

No. 871

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UNITED STATES OF AMERICA  
and  
ITALY

Exchange of letters (with memorandum and annexes) constituting an agreement relating to the procedure for final settlement of wartime claims of Italian nationals formerly prisoners of war in the United States and of certain related claims. Rome, 14 February 1948

Agreement (with annex) supplementing the above-mentioned agreement. Signed at Rome, on 14 January 1949

*Official texts : English and Italian.*

*Registered by the United States of America on 18 July 1950.*

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ÉTATS-UNIS D'AMÉRIQUE  
et  
ITALIE

Échange de lettres (avec mémorandum et annexes) constituant un accord concernant la procédure à suivre pour régler définitivement les réclamations des ressortissants italiens anciens prisonniers de guerre aux États-Unis et de certaines créances y relatives. Rome, 14 février 1948

Accord (avec annexe) complétant l'accord mentionné ci-dessus. Signé à Rome, le 14 janvier 1949

*Textes officiels anglais et italien.*

*Enregistrés par les États-Unis d'Amérique le 18 juillet 1950.*

No. 871. EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT<sup>1</sup> BETWEEN THE UNITED STATES OF AMERICA AND ITALY RELATING TO THE PROCEDURE FOR FINAL SETTLEMENT OF WARTIME CLAIMS OF ITALIAN NATIONALS FORMERLY PRISONERS OF WAR IN THE UNITED STATES AND OF CERTAIN RELATED CLAIMS. ROME, 14 FEBRUARY 1948

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I

*The American Treasury Representative  
to the Italian Minister of the Treasury*

THE FOREIGN SERVICE OF THE UNITED STATES OF AMERICA

Address official communications to :  
AMERICAN EMBASSY

Rome, Italy, February 14, 1948

My dear Mr. Minister :

With respect to the settlement of certain wartime claims of Italian former Prisoners-of-War, there is attached herewith a Memorandum outlining a proposed procedure for processing such claims still outstanding.

If you are in agreement with the procedure outlined, your letter of acknowledgement, together with this letter and attachment, will constitute a definitive agreement regarding procedure.

Very truly yours,

Henry J. TASCA  
Treasury Representative

His Excellency Gustavo Del Vecchio  
Minister of the Treasury  
Rome

Attachment as stated

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<sup>1</sup> Came into force on 14 February 1948, by the exchange of the said letters.

MEMORANDUM WITH RESPECT TO PROCEDURE FOR FINAL SETTLEMENT OF CLAIMS OF ITALIAN FORMER PRISONERS-OF-WAR

The Government of the United States, in order to implement relevant provisions of the "Memorandum of Understanding" reached with the Lombardo Mission on August 14, 1947<sup>1</sup>, providing for the settlement of certain wartime claims of individuals in Italy who are Italian nationals and who have claims arising from their status as Prisoners-of-war in custody of the United States, proposes the following procedure for the settlement of such claims:

The Italian Government will immediately upon the effective date of implementation of the proposals below regarding procedures, issue a public announcement, to be circulated in every way possible, requesting Italian nationals who are holders of Military Payment Orders and Certificates of Credit, who have not already done so, to transmit such documents to the Liaison Office, Prisoner-of-war Division, Ministry of Defense. Such Military Payment Orders and Certificates of Credit will be turned over to the appropriate United States authorities for screening and checking. A "Statement of Credit Balance", in lieu of each authentic Military Payment Order or Certificate of Credit presented, will be returned to the Italian Government. The Italian Government is requested to undertake to pay promptly in lire at the rate of exchange as provided below all certified claims as indicated in the individual "Statements" transmitted from time-to-time by the United States Government to the designated Italian authorities. In accordance with Article II, paragraph 11 of the "Memorandum of Understanding" referred to above, the United States Government will pay in dollars to the Italian Government an amount equal to the total of Military Payment Orders and Certificates of Credit collected, as indicated in the aforesaid "Statements of Credit Balance".

