

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

In the Matter of the Claim of	}	
	}	
	}	
ELISAVETA BELLO	}	Claim No. ALB-338
PETER R. PRIFTI	}	
NAUM PRIFTI	}	Decision No. ALB-321
ELIZABETH PRIFTI	}	
	}	
Against the Government of Albania	}	
	}	

PROPOSED DECISION

This claim against the Government of Albania is based upon the alleged confiscation of real property in the village of Rehove, District of Kolonje.

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) (2004).

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).

This claim was initially filed in the name of ELISAVETA BELLO only. Through the Commission's investigation it became evident that Mrs. Bello's three brothers also have an interest in this claim. The Commission invited these persons to join this claim which they each did. Accordingly, the Commission accepts the requests of PETER R. PRIFTI, NAUM PRIFTI, and ELIZABETH PRIFTI, as the heir to the estate of her husband, Paul Prifti, to be included as co-claimants in this claim.

Claimants state that the properties that are the subject of this claim were confiscated in 1955, at which time they were owned by their father Ralph Pandeli Prifti (also known as Rapi Prifti), naturalized as a United States citizen in 1930. The claimants further state that Rapi Prifti died in 1963 survived by his widow, Paraskev Prifti and their four children.

In support of their claim, the claimants have each submitted evidence of their United States citizenship as well as that of Rapi Prifti, along with the death certificate of Rapi Prifti and an Ownership Certificate.

With regard to the ownership and loss of the subject land, research conducted by the Commission's independent consultant in the pre-World War II land records located in the Regional Cadastral Archives in Kolonje has confirmed that the property in question was owned by Rapi Prifti at the time the property was taken.

Based on the investigation by its independent consultant, the Commission finds that Rapi Prifti was the owner of a total of 36,210 m² (approximately 9 acres) of meadows and farmland in the village of Rehove. The Commission is aware that, on or about August 29, 1945, the Albanian Communist regime promulgated the "Agrarian Reform Law," which 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. That law was affirmed by the 1946 Albanian constitution, which stated that "land belongs to the tiller." Alb. Const., 1946, Ch. I, Art. 12. The Commission is further aware that the properties in the District of Kolonje were collectivized as part of the overall Albanian Agrarian Reform pursuant to Decision Number 24 dated March 13, 1957. The Commission therefore finds that Rapi Prifti's

meadows and farmland in Rehove were nationalized, expropriated or otherwise taken by the Albanian government as of March 13, 1957.

The claimants stated in their claim that Rapi Prifti died in Albania in 1963. In that the claimants have not provided the will of Mr. Prifti, the Commission assumes that Mr. Prifti died intestate. Under the Albanian law of inheritance the spouse and children of the decedent received equal shares of the estate¹. At the time of his death Mr. Prifti was survived by his wife, Paraskev Prifti, an Albanian citizen, and his four children, all United States citizens.

As previously noted, however, Paul Prifti, one of the children of Rapi and Paraskev Prifti, died in 1992 in the Commonwealth of Pennsylvania. Paul Prifti's son, Gary Prifti, informed the Commission that the decedent died intestate. Under the Pennsylvania law of inheritance, Paul Prifti's widow ELIZABETH PRIFTI received the first \$30,000 plus one half of the balance of the intestate estate² and their child Gary Prifti received the remainder³. Gary Prifti informed the Commission that his mother,

¹ Decree no. 1892 on Inheritance, in Gazeta Zyrtare e R.P.SH. (Official Gazette of the People's Republic of Albania), no. 11 of 1954, as amended by Law no. 3169 of November 26, 1960 published in Gazeta Zyrtare no. 13, 1960 Chapter II Art. 21

² 20 Pa. Cons. Stat. § 2102(3) (1992) "If there are surviving issue of the decedent all of whom are issue of the surviving spouse also, the first \$ 30,000 plus one-half of the balance of the intestate estate."

³ 20 Pa.Cons. Stat. § 2103 (1992) "The share of the estate, if any, to which the surviving spouse is not entitled, and the entire estate if there is no surviving spouse, shall pass in the following order:(1) ISSUE. --To the issue of the decedent."

ELIZABETH PRIFTI, was the sole heir of his father's estate. Therefore, the Commission finds that ELIZABETH PRIFTI is the successor to her husbands share of the claim.

