

The facts as established by the evidence of record reveal that the claimant, Alessandra Borriane Leoni, has failed to furnish evidence which would support her contention that she is a national of the United States. Therefore, she is not eligible for compensation under Section 304 of the Act.

The record further reveals that Patricia Agnes Leoni and Carlo Alessandro Leoni are United States citizens and eligible claimants.

The record also appears to support the claimant's contention as to entitlement for personal injuries suffered by her late husband, wrongful death, and loss of support for herself and her two minor children, heretofore named.

A sovereign state may detain, intern, or even expel enemy subjects without violating international law, and the mere fact of internment itself is not a violation thereof in the absence of evidence showing that a rule of international law was violated during such internment or detention.

The records disclose that Sylvio C. Leoni (deceased) was arrested and during his imprisonment was, in fact, subjected to experiences which were not in conformity with the generally accepted precepts of international law, that he suffered personal injuries which were the proximate cause of his death, and that the result therefore was the denial of support of his wife and children.

The record reveals that the loss and neglect occurred in a series of events beginning in December 1943 as a consequence of military operations in which Italy participated. While the record fails to establish the definite date of loss and neglect, it is deemed to have occurred on or about December 22, 1943 for the purpose of this decision.

The Commission finds from the evidence and data before it that the fair and reasonable extent of the loss suffered was \$7,500.00 and that the children of the decedent are each entitled to one-third of said award.

AWARD

On the above evidence and grounds, this claim is allowed and an award is hereby made to Patricia Agnes Leoni in the amount of \$2,500.00; and an award is hereby made to Carlo Alessandro Leoni in the amount of \$2,500.00.

Dated at Washington, D.C., Dec. 30, 1958.

For the Commission:

J. NOBLE RICHARDS,
Director, Italian Claims Division.

EXHIBIT F

Foreign Claims Settlement Commission of the United States

Claim No. IT-10,863; Decision No. IT-859

IN THE MATTER OF THE CLAIM OF CARL L. HAUSS, VIA PLUTARCH ?, MILAN, ITALY

Under the International Claims Settlement Act of 1949, as amended

Attorney for Claimant: Robert H. Reiter, Esquire, Spaulding, Reiter & Rose, Suite 601, 1311 G Street NW., Washington 5, D.C.

FINAL DECISION

The Commission issued its Proposed Decision on this claim on December 15, 1952, a certified copy of which was duly served upon the claimant. Thereafter, objections were filed and evidence and arguments were presented by counsel at a hearing held on May 21, 1959.

The Commission finds that claimant was arrested on or about November 20, 1943 at San Martino (Luino), Italy, during a skirmish between partisans and the Forces of Germany, and that he was imprisoned at San Vittore Prison, Milan, Italy, at the disposition of the German police. Thus, the Commission also finds that the claim herein asserted under Section 304 of the Act is not compensable since the alleged injuries, if any, for which claim was made were sustained by German action and subsequent to the capitulation during World War II of the Forces of Italy, on September 3, 1943. The Commission finds it unnecessary to make determinations with respect to other elements of the claim.

General notice of the Proposed Decision having been given by posting for thirty days, it is