

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 in 1946. They further assert that their father, Miltiadh Alex Deli, a United States national since 1928, was the owner of the property at that time. According to the claimants, their father died in 1980 and they and their sister, Praksithe (an Albanian citizen), are his sole heirs.

In support of their claim, the claimants have submitted evidence of their father's United States nationality, their own United States nationality and a copy of an "Attestation of Heredity". In addition, they have submitted a Certificate

of Ownership from the District Council of Korce indicating that their father and their uncle jointly owned a farmer's house together with two threshing grounds, and several parcels of land totaling 48 *dynym* (4.8 hectares or about 11.9 acres) in the village of Pendavinj.

Research conducted by the Commission's independent consultant in the land records of the District of Korce confirms the accuracy of the document of ownership submitted by the claimants, namely that claimants' father, Miltiadh Deli, and their uncle, Ilo Deli, were the owners of 48,000 square meters (48 *dynym*s) of agricultural land in Pendavinj, Korce. The investigation also disclosed that two parcels of property measuring 800 square meters and 2457 square meters were compensated for or returned to the heirs of Miltiadh and Ilo Deli (the sons of Aleks Spiro Deli) by decision No. 405 of the Commission for the Return and Compensation of Property to the Ex-Owners. Additionally, the consultant advised that another application has been filed (file No.129) with the above Commission claiming for unspecified agricultural land.

The claimants were advised of the consultant's findings and, in response, they have submitted their own declaration stating that they have not received compensation for their father's property. In addition, they have submitted two

certificates, one dated June 25, 1998, from the Chairman of the Korce Commission and the other dated October 10, 1998, from the Savings Bank of Korce stating that no compensation has been paid to the claimants for their father's property.

Based on the evidence in the record, the Commission finds that claimants' father acquired United States nationality by naturalization in San Francisco, California, on February 6, 1928, and that the claimants were born in Albania as United States citizens in 1929, 1935, 1937 and 1939 respectively.¹ Further, the Commission finds that prior to 1945, the claimants' father was the owner of a one-half interest in 48,000 square meters equivalent to 2.4 dynym or about 5.9 acres of agricultural property located in the village of Pendavinj, District of Korce and was also the owner of a one-half interest in a building lot measuring 1,957 square meters.

¹Although the claimants have asserted that their sister, Praksithe, is an Albanian citizen, the Commission notes, that the Certificate of Naturalization, submitted to establish the citizenship of Miltiadh Deli indicates that claimants' sister, Praksithe, then a minor and a resident of California, was naturalized as a U.S. citizen at the same time as her father, namely in 1928. However, since she has not indicated that she wishes to be included in this claim, the Commission has not considered her as a co-claimant.

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 then affirmed by the 1946 Albanian constitution which stated that "land belongs to the tiller." (Alb. Const., 1946, Ch. I, Art. 12).

Based on the entirety of the record, the Commission determines that implementation of the Agrarian Reform Law, coupled with the restrictions placed upon non-farming owners and the formation of agricultural cooperatives, had the effect of depriving claimants' father of his property, thus constituting an uncompensated expropriation by the Government of Albania. In the absence of a more precise date, the Commission will deem the confiscation to have occurred as of August 29, 1945.

The claimants have not asserted a value for the expropriated 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 property owned by claimants' father

in the village of Pendavinj, consisting of 2.4 hectares or about 5.9 acres of agricultural land, had a value at the time of expropriation of approximately \$300 per acre, or \$1,800.00, and that his one-half interest in the building lot, also located in the village of Pendavinj, had a value of \$2,200.

The claimants have established that their father died in Albania in 1980, and have submitted an "Attestation of Heredity" which establishes each claimant's one-fifth interest in their father's estate. Accordingly, claimants are each entitled to an award in the principal amount of \$800.00 based on their inherited one-fifth interest in their father's claim for his 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 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, each claimant is also entitled to an interest award of 297.8 percent of his principal award, or \$2,382.40.

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

A W A R D S

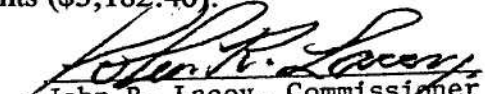
Claimant, STEFAN DELI, is entitled to an award in the principal amount of Eight Hundred Dollars (\$800.00), plus interest from August 29, 1945, to April 18, 1995, in the amount of Two Thousand Three Hundred Eighty-Two Dollars and Forty Cents (\$2,382.40), for a total award of Three Thousand One Hundred Eighty-Two Dollars and Forty Cents (\$3,182.40).

Claimant, SOFOKLIDELI, is entitled to an award in the principal amount of Eight Hundred Dollars (\$800.00), plus interest from August 29, 1945, to April 18, 1995, in the amount of Two Thousand Three Hundred Eighty-Two Dollars and Forty Cents (\$2,382.40), for a total award of Three Thousand One Hundred Eighty-Two Dollars and Forty Cents (\$3,182.40).

Claimant, VIKTOR DELI, is entitled to an award in the principal amount of Eight Hundred Dollars (\$800.00), plus interest from August 29, 1945, to April 18, 1995, in the amount of Two Thousand Three Hundred Eighty-Two Dollars and Forty Cents (\$2,382.40), for a total award of Three Thousand One Hundred Eighty-Two Dollars and Forty Cents (\$3,182.40).

Claimant, MINELLA DELI, is entitled to an award in the principal amount of Eight Hundred Dollars (\$800.00), plus interest from August 29, 1945, to April 18, 1995, in the amount of Two Thousand Three Hundred Eighty-Two Dollars and Forty Cents (\$2,382.40), for a total award of Three Thousand One Hundred Eighty-Two Dollars and Forty Cents (\$3,182.40).

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


John R. Lacey, Commissioner

DEC 15 1998


Richard T. White, Commissioner

This decision was entered as the Commission's
Final Decision on FEB 5 1999

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).