

claimant's two daughters assigned to their mother any interest they may have had in property in Albania.

Because claimant has not requested an oral hearing, the Commission issues this Final Decision based on its de novo review of the evidence in the record.

Based on the entire record, the Commission finds that claimant's late husband, Soter Delle (a national of the United States), owned a one-half interest in 157,671 square meters of land and a one-quarter interest in 41,406 square meters of land. The Commission further finds that 37,450 square meters of claimant's late husband's land was nationalized by the Italian government, and that the remainder was confiscated by the former Communist regime in Albania.

Although claimant has provided no specific evidence of the date and circumstances of the Communist confiscation, the Commission is aware that, on or about August 29, 1945, the Albanian Communist regime promulgated the "Agrarian Reform Law," which 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. That 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 claimant's notarized statements and the entirety of the record, the Commission determines that 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 claimant's late husband of his property, thus constituting an uncompensated expropriation by the Government of Albania. In the absence of a more precise date, the Commission will deem the confiscation to have occurred as of January 1, 1946.

The Commission further finds that, upon the death of claimant's late husband in Massachusetts in 1961, his estate passed to his wife (and possibly also to his two daughters), all of whom were then and have been at all relevant times nationals of the United States. The Commission also finds that -- as discussed above -- claimant's two daughters have assigned to their mother any interest they may have had in the property at issue.

In addition, the Commission is now persuaded that -- although the records of the Albanian Commission for the Return of and Compensation for Property in Korce indicate that there has been restitution of and/or compensation paid for 12,592 square meters of the land at issue in this claim -- claimant here has not benefitted from, and -- indeed -- was not aware of that restitution or compensation. Accordingly, the Commission finds that claimant is entitled to

compensation for approximately 5.2 hectares (or nearly 13 acres) of land confiscated from her late husband, dating from January 1, 1946.*

Documentation in the file indicates that claimant's late husband paid an average of approximately \$113.00 per acre for the property in 1930. Based on that evidence and on its own study of the values of various kinds of real property in Albania before and during World War II and thereafter, the Commission finds that claimant's late husband's land had a value at the time of expropriation of approximately \$300.00 per acre. Accordingly, claimant is entitled to an award in the principal amount of \$3,900.00. The award shall date from January 1, 1946.

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 her award, amounting to 6 percent simple interest per annum from the date of loss to April 18, 1995 (the effective date of the Settlement Agreement). Accordingly, claimant is entitled to an interest award of 295.8 percent of her principal award, or \$11,536.20.

*The U.S.-Albania Settlement Agreement covers only claims against the former Communist regime in Albania. The Commission therefore cannot award claimant compensation for the 37,450 square meters of land which were nationalized by the Italian government.

The Commission therefore withdraws its denial in this claim 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 International Claims Settlement Act (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.

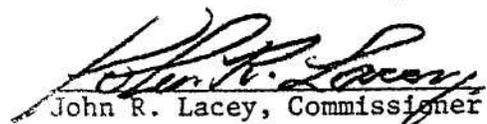
AWARD

Claimant THEODHORA DELLE is entitled to an award in the principal amount of Three Thousand Nine Hundred Dollars (\$3,900.00), plus interest from January 1, 1946 to April 18, 1995, in the amount of Eleven Thousand Five Hundred Thirty-Six Dollars and Twenty Cents (\$11,536.20), for a total award of Fifteen Thousand Four Hundred Thirty-Six Dollars and Twenty Cents (\$15,436.20).

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

THEODORA DELLE

Against the Government of Albania

Counsel for Claimant:

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Claim No. ALB-115

Decision No. ALB-239

Robert A. Delle, Esquire

PROPOSED DECISION

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

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 in this case has stated that the property which is the subject of her claim -- three parcels of farmland measuring more than 200 acres -- was confiscated by the Albanian government in 1946. According to the claimant, the property in question was owned by her late husband, Soter Delle, a citizen of the United States, who died in Massachusetts in 1961. The claimant asserts that she is eligible to claim because she is her husband's sole heir and that her children have assigned any interest in the claim to her.

To establish her husband's United States nationality, the claimant has submitted a copy of her husband's Certificate of Naturalization issued in Boston, Massachusetts on August 8, 1927. To establish her own United States nationality, the claimant has submitted a copy of her Certificate of Citizenship, issued on March 25, 1940. The claimant has not submitted any evidence to support either her inheritance from her husband or the assignment from her children.

The ownership documents submitted by the claimant indicate that, as of 1932, claimant's husband owned a one-half interest in 157,671 square meters of land and a one-quarter interest in 41,406 square meters of land within the city limits of Korce.

By letter dated December 10, 1996, the Commission advised claimant's counsel that the Commission's independent consultants in Albania have reported to the Commission that the Albanian Commission for the Return of and Compensation for Property in Korce has returned the property at issue to the owners. Claimant's counsel was requested to advise the Commission if this information was inaccurate. To date, counsel has not responded to this letter.

Paragraph 3 of the Agreed Minute to the Settlement Agreement Provides:

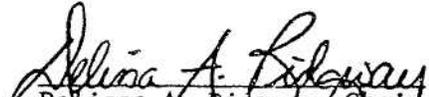
Recognizing that Albania is administering a domestic program for compensation and restitution of certain properties, the United States and Albania agreed to exchange information concerning the claims brought under the Albanian program by United States nationals covered by the agreement, as well as information concerning any compensation or restitution provided, in order to assist in avoiding double recovery by claimants.

Since it appears that ownership of the property here at issue has been returned to the claimant's family, the Commission must conclude that any award of compensation that it might make for the property's confiscation would result in double recovery on account of the same loss. Accordingly, the claimant's claim before this Commission must be and is hereby denied.

The Commission finds it unnecessary to make determinations with respect to other elements of this claim.

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

JAN 28 1997


Delissa M. Sidgway, 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).