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Mannella Case—Decision No. 168

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MANNELLA CASE—DECISION No. 168 OF
5 APRIL 1957¹

Compensation under Article 78 of Peace Treaty—Measure of damages—Expert evidence—View by Conciliation Commission of damaged property.

Indemnisation au titre de l'article 78 du Traité de Paix — Evaluation des dommages — Expertise — Descente sur les lieux.

The Italian-United States Conciliation Commission, established by the Government of the United States of America and the Government of the Italian Republic pursuant to Article 83 of the Treaty of Peace and composed of Messrs. Alexander J. Matturri, Representative of the United States of America and Antonio Sorrentino, Representative of the Italian Republic, finds it has jurisdiction to adjudicate the rights and obligations of the parties to this dispute.

The dispute between the two Governments arose out of a claim under Article 78 of the Treaty of Peace and the Agreements supplemental thereto or interpretative thereof, which was submitted on the 11th day of August 1948, to the Ministry of the Treasury by Domenica Mannella through the Embassy of the United States of America. The claim requested compensation for damages caused by the war to the real and personal property belonging to the claimant, a national of the United States of America, and located at Ateleta, Province of l'Aquila.

The Italian Ministry of the Treasury, by letter dated December 28, 1950, submitted an offer in settlement of the claim which the claimant refused to accept because it was insufficient compensation for her loss.

On December 21, 1954 the claimant and the Embassy requested the Italian Ministry of the Treasury to re-examine its offer of settlement and, in support thereof, submitted additional evidence. On March 16, 1955 the Embassy was unofficially informed by the Italian authorities that, following reconsideration of the case, the initial offer was confirmed.

Thereafter, on May 23, 1955, the Agent of the United States Government filed a Petition in which he stated that a dispute existed between the two Governments because the Italian Government had failed to offer the claimant an amount sufficient to compensate her for her losses, as provided in Article 78 of the Treaty of Peace and the Agreements supplemental thereto. The Answer of the Italian Agent, dated July 5, 1955, again confirmed the offer made by the Italian Ministry of the Treasury.

By order dated September 28, 1955 the Commission fixed a hearing in which the testimony of both partial experts was to be heard. After said hearing the Commission, by Order dated March 6, 1956, ordered both partial experts

¹ *Collection of decisions*, vol. IV, case No. 167.

to meet and submit further findings on the question of damages. On April 6, 1956 both experts submitted reports of their findings.

Subsequently, the Representatives of both Governments each appointed an impartial expert to accompany them and the other interested members of the Commission to personally inspect the property. The Commission met at Roccaraso on July 19, 1956 and on the Mannella property on July 20, 1956, held hearings and made a personal inspection of the real property. Thereafter, both impartial experts submitted their reports to the Representatives.

CONSIDERATIONS OF LAW:

The only questions to be decided, by the Commission are those involving the evaluation of the various damages. The Commission, having heard the partial and impartial experts; having studied the appraisals submitted by both parties to this controversy; and acting in the spirit of conciliation finds that the damages suffered as a result of the war by the claimant's property can be equitably valued at 17,000,000 lire. Therefore,

DECIDES:

1. The claimant, Domenica Mannella, is entitled to receive from the Government of the Italian Republic, under the provisions of Article 78 of the Treaty of Peace, the sum of 11,666,000 (eleven million six hundred and sixty six thousand) lire, representing two-thirds of the amount of 17,000,000 (seventeen million) lire, as compensation for the damages suffered, as a result of the war, by her property in Italy.

2. The claimant is also entitled to receive the sum of 1,000,000 (one million) lire as reimbursement of expenses sustained in the preparation of her claim.

3. The total of the sums specified in paragraphs 1 and 2 above shall be paid within sixty (60) days of the date on which the United States Government has presented a request for payment to the Italian Government.

This Decision is final and binding, and its execution is incumbent on the Italian Government.

Rome, April 5, 1957.

*The Representative of the
United States of America*

Alexander J. MATTURRI

*The Representative of the
Italian Republic*

Antonio SORRENTINO

SALVONI CASE--DECISION No. 169 OF

9 MAY 1957 ¹

Claim for compensation under Article 78 of Peace Treaty—Nationality of claim—Dual nationality—Criteria laid down by Conciliation Commission in order to establish dominant nationality—Reference to Decision No. 55 rendered in Mergé Case—Italian nationality regarded as prevalent—Rejection of claim.

¹ *Collection of decisions*, vol. IV, case No. 250.