



although the claimant had submitted an untranslated document purportedly evidencing ownership of 35 *dynym* (3.5 hectares or about 8.6 acres) of land in and around Gjirokaster, the Commission could not determine the significance of the document because it could not determine to which portion of the claim the document pertained.

By letter dated February 21, 1997, the claimant stated objection to certain portions of the Commission's decision, asserting that he had previously submitted evidence of his inheritance from his great-grandfather Dervish Talo Lelo and also asserting a claim for the 35 *dynym* of land owned by his father. By Commission letter dated March 12, 1997, the claimant was advised that, while his file contained information regarding the inheritance succession from his grandfather to his father and from his father to himself, the file contained no record of the succession from his great-grandfather to his grandfather. The claimant has since submitted a notarized statement averring that his grandfather Sulejman Talo Lelo was the only heir of his great-grandfather. In that statement he also states that the 35 *dynym* of property in and around Gjirokaster, owned by his father, included his father's one-fourth interest in the 2.8 hectares of land located in Gorice included in this claim.

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

The Commission has reviewed the entire record, including the recently submitted documents, and is persuaded that the claimant's father owned 35 dynyms of agricultural land in the vicinity of Gjirokaster (including the land located in Gorice) and that claimant is the sole heir of his father.

The Commission is aware that, on or about August 29, 1945, the Albanian Communist regime promulgated the "Agrarian Reform Law." That 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. The law was 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, 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. For lack of a precise date, the Commission will deem the loss to have occurred as of August 29, 1945.

The claimant has not asserted a value for this particular property. However, the documents of sale regarding the land located in Gorice indicate that, in 1929, claimant's great-grandfather purchased a one-fourth interest in 2.8 hectares (equivalent to about 1.7 acres) of land for 800 *franga ari* (gold francs) which at the time was equivalent to \$160.00, or \$92.00 per acre. Based on its study of the values of various kinds of real property in Albania before and during World War II and thereafter, together with the evidence before it in this and other cases, the Commission finds that the entire property owned by claimant's father, consisting of 3.5 hectares (8.6 acres) located in the vicinity of Gjirokaster and in Gorice, had a value at the time of expropriation of approximately \$200.00 per acre or, in round figures, \$2,000.00. Accordingly, claimant is also entitled to an award in the principal amount of \$2,000.00 as compensation for the loss of his father's 35 dynyms of property, dating from August 29, 1945.

Claimant has not objected to the denial of the portion of the claim for a "three-story building" said to have been the ex-post office of Vlore, nor has he submitted any new evidence in support of that portion of his claim. Under the circumstances, there is no basis on which to change the result reached on that

part of the claim in the Commission's Proposed Decision. Accordingly, the denial of the claim for a three-story building set forth in the Proposed Decision of January 28, 1997, must be and is hereby affirmed.

For the reasons set forth above, the Commission concludes that claimant SULEJMAN I. LELO is entitled to an additional award of \$2,000.00 for a total principal award of \$3,000.00. In accordance with applicable principles of international law and its decisions in previous claims programs, the Commission further concludes that claimant is entitled to interest as part of his award, amounting to 6 percent simple interest per annum from the dates of loss to April 18, 1995 (the effective date of the Settlement Agreement). Accordingly, claimant is entitled to an interest award of 302.4 percent of his principal award of \$1,000.00, or \$3,024.00, and to an interest award of 297.8 percent of his principal award of \$2,000.00, or \$5,956.00.

The Commission therefore withdraws the award made in its Proposed Decision and enters the award set forth below, which will be certified to the Department of 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).

Under the terms of the 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 double recovery in a claim. A copy of this decision therefore will be forwarded to the Albanian Government in due course.

This constitutes the Commission's final determination in this claim.

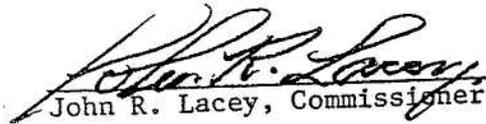
AWARD

Claimant SULEJMAN I. LELO is entitled to an award in the total principal amount of Three Thousand Dollars (\$3,000.00), plus interest on \$1,000.00 in the amount of Three Thousand Twenty-Four Dollars (\$3,024.00), and interest on \$2,000.00 in the amount of Five Thousand Nine Hundred Fifty-Six Dollars (\$5,956.00), for a total interest award of Eight Thousand Nine Hundred Eighty Dollars (\$8,980.00), and a total award of principal and interest in the amount of Eleven Thousand Nine Hundred Eighty Dollars (\$11,980.00).

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  
OF THE UNITED STATES  
UNITED STATES DEPARTMENT OF JUSTICE  
WASHINGTON, DC 20579

In the Matter of the Claim of	}	
	}	
	}	
SULEJMAN IBRAHIM LELO	}	Claim No. ALB-094
	}	
	}	Decision No. ALB-235
	}	
Against the Government of Albania	}	

PROPOSED DECISION

This claim against the Government of Albania is based upon the alleged confiscation of real property located in Vlore and Gjirokaster.

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, SULEJMAN IBRAHIM LELO, asserts a multi-part claim. First, he seeks compensation for the alleged expropriation by the Government of Albania in 1945 of 2.8 hectares of farm land located in the District of Gjirokaster. Second, he seeks compensation for a three-story building located in Vlore which he asserts was the "ex-post office" of Vlore and which was confiscated "10 years ago." Third, he seeks compensation for the confiscation of 1.3657 hectares of land on which the Vlore airport is now located. The claimant has stated that his father, Ibrahim Lelo, owner of the properties in question, had been a United States national since 1924.

