

In a Final Decision entered on February 5, 1999, the Commission found claimants entitled to awards for the loss of their shares in certain personal property confiscated in 1947 and 1953, and for their inherited shares in claims for loss of real property confiscated in 1947 and 1953. Claimant MARIGO VASILIA DIS TELLIOS also asserted a claim for the confiscation of a "coffee house" that had been owned by her father-in-law, but her claim for that property

was denied on the ground that the property had been restored to private ownership in 1992, when it was placed in the possession of her brother-in-law in Albania, and she had failed to demonstrate that the value of the property at that time was less than its value at the time of confiscation plus interest from 1947 to 1992, as must be established in order for compensation to be awardable in such cases.

In a letter dated February 24, 1999, and via a telephone conversation between the represented claimants' counsel and the Chief Counsel of the Commission, claimants pointed out that the Commission had overlooked the portion of their claim based on the alleged confiscation of three "stores" in the center of Catista village that had been owned by Thanas and Sophoklis Vasiliades (along with their cousin Nick Vasiliades), and requested reconsideration of their claim to include the loss of those "stores." In addition, claimant VASILIOS VASILIADES requested that the Commission reconsider and clarify the portion of the claim based on the confiscation of personal property, asserting that the Commission had overlooked some of the property items in assigning a value to that property.

With regard to the "stores," or shops, for which the claimants have claimed, the Commission has reviewed claimants' request for reconsideration,

including the sketch of Catista village which they have provided, showing the location of the shops. In addition, the Commission has again reviewed the evidence and information previously submitted in support of their claim, which includes an addendum to the Statements of Claim submitted by HRISOULLA GATSES and GUST VASILIADES asserting that there were two stores and that they had a value of \$40,000, and a letter from the represented claimants' counsel dated June 18, 1998, in which it is first asserted that the shops were "confiscated around 1947," but which then goes on to allege that the "confiscation . . . took place around 1956 through 1958."

While there appears to be some inconsistency concerning the number of shops that existed and the date they were confiscated, the Commission considers the record sufficient to support a finding that, in addition to the two dwellings and the farm and pasture land for which awards were made in the Final Decision, Thanas and Sophoklis Vasiliades also owned at least two shops in Catiste village which were confiscated or otherwise taken after the escape of MARIGO VASILIADIS TELLIOS and VASILIOS VASILIADES from Albania in 1953. Accordingly, claimants awards will be increased to include compensation based on their inherited shares in the claim for the resulting loss.

As for the value of the shops, it has already been noted that a value of \$40,000 has been asserted. However, claimants have provided no evidence to substantiate such a figure and, compared with the valuations of the numerous other properties in Albania which the Commission has made, both in the current claims program and in its Italian Claims Program and General War Claims Program, that figure is clearly exaggerated.

Based on its comparisons with values determined in other, similar claims, the Commission finds that the two shops in question had a value of \$10,000 as of the confiscation date of January 1, 1953. For their respective one-eighth interests in the claim for this property's loss, claimants are accordingly each entitled to an additional award of \$1,250, dating from January 1, 1953.

As for the request for reconsideration the claim for loss of personal property, the Commission notes that the evidence and information regarding the loss of this property is also inconsistent. Originally, claimants MARIGO VASILADIS TELLIOS and VASILIOS VASILIADES asserted a claim for 150 American dollars, 180 Italian lira coins, two 5-lira coins, a gold watch, and two gold rings that were said to have been confiscated from them in 1947, when their mother was jailed following an unsuccessful attempt to escape from Albania. Under the enumeration of these items, they went on to assert that "while [their]

mother was jailed [the Communist authorities] went to [their] home and emptied [their] home of its belongings - clothing furniture, household items, etc. (\$1,000)." Based on this submission, the Commission granted them awards of \$500 each for the loss of their one-third shares in the property. In addition, the Commission granted MARIGO VASILADIS TELLIOS a separate award of \$2,500 for the confiscation of items comprising her wedding dowry following her successful escape from Albania with her mother in 1953. These items included not only dresses, linens, jewelry, and other household items, but also "25 sheep," "20 goats," "3 cows 1 calf"(sic), "1 donkey," and "20 chickens."

