

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
UNITED STATES DEPARTMENT OF JUSTICE
WASHINGTON, DC 20579

In the Matter of the Claim of

DUDE PRIFTI

Against the Government of Albania

Hearing on the record held on April 15, 1997

} Claim No. ALB-054

} Decision No. ALB-157

Counsel for Claimant:

George V. Anastas, Esquire

FINAL DECISION

This claim against the Government of Albania is based upon the alleged confiscation of real and personal property located in Tragjas, District of Vlore. The claimant has also asserted a claim for destruction of a house and its contents during World War II, and for her exile from Tirana to Permet.

By Proposed Decision entered in this claim on December 18, 1996, the Commission found the claimant entitled to an award in the principal amount of \$180.00 plus interest of \$532.44 based on her inherited right to claim for one-fifth of the value of 1.72 hectares (about 4.1 acres) of agricultural land in the vicinity of Tragjas, District of Vlora, which had been confiscated from her father by the Albanian communist regime in 1946. However, the Commission denied the other two portions of her claim, for destruction of a house and its contents by

military forces during World War II, and for her forced exile from Tirana to Permet by the communist regime in 1975, on the ground that such claims are not covered by the U.S.-Albania Claims Settlement Agreement. *Agreement Between the Government of the United States and the Government of the Republic of Albania on the Settlement of Certain Outstanding Claims*, March 10, 1995 (entered into force April 18, 1995) ("Settlement Agreement").

By letter dated January 3, 1997, the claimant filed objection to the Proposed Decision, asserting that she is entitled to an award for one-fourth of the value of her father's property (rather than one-fifth) because her mother was not one of the heirs of his estate; that she is also entitled to compensation for the confiscation of a 20-acre tract of pasture land formerly owned by her father; and that the award made in the Proposed Decision should be increased because the property in question is near the Adriatic Sea and thus has enhanced value as potential resort property.

Because claimant has not requested an oral hearing in this matter, the Commission has reviewed her objections in a hearing on the record.

The first of the claimant's objections is without merit. The documentation in her file clearly reflects that her mother lived for over 20 years after the death of her father. Although claimant's mother was no longer living in 1996, when

the Albanian inheritance document was issued, she must be considered to have been one of claimant's father's heirs when he died in 1955. And since claimant's mother was never a U.S. national, any share in claimant's father's estate—and thus in his claim for the confiscation of his land—that the claimant inherited through her mother was not continuously owned by a U.S. national.

As the Proposed Decision explained, the Commission lacks jurisdiction over any claim that has not been continuously held by a U.S. national. The requirement of continuous U.S. nationality is well established in the law of international claims, and has long been applied by both this Commission and its predecessor, the International Claims Commission. *See, e.g., Claim of PETER D. JANUS against Yugoslavia, Claim No. Y-1721, Decision No. Y-0377 (1954); Claim of MIA FOSTER against Czechoslovakia, Claim No. CZ-2696, Decision No. CZ-0001 (1960).* Accordingly, the Commission's determination that the claimant is entitled to claim for one-fifth of the value of her father's property in Albania must be and is hereby affirmed.

Claimant's second objection asserts that she is entitled to compensation for additional land not covered by the award in the Proposed Decision. Based on the additional documentation submitted, the Commission finds that, in addition to the 1.72 hectares previously recognized, claimant's father also owned

a tract of pasture land in Tragjas covering a total of 7.98 hectares (or about 19.7 acres). The Commission further finds that this property was also confiscated by the Albanian government on January 1, 1946. Accordingly, claimant is entitled to an additional award representing one-fifth of the value of that property at the time of confiscation.

Based on the evidence in the file, including the newly submitted documents, and taking into account the apparent productive character of the land (based on its location in southern Albania near the Adriatic Sea), the Commission is satisfied that the land would have had a value of at least \$300.00 per acre at the time of confiscation, and finds that its value at that time was \$6,000.00. Claimant is therefore entitled herein to an additional award in the principal amount of \$1,200.00.

