

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
WASHINGTON, D.C. 20579

IN THE MATTER OF THE CLAIM OF

LEOPOLD G. ABREU

Claim No. CU-2606

Decision No. CU 5761

Under the International Claims Settlement
Act of 1949, as amended

PROPOSED DECISION

This claim against the Government of Cuba, filed under Title V of the International Claims Settlement Act of 1949, as amended, in the amount of \$187,500.00, was presented by LEOPOLD G. ABREU and is based upon the asserted loss of real and personal property in Cuba. Claimant has been a national of the United States since May 7, 1943.

Under Title V of the International Claims Settlement Act of 1949 [78 Stat. 1110 (1964), 22 U.S.C. §§1643-1643k (1964), as amended, 79 Stat. 988 (1965)], the Commission is given jurisdiction over claims of nationals of the United States against the Government of Cuba. Section 503(a) of the Act provides that the Commission shall receive and determine in accordance with applicable and substantive law, including international law, the amount and validity of claims by nationals of the United States against the Government of Cuba arising since January 1, 1959 for

losses resulting from the nationalization, expropriation, intervention or other taking of, or special measures directed against, property including any rights or interests therein owned wholly or partially, directly or indirectly at the time by nationals of the United States.

Section 502(3) of the Act provides:

The term 'property' means any property, right, or interest including any leasehold interest, and debts owed by the Government of Cuba or by enterprises which have been nationalized, expropriated, intervened, or taken by the Government of Cuba and debts which are a charge on property which has been nationalized, expropriated, intervened, or taken by the Government of Cuba.

Section 504 of the Act provides, as to ownership of claims, that

(a) A claim shall not be considered under section 503(a) of this title unless the property on which the claim was based was owned wholly or partially, directly or indirectly by a national of the United States on the date of the loss and if considered shall be considered only to the extent the claim has been held by one or more nationals of the United States continuously thereafter until the date of filing with the Commission.

The Regulations of the Commission provide:

The claimant shall be the moving party and shall have the burden of proof on all issues involved in the determination of his claim. (FCSC Reg., 45 C.F.R. §531.6(d) (1969).)

Claimant has described his losses as follows:

Land in Las Villas province	\$150,000.00
Buildings	3,000.00
Bank account	2,000.00
Automobile	500.00
Jewelry and clothing	300.00
Furniture	500.00
Cattle	21,200.00
Farm equipment	8,000.00
Sugar cane plantings	2,000.00

His claim was accompanied by more descriptive detail of the properties subject of the claim. He said that the property was given to him by his

father in February of 1958; and that the expropriation occurred in approximately November 1960. He also stated that the deed and title to the farm was in the hands of the Castro Government at the time of expropriation, as he was in the process of negotiating a government loan for farm expansion. Assertedly, he was tendered an illegible receipt which was lost in leaving Cuba. He submitted without comment excerpts from the Cuban Official Gazette and a Cuban newspaper indicating that he was wanted in Cuba for trial of alleged offenses of a counter-revolutionary nature.

By Commission letter of June 26, 1967 claimant was advised as to the type of evidence proper for submission to establish this claim under the Act. On August 22, 1967 a "follow-up" reminder was sent to him.

Claimant submitted several affidavits which state variously that knowledge of claimant's ownership derived from business conducted with father and son, in the fields of hardware and purchase and sale of cattle, or family statements at various times; and a cousin of claimant states that his uncle, claimant's father, informed him of the transfer. No supporting data accompanies these affidavits, however.

The Commission has attempted to assist claimant in securing evidence in support of his claim. A report received from abroad, however, indicates that one of the parcels claimed is registered in another name, but that the other two could not be located. By letter of April 3, 1968 claimant was informed of this and detailed suggestions were again made as to the evidence appropriate for submission in this matter. On July 2, 1968 the Commission again reminded claimant of this matter. Claimant responded that he had been informed of the registration of the said two parcels, but did not submit the communication nor does it appear that it includes registration in claimant's name. Additional communications, including a telephone conversation were had with claimant or his representatives, but no additional evidence has been submitted.


The Commission has sought again, on behalf of claimant, to obtain the needed evidence but none has been received nor is there any certainty that it will be forthcoming.

The Commission appreciates the difficulties encountered by some claimants in establishing their claims against the Government of Cuba. However, the Commission must be guided by the evidence of record pertaining to the ownership, loss and value of the property included in each claim. Thus, the Commission finds that claimant herein has not met the burden of proof in that he has failed to submit probative evidence of his ownership of rights and interests in property which was nationalized, expropriated or otherwise taken by the Government of Cuba. Accordingly, the Commission is constrained to deny this claim and it is hereby denied. The Commission deems it unnecessary to make determinations with respect to other elements of the claim.

Dated at Washington, D. C.,
and entered as the Proposed
Decision of the Commission

9 SEP 1970


Lyle S. Garlock, Chairman


Theodore Jaffe, Commissioner

NOTICE: Pursuant to the Regulations of the Commission, if no objections are filed within 15 days after service or receipt of notice of this Proposed Decision, the decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after such service or receipt of notice, unless the Commission otherwise orders. (FCSC Reg., 45 C.F.R. 531.5(e) and (g) as amended, 32 Fed. Reg. 412-13 (1967).)