As noted in the Final Decision, claimants sought to claim for additional livestock and other personal property only after they had received the Proposed Decision. Nor did they explain why the additional items were not originally claimed for, or identify the basis upon which the Commission should believe that the additional household items (*raki* still, bread oven, shotgun, etc.) were not part of the property which they had originally averred was confiscated in 1947. Nor is it plausible, in the Commission's view, that between 1947 and 1953 the Communist authorities would have allowed the claimants' family to raise the livestock that was confiscated in 1953, while at the same time confiscating, in 1947, livestock allegedly owned by Thanas Vasiliades. And lastly, given the

numbers of animals listed as being included in MARIGO VASILADIS TELLIOS's wedding dowry, the Commission does not view as plausible the assertion by VASILIOS VASILIADES that he and his mother were the owners of other, additional farm animals, separate and apart from those identified among the items in his sister's dowry.

In view of the foregoing, the Commission concludes that an increase in the total valuation of \$4,000 attributed to the personal property items and livestock in the Proposed Decision is not justified. Accordingly, claimants' request for reconsideration of this portion of their claim is rejected, and the Final Decision as it relates to this portion of their claim is affirmed.

In accordance with applicable principles of international law and its decisions in previous claims programs, the Commission 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 entitled to an interest award of 253.8 percent of his or her \$2,000 principal award, or \$5,076.00. The rest of the interest awards remain as set forth in the Final Decision.

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 will therefore be forwarded to the Albanian government in due course.

The Commission therefore restates the awards made in the Final Decision, and also enters increased awards, 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 of 1949, as amended (22 U.S.C. §§1624, 1626, and 1627). In all other respects, the Final Decision is affirmed. This constitutes the Commission's final determination in this claim.

AWARDS

Claimant MARIGO VASILADIS TELLIOS is entitled to an award in the principal amount of Five Thousand Two Hundred Dollars (\$5,200.00), plus interest on \$700 from January 1, 1947, to April 18, 1995, in the amount of Two Thousand Twenty-Eight Dollars and Sixty Cents (\$2,028.60), and interest on \$4,500 from January 1, 1953, to April 18, 1995, in the amount of Eleven Thousand Four Hundred Twenty-One Dollars (\$11,421.00) for a total award of Eighteen Thousand Six Hundred Forty-Nine Dollars and Sixty Cents (\$18,649.60).

Claimant, VASILIOS VASILIADES, is entitled to an award in the principal amount of Two Thousand Five Hundred Dollars (\$2,500.00), plus interest on \$500 from January 1, 1947, to April 18, 1995, in the amount of One Thousand Four Hundred Forty-Nine Dollars (\$1,449.00), and interest on \$2,000 from January 1, 1953, to April 18, 1995, in the amount of Five Thousand Seventy-Six Dollars (\$5,076.00) for a total award of Nine Thousand Twenty-Five Dollars (\$9,025.00).

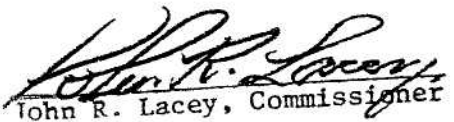
Claimant, HRISOULLA GATSES, is entitled to an award in the principal amount of Two Thousand Dollars (\$2,000.00), plus interest from January 1, 1953, to April 18, 1995, in the amount of Five Thousand Seventy-Six Dollars (\$5,076.00), for a total award of Seven Thousand Seventy-Six Dollars (\$7,076.00).

Claimant, GUST VASILIADES, is entitled to an award in the principal amount of Two Thousand Dollars (\$2,000.00), plus interest from January 1, 1953, to April 18, 1995, in the amount of Five Thousand Seventy-Six Dollars (\$5,076.00), for a total award of Seven Thousand Seventy-Six Dollars (\$7,076.00).

Claimant, IRENE VASILIADES, is entitled to an award in the principal amount of Two Thousand Dollars (\$2,000.00), plus interest from January 1, 1953, to April 18, 1995, in the amount of Five Thousand Seventy-Six Dollars (\$5,076.00), for a total award of Seven Thousand Seventy-Six Dollars (\$7,076.00).

