

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).

Claimants have stated that the property which is the subject of the claim, consisting of approximately 13 acres of land, was confiscated by the Albanian government in 1946. At that time, according to the claimants, the property was owned by their father, Angelos Koukos, a national of the United States. The

claimants have established that they have been citizens of the United States during the relevant periods.¹

By Commission letters dated March 20, 1996 and April 16, 1996, the claimants were asked to provide certain evidence to substantiate their claim, including evidence of their father's ownership and confiscation of the "13 acres" of property which is the subject of the claim. In response, the Commission received a letter from Marianthi Cala, a former resident of Politsani, who states that she was acquainted with the claimants' parents and knew that they "owned a house and property in Politsani."² More recently, by letters dated June 17, 1996 and August 28, 1996, the claimant HARRY KOUKOS has given further

¹A review of the Commission's War Claims records indicates that the claimant, as the executor of his father's estate, filed a claim in the Commission's General War Claims Program, conducted from July 15, 1963 to May 17, 1967. In that program, the Commission determined that claimant's father acquired United States nationality by naturalization on May 1, 1928. In addition, the Commission made an award to the claimant estate, for the sole use and benefit of Harry Koukos and Athena Nanos, for personal property and improvements to real property owned by Angelos Koukos which were destroyed or lost as a result of German military operations in January 1944. *Claim of HARRY KOUKOS, EXECUTOR OF THE ESTATE OF ANGELOS KOUKOS, DECEASED, ATHENA NANOS*, Claim No. W-1965/5612, Decision No.W-19462 (1966).

²A member of the Commission legal staff contacted Mrs. Cala by telephone on August 9, 1996 to obtain further information regarding the size of the property. Mrs. Cala indicated that the property was "big" probably in the range of "5 dynyms (about 1.3 acres)." She was unable to be more specific.

details of the claim but states that he "cannot produce any legal documents of my proof of land ownership in Albania because unfortunately, there are none." To date, no other documentary evidence in support of the claim has been received.

In the absence of such evidence and in an effort to assist the claimants, the Commission has carefully reviewed the contents of the War Claims file. The evidence there indicates that claimants' great-grandfather, Anatasios Koukos owned a parcel of land measuring approximately "200' X 300'" (200 feet by 300 feet or about 1.4 acres). Anatasios Koukos was survived by two sons, Haralambas Koukos and Nicholas Koukos, who divided the land equally. Angelos Koukos, the father of the current claimants, was the son of Haralambas Koukos and inherited his one-half of the divided property as his only heir. The Commission finds that the size of the property upon which was built the house that was the subject of the war damage award was, at a minimum, approximately 30,000 square feet or about 2,800 square meters.

In addition to this material, the file contains information gathered from the Treasury Department Census conducted during World War II. According to the notes in the file, Angelos Koukos had stated that in addition to the improved property, he also owned 2 acres of farmland with trees which he had inherited prior to 1935.

Based on the totality of the evidence, the Commission finds that, prior to 1945, claimant's father, Angelos Koukos, was the owner of 2 acres of arable land located in the vicinity of the village of Politsani and that he also owned a building lot measuring approximately 2,800 square meters.

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, had the effect of depriving the claimant's father of his property, and thereby constituted an uncompensated expropriation by the Government of Albania. This is consistent with claimant HARRY KOUKOS's statement 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.

Based on the evidence in the record, the Commission finds that the 2 acres of farmland in question had a value of \$400.00 at the time of confiscation. As for the building lot, the Commission determined in the General War Claims program that the house on the lot had a value at the time of destruction of \$1,500.00. On the basis of that figure, the Commission finds that the building lot had a value of \$400 at the time of confiscation. Accordingly, based on their status as the beneficiaries of the estate of their father, the claimants are each entitled to a total principal award of \$400.00 as compensation for their father's property losses. These awards 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 the claimants are entitled to interest as part of their awards, amounting to 6 percent simple interest per annum from the date of loss to the effective date of the Settlement Agreement. Accordingly, each claimant is also entitled to an interest award of 295.8 percent of his or her principal award, or \$1,035.30.

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 issuance of awards, so as to prevent any double recovery. A copy of this decision will therefore be forwarded to the Albanian government in due course.

The Commission therefore makes the following awards, which will be certified to the Secretary of the Treasury 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 S

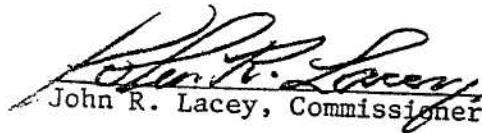
Claimant, HARRY KOUKOS, is entitled to an award in the principal amount of Four Hundred Dollars (\$400.00), plus interest from January 1, 1946, to April 18, 1995, in the amount of One Thousand One Hundred Eighty-Three Dollars and Twenty Cents (\$1,183.20), for a total award of One Thousand Five Hundred Eighty-Three Dollars and Twenty Cents (\$1,583.20).


Claimant, ATHENA NANOS, is entitled to an award in the principal amount of Four Hundred Dollars (\$400.00), plus interest from January 1, 1946, to April 18, 1995, in the amount of One Thousand One Hundred Eighty-Three Dollars and Twenty Cents (\$1,183.20), for a total award of One Thousand Five Hundred Eighty-Three Dollars and Twenty Cents (\$1,583.20).

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

NOV 18 1996


Delissa M. Ridgway, Chair


John R. Lacey, Commissioner


Richard T. White, Commissioner

This decision was entered as the Commission's
Final Decision on JAN 14 1997

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).