

**REPORTS OF INTERNATIONAL
ARBITRAL AWARDS**

**RECUEIL DES SENTENCES
ARBITRALES**

Hélène Bimar (France) v. United Mexican States

19 October 1928

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HÉLÈNE BIMAR (FRANCE) *v.* UNITED MEXICAN STATES*(Decision No. 31 of October 19, 1928.)*

PROOF OF LOSS. Documentary and oral testimony *held* sufficient proof that claimant suffered damage by acts of Constitutionalist forces, whose character as such was also a matter of common knowledge.

RESPONSIBILITY FOR ACTS OF FORCES. Looting of residence and storehouse, outrage and violence against claimant, and expelling claimant by threats with death by Constitutionalist forces *held* covered by Article III of the Convention.

DAMAGES. The absence of precise data concerning the value of the looted goods, and the lack of precaution on the part of the claimant who at the approach of the revolutionary forces kept jewels and securities in her countryhouse are taken into account in assessing damages.

ALLOWANCE OF INTEREST. The French Commissioner having proposed to allow interest at a rate of three per cent per annum running from the day of the termination of the Commission's activities, and the Mexican Commissioner having agreed with this proposal, without prejudice, however, to his observations on the subject in the *Pinson* Case, the Presiding Commissioner, making the same reservation, declares that he will conform henceforth on this point to the opinion of the majority.¹

Cross-reference: Annual Digest, 1927-1928, p. 280.

(Text of decision omitted.)

DECISION No. 20

(March 5, 1929. Decision by President and French Commissioner only. R.G.P.C., 1936, Part 2, page 10.)

ENDING OF TERM OF TRIBUNAL.—ABSENCE OF ONE OF MEMBERS OF TRIBUNAL.—STATUS OF CLAIMS PREVIOUSLY ARGUED AND DECLARED CLOSED.—JURISDICTION OF TRIBUNAL COMPOSED OF MAJORITY OF MEMBERS TO DECIDE UPON CLAIMS PREVIOUSLY ARGUED.—REOPENING OF PROCEEDINGS. Under Article VII, final paragraph, of the *compromis*, the tribunal was required to decide upon each claim presented to it within six months from the closing of oral arguments on such claim. In view of the nearing expiration of such term, *held*, by a majority of the members of the tribunal and in the absence of the Mexican Commissioner, that claims previously argued and declared closed shall be reopened for argument and examination.

Comments: Carlston, *The Process of International Arbitration* (New York, 1946). sec. 13.

Lc Commissaire Président de la Commission franco-mexicaine et le Commissaire de la République française, réunis à Paris, en vue d'examiner la

¹ For the opinions concerning the question of the interest expressed by the Mexican Commission and by the Presiding Commissioner in the *Pinson* Case, see above, p. 327 *et seq.*