The ICSA mandates that the Commission decide claims in accordance with, *inter alia*, "[t]he applicable principles of international law." ICSA section 4(a)(2), 22 U.S.C. 1623(a)(2). It is a well-established principle of the law of international claims, which has been applied without exception by both this Commission and its predecessor, the International Claims Commission, that a claim may be found compensable only if it was continuously held by a United States national from the date it arose until the date of settlement. *See, e.g., Claim of PETER D. JANUS against Yugoslavia*, Claim No. Y-1721, Decision No. Y-0377 (1954); *Claim of MIA FOSTER against Czechoslovakia*, Claim No. CZ-2696, Decision No. CZ-0001 (1960), *Claim of RICHARD O. GRAW Against Poland*, Claim No. PO-7595, Decision No. PO-8583 (1965). Therefore the portions of the claim owned by Rapi Prifti's children, ELISAVETA BELLO, PETER R. PRIFTI, and NAUM PRIFTI, and by his daughter-in-law ELIZABETH PRIFTI qualify for compensation due to the fact that they were continuously owned by a United States national from the date of expropriation, March 13, 1957, to the date of the Settlement Agreement, April 18, 1995. However, since Rapi Prifti's wife was not a United States national, the one-fifth

portion of the claim inherited by her must be and is hereby denied due to lack of continuous ownership by a United States national.

In order to determine the value of Rapi Prifti's land at the time of taking, the Commission has relied 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. Based on this information the Commission finds that the property in question had a value of approximately \$300 per acre, or \$2,700, at the time of expropriation on March 13, 1957.

Accordingly, ELISAVETA BELLO, PETER R. PRIFTI, NAUM PRIFTI and ELIZABETH PRIFTI are each entitled to an award in the principal amount of \$540.00 for their respective shares in this claim, all dating from March 13, 1957.

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 228.6 percent of his or her principal award.

Under the terms of the United States-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, ELISAVETA BELLO, is entitled to an award in the principal amount of Five Hundred Forty Dollars (\$540.00), plus interest from March 13, 1957, to April 18, 1995, in the amount of One Thousand Two Hundred Thirty-Four Dollars and Forty-Four Cents (\$1,234.44), for a total award of One Thousand Seven Hundred Seventy-Four Dollars and Forty-Four Cents (\$1,774.44).

Claimant, PETER PRIFTI, is entitled to an award in the principal amount of Five Hundred Forty Dollars (\$540.00), plus interest from March 13, 1957, to April 18, 1995, in the amount of One Thousand Two Hundred Thirty-Four Dollars and Forty-Four Cents (\$1,234.44), for a total award of One Thousand Seven Hundred Seventy-Four Dollars and Forty-Four Cents (\$1,774.44).

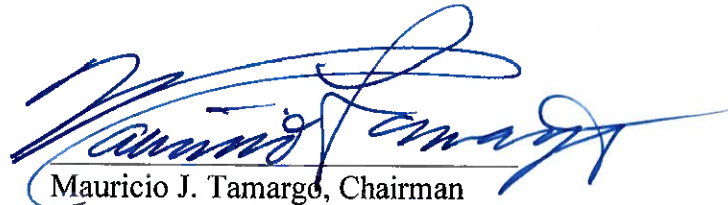
Claimant, NAUM PRIFTI, is entitled to an award in the principal amount of Five Hundred Forty Dollars (\$540.00), plus interest from March 13, 1957, to April 18, 1995, in the amount of One Thousand Two Hundred Thirty-Four Dollars and Forty-

Four Cents (\$1,234.44), for a total award of One Thousand Seven Hundred Seventy-Four Dollars and Forty-Four Cents (\$1,774.44).

Claimant, ELIZABETH PRIFTI, is entitled to an award in the principal amount of Five Hundred Forty Dollars (\$540.00), plus interest from March 13, 1957, to April 18, 1995, in the amount of One Thousand Two Hundred Thirty-Four Dollars and Forty-Four Cents (\$1,234.44), for a total award of One Thousand Seven Hundred Seventy-Four Dollars and Forty-Four Cents (\$1,774.44).

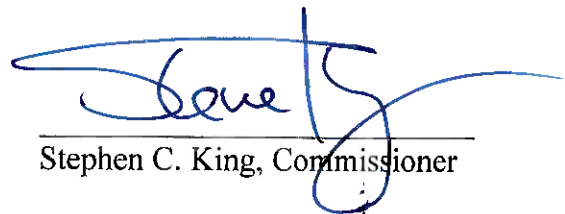
Dated at Washington, D.C. and
entered as the Proposed
Decision of the Commission.

DEC 18 2007



Mauricio J. Tamargo, Chairman

This decision was entered as the Commission's
Final Decision on JAN 25 2008



Stephen C. King, Commissioner

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. 509.5 (e) and (g) (2007).