

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

In the Matter of the Claim of

AVDULLA MYTEVELI

Against the Government of Albania

Claim No. ALB-036

Decision No. ALB-161

PROPOSED DECISION

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

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, AVDULLA MYTEVELI, seeks compensation for the alleged expropriation by the Government of Albania in 1945 of 4.3 hectares of arable land located in Ciflig, District of Korce. At that time, according to claimant, the property was owned by his father, Xhafer Myteveli (also known as John Peter), a national of the United States since 1919.

In support of his claim, the claimant has submitted a Certificate of Inheritance and a Certificate of Ownership from the District Council Archives of Korce.

Based on the evidence in the record, the Commission finds that claimant's father, Xhafer Dule Myteveli, became a national of the United States by naturalization on November 26, 1919, in Washington, DC, and that he died in Washington, DC on or about April 7, 1983. Further, the Commission finds that prior to 1945, he was the owner of 43,000 square meters (43 dynyms) of arable land located in the vicinity of the village of Ciflig, District of Korce.

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 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 claimant's father of his property, and thereby constituted an uncompensated expropriation by the Government of Albania.

The claimant asserts that his father's property had a value at the time of expropriation of \$28,500, which is said to have been the equivalent of 430 "gold Napoleons," the alleged purchase price. According to the claimant, one gold Napoleon consisted of 6.5 grams of gold and was equal in value to \$60.00 at the time. However, he has submitted no supporting evidence to substantiate the purchase price of the 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 claimant's father's property consisting of 4.3 hectares (10.6 acres) in the vicinity of the village of Ciflig had a value at the time of expropriation of approximately \$200 per acre, or \$2,200.00. The Commission further finds that this claim, owned by the late Xhafer Myteveli, whose wife predeceased him in 1979, devolved upon his death intestate on April 7, 1983, in accordance with the descent and distribution laws of the District of Columbia, to his sole surviving son, the claimant AVDULLA MYTEVELI. Accordingly, claimant is entitled to an award in the principal amount of \$2,200.00 as compensation for the loss of his father's 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 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 297.8 percent of his principal award, or \$6,551.60.

Under the terms of the Settlement Agreement, the United States Government has agreed to advise the Albanian authorities of the Commission's issuance of awards, so as to prevent any double recovery. In this regard, the Commission's independent review of documents filed with the Commission for the Return of and Compensation for Property (CRCP) in Korce indicates that a request dated March 13, 1996, has been made in claimant's name for compensation for agricultural land -- although no decision has yet been made. A copy of this Proposed Decision will be forwarded to the CRCP for its information.

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

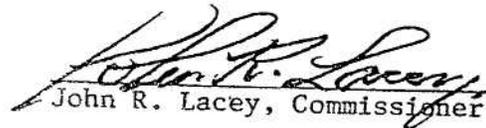
A W A R D

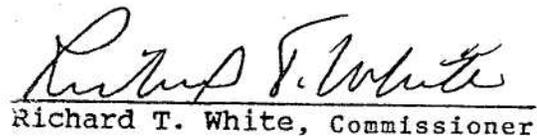
Claimant, AVDULLA MYTEVELI, is entitled to an award in the principal amount of Two Thousand Two Hundred Dollars (\$2,200.00), plus interest from August 29, 1945, to April 18, 1995, in the amount of Six Thousand Five Hundred Fifty-One Dollars and Sixty Cents (\$6,551.60), for a total award of Eight Thousand Seven Hundred Fifty-One Dollars and Sixty Cents (\$8,751.60).

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

NOV 18 1996


Delissa M. Ridgway, Chair


John R. Lacey, Commissioner


Richard T. White, Commissioner

This decision was entered as the Commission's
Final Decision on JAN 14 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).