



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 naturalization in 1950 , seeks compensation for real property said to have been expropriated by the Albanian government in 1944 or 1945. Specifically, claimant claims for a total of 56 dynyms of farmland, pasture, vineyards and gardens in Turan and Voskop; for a house, historic watchtower and related properties in Turan; for a flour mill (and two stones) in Turan; for a two-story, 16-room house with threshing ground and surroundings in Voskop; and a flour mill (and one stone) in Voskop. According to claimant, the properties were owned at the time of confiscation by her husband, Orhan Ali Orhan, who was naturalized as a United States citizen in

1937 and who died in the United States in 1988. The claimant further states that she was the sole beneficiary of her late husband's estate.

In support of her claim, claimant has submitted copies of her naturalization certificate; her husband's naturalization certificate; their marriage certificate; her husband's death certificate; a 1986 Quitclaim Deed to claimant of all her husband's properties in Voskop and Turan; nine Turkish deeds dated from 1863 to 1910 (with translations) for various properties, in the names of various individuals whose relationship to claimant is not indicated; a Temporary Certificate of Ownership (dated 1878) for a one-fourth interest in a Voskop flour mill; an affidavit (dated 1928) concerning a vineyard at the inn in Voskop; a 1938 certificate of sale for two dynyms of farmland and one dynym of pasture in Turan; a 1939 certificate of sale for a one-third interest in 56 dynyms of property in Turan and Voskop, as well as one-third interests in the house, watchtower and related properties in Turan, 16% of a flour mill in Turan (with four stones and related properties), and a house with a threshing ground and surroundings in Voskop; a 1964 letter from claimant and her late husband to relatives in Albania concerning family property disputes; a translated affidavit concerning operation of the mills in Turan and Voskop and their confiscation in 1945 and subsequent destruction; and claimant's May 21, 1996 letter stating that

the claimed property has not been returned and that no compensation for the property has been received.

The Commission also has at its disposal the records of claims filed by claimant and her late husband in prior Commission claims programs. Specifically, in 1959 the Commission awarded claimant's late husband \$9,780.25 in its Italian Claims Program, for damage to and/or destruction in 1940 of a house, orchard and person property in Turan and a house and flour mill in Voskop. *Claim of ORHAN ALI ORHAN*, Claim No. IT-10861, Decision No. IT-821 (1959). In the Commission's General War Claims Program, the Commission awarded claimant's late husband \$2,065.00 for a house, barn and fruit trees in Mesare, said to have been destroyed by German military operations in 1944. Claimant's late husband also sought compensation for the loss of the flour mill in Voskop (and, indeed, filed an affidavit stating under oath that the Voskop mill was destroyed by the German army in 1944). However, the Commission ruled that he had been fully compensated for the Voskop mill in the Italian Claims Program and so was not eligible for further compensation in the General War Claims Program. *Claim of ORHAN ALI ORHAN*, Claim No. W-8079, Decision No. W-14064 (1967). Claimant's own claim in the General War Claims Program was denied on the ground that she was not a citizen of the

United States at the time of the asserted loss. *Claim of ARZIE MYNEVER ALI ORHAN*, Claim No. W-9087, Decision No. W-1951.

Based on the entire record, the Commission finds that claimant's late husband owned 21.66 dynyms of property (three dynyms plus a one-third interest in 56 dynyms), as well as a one-third interest in the Turan house, watchtower and related properties, a one-third interest in 16% of the Turan mill, and a one-third interest in the Voskop house and related property.<sup>1</sup>

The only evidence of confiscation submitted by claimant is an affidavit by an individual addressing confiscation of the mills; and there is some reason to doubt the credibility of that affidavit, since it attests that the mills were confiscated in 1945 when -- as discussed above -- claimant's late husband stated

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<sup>1</sup>The Commission's independent review of records in the hipoteka and archives of Korce determined that the 1938 and 1939 certificates of sale are the only records in the name of claimant's late husband. The Commission bases its determinations on those records.

Although claimant states that her late husband's mother gave him another 1/3 interest in the property, and that her late husband bought the remaining 1/3 from his uncle, there is little or no evidence in the record to support an award for those interests.

The claim for the Voskop mill is denied on the basis of the records in the Commission's Italian Claims Program and General War Claims Program, discussed above, which indicate that the Voskop mill was destroyed in 1944, if not before.

under oath in 1966 that the Voskop mill was destroyed by the German army in 1944.

However, 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. That law was affirmed by the 1946 Albanian constitution, which provided that "land belongs to the tiller." Alb. Const., 1946, Ch. I, Art. 12.

Based on the record, the Commission determines that implementation of the Agrarian Reform Law, coupled with the restrictions placed upon non-farming owners, had the effect of depriving the claimant's late husband of his property, and thus constituted an uncompensated expropriation by the Government of Albania. In the absence of a specific date, the Commission deems the taking to have occurred as of August 29, 1945. The Commission further finds that claimant's late husband's interests in the properties at issue were transferred to claimant in 1986, via quit claim.

The Commission's independent review of records in Albania found that a January 1996 decision of the Commission for the Return of and Compensation for Property in Albania returned 2,526 square meters of land to claimant, and compensated her with vouchers for another 2,474 square meters. The Foreign Claims Settlement Commission therefore reduces its award in this case by 5,000 square meters, and finds claimant entitled to compensation for 16.66 dynyms of land (in addition to the various buildings).

Claimant has asserted values of \$2,000.00 to \$3,500.00 per dynym for the land at issue, and has valued the Turan house and tower at \$40,000.00, the Turan flour mill at \$20,000.00, and the Voskop house at \$25,000.00. However, those values are not consistent with the values established by claimants in other similar cases. Nor are they supported by the documents provided by claimant in this case.<sup>2</sup>

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 claimant's late

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<sup>2</sup>The 1938 and 1939 certificates of sale indicate that claimant's late husband paid 600 gold francs for three dynyms of property in Turan and 150 gold napoleons for one-third interests in 56 dynyms of property, the Turan house and tower, 16% of the Turan mill and the Voskop house.

husband's land had a value at the time of expropriation of approximately \$300.00 per acre. The Commission further finds that claimant's late husband's one-third interest in the Turan house, tower and related properties had a value of \$5,000.00 at the time of expropriation; that his one-third interest in 16% of the Turan mill had a value of \$500.00 at that time; and that his one-third interest in the Voskop house and related properties had a value of \$4,000.00 at the time.

Accordingly, the Commission finds claimant entitled to an award in the principal amount of \$10,800.00 as compensation for the loss of her late husband's property, dating from August 29, 1945.

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 the effective date of the Settlement Agreement. Accordingly, claimant is entitled to an interest award of 297.8 percent of her principal award, or \$32,162.40.

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.

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

AWARD

Claimant ARZIE M. ORHAN is entitled to an award in the principal amount of Ten Thousand Eight Hundred Dollars (\$10,800.00), plus interest from August 29, 1945, to April 18, 1995, in the amount of Thirty-Two Thousand One Hundred Sixty-Two Dollars and Forty Cents (\$32,162.40), for a total award of Forty-Two Thousand Nine Hundred Sixty-Two Dollars and Forty Cents (\$42,962.40).

*Delissa A. Ridgway*  
Delissa A. Ridgway, Chair

*John R. Lacey*  
John R. Lacey, Commissioner

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

FEB 24 1997

*Richard T. White*  
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).