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

MAR 12 1999


John R. Lacey, Commissioner


Richard T. White, Commissioner

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

In the Matter of the Claim of	}	
	}	
	}	
MARIGO VASILIADES TELLIOS	}	Claim No. ALB-173
VASILIOS VASILIADES	}	
HRISOULLA GATSES	}	Decision No. ALB-225
GUST VASILIADES	}	
IRENE VASILIADES	}	(Corrected)
	}	
Against the Government of Albania	}	

Counsel for Claimant VASILIOS VASILIADES: George S. Gatses, Esquire
Hearing on the Record held on February 5, 1999.

FINAL DECISION

This claim against the Government of Albania is based upon the alleged confiscation of personal property and, as amended, real property, all located in Catista, District of Gjirokaster.

By Proposed Decision entered on February 24, 1997, the Commission found claimant MARIGO VASILIADES TELLIOS entitled to an award in the total principal amount of \$3,000.00 plus interest of \$7,749.00 for the loss of her one-third share in personal property confiscated from her and her mother and brother in 1947, and for the loss of her wedding dowry through confiscation in 1953. In addition, the Commission found claimant VASILIOS VASILIADES

entitled to an award in the principal amount of \$500 plus interest of \$1,449.00 for the loss of his one-third share in personal property confiscated in 1947.

By letter dated March 17, 1997, claimant MARIGO VASILADIS TELLIOS filed objection to the Proposed Decision, contending that it should include an award for the loss of real property that had been owned by her grandfather, Panajot Vasiliadis. Subsequently, she has also sought to include in her claim the loss of real property owned by her late husband, John Tellios.

For his part, claimant VASILIOS VASILIADES submitted an undated letter postmarked March 20, 1997, objecting to the Proposed Decision on the ground that the Commission had undervalued the personal property confiscated in 1947, asserting that it should have been assigned a value in the range of \$3,600 rather than \$1,500. In his letter he also asserted for the first time that he and his mother had owned livestock and additional household items including pots and pans and a *raki* still, as well as a variety of foodstuffs, with a total value of \$5,423, which also were allegedly confiscated when they escaped from Albania in 1953. In addition, he submitted an English-language listing which is said to be an itemization of the parcels of real property his grandfather had owned, and their values at the time of confiscation in 1950, purportedly totalling \$209,500, and a listing of allegedly confiscated livestock purportedly having a

total value of \$1,510. Further, by letter dated March 18, 1997, counsel for claimant VASILIOS VASILIADES requested that his client's sister and brother, Hrisoulla Gatses and Gust Vasiliades, be joined as co-claimants in the claim.

Finally, by letter dated April 18, 1997, Irene Vasiliades, widow of the original claimants' cousin, Dimitrios (James) Vasiliades, requested to be joined as a co-claimant in the claim, and submitted with her letter a number of photocopies of land records from Albania relating to Panajot Vasiliades's property in Catiste, along with a copy of Dimitrios Vasiliades's passport, reflecting that he was a United States citizen by birth, and a statement averring that he began residing in the United States in 1947.

Since claimants have not requested an oral hearing, their objection is being considered in a hearing on the record, based on a de novo review of all of the evidence and information now before the Commission.

Turning first to the requests for joinder as co-claimants, the Commission finds that HRISOULLA GATSES and GUST VASILIADES, who were naturalized as United States citizens on May 26, 1955, and August 26, 1952, respectively, qualify as additional claimants in this claim, based on their succession under the will of their mother, Sevasti Vasiliades, to respective one-fourth shares in her estate. Documentation submitted by the claimants establishes

that Sevasti Vasiliades had become a United States citizen by naturalization on March 12, 1963, and died on January 10, 1987. In addition, the Commission finds that IRENE VASILIADES, a United States citizen by birth, is eligible to join in this claim as a co-claimant based on her status as sole beneficiary under the will of her husband, Dimitrios Vasiliades, following his death in Illinois in 1994. Dimitrios Vasiliades, in turn, had held a one-fifth share in the claim of his father, Sophoklis Vasiliades, for one-half of the estate of his grandfather, Panajot Vasiliades. Sophoklis Vasiliades had become a United States citizen by naturalization in January 1928, and died in Illinois in 1966.