Claimant's third objection is also well-taken. The Commission is now satisfied that claimant's father's 1.72 hectares (4.1 acres) of farmland had a value higher than that assigned in the Proposed Decision. Based on the evidence in the record, and comparisons of the property in question with that in other claims, the Commission finds that the 4.1 acres in question had a value of somewhat in

excess of \$300.00 per acre, or \$1,500.00.* Claimant is therefore entitled to an award in the principal amount of \$300.00 as to this portion of her claim, dating from January 1, 1946.

In accordance with applicable principles of international law and its decisions in previous claims programs, the Commission further concludes that the claimant is entitled to interest as part of her award, amounting to 6 percent simple interest per annum from the date of loss to the effective date of the Settlement Agreement. Accordingly, claimant is entitled to an interest award of 295.8 percent of her principal award, or \$4,437.00.

Under the terms of the U.S.-Albania Settlement Agreement, the United States Government has agreed to advise the Albanian authorities of the issuance of the Commission's awards so as to prevent any double recovery. A copy of this decision thus will be forwarded to the Albanian government in due course.

*The Commission notes, however, that the current value of a piece of property, or its suitability for development under current circumstances, is not relevant to the determination of the amount of compensation due in a claim for expropriation or other taking of property. Rather, the proper measure of damages is the value of the property at the time of taking, plus interest to compensate the claimant for the loss of use of the money he was entitled under international law to receive from the foreign government at the time of the confiscation.

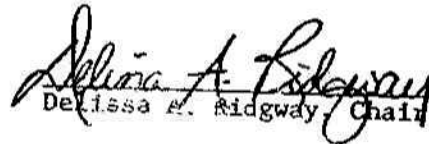
The Commission therefore withdraws the award entered in the Proposed Decision and enters the revised award set forth below, which will be certified to the Secretary of the Treasury for payment in accordance with sections 5, 7, and 8 of Title I of the International Claims Settlement Act (22 U.S.C. §§1624, 1626, and 1627). In all other respects, the Proposed Decision is affirmed. This constitutes the Commission's final determination in this claim.

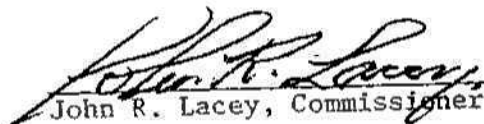
A W A R D

Claimant, DUDE PRIFTI, is entitled to an award in the principal amount of One Thousand Five Hundred Dollars (\$1,500.00), plus interest from January 1, 1946, to April 18, 1995, in the amount of Four Thousand Four Hundred Thirty-Seven Dollars (\$4,437.00), for a total award of Five Thousand Nine Hundred Thirty-Seven Dollars (\$5,937.00).

Dated at Washington, DC and
entered as the Final Decision
of the Commission.

APR 15 1997


Delissa A. Ridgway, Chair


John R. Lacey, Commissioner

FOREIGN CLAIMS SETTLEMENT COMMISSION
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In the Matter of the Claim of

DUDE PRIFTI

Against the Government of Albania

Claim No. ALB-054

Decision No. ALB-157

PROPOSED DECISION

This claim against the Government of Albania is based upon the alleged confiscation of real and personal property located in Tragjas, District of Vlore. The claimant is also claiming compensation for destruction of a house and its contents during World War II, and for her exile from Tirana to Permet.

Under section 4(a) of Title I of the International Claims Settlement Act of 1949 ("ICSA"), as amended, the Commission has jurisdiction to

receive, examine, adjudicate, and render final decisions with respect to claims of . . . nationals of the United States included within the terms of . . . any claims agreement on and after March 10, 1954, concluded between the Government of the United States and a foreign government (exclusive of governments against which the United States declared the existence of a state of war during World War II) . . . providing for the settlement and discharge of claims of . . . nationals of the United States against a foreign government, arising out of the nationalization or other taking of property, by the agreement of the Government of the United States to accept from that government a sum in en bloc settlement thereof.