In connection with the acceptance of Military Payment Orders and Certificates of Credit, the Italian Government is requested to observe the following safeguards against fraud and erroneous payments:

1. Payee should be required to present positive identification prior to any acceptance and payment for Military Payment Order or Certificate of Credit held.
2. All Military Payment Orders or Certificates of Credit should be signed in the presence of an official of the Italian Government prior to any acceptance or payment.
3. An affidavit of nationality should be submitted by all persons presenting Certificates for payment to the effect that such persons were nationals of Italy on October 31, 1947. Such affidavits of nationality should also be accompanied by a certification by a local official of the Italian Government.

<sup>1</sup> United Nations, *Treaty Series*, Volume 36, page 53.

4. No Military Payment Orders will be accepted which appear to have been altered or tampered with in any manner. However, consideration may be given to statements submitted which contain explanations of such alteration or tampering of such a nature as clearly to warrant payment of the amount involved.

5. All Military Payment Orders and Certificates of Credit collected will be retained by the United States Government for its official records.

6. Legal heirs of deceased Prisoners-of-War, or person or persons authorized under Italian law to bind an estate in event of death or legal disability will be entitled to payment of Military Payment Orders or Certificates of Credit issued by the United States Government to Prisoners-of-War now deceased or under legal disability, and who at the time of their death were nationals of Italy, provided the steps indicated in Annex I are taken.

7. Legal heirs of a deceased Prisoner-of-War, or person or persons authorized under Italian law to bind his estate in event of death or legal disability will, in addition, execute appropriate certificates as indicated in Annexes I and II, attached to this Memorandum.

The question of whether holders of Certificates shall immediately receive payment in local currency or whether they shall in the first instance receive receipts pending the final working-out of arrangements respecting settlement between the United States and Italy is a matter for decision by the Italian Government.

However, the United States Government does not undertake to pay dollars for counterfeit or improperly documented Certificates of Credit and Military Payment Orders. All such Certificates of Credit and Military Payment Orders discovered by the United States Government subsequent to transfer by the Italian Government and payment therefor in dollars will be subject to refund in dollars from the Italian Government to the United States Government.

All payments made under the above procedure will be free of deductions, commissions and charges. The Italian Government will apply the rate of exchange prevailing on the dollar for United States Government expenditures on the date of announcement of the agreed procedure for conversion of Certificates of Credit and Military Payment Orders.

Holders of Military Payment Orders and Certificates of Credit turned in subsequent to the date of public announcement should be required to sign a statement such as is provided in Annex III to this Memorandum.

The United States Government desires the Italian Government to expedite in every way possible the collection of these instruments over a reasonable period of time. The Italian Government will establish a deadline of two months from the date of public announcement of agreed procedure for the presentation of Military Payment Orders and Certificates of Credit. While the Italian Govern-

ment will make every effort to assure that all claims are presented on or before two months from the date of the public announcement of the agreement regarding procedure, the United States Government will consider sympathetically any request for extension of such time period.

## ANNEX I

### AFFIDAVIT BY LEGAL HEIRS FOR ENCASHMENT OF MILITARY PAYMENT ORDERS

1. The person or persons who, under Italian law, are the legal heirs of deceased Prisoners-of-War or who are authorized to bind his estate in the event of his death, mental incompetence, or physical or legal disability, will take the following action in order to effect encashment of Military Payment Orders issued by the United States to Italian former Prisoners-of-War who are deceased or mentally incompetent, or under physical or legal disability:

(a) On the face of the Military Payment Order, under the caption "Received Payment", the legal heir, (heirs), or person (persons) authorized as herein stated will inscribe the name of the former Prisoner-of-War as indicated on the Payment Order, followed by his own signature and the words "legal heir (heirs) under Italian law" or such other designation as may be appropriate under Italian law.

(b) The following affidavit will be attached to the Military Payment Order to be completed by the legal heir :

"I (we) declare that under the provisions of Italian law, I am (we are) the legal heir (heirs) or the person (persons) authorized under Italian law to bind the estate of the Prisoner-of-War whose name appears on the attached Military Payment Order, who was, on 15 October 1947 (or at the time of his death), a national of Italy, and who is now deceased, (mentally incompetent), (under physical or legal disability). There is attached herewith a notarial statutory declaration executed in full accordance with Italian law."