In support of his claim, the claimant has submitted a copy of his United States passport, issued in 1992 in Albania, a copy of his father's Certificate of Naturalization, certificates of family composition indicating the dates of death of his parents, and documents of ownership including a document listing certain owners of farm properties in and around Gjirokaster. To establish his father's fifty percent ownership of the airport land in Vlore, the claimant has submitted a copy of a map.

Based on the evidence in the record, the Commission finds that claimant's father, Ibrahim Lelo, acquired United States nationality by naturalization on March 25, 1924, in Pittsburgh, Pennsylvania, and that he died in Albania on May 12, 1980. The claimant has established his United States nationality by birth abroad in 1938 to a national of the United States.

The Commission has carefully reviewed the evidence presented. One of the documents of ownership submitted by the claimant indicates that "the heirs of Dervish Talo Lelo" owned a one-quarter interest in certain property located in the village of Gorice totalling 2.8 hectares. By letter dated May 17, 1996, the claimant was asked to explain his relationship to Dervish Talo Lelo and to provide some evidence of his inheritance. He has not done so. The Commission's own independent investigation in Albania has failed to disclose

evidence of claimant's father's ownership of this particular property. In the absence of clarification from the claimant, the Commission concludes that this portion of the claim must be and is hereby denied.\*

The second part of the claimant's claim is for the destruction and/or confiscation of a three-story building, said to have been the former post office in Vlore and said to have been confiscated/destroyed "ten years ago." However, he has submitted no evidence of ownership or of confiscation of that particular property. The Commission's independent investigation in Albania has failed to disclose any ownership records regarding this property.

Section 531.6(d) of the Commission's regulations provides:

The claimant shall be the moving party, and shall have the burden of proof on all issues involved in the determination of his or her claim.

45 C.F.R. 531.6(d) (1995).

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\*The claimant has submitted a document which lists certain owners of properties in and around Gjirokaster and the name of Ibrahim Lelo appears on that list against 35 *dynym* of land (3.5 hectares or about 8.6 acres). However, the Commission cannot determine the significance of this document and the claimant has not had it translated nor has he indicated to which property this document pertains. Again, the Commission's own independent consultants have failed to uncover any ownership records in the name of Ibrahim Lelo or Suleijman Ibrahim Lelo.

The Commission finds that the claimant has not met the burden of proof in that he has failed to submit supporting evidence to establish his father's ownership of the "ex-post office of Vlore" and the date and circumstances of its alleged confiscation and destruction. This portion of the claim therefore must be and is hereby denied.

Finally, in support of his claim for the land on which the airport at Vlore is located, claimant has submitted a "planimetry of Vlore's new camp" and other documents from the Ministry of Construction and Tourism to establish his father's fifty percent ownership of the airport land. The Commission notes that the claimant's father previously filed a claim in the Commission's General War Claims Program, conducted from July 15, 1963 to May 17, 1967. *Claim of ABRAHAM LELO*, Claim No. W-1368, Decision No. W-19211 (1966). The claimant's father asserted on the claim form submitted in that claim that his property consisting of two houses was used and destroyed by the German troops and that the German troops destroyed 100 olive trees in order to make an airport. The Commission denied that claim for lack of supporting evidence.

Based on the evidence contained in both files, however, the Commission is persuaded that the claimant's father owned certain property in Vlore that was first used by German troops as an airport and that continued to function as an

airport in Vlore after the Albanian communist regime came to power in 1944. The claimant has stated and submitted a map which indicates that his father's one-half share in the property was equivalent to 1.3657 hectares or about 3.4 acres. This is generally consistent with information received by the Commission from Albania according to which, in Vlore and environs, approximately 13 olive plantings (olive trees) are contained in an area consisting of one "vreta," which is equivalent to 1,200 square meters.

Based on the evidence and information submitted, the Commission determines that the claimant's father was effectively deprived of his property when the Albanian communist regime, upon assuming power on November 28, 1944, took over and continued the use of the property as an airport. The Commission further finds that this claim, owned by the late Ibrahim Lelo, a widower who died in Albania in 1980, passed upon his death according to the inheritance laws of Albania to his only child, the claimant, SULEJMAN IBRAHIM LELO. Accordingly, claimant is entitled to an award of compensation for the loss of his father's 1.3657 hectares of property in Vlore, dating from November 28, 1944.

The claimant asserts that the airport property had a value at the time of expropriation of 3,000 "gold money" (*franga ari*), which is said to have been the equivalent of \$4,500. According to the currency charts utilized by the Commission, however, between 1933 and 1945, one United States dollar was equivalent to 3.05 franga ari. Based on its study of the values of various kinds of real property in Albania before and during World War II and thereafter, together with the evidence before it in this case, the Commission finds that the claimant's father's property consisting of 1.3657 hectares of real property located in Vlore had a value at the time of expropriation of \$1,000.00.

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 his 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 302.4 percent of his principal award of \$1,000, or \$3,024.00.

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 in claims filed in both countries. A copy of this decision will therefore 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 ICSCA (22 U.S.C. §§1624, 2626 and 1627).

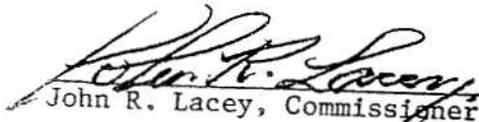
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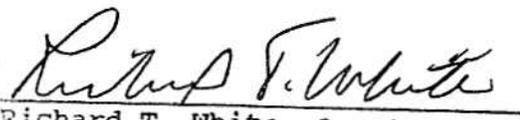
Claimant, SULEJMAN IBRAHIM LELO, is entitled to an award in the total principal amount of One Thousand Dollars (\$1,000.00), plus interest in the amount of Three Thousand Twenty-Four Dollars (\$3,024.00) for a total award of principal and interest in the amount of Four Thousand Twenty-Four Dollars (\$4,024.00).

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

**JAN 28 1997**

  
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).