiction.

The Commission is not concerned with the merits of the claim. The preceding recitation of facts is made solely with a view to determining the date as of which the damage on which the claim is based was sustained. Nothing in the recitation is to be taken as indicating a belief as to the validity or invalidity of the claim, the legality or illegality of any of the facts recited, or as binding the United States or the Republic of Panama in respect to the facts recited in any subsequent proceeding.

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JOSÉ MARÍA VÁSQUEZ DÍAZ, ASSIGNEE OF PABLO ELÍAS  
VELÁSQUEZ (PANAMA) *v.* UNITED STATES

(June 27, 1933. Pages 651-652.)

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**JURISDICTION: CLAIMS ARISEN AFTER SIGNATURE OF CLAIMS CONVENTION.—**INTERPRETATION OF TREATIES. *Held* that Commission has jurisdiction to entertain claims arisen after signature of Claims Convention, July 28, 1926: reference to Walter A. Noyes award, p. 308 *supra*.

**RESPONSIBILITY FOR ACTS ASHORE OF SAILORS.—EVIDENCE: TESTIMONY OF WITNESSES BEFORE MUNICIPAL COURT.** Pecuniary loss caused in February, 1931, by sailors of United States navy who during maneuvers landed on island of Casaya. Evidence: testimony of three witnesses before District Judge of Balboa. *Held* that United States liable under international law. Damages allowed.

*Cross-references:* Annual Digest, 1933-1934, p. 258; Comisión General de Reclamaciones entre Panamá y Estados Unidos de América, Reclamación de la República de Panamá en su propio nombre y en representación de José María Vásquez Díaz, Registro No. 19. (Publicación Oficial, Panamá, 1934.)

*Bibliography:* Hunt, Report, pp. 652-653, and "The United States-Panama General Claims Commission", Am; J. Int. Law, vol. 28 (1934), pp. 70-71; Borchard, "The United States-Panama Claims Arbitration", Am. J. Int. Law, vol. 29 (1935), pp. 101, 103; Friede, "*Die Entscheidungen . . .*", Z.a.o.R.u.V., Band V (1935), pp. 453, 459; Annual Digest, 1933-1934, pp. 258-259.

The Republic of Panama files this claim in the sum of \$270.00 without interest on behalf of José María Vásquez Díaz, assignee of Pablo Elías Velásquez, versus the United States of America, for loss and damage which the claimant alleges he suffered at the hands of sailors of the American Navy, upon a plantation located on Casaya Island, Archipelago of Las Perlas, Republic of Panama.

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<sup>1</sup> See footnote on p. 576.—AMERICAN AGENT. (Note of the Secretariat: this volume, p. 340.)

The Panaman nationality of the claimant is established.

The facts on which this claim is based happened between the signing and the exchange of ratifications of the convention of July 28, 1926. On the grounds stated in the case of Walter E. Noyes (Registry No. 5) the Commission holds that it has jurisdiction to decide the claim.

In the month of February, 1931, several American naval units were holding maneuvers in the Archipelago of Las Perlas. A number of sailors from the fleet landed on one of the islands of the archipelago, called Casaya, and trespassed upon the property called "El Cocal de la Punta de Casaya" which, as its name indicates, was made up largely of a cocoanut grove, that is, a plantation of coconut palms. The sailors took the coconuts, both old and new, and drank the milk they contained, causing Velásquez, who had leased the property for the purpose of harvesting and marketing the fruit, a pecuniary loss estimated in the sum for which claim is brought. The loss and damage sustained is established by the testimony of three competent witnesses, rendered before the Judge of the District of Balboa, Republic of Panama.

From investigation made by the Government of the United States through the Secretary of the Navy, it is observed that it was impossible to fix the ensuing responsibility upon the perpetrators, inasmuch as it was not shown to which war vessel or vessels anchored in the archipelago the contingent of sailors who went ashore belonged.

While this point would have shed light upon the situation, the Commission considers that the offense was committed, that as a consequence of the acts of the sailors the claimant suffered loss and damage to his property, and that as a result the Government of the United States is liable under international law.

#### *Decision*

The United States of America is obligated to pay to the Republic of Panama, on behalf of José María Vásquez Díaz, assignee of Pablo Elías Velásquez, the sum of one hundred dollars (\$100.00) without interest.

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### GUILLERMO COLUNJE (PANAMA) *v.* UNITED STATES

(*June 27, 1933. Pages 746-749.*)

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#### ARREST, DETENTION OF ALIEN.—CRIMINAL PROCEEDINGS AGAINST ALIEN.—

**DAMAGES: FACTORS.** Induction of claimant by false pretenses, on September 1, 1917, by Canal Zone detective to come to Zone, where claimant subsequently arrested, brought before District Judge, detained, and released on bond which was returned after hearing on September 15, 1917. *Held* that United States liable for undue exercise of police authority within jurisdiction of Republic of Panama. Amount of damages: short duration of detention, criminal proceedings without delay, and claimant's imprudence taken into account.

*Cross-references:* Annual Digest, 1933-1934, pp. 250-251; Comisión General de Reclamaciones entre Panamá y Estados Unidos de América, Reclamación de la República de Panama en su propio nombre y en representación de Guillermo Colunje, Registro No. 24. (Publicación Oficial, Panamá, 1934.)

*Bibliography:* Hunt, Report, p. 749, and "The United States-Panama General Claims Commission", Am. J. Int. Law, vol. 28 (1934), p. 73; Borchard, "The