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(Signature)

## ANNEX II

AFFIDAVIT BY LEGAL HEIRS  
FOR ENCASHMENT OF CERTIFICATES OF CREDIT BALANCE

The person or persons who, under Italian law, are the legal heirs of a deceased Prisoner-of-War, or who are authorized to bind his estate in the event of his death, mental incompetence, or physical or legal disability, will attach to the original Certificate of Credit Balance the following affidavit:

"I (we) declare that under the provisions of Italian law, I am (we are) the legal heir (heirs) or the person (persons) authorized under Italian law to bind the estate of the Prisoner-of-War whose name appears on the attached original Certificate of Credit Balance, who was on 15 October 1947 (or at the time of his death), a national of Italy, and who is now deceased (mentally incompetent), (under physical or legal disability). In confirmation thereof, there is attached herewith a notarial statutory declaration executed in full accordance with Italian law."

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Signature

## ANNEX III

AFFIDAVIT HOLDERS OF MILITARY PAYMENT ORDERS AND CERTIFICATES  
OF CREDIT TURNED IN AFTER OCTOBER 31, 1947

"I, the undersigned, declare that the attached Military Payment Order and/or Certificate of Credit was issued to me by the United States Government, and was for amounts which, under the provisions of the Conventions on Prisoners-of-War then in force, accrued to my credit for the period I was held in the custody of the United States Government as a Prisoner-of-War during World War II. I further declare that on October 31, 1947, I was a national of Italy. There is attached herewith a duly authorized and authentic certificate of nationality."

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(Signature)

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(Prisoner-of-War  
Number)

## II

*The Italian Minister of the Treasury  
to the American Treasury Representative*

## ITALIAN TEXT — TEXTE ITALIEN

TRANSLATION<sup>1</sup> — TRADUCTION<sup>2</sup>

REPUBBLICA ITALIANA

ITALIAN REPUBLIC

IL MINISTRO DEL TESORO

THE MINISTRY OF THE TREASURY

Prot. n. 305179 A. V.

Prot. n. 305179 A. V.

Roma, li 14 febbraio 1948

Rome, February 14, 1948

Egregio Dott. Tasca,

Dear Dr. Tasca :

Mi riferisco alla sua lettera del 14 febbraio c.a. ed al « Memorandum » ad essa allegato, concernente il regolamento e le modalità di pagamento dei titoli di credito in possesso di militari italiani già prigionieri di guerra negli U.S.A.

I refer to your letter of February 14, 1948, and to the "Memorandum" thereto attached, regarding the regulation and methods of payment of credit certificates held by Italian soldiers formerly prisoners of war in the United States of America.

Ho il piacere di informarla che le intenzioni manifestate dal Governo Americano e la procedura indicata nel suddetto « Memorandum », sono da ritenersi soddisfacenti.

I am happy to inform you that the intentions manifested by the United States Government and the procedure indicated in the aforementioned "Memorandum", are to be considered as satisfactory.

Resta inteso, pertanto, che lo stesso « Memorandum » costituisce accordo definitivo circa la procedura da seguire per il regolamento e la liquidazione dei crediti di cui trattasi.

It is understood, therefore, that the same "Memorandum" constitutes a definitive agreement with respect to the procedure to be followed in the regulation and liquidation of the credits in question.

Colgo l'occasione, egregio Dott. Tasca, per rinnovarle le assicurazioni della mia più alta considerazione.

I avail myself of the occasion, Dear Dr. Tasca, to renew to you the assurances of my highest consideration.

Il Ministro,  
DEL VECCHIO

The Minister,  
DEL VECCHIO

Dott. Henry J. Tasca  
Treasury Representative  
Ambasciata S.U.A., Roma

Dr. Henry J. Tasca  
Treasury Representative  
American Embassy, Rome

<sup>1</sup> Translation by the Government of the United States of America.

<sup>2</sup> Traduction du Gouvernement des Etats-Unis d'Amérique.