With regard to the claimants' amended claim for the expropriation of real property originally owned by Panajot Vasiliades, an investigation by the Commission's independent consultant in Albania has disclosed that Panajot Vasiliades owned 1.725 hectares, or about 4.25 acres, of farmland in the vicinity of the village of Catista, included as part of which was a building lot of 2,128 square meters or about one-half acre, on which a house may have stood. Claimants assert that there in fact were two houses and that Panajot Vasiliades gave one-half of his property each to the families of his sons Thanas and Sophoklis in 1947, following the release of Sevasti Vasiliades, Thanas's wife, from prison.

Based on the evidence now before it, the Commission finds that claimants' predecessors, Thanas and Sophoklis Vasiliades, were effectively the owners of one-half shares in 4.25 acres of farmland and two dwellings which were confiscated or otherwise taken by the Albanian government in 1953, following the escape of MARIGO VASILIADIS TELLIOS, VASILIOS VASILIADES, and their mother from Albania into Greece. For lack of a precise date, the Commission will deem the confiscation to have occurred as of January 1, 1953. Accordingly, the present claimants, except for IRENE VASILIADES, are entitled to awards based on their inherited one-fourth shares in Thanas Vasiliades's claim for the confiscation of his one-half share in the property, and IRENE VASILIADES is entitled to an award based on her deceased husband's one-fourth share in the claim of Sophoklis Vasiliades's for the confiscation of his one-half share in the property, all dating from January 1, 1953.

As noted above, it has been asserted that the property in question had a value of \$209,500 at the time of confiscation, or some \$50,000 per acre, not including the value of the two houses that are said to have stood on the property. However, claimants have submitted no documentation or other independent evidence to support such a valuation, and compared with the values documented in other, similar claims, it is clearly an exaggerated figure. In addition, the

Commission notes that in a claim filed in its General War Claims Program (*Claim of THANAS VASILIADIS*, Claim No. W-3891, Decision No. 18238 (1966), Thanas Vasiliadis stated that his family's house was destroyed by Italian military forces in 1943, and that following the destruction his wife and children moved into a storage shed on the family's property which had been made habitable with additions of windows and doors and other improvements, but that this structure was destroyed by German military forces in 1944. Claimants' assertions notwithstanding, this suggests that such dwellings as were standing on the property in question in 1953 must have been of modest value.

Having carefully considered all of the evidence before it, and taking into account the valuations for property established in other, similar claims, the Commission finds that the dwellings and land owned by Thanas and Sophoklis Vasiliades would reasonably have had a value of \$6,000 as of the deemed confiscation date of January 1, 1953. Accordingly, each of the claimants is entitled to an award in the principal amount of \$750 for his or her respective share in the claim for this loss, dating from January 1, 1953.

Turning next to claimant MARIGO VASILIADIS TELLIOS's amended claim for the loss of her husband's share in real property his father had owned, a separate investigation by the Commission's independent consultant in Albania

disclosed that the claimant's father-in-law, Thomas Tellios, had owned 0.475 hectares, or about one acre, of farmland in the vicinity of Catiste, and 0.1 hectare, or about 0.25 acre, of vineyard in that same area. In addition, it is asserted that Thomas Tellios had owned a dwelling house as well as a coffeehouse business and building in Catiste. Evidence in the record in a claim filed by Thomas Tellios in the Commission's Italian Claims Program (*Claim of THOMAS TELLIOS*, Claim No. IT-10,141, Decision No. IT-582 (1958)) establishes that Thomas Tellios became a United States citizen by naturalization on March 31, 1927, and documentation submitted in the present claim establishes that he died in Illinois on August 20, 1984, leaving his widow, Androniki Tellios (also a United States citizen), the claimant's husband, John Tellios, and John Tellios's two siblings as the heirs of his estate. Androniki Tellios then died in 1985, leaving John Tellios and her other two children as the heirs of her estate. Further documentation submitted by the claimant shows that John Tellios, in turn, died on August 16, 1987, leaving her as the sole beneficiary of his estate under his will.

Based on the evidence before it, the Commission finds that Thomas Tellios owned approximately one acre of farmland and 0.25 acre of vineyard in the vicinity of Catiste, and that this property was confiscated or otherwise taken

by the Albanian Communist regime in 1947, after John Tellios escaped from Albania. For lack of a precise date, the confiscation will be deemed to have occurred as of January 1, 1947.