22 U.S.C. 1623(a) (1994).

The Governments of the United States and Albania concluded an agreement for en bloc settlement of claims of United States nationals against Albania on March 10, 1995. *Agreement Between the Government of the United States and the Government of the Republic of Albania on the Settlement of Certain Outstanding Claims*, March 10, 1995 (entered into force April 18, 1995) ("Settlement Agreement"). Claims covered by the Settlement Agreement are

the claims of United States nationals (including natural and juridical persons) against Albania arising from any nationalization, expropriation, intervention, or other taking of, or measures affecting, property of nationals of the United States prior to the date of this agreement[.]

Settlement Agreement, Article 1(a).

The claimant herein, DUDE PRIFTI, seeks compensation for: (1) the alleged expropriation by the Government of Albania in 1946 of three parcels of arable land totalling 1.7 hectares located in Tragjas, District of Vlore; (2) the destruction of a two-story house and its contents in 1943 during World War II; and (3) her expulsion by the Albanian government for political reasons from Tirana, and exile to Permet, in 1975.

According to the claimant, the properties identified above were owned by her father, Murat Muhamet Ramohito (also known as Murat Muhamet Ramo), who became a national of the United States in 1934. A letter from the claimant received by the Commission on May 23, 1996, asserts that 8 hectares of the land was suitable "for cultivating grass" and 7.2 hectares was suitable for agriculture.

In support of her claim, the claimant has submitted evidence relating to her and her father's United States nationality. In addition, she has submitted several documents which give varying sizes for the above-identified parcels -- varying between 17 *dynym*, 17.2 *dynym* and 18 *dynym* (between 4.2 acres and 4.4 acres). These documents make no mention of hectares.

Based on the evidence in the record, the Commission finds that claimant's father, Murat Muhamet Ramo, acquired United States nationality by naturalization on May 25, 1934, in Philadelphia, Pennsylvania, that he died in Tirana on May 9, 1955, and that the claimant acquired United States nationality by birth or 5 U.S.C. §552(b)(6). The Commission further finds that prior to 1946, the claimant's father was the owner of 17.2 *dynym*s of arable land located in the village of Tragjas, District of Vlore.

The Commission is aware that, on or about August 29, 1945, the Albanian Communist regime promulgated the "Agrarian Reform Law." This law provided that land not directly worked by the owner was subject to seizure and redistribution by the government, without payment of compensation to the legal owner. Land Reform Law No. 108, GZ 1945, No. 39. This law was then affirmed by the 1946 Albanian constitution which stated that "land belongs to the tiller." Alb. Const., 1946, Ch. I, Art. 12.

Based on the entire record, the Commission determines that the implementation of the Agrarian Reform Law, coupled with the restrictions placed upon non-farming owners and the formation of agricultural cooperatives, had the effect of depriving the claimant's father of his property, and thereby constituted an uncompensated expropriation by the Government of Albania. Accordingly, claimant is entitled to an award of compensation for the resulting loss. In this case, claimant has stated that the property was confiscated in 1946. For lack of a precise date, the Commission will deem the taking to have occurred as of January 1, 1946.

The claimant has not asserted a specific figure for the value of the property at the time of expropriation. Based on its study of the values of various kinds of real property in Albania before and during World War II and thereafter, the Commission finds that the claimant's father's property, consisting of 17.2 *dynyms* or 1.72 hectares (4.25 acres) in the village of Tragjas, had a value at the time of expropriation of approximately \$200 per acre, or \$900.00.

The Commission notes that the claimant has not provided a copy of her father's will or a certificate of inheritance identifying her as her father's sole heir at the time of his death in 1955. Instead, claimant relied on a document from the Council of Dignitaries of the Village of Tragjas, District of Vlore, which purportedly recognizes the claimant as her father's "rightful heir." That document is dated April 5, 1996. However, the Commission is unable to find that the claimant was her father's sole heir in 1955. Indeed, the claimant has recently stated and submitted copies of documents indicating that she has three siblings, all Albanian nationals, and that they have sought to assign their interests in their father's claim to the claimant.

