

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).

Claimant here, a United States national by birth, seeks compensation for approximately five hectares of property -- including a house, a barn, a vineyard and a fruit orchard -- all said to have been expropriated by the Albanian government in 1957, with the formation of the agricultural cooperative. At that time, according to claimant, the property was owned by his father, Harry T. (Ashillefs or Archie) Iskalis, who was naturalized as a United States citizen in 1927 and who died in the United States in 1972. The claimant further states that his father's estate passed in equal shares to claimant and his mother, an Albanian citizen, who died in 1988.

In support of his claim, claimant has submitted a copy of his passport; his birth certificate; his father's certificate of naturalization; his father's death certificate; his father's will; his mother's death certificate; a certificate from the office of the Mayor of Qyteza, verifying claimant's father's ownership of three plots of agricultural land, totaling 10.484 *dynyms* (1.0484 hectares, or about 2.6 acres), as well as a vineyard and a fruit orchard; a certificate from the office of the Mayor attesting to claimant's father's ownership of 12 *dynyms* of forest; a certificate from the office of the Mayor confirming claimant's father's ownership of a two-story house and a barn; various drawings of the properties; a sworn statement of three individuals attesting that claimant's property was confiscated by the former Communist regime; and a sworn statement by claimant that the property has not been returned to his family, nor has compensation been received for the property. In addition, the Commission has reviewed the file in the claim made by claimant's father in the Commission's General War Claims Program.

Claim of ARCHIE ISKALIS, Claim No. W-17753, Decision No. W-13519 (1966).¹

Based on the evidence in the file, the Commission finds that claimant's father owned 12 *dynyms* of forest land and 10.484 *dynyms* of agricultural land in the vicinity of Qyteza, including a vineyard of 1500 grapevines and an orchard (consisting of seven plum trees, 10 apple trees and three walnut trees). In addition, the Commission finds that claimant's father owned a two-story stone house and a barn in the area.

Although the witness statement submitted by claimant does not specify the date of the asserted expropriation, the Commission is generally aware that agricultural cooperatives were formed in that region of Albania in about 1957. Based on the entire record, the Commission determines that the formation of the agricultural cooperative in 1957 had the effect of depriving claimant's father of his property, and thereby constituted an uncompensated expropriation by the Government of Albania.

¹In that program, the Commission awarded claimant's father \$2,000.00 for damage to/destruction of a two-story stone house and \$500.00 for loss of personal property suffered as a result of German military operations of war in 1943. By letter dated May 13, 1996, claimant stated that his family rebuilt the house from 1945-47. This statement is generally corroborated by the notes of an interview of claimant's father conducted in the course of the General War Claims Program. Claimant's letter further states that the house was again destroyed in 1975.

The Commission further finds that claimant inherited a one-half interest in the claim for his father's property upon the death of his father in 1972. Unfortunately, because claimant's mother was not a citizen of the United States, the Commission cannot award claimant compensation for the other half-interest in his father's property (which claimant inherited through his mother). The ICSA mandates that the Commission decide claims in accordance with international law. Under international law, a claim is compensable only to the extent that it has been continuously held by one or more United States nationals from the date of confiscation through April 18, 1995 (the effective date of the Settlement Agreement). This requirement of continuous U.S. nationality is well-established and has long been applied both by 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). In this case, inheritance through claimant's mother broke the continuity of U.S. ownership of part of the claim. The Commission therefore

is limited to consideration of the one-half interest which claimant inherited directly from his late father.²

Claimant has valued the lost property at \$150,000.00. However, he has submitted no evidence to support that figure, which is inconsistent with information provided to the Commission in other cases. 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 claimant's father's agricultural land had a value at the time of expropriation of approximately \$300.00 per acre (for a total of \$800.00), and that the vines and fruit trees had a value of approximately \$5,000.00. The Commission further finds that claimant's father's forest land had a value at the time of expropriation of approximately \$200.00 per acre (for a total of \$600.00). In addition, the Commission finds that claimant's father's two-story house and barn had a value of \$5,000.00 at the time. Accordingly, claimant is entitled to a total principal award of \$11,400.00 for the

²Although this Commission has no jurisdiction to consider the one-half interest in the claim which claimant inherited through his late mother, claimant should be entitled to seek relief through the Albanian Government for that part of his claim. The Government of Albania is obligated by the Settlement Agreement to afford U.S. nationals the same rights it affords Albanian nationals to pursue and receive compensation, restitution or any other remedy available under the domestic restitution and compensation procedures established by the Albanian Government. Settlement Agreement, Article 4.

one-half interest in the property which he inherited directly from his father. This award shall date from January 1, 1957.

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 date of loss to the effective date of the Settlement Agreement. Accordingly, claimant is entitled to an interest award of 229.8 percent of his principal award, or \$26,197.20.

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 authorities in due course.

Accordingly, the Commission 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 ICSA (22 U.S.C. §§ 1624, 1626 and 1627).

A W A R D

Claimant ALEKO A. ISKALI is entitled to an award in the principal amount of Eleven Thousand Four Hundred Dollars (\$11,400.00), plus interest from January 1, 1957, to April 18, 1995, in the amount of Twenty-Six Thousand One Hundred Ninety-Seven Dollars and Twenty Cents (\$26,197.20), for a total award of Thirty-Seven Thousand Five Hundred Ninety-Seven Dollars and Twenty Cents (\$37,597.20).

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

This decision was entered as the Commission's
Final Decision on **MAY 06 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).