Claimant has not asserted a value for Thomas Tellios's property. It must be noted, however, that Thomas Tellios stated in his claim in the Italian Claims Program, cited above, that his house and its contents as well as his stable and barn were destroyed by Italian military forces in 1943, and the Commission granted him an award of \$3,670 plus interest for that loss. Accordingly, any award in the present claim must be limited primarily to the value of his farmland and vineyard. Based on comparisons with properties for which values have been established in other claims, the Commission finds that Thomas Tellios's one acre of farmland and 0.25 acre of vineyard had a value of \$600 as of the deemed confiscation date of January 1, 1947. Based on her husband's status as one of three heirs of Thomas Tellios's claim for this loss, through their mother, and as the sole beneficiary of her husband's estate under his will, claimant MARIGO VASILADIS TELLIOS is accordingly entitled to an award in the principal amount of \$200, dating from January 1, 1947.

As noted above, claimant MARIGO VASILADIS TELLIOS has asserted that her father-in-law had also owned a building in Catiste in which he operated

a coffeehouse, and that this property was also confiscated in 1947. However, she has also stated that her brother-in-law, Spero Tellios, regained possession of the building in 1992. Thus, in order for there to be a basis for an award for the taking of the property, she must demonstrate that the value of the property in 1992 was less than its value in 1947, plus interest during the intervening 45 years, which would amount to 270 percent of the property's 1947 value. Although she was advised of this requirement by the Commission's staff, she has provided no evidence to this effect, other than a statement that the Communists had stripped the building's interior walls and left it "empty and closed," and that they should be entitled to compensation for loss of profits during the years it was in the Communists' possession.

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) (1997).

The Commission is constrained to conclude that claimant has not met the burden of proof in establishing the elements of a compensable claim with respect to her claim for her father-in-law's coffeehouse property. Accordingly, this portion of her claim must be and is hereby denied.

Lastly, claimants have variously objected to the value assigned to the personal property confiscated in 1947 and 1953 for which awards were granted in the Proposed Decision. In addition, they have asserted that there was other livestock worth \$1,510 that was confiscated from them in 1947. However, they have submitted no independent, objective evidence to support any of the assertions made in these portions of their objection.

The Commission has carefully considered these portions of claimants' objection, but is constrained to conclude that they have not met the burden of proof in establishing the merits of their objection. Accordingly, the findings made in the Proposed Decision to which these portions of their objection are directed must be and are hereby affirmed.

In accordance with applicable principles of international law and its decisions in previous claims programs, the Commission 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 entitled to an interest award of 253.8 percent of his or her \$750 principal award, or \$1,903.50. In addition, claimant MARIGO VASILADIS TELLIOS is entitled to an interest award of 289.8 percent of her \$200 principal award, or \$579.60. And as stated

in the Proposed Decision, claimants MARIGO VASILADIS TELLIOS and VASILIOS VASILADES are also entitled to interest awards of 289.8 percent of their \$500 principal awards, or \$1,449.00, and claimant MARIGO VASILADIS TELLIOS is entitled to an interest award of 253.8 percent of her \$2,500 principal award, or \$6,345.00.

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 will therefore be forwarded to the Albanian government in due course.

The Commission therefore restates the awards made in the Proposed Decision, and also enters additional awards, 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 of 1949, as amended (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.

AWARDS

Claimant MARIGO VASILADIS TELLIOS is entitled to an award in the principal amount of Three Thousand Nine Hundred Fifty Dollars (\$3,950.00), plus interest on \$700 from January 1, 1947, to April 18, 1995, in the amount of Two Thousand Twenty-Eight Dollars and Sixty Cents (\$2,028.60), and interest on \$3,250 from January 1, 1953, to April 18, 1995, in the amount of Eight Thousand Two Hundred Forty-Eight Dollars and Fifty Cents (\$8,248.50) for a total award of Fourteen Thousand Two Hundred Twenty-Seven Dollars and Ten Cents (\$14,227.10).