AGREEMENT<sup>1</sup> SUPPLEMENTING THE AGREEMENT OF 14 FEBRUARY 1948. SIGNED AT ROME AN 14 FEBRUARY 1949

In implementation of the relevant provisions of the "Memorandum of Understanding between the Government of the United States of America and the Government of Italy regarding settlement of certain wartime claims and related matters" signed on August 14, 1947,<sup>2</sup> and in conformity with the terms of the Convention on Prisoners of War, signed at Geneva on July 27, 1929,<sup>3</sup> and in order to obviate the necessity of protracted negotiations for the settlement of other related obligations, the Government of the United States of America and the Government of Italy have reached agreement as set forth below providing for the final settlement of certain outstanding obligations owing to, and certain wartime claims of, former Italian prisoners of war and surrendered Italian personnel who own valid evidences of obligations made out by the Government of the United States of America or its agencies, or claims arising from their former status as prisoners of war or personnel in custody of the Government of the United States of America and its agencies, as well as other claims on the part of such individuals and of residents of Italy.

This Agreement supplements the Agreement set forth in an exchange of letters dated February 14, 1948<sup>4</sup> between the Minister of the Treasury of the Government of Italy and the United States Treasury Representative in Rome, establishing the procedure to be followed with respect to the processing of evidences of obligations and claims of the types with which the present Agreement is concerned.

A public announcement setting forth this procedure was made by the Government of Italy on February 18, 1948, and, on the basis of such procedure, a partial payment of \$4,382,241.03 was made on April 2, 1948, in respect of evidences of obligations therefore verified by the Government of the United States of America.

<sup>1</sup> Came into force on 14 January 1949, by signature.

<sup>2</sup> United Nations, *Treaty Series*, Volume 36, page 53.

<sup>3</sup> League of Nations, *Treaty Series*, Volume CXVIII, page 343; Volume CXXII, page 367; Volume CXXVI, page 460; Volume CXXX, page 468; Volume CXXXIV, page 432; Volume CXXXVIII, page 452; Volume CXLII, page 376; Volume CXLVII, page 352; Volume CLVI, page 230; Volume CLX, page 383; Volume CLXIV, page 389; Volume CLXXII, page 413; Volume CLXXXI, page 393; Volume CXCH, page 271; Volume CXCVI, page 418; Volume CXCVII, page 316; Volume CC, page 511; Volume CCIV, page 448, and Volume CCV, page 203. United Nations, *Treaty Series*, Volume 31, page 497.

<sup>4</sup> See page 116 of this volume.



### Article I

The obligations and claims with which this Agreement is concerned include :

(a) Amounts earned by Italian nationals as prisoners of war, surrendered enemy personnel, or civilian internees which have been officially recognized in the form of Certificates of Credit Balances and Military Payment Orders denominated in dollars and which have been issued to such Italian nationals as receipts for the amounts earned.

(b) Amounts earned by Italian nationals as prisoners of war, surrendered enemy personnel or civilian internees while in the custody of the United States Government and its agencies to whom Military Payment Orders or Certificates of Credit Balances were not issued and who after repatriation were not reimbursed for such amounts either directly by American Authorities or by Italian banks for U. S. Government account.

(c) Personal property, including currencies, entrusted to representatives of the Government of the United States of America and its agencies by Italian nationals referred to in the foregoing numbered paragraphs (a) and (b), or by other persons who are residents of Italy, which was not restored to the rightful owners or otherwise accounted for.

### Article II

With respect to verified evidences of obligations and verified claims described in paragraphs 1 (a) and 1 (b) of this Agreement and to such evidences of obligations and such claims which have not been verified by the Government of the United States of America, the Government of the United States of America will, within ten days after the signing of this Agreement, pay to the Italian Government the sum of \$22,000,000 which, together with the payment of \$4,382,241.03 made on April 2, 1948, and the payments made prior to such date by the Government of the United States of America directly to individual holders of evidences of obligations, will constitute complete discharge of the Government of the United States of America for all evidences of obligations and all claims of the types described in paragraphs 1 (a) and 1 (b) of this Agreement.

### Article III

With respect to claims for personal property referred to in paragraph 1 (c) of this Agreement, entrusted to representatives of the Government of the United States of America and its agencies by Italian nationals and residents who are in the categories described in paragraphs 1 (a), 1 (b), and 1 (c) of this Agreement, the Government of the United States of America will transfer to the Government of Italy all currencies taken from former prisoners of war, surrendered enemy personnel, civilian internees, or residents

of Italy, whether or not nationals of Italy, now held by the United States Army, Chief, Italian Prisoner of War Division, Italy, or on deposit in two accounts with the Bank of Italy in the name of the "Chief, IPW Division, Italy", and in consideration thereof, the Government of Italy will assume and discharge the obligation of the Government of the United States of America to such persons and save the Government of the United States of America harmless with respect to any liability arising from such claims. The Government of Italy will undertake to investigate and determine all questions relating to such claims and to adjust and settle all authentic claims by payment. A list of the various currencies to be transferred in this connection is contained in the Annex to this Agreement.

