

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

In the Matter of the Claim of

POLO GAQE MIHALI

Claim No. ALB-292

Against the Government of Albania

Decision No. ALB-224

PROPOSED DECISION

This claim against the Government of Albania is based upon the alleged confiscation of real and personal property located in the village of Krina, in the District of Gjirokaster.

As a preliminary matter, the Commission notes that the claim was received after the expiration of the Commission's filing deadline of December 29, 1995. However, the Commission has decided to accept the claim for adjudication on the merits.

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, POLO GAQE MIHALI, seeks compensation for the alleged expropriation by the Government of Albania of real and personal property in 1944 and 1956, in Krina, Albania. At that time, according to the claimant, he was the owner of the property, having inherited it from his

grandfather. Claimant has submitted a copy of his passport, which establishes that he acquired United States nationality by birth on¹ [REDACTED]

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

The claimant describes the property in two parts. The first part for which he claims is described as "[m]y house which was burned to the ground by the German army on 1944." The claimant includes in this part of the claim a shed and a barn adjacent to the house, as well as livestock and personal property including various household items, furniture and personal effects which he states were also burned by the German military. The second part of the claim is for 13,000 square meters of agricultural land that was producing yearly crops of corn and wheat. The first part of claimant's claim is for damage to his father's property by German forces during World War II. However, the Settlement Agreement between the United States and Albania covers only claims against the former Albanian communist regime. The Commission's authority to adjudicate claims for damage and losses suffered during World War II expired in 1967. Accordingly, the Commission lacks jurisdiction to consider this first portion of the claim.

In any event, a review of the Commission's records in its General War Claims program, conducted under Title II of the War Claims Act of 1948, as amended (50 U.S.C. App. 2017), shows that George B. Mihalis, the claimant's

father, filed a claim for the destruction, by the German occupation forces in June 1944, of real and personal property located in Krina. The property in his claim was described as a "a seven room house, a stable, household furnishings and related personality, fruit trees and certain farm animals." The Commission awarded him \$4,098.00 as compensation for the destruction of the property in question. *Claim of GEORGE B. MIHALIS*, Claim No. W-13873, Decision No. W-14974 (1966). For these reasons, the first portion of claimant's claim must be and is hereby denied.*

The second part of the claimant's claim is supported by a document entitled "Vertetim," dated April 16, 1996, and signed by the Mayor of the village of Krina, which confirms that the claimant was the owner of 13,000 square meters of cultivated ground. This document also states that the local authorities established the agricultural collective in Krina in the year 1956. Based on the mayor's statement, the Commission finds that the claimant's land was confiscated by the Albanian government in 1956. For lack of a precise date, the confiscation

*The Commission notes that the claimant has sought to include his sister, Marina Leka, as a co-claimant as to this portion of his claim, based on her status as a co-beneficiary of their father's estate. However, in view of its disposition of this portion of the claim, the Commission has found it unnecessary to consider his request.

will be deemed to have occurred as of January 1, 1956. Accordingly, claimant is entitled to an award of compensation for the resulting loss.

Claimant asserts that his land had a value of \$35,000 at the time of loss. This is said to include the income realized from the land's annual production in the years following its confiscation. However, claimant was not entitled to receive that income after the land was confiscated, since he was no longer the owner. Based on the evidence before it, and comparisons with valuations made for similar property in other claims, the Commission finds that the claimant's property had a value of approximately \$250 per acre, or \$800, at the time of loss. Accordingly, the claimant is entitled to an award in the principal amount of \$800, dating from January 1, 1956.

In accordance with applicable principles of international law and its decisions in previous claims programs, the Commission further concludes that the 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 235.8 percent of his principal award, or \$1,886.40.

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 thus will 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).

A W A R D

Claimant, POLO G. MIHALI, is entitled to an award in the principal amount of Eight Hundred Dollars (\$800.00), plus interest from January 1, 1956, to April 18, 1995, in the amount of One Thousand Eight Hundred Eighty-Six Dollars and Forty Cents (\$1,886.40), for a total award of Two Thousand Six Hundred Eighty-Six Dollars and Forty Cents (\$2,686.40).

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

DEC 16 1996

DeLissa A. Kidgway
DeLissa A. Kidgway, Chair

John R. Lacey
John R. Lacey, Commissioner

Richard T. White
Richard T. White, Commissioner

This decision was entered as the Commission's
Final Decision on FEB 18 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).