

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

In the Matter of the Claim of

PETRIKA STEFANI
VALENTINA STEFANI

Against the Government of Albania

Claim No. ALB-267

Decision No. ALB-211

PROPOSED DECISION

This claim against the Government of Albania is based upon the alleged confiscation of real property located in Dardhe, District of Korce.

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 herein, PETRIKA STEFANI, has asserted that the property which is the subject of his claim was confiscated by the Albanian government in 1962. At that time, according to the claimant, the property was owned by his father, Andrea Sotir Stefani, a national of the United States since 1935. Specifically, the claimant describes the property as 12,000 square meters of arable land located in the village of Dardhe, in the District of Korce.

The record in this claim consists of evidence of the United States nationality of both the claimant, Petrika Stefani, and his father; a document entitled "Property Certificate" from the cadastral office of Korce reflecting Andrea Stefani's ownership of 10,660 m² of land in Dardhe; a certificate from the Council of Korce District confirming that Andrea Stefani's agricultural lands have not been returned; and a family certificate which lists the eight members of the Stefani family and their dates of birth.

The Commission finds it established that claimant's father, Andrew Stefani, was a United States national as of at least October 23, 1935, the date of issuance of his United States passport, and that he died in Albania before June 13, 1978, the documented date of death of the claimant's mother, Ollga Stefani, who was identified at that time as a "widow." However, absent further evidence supporting the claim for an interest in "12,000 m²" of arable land, the Commission finds that prior to 1962, the claimant's father was the owner of 10.66 dynyms (equal to 1.066 hectares or 2.63 acres) of land in Dardhe.

Claimant states that his father's property was seized by the Albanian government in September 1962, when the local authorities established the agricultural collective in Dardhe village. This statement is confirmed by a document signed by the Chairman of the Municipality of Drenove dated April 15, 1996.

The claimant has not provided a copy of his father's will or a certificate of inheritance. The family certificate which was recently submitted shows that there were seven other members of the Stefani family - his mother and six siblings - listed as Albanian nationals in 1930, the year of recordation. However, it is established that claimant's father died before his mother, and he also has stated that one of his brothers, Kostaq Stefani, died shortly after his birth in 1936, and that his brother Sotir Stefani died in the 1980's. In addition, it is established that his mother died in 1978. Except for his father and his sister Valentina, each of these family members were Albanian nationals at the time of their death in Albania. The remainder of his family are also Albanian nationals currently residing in Albania, except for his sister, Valentina Stefani. A recent submission by the claimant indicates that he and his sister Valentina wish to have her considered as a co-claimant in this claim. Evidence has been submitted to show that she is a national of the United States as of her birth on

Personally Identifiable Information
Redacted under 5 U.S.C. § 552(b)(6)

and that she resides in Connecticut. The Commission accepts VALENTINA STEFANI as an eligible co-claimant in this claim, and finds, therefore, that this claim, owned by the late Andreas Stefani, who was survived by five of his children, devolved upon his death, in accordance with the inheritance laws of Albania as found in the Civil Code of April 2, 1928, in equal shares to his widow and five of his children.* As such, each claimant is entitled to claim based on a one-sixth interest in their father's estate.

The claimants have asserted that their father's property had a value at the time of expropriation of \$120,000 and that "the value of the property at the time it was taken was \$10 per m²." However, no evidence relevant to the valuation of the property has been submitted.

Based on the evidence before it, and comparisons with values established for similar properties in other claims, and in the absence of evidence that would support a higher valuation, the Commission finds that the claimants' father's property had a value of \$900.00 at the time of loss. Accordingly, the Commission finds the claimants entitled to awards in the principal amount of \$150.00 each as compensation for their respective one-sixth interests in the claim

*Any shares inherited by claimants' mother or their siblings are not compensable in this forum since they were not U.S. nationals.

for their father's 1.066 hectare of real property. For lack of a precise date, the confiscation will be deemed to have occurred as of September 1, 1962.

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 entitled to interest awards of 193.8 percent of their principal awards, or \$290.70.

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

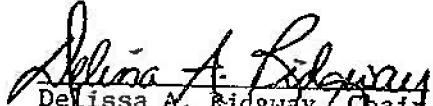
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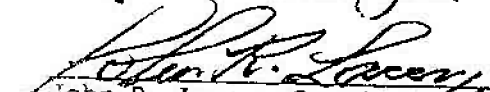
Claimant, PETRIKA STEFANI, is entitled to an award in the principal amount of One Hundred Fifty Dollars (\$150.00), plus interest from September 1, 1962 to April 18, 1995, in the amount of Two Hundred Ninety Dollars and Seventy Cents (\$290.70), for a total award of Four Hundred Forty Dollars and Seventy Cents (\$440.70).

Claimant, VALENTINA STEFANI, is entitled to an award in the principal amount of One Hundred Fifty Dollars (\$150.00), plus interest from September 1, 1962 to April 18, 1995, in the amount of Two Hundred Ninety Dollars and Seventy Cents (\$290.70), for a total award of Four Hundred Forty Dollars and Seventy Cents (\$440.70).

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

NOV 18 1996


Delissa A. 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).