In order for the Commission to consider such assignments as transferring compensable interests of the claimant's siblings to the claimant, the assignors must first establish their United States nationality as of the date of their father's death in

1955. They have not done so. The claimant has stated that her siblings, who were all born prior to the naturalization of her father, are all Albanian nationals. The Commission finds, therefore, that this claim, owned by the late Murat Muhamet Ramohito, who was survived by his wife, Tarike Ramohito, and four children, devolved upon his death on May 9, 1955, in accordance with the inheritance laws of Albania as found in the Civil Code of April 2, 1928, in equal shares to his wife and children.

To the extent that claimant inherited her mother's interest in her father's claim, the Commission lacks jurisdiction over that portion because it was not continuously held by a U.S. national. The claimant has stated that her mother did not acquire United States nationality. The requirement of continuous U.S. nationality is well established in the law of international claims, and has long been applied by both this Commission and its predecessor, the International Claims Commission. *See, e.g., Claim of PETER D. JANUS against Yugoslavia, Claim No. Y-1721, Decision No. Y-0377 (1954); Claim of MIA FOSTER against Czechoslovakia, Claim No. CZ-2696, Decision No. CZ-0001 (1960).* Since the Commission lacks jurisdiction over a part of this case, claimant should be entitled to relief through the restitution and compensation program being administered by the Government of Albania (if it is not too late to file a claim

there). Indeed, the Settlement Agreement between the U.S. and Albania requires that the Government of Albania afford such U.S. nationals the same rights that it affords Albanian nationals to pursue and receive compensation, restitution or any other remedy available under the domestic restitution and compensation procedures established by that government.

Accordingly, the Commission finds the claimant entitled to an award in the principal amount of \$180.00 as compensation for her one-fifth interest in the loss of her father's 1.72 hectares of property, dating from January 1, 1946.*

The claimant has also based portions of her claim on the destruction of a house and its contents during World War II, and for her expulsion by the Albania communist regime from Tirana, and exile to Permet in 1955. However, such claims are neither within the Commission's statutory authority to adjudicate, nor covered by the Settlement Agreement. Therefore, these portions of the claimant's claim must be and are hereby denied.

*The Commission's independent investigation in Albania has verified ownership of Murat Ramohito for 17.2 dynyms of land in Tragjas. The Commission's investigation has also disclosed that the claimant earlier filed a claim with the Commission on the Return of Property and Compensation of the District of Vlora ("RPC Commission"). However, it appears that the claimant subsequently withdrew her claim and that the RPC Commission has now closed the matter.

In accordance with applicable principles of international law and its decisions in previous claims programs, the Commission further concludes that the claimant is entitled to interest as part of her award, amounting to 6 percent simple interest per annum from the date of loss to the effective date of the Settlement Agreement. Accordingly, claimant is entitled to an interest award of 295.8 percent of her principal award, or \$532.44.

Under the terms of the U.S.-Albania Settlement Agreement, the United States Government has agreed to advise the Albanian authorities of the issuance of the Commission's awards so as to prevent any double recovery. A copy of this decision thus will be forwarded to the Albanian government in due course.

The Commission therefore makes the following award, which will be certified to the Secretary of the Treasury for payment in accordance with sections 5, 7, and 8 of Title I of the ICOSA (22 U.S.C. §§1624, 1626, and 1627).

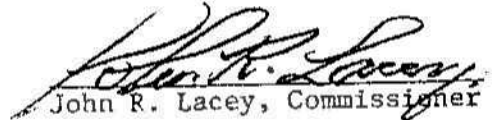
A W A R D

Claimant, DUDE PRIFTI, is entitled to an award in the principal amount of One Hundred Eighty Dollars (\$180.00), plus interest from January 1, 1946, to April 18, 1995, in the amount of Five Hundred Thirty-Two Dollars and Forty-Four Cents (\$532.44), for a total award of Seven Hundred Twelve Dollars and Forty-Four Cents (\$712.44).

Dated at Washington, DC and entered as the Proposed Decision of the Commission,

DEC 16 1996


Delissa A. Ridgway, Chair


John R. Lacey, Commissioner


Richard T. White, Commissioner

NOTICE: Pursuant to the Regulations of the Commission, any objections must be filed within 15 days after service or receipt of notice of this Proposed Decision. Absent objection, this 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 Regulations, 45 C.F.R. 531.5 (e) and (g) (1995).