

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

In the Matter of the Claim of

LILLIAN PIAZZA
GENEVIEVE ORANDELLO
WILLIAM VELI

Against the Government of Albania

}
} Claim No. ALB-301

}
} Decision No. ALB-226

Counsel for claimants:

A.M. Demirali, Esquire

PROPOSED DECISION

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

As a preliminary matter, the Commission notes that this claim was received by the Commission after the expiration of the Commission's filing deadline of December 29, 1995. The Commission nevertheless has decided to accept the claim for consideration.

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 claimants in this case have asserted that the property which is the subject of their claim was confiscated by the Albanian government between "1945-1948," under the "Law on Agrarian Reform and various other confiscation laws/decrees enacted by the Communist government." The property is described as eight parcels of unimproved land, assertedly covering a total of some 675.6 hectares, together with a house, two commercial buildings, and personal property contained in the house, located in and around Tepelene.

According to the claimants, their father, Ramo Veli, was the owner of the property at the time of confiscation. The Commission previously determined in its General War Claims Program that Ramo Veli became a United States national by naturalization on November 18, 1943. *Claim of RAMO VELI*, Claim No. W-10522, Decision No. W-19496 (1967). The claimants also have submitted documentation reflecting that their father died in New York on June 19, 1975, leaving their mother, Merushe Veli, as the sole beneficiary of his estate, and further reflecting that their mother, who had become a United States national by naturalization on May 6, 1952, subsequently died on April 10, 1994, leaving them as the beneficiaries of her estate in equal shares. In addition, the claimants have submitted documentation reflecting that LILLIAN PIAZZA and

GENEVIEVE ORANDELLO became United States citizens by naturalization on May 6, 1952, and that **WILLIAM VELI** became a United States national by birth

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

Based on the evidence submitted, the Commission finds that the claimants' father, Ramo Veli, owned land in the vicinity of Tepelene covering a total of 6 *dynym* or 6,000 square meters (approximately 1.5 acres). Based on testimony given by their father in support of his war damage claim, the Commission further finds that he owned a building lot within the city of Tepelene with an area of 14 meters by 15 meters, or about 2,260 square feet. However, the Commission granted the claimants' father an award of \$6,665.00 in the War Claims Program, based on its determination that the house and commercial buildings had been destroyed during World War II. In addition, claimants' father testified at the time that his personal property had been transferred to the home of his "agent" before the destruction occurred; there is no indication as to what became of it thereafter.

Accordingly, in view of the destruction of the house and buildings and their father's testimony concerning his personal property, and in the absence of evidence to substantiate the claimants' assertion that their father owned two

additional parcels of land totaling 675 hectares (or any other land of specific or approximate size within the city of Tepelene other than that on which his house had stood), the Commission concludes that the portions of claimants' claim based on the asserted loss of their father's house, commercial buildings, 675 hectares of land, and personal property must be and are hereby denied.

Claimants' claims for 6 dynym of farmland and the building lot in Tepelene remain.

The Commission is aware that, on or about August 29, 1945, the Albanian Communist regime promulgated the "Agrarian Reform Law." This 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.) This law was affirmed by the 1946 Albanian constitution which stated that "land belongs to the tiller." (Alb. Const., 1946, Ch. I, Art. 12.)

Based on the entire record, the Commission determines that the implementation of the Agrarian Reform Law, coupled with the restrictions placed upon non-farming owners, had the effect of depriving the claimants' father of his farmland, and thereby constituted an uncompensated expropriation by the

Government of Albania. Furthermore, in view of the claimants' father's status as an absentee owner of farmland, the Commission finds that his building lot within the city of Tepelene was also confiscated pursuant to the Agrarian Reform Law. The Commission would have been prepared to find claimants entitled to awards of compensation for these losses.

However, the Commission recently was advised that the Albanian authorities have issued decisions recognizing claimants' late parents as the owners of certain property and awarding compensation (in the form of compensation bonds) for the property. By letter dated December 13, 1996, the Commission provided copies of the Albanian decisions to claimants' counsel and requested that he notify the Commission promptly if any part of claimants' claim remained outstanding. To date, no response has been received.

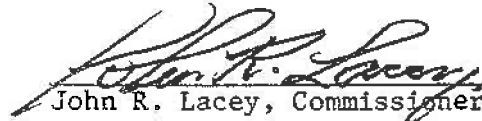
Accordingly, because the Settlement Agreement precludes double recovery and because it appears that claimants' family is being compensated for its land by the Albanian authorities, claimants' claim must be and is hereby denied.

The Commission finds it unnecessary to make determinations with respect to other elements of this claim.

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).