

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

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

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.

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.