#### *Article IV*

The Government of Italy agrees that the foregoing settlements regarding obligations and claims described in paragraphs 1 (a), 1 (b), and 1 (c) of this Agreement fully and completely discharge any and all obligations and claims against the Government of the United States of America by or on behalf of the Italian nationals (or persons claiming under them) formerly in the custody of the Government of the United States of America and its agencies who may have evidences of obligations or may have claims of the types described in paragraphs 1 (a), 1 (b), and 1 (c) of this Agreement. The Government of Italy will save the Government of the United States of America harmless from any liability arising as a result of such claims.

#### *Article V*

The Government of Italy undertakes to expedite in every way possible the investigation, determination and settlement of all claims which form the subject of this Agreement. To this end, the Government of the United States agrees to turn over to the Government of Italy all documents in its possession relating to claims under para 1 (c) above and will aid the Government of Italy in the determination of the validity of claims under para 1 (a) and 1 (b) above. The Italian Government on its part agrees to turn over to the Government of the United States all military payment orders and certificates of credit balances as well as evidences of obligations under para 1 (c) above surrendered by claimants.

#### *Article VI*

DONE at Rome in duplicate, in the English and Italian languages, both of which shall have equal validity, this 14th day of January 1949.

For the Government of the  
United States of America :  
James Clement DUNN

For the Government of Italy :  
SFORZA  
Giuseppe PELLA

## ANNEX

On deposit in Banca d'Italia :

<u>Country</u>	<u>Currency</u>	<u>Amount</u>
Albania . . . . .	Francs	1,602.60
Algeria . . . . .	Francs	7,145
Austria . . . . .	Schillings	223
Belgium . . . . .	Francs	21,050.35
Bulgaria . . . . .	Levas	140
Czechoslovakia . . . . .	Slov. Korone	1,390
" . . . . .	Cz./Sl. Korone	143.30
Denmark . . . . .	Kroner	350.48
East Africa . . . . .	Pounds	25
Finland . . . . .	Marks	720
France . . . . .	Francs	1,288,885
Germany . . . . .	RM (Coins)	187,244.22
" . . . . .	RM (Currency notes)	69,945
Greece . . . . .	Drachma	241,322,048
Gibraltar . . . . .	Pound	1
Holland . . . . .	Florins	1,799.01
Hungary . . . . .	Pengos (Est)	926.94
Jugoslavia . . . . .	Dinar	14,801
" . . . . .	Occ. Lire (Est.)	7,111
Malta . . . . .	Pound	10
Norway . . . . .	Kroner	1,175.01
Poland . . . . .	Zloti	6,745.10
Portugal . . . . .	Escudos	500
Rumania . . . . .	Lei	6,798
Russia . . . . .	Rubles	2,638
" . . . . .	Rubles	280
Spain . . . . .	Pesetas	15,215
South Africa . . . . .	Pounds	5
Sweden . . . . .	Kronor	20
Switzerland . . . . .	Francs (Currency)	7,950
" . . . . .	" (Gold Coin)	960
" . . . . .	" (Draft)	150
Turkey . . . . .	Lira	30
Tunisia . . . . .	Francs	2,150
USA . . . . .	Dollars	3.69
United Kingdom . . . . .	Pounds	100.10.0
Austro-Hungarian Empire . . . . .	Korone	1,000
Czechoslovakia Boenne-M . . . . .	Korone	9.018
Jugoslavia . . . . .	Kunas	63.955
Moroco Monoco . . . . .	Francs	2
Russia Czarist . . . . .	Rubles	5.548
Ukraine . . . . .	Karbs	1.578
Italy . . . . .	Lire	224,737,983

On deposit in IPW Division :

Italy . . . . .	Lire	768,391.00
Germany . . . . .	RM	12,979.00
Algeria . . . . .	Francs	35.00