

**REPORTS OF INTERNATIONAL
ARBITRAL AWARDS**

**RECUEIL DES SENTENCES
ARBITRALES**

Vereano Case—Decision No. 172

17 May 1957

VOLUME XIV pp. 321-322



NATIONS UNIES - UNITED NATIONS
Copyright (c) 2006

VEREANO CASE—DECISION No. 172 OF
17 MAY 1957¹

Claim for compensation under Article 78 of Peace Treaty—Nationality of claimant—Dual nationality—Right of a United Nations national possessing also the nationality of a third State to claim under said Treaty—Reference to decision No. 55 rendered in Mergé Case—Failure of claimant to prove damages—Rejection of claim.

Demande en indemnisation au titre de l'article 78 du Traité de Paix — Nationalité du réclamant — Double nationalité — Droit d'un ressortissant d'une Nation Unie, possédant également la nationalité d'un Etat tiers, de se prévaloir des dispositions du Traité de Paix — Référence à la Décision n° 55 rendue dans l'affaire Mergé — Défaut de preuve quant aux dommages subis — Rejet de la demande.

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 18th day of December, 1951, to the Italian Ministry of the Treasury by Mrs. Vereano, through the Embassy of the United States of America at Rome.

The Italian Ministry of the Treasury, by letter dated February 21, 1955, informed the Embassy that the claim had been rejected on the grounds that the claimant had acquired Turkish nationality by virtue of her marriage to a Turkish citizen.

On March 15, 1956 the American Embassy requested the Italian Ministry of the Treasury to reconsider the claim in the light of the decision of this Commission in the Strunsky Mergé Case (*The United States of America ex rel. Florence Strunsky Mergé vs. The Italian Republic*, Case No. 3, Decision No. 55¹).

The Italian Ministry of the Treasury again rejected the claim whereupon the Agent of the United States Government filed a Petition with this Commission in which he stated that the claimant was an American by birth and re-acquired her American citizenship by naturalization on January 10, 1939, after she married a Turkish citizen through whom the Italian Ministry of the Treasury claims she acquired Turkish nationality. The United States Agent argued that even if the claimant had possessed Turkish nationality as well

¹ *Collection of decisions*, vol. IV, case No. 257.

² *Supra*, p. 236.

as American nationality on the relevant dates of the Treaty of Peace, she is eligible to assert a claim under Article 78 of the Treaty and is entitled to the protection of the United States of America before the Commission in connexion therewith; and the claimant's simultaneous possession of the nationality of a third State would not exclude her from the benefits afforded a United Nations national by the provisions of Article 78, as was established by this Commission in the Strunsky Mergé Case.

The Agent of the Italian Government, in his Answer, limits himself to comments on the amount of damage and the proofs offered by the claimant. The Answer brings to the attention of the Commission the fact that the whole of the contents of the apartment had been withdrawn by the Credito Fondiario della Cassa di Risparmio della PP. LL., a corporation acting as Mrs. Vereano's administrator, and that they were given instructions for the transfer of her chattels to America.

CONSIDERATIONS OF LAW:

The Commission finds that the claimant has a right to file a claim with this Commission, notwithstanding the fact that she may have been in possession of Turkish nationality. This question was already settled in the Mergé Decision and it was set down as one of the guides in Section 8 therein that

United Nations nationals who did not possess Italian nationality but the nationality of a third State can be considered "United Nations nationals" under the Treaty, even if their prevalent nationality was the nationality of a third State.

However, the Petition must be rejected on its merits because the claimant has failed to establish that she suffered damage. The only evidence in the file as to the amount of damage is her uncorroborated statement. The claimant annexed to her claim the statements of four persons describing the contents of her apartment. These statements make no mention of any damage to any of the articles nor do they state that the articles were taken or stolen. Furthermore, the watchman of the building and the former secretary of the claimant's husband, deny that they ever had any knowledge of the fact that the occupiers had removed any object from the apartment. The Agent of the Italian Government has established that the contents of the apartment were returned to Mrs. Vereano and she has not come forward with any proof that any of the articles were missing or returned in a damaged state. Therefore, the Commission must reject the Petition for failure of the claimant to prove damage and

DECIDES:

1. The Petition filed by the Agent of the United States of America on behalf of Mrs. Emma Vereano née Hoffman is rejected.
2. This Decision is final and binding.

Rome, May 17, 1957.

*The Representative of the
United States of America*

Alexander J. MATTURRI

*The Representative of the
Italian Republic*

Antonio SORRENTINO