

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

In the Matter of the Claim of

KASJANI PAJCINI

Against the Government of Albania

Claim No. ALB-323

Decision No. ALB-305

PROPOSED DECISION

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

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).

Claimant herein, a United States citizen by birth, seeks compensation for the expropriation by the Government of Albania in 1946 of 20,400 square meters of agricultural land and a barn located in Qyteze, District of Devoll. At that time, according to the claimant, the property was owned by her father, William Palko, a United States citizen since 1932, who died in Illinois in 1970.

In support of her claim, claimant has submitted evidence of her own and her father's United States nationality as well as a copy of her father's death certificate, a copy of his will establishing her right of inheritance, and a copy of an "Attestation" issued by the Commune of Miras, Village of Qyteze.

Research conducted by the Commission's independent consultant in the archives of the Kadaster of Devoll has confirmed that the "brotherhood Thanas Palko" owned 41,684 square meters (41.684 *dynym*, or about 10.3 acres) of arable agricultural land and a 640 square meter plot of non-agricultural property. The Commission's consultant was unable, however, to determine the exact size of the portion of the property owned by claimant's father.

The Commission has now reviewed the contents of the claim filed in the Commission's General War Claims Program by the claimant's late father. *Claim of WILLIAM PALKO*, Claim No. W-18169, Decision No. W-12908 (1966). In its decision in that claim, the Commission determined that claimant's father owned a one-third interest in certain real and personal property located in Qyteze.¹

Evidence in the record establishes that claimant's father acquired United States nationality by naturalization on February 17, 1932, in Chicago, Illinois,

¹Claimant has advised the Commission that her father had two brothers, Pandeli Palko and Ligor Palko.

Qyteze was collectivized in 1956 and 1957. Accordingly, the Commission finds that claimant's father's property was the subject of an uncompensated expropriation by the Government of Albania on or about January 1, 1956. Claimant is, therefore, entitled to an award of compensation for the resulting loss.

Claimant has not asserted a specific value for her father's property. 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 the agricultural property being claimed for, located in the village of Qyteze, had a value at the time of expropriation of approximately \$300 per acre, or \$3,100.00, that the barn located thereon had a value of \$1,000.00, and that the plot of non-agricultural land measuring 640 square meters had a value of \$1,000.00, resulting in a total value of \$5,100.00. Accordingly, claimant is entitled to an award in the principal amount of \$1,700.00 as compensation for the loss of her father's one-third interest in the property, 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 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 also entitled to an interest award of 235.8 percent of her principal award, or \$4,008.60.

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.

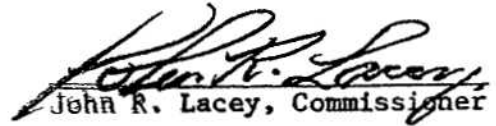
The Commission therefore makes the following award, which will be certified to the Secretary of the Treasury for payment in accordance with sections 5, 7, and 8 of Title I of the ICSCA (22 U.S.C. §§1624, 1626, and 1627).

A W A R D S

Claimant, KASJANI PAJCINI, is entitled to an award in the principal amount of One Thousand Seven Hundred Dollars (\$1,700.00), plus interest from

January 1, 1956, to April 18, 1995, in the amount of Four Thousand Eight Dollars and Sixty Cents (\$4,008.60), for a total award of Five Thousand Seven Hundred Eight Dollars and Sixty Cents (\$5,708.60).

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


John R. Lacey, Commissioner

SEP 18 1998


Richard T. White, Commissioner

This decision was entered as the Commission's
Final Decision on DEC 4 1998

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) (1997).