Claimant, VASILIOS VASILADES, is entitled to an award in the principal amount of One Thousand Two Hundred Fifty Dollars (\$1,250.00), plus interest on \$500 from January 1, 1947, to April 18, 1995, in the amount of One Thousand Four Hundred Forty-Nine Dollars (\$1,449.00), and interest on \$750 from January 1, 1953, to April 18, 1995, in the amount of One Thousand Nine Hundred Three Dollars and Fifty Cents (\$1,903.50) for a total award of Four Thousand Six Hundred Two Dollars and Fifty Cents (\$4,602.50).

Claimant, HRISOULLA GATSES, is entitled to an award in the principal amount of Seven Hundred Fifty Dollars (\$750.00), plus interest from January 1, 1953, to April 18, 1995, in the amount of One Thousand Nine Hundred Three

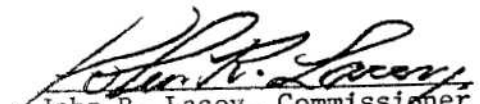
Dollars and Fifty Cents (\$1,903.50), for a total award of Two Thousand Six Hundred Fifty-Three Dollars and Fifty Cents (\$2,653.50).

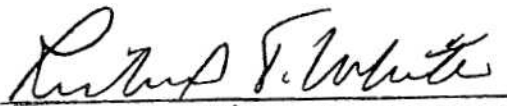
Claimant, GUST VASILIADES, is entitled to an award in the principal amount of Seven Hundred Fifty Dollars (\$750.00), plus interest from January 1, 1953, to April 18, 1995, in the amount of One Thousand Nine Hundred Three Dollars and Fifty Cents (\$1,903.50), for a total award of Two Thousand Six Hundred Fifty-Three Dollars and Fifty Cents (\$2,653.50).

Claimant, IRENE VASILIADES, is entitled to an award in the principal amount of Seven Hundred Fifty Dollars (\$750.00), plus interest from January 1, 1953, to April 18, 1995, in the amount of One Thousand Nine Hundred Three Dollars and Fifty Cents (\$1,903.50), for a total award of Two Thousand Six Hundred Fifty-Three Dollars and Fifty Cents (\$2,653.50).

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

FEB 5 1999


John R. Lacey, Commissioner


Richard T. White, Commissioner

In the Matter of the Claim of

Claim No. ALB-173

Decision No. ALB-225

Against the Government of Albania

This claim against the Government of Albania is based upon the alleged confiscation of personal property from the claimants and their mother in 1947 and 1953.

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.

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 claimants in this case state that the property which is the subject of their claim was confiscated by the Albanian government in 1947 (when they and their mother were arrested during an unsuccessful attempt to escape from Albania) and in 1953 (after their successful escape to Greece). According to the claimants, the property confiscated in 1947 consisted of jewelry, gold coins, and cash they were carrying at the time of their arrest, as well as household furnishings seized from their residence after their mother was imprisoned as punishment for the escape attempt. The property lost in 1953 is described as a

variety of items that claimant MARIGO VASILADIS TELLIOS had been saving as her wedding dowry, including farm animals and household furnishings.

The claimants contend that they are entitled to compensation under the Settlement Agreement because they qualify as United States nationals by birth based on the United States nationality of their late father, Thanasis Vasiliadis, who was naturalized as a United States citizen before they were born. In support of their contention, they have submitted a copy of his passport, which confirms that he was a United States national as of 1933, a year and two years, respectively, before the claimants' births. Based on this evidence, the Commission finds that the claimants qualify as United States nationals by birth.

Based on the claimants' written statements, and that of an acquaintance of theirs, Mr. Socrates Shukas, the Commission further finds that the claimants and their mother owned personal property consisting of \$150 in United States currency, two gold rings, a gold watch, and gold lira coins which were confiscated from them by the Albanian Communist authorities when they attempted to escape from Albania on an unspecified date in 1947, as well as household furniture and furnishings worth \$1,000 that was removed from their house following their arrest. The Commission determines that this confiscation gave rise to a claim for which the claimants are entitled to compensation. Based

on claimants' descriptions of the items, the Commission finds that they had a value reasonably amounting to \$1,500 at the time of loss. For their respective one-third interests therein, claimants are accordingly each entitled to an award in the principal amount of \$500 in this portion of their claim. For lack of a precise date, the awards shall be deemed to date from January 1, 1947.

Although not specifically stated, claimants also appear to seek compensation for their mother's share in the property in question. However, they have indicated that their mother was an Albanian national at the time of the property's confiscation.

The ICSA mandates that the Commission decide claims in accordance with, *inter alia*, "[t]he applicable principles of international law." ICSA section 4(a)(2), 22 U.S.C. 1623(a)(2). It is a well-established principle of international law, which this Commission has applied without exception, that a claim may be found compensable only if the property which is the subject of the claim was owned by a national of the United States when the property was expropriated or otherwise taken. *See, e.g., Claim of EUGENIA D. STUPNIKOV Against Yugoslavia*, Claim No. Y-2-0071, Decision No. Y-2-0003 (1967); *Claim of ILONA CZIKE Against Hungary*, Claim No. HUNG-2-0784, Decision No. HUNG-2-191 (1976); *Claim of JOSEPH REISS Against the German Democratic*

Republic, Claim No. G-2853, Decision No. G-2499 (1981); *Claim of TRANG KIM Against Vietnam*, Claim No. V-0014, Decision No. V-0001 (1982). This principle has also been recognized by the courts of the United States. *See, e.g., Haas v. Humphrey*, 246 F.2d 682 (D.C. Cir. 1957), *cert. denied* 355 U.S. 854 (1957).

The Commission finds that, at the time the claimants' mother's share in the property in question was taken by the Albanian government, it was not owned by a national of the United States. Accordingly, while the Commission sympathizes with the claimants for the loss of their mother's share in the property, it must conclude that their claim for her share in the property is not compensable under the terms of the Settlement Agreement. Therefore, the claim for that share must be and is hereby denied.

The other portion of this claim is based on the confiscation of a variety of personal property items comprising claimant MARIGO VASILADIS TELLIOS's dowry (including dresses and jewelry, as well as livestock), following the claimants' successful escape into Greece in 1953. The value of this property is said to have amounted to about \$2,500.

The Commission finds that this property was also confiscated by the Albanian government, giving rise to a compensable claim for which MARIGO VASILADIS TELLOS is entitled to compensation. For lack of a precise date, the confiscation will be deemed to have occurred as of January 1, 1953. The Commission further finds that the estimated value of \$2,500 asserted for the property is fair and reasonable. Accordingly, claimant is entitled to an award in the principal amount of \$2,500 in this part of the claim, dating from January 1, 1953.

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, claimants are each entitled to an interest award of 289.8 percent of their \$500 principal awards, or \$1,449.00. In addition, claimant MARIGO VASILADIS TELLOS is entitled to an interest award of 253.8 percent of her \$2,500 principal award, or \$6,300.00.

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 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 for payment in accordance with sections 5, 7, and 8 of Title I of the ICSA (22 U.S.C. §§1624, 1626, and 1627).

AWARDS

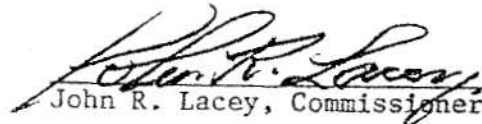
Claimant MARIGO VASILADIS TELLIOS is entitled to an award in the principal amount of Three Thousand Dollars (\$3,000.00), plus interest on \$500 from January 1, 1947, to April 18, 1995, in the amount of One Thousand Four Hundred Forty-Nine Dollars (\$1,449.00), and interest on \$2,500 from January 1, 1953, to April 18, 1995, in the amount of Six Thousand Three Hundred Dollars (\$6,300.00) for a total award of award of Ten Thousand Seven Hundred Forty-Nine Dollars (\$10,749.00).

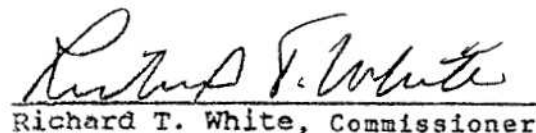
Claimant, VASILIOS VASILIADIS, is entitled to an award in the principal amount of Five Hundred Dollars (\$500.00), plus interest from January 1, 1947, to April 18, 1995, in the amount of One Thousand Four Hundred Forty-Nine Dollars (\$1,449.00), for a total award of One Thousand Nine Hundred Forty-Nine Dollars (\$1,949.00).

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

FEB 24 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).