

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

In the Matter of the Claim of

THANAS DUDO

Against the Government of Albania

} Claim No. ALB-179

} Decision No. ALB-287

Hearing on the record held on April 15, 1997

FINAL DECISION

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

By Proposed Decision entered on February 24, 1997, the Commission made an award to claimant in the principal amount of \$4,650,00 (plus interest from August 29, 1945 to April 18, 1995, in the amount of \$13,847.70), as compensation for the loss of his father's agricultural property. The Commission denied claimant's claim for a house and the underlying land for lack of sufficient evidence.

By letter dated March 22, 1997, the claimant stated objection to the Commission's valuation of the agricultural property, stating that he has documents in Albania which would establish that, in 1925-1930, one square yard

was valued at \$1.20 or \$1.50. Claimant further requested that the Commission advise him as to the type of evidence required to support his claim for the house, but indicated that he would require further time to obtain it from Albania. Finally, with his letter of objection, he sought to amend his claim and has submitted two documents of ownership (in Albanian only) seeking compensation for two other properties.

A member of the Commission's legal staff contacted him by telephone on April 1, 1997 and April 4, 1997, to discuss his objection. At the conclusion of those discussions, however, the claimant indicated that he wishes his claim to be finalized as soon as possible and does not wish to await receipt of further documentation from Albania.

Because claimant has not requested an oral hearing at which to present his objections, the Commission issues this Final Decision based on its de novo review of the evidence in the record.

In objecting to the Commission's valuation of his land, the claimant asserts that the "price is a joke." The Commission notes, however, claimant's valuation of the land at \$1.20 to \$1.50 per square yard would have been equivalent to about \$520 to \$650 per *dynym*—far in excess of any pre-World War II value the Commission has seen documented in any other claim for agricultural

land in Albania. Moreover, he has not pointed to any inaccuracy or error in the Commission's calculations, but merely has asserted generally that the valuation should be higher. In any event, in the absence of evidence from the claimant that the property in question was worth more than approximately \$300.00 per acre in 1945, and based on the Commission's own study of values of various kinds of real property in Albania before and during World War II and thereafter, the valuation determination in the Proposed Decision is affirmed.

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 thus will be forwarded to the Albanian government in due course.

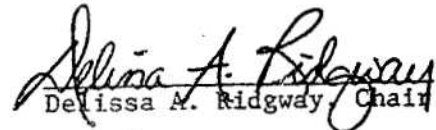
The award entered in the Proposed Decision in this claim is therefore restated below, and will be certified to the Secretary of the Treasury for payment in accordance with sections 5, 7, and 8 of Title I of the International Claims Settlement Act (22 U.S.C. §§ 1624, 1626 and 1627). This constitutes the Commission's final determination in this claim.

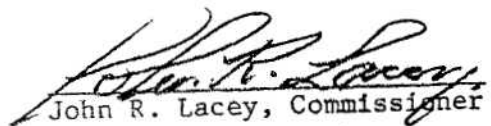
A W A R D

Claimant THANAS DUDO is entitled to an award in the principal amount of Four Thousand Six Hundred Fifty Dollars (\$4,650.00), plus interest from August 29, 1945 to April 18, 1995, in the amount of Thirteen Thousand Eight Hundred Forty-Seven Dollars and Seventy Cents (\$13,847.70), for a total award of Eighteen Thousand Four Hundred Ninety-Seven Dollars and Seventy Cents (\$18,497.70).

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

APR 15 1997


Delissa A. Ridgway, Chair


John R. Lacey, Commissioner

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, THANAS DUDO, asserts that the property which is the subject of his claim -- consisting of 54-1/2 *dynyms* (5.45 hectares, or about 13.5 acres) of arable land, 5-1/2 *dynyms* of vineyards, 1-1/2 *dynyms* of grazing land and 100 square meters of land upon which a house once stood -- was confiscated by the Albanian government sometime in 1945-1946. According to claimant, his father, Thoma Ligor Nikolla, a national of the United States since 1919, was then the owner of the property at issue. Claimant and his sister are said to have inherited the right to claim for the properties in question upon the death of their father in 1973, in Massachusetts.

In support of his claim, claimant has submitted evidence of his and his father's United States nationality, an assignment from his sister, Violeta Thoma Minka, and documents of ownership.

Based on the evidence submitted, the Commission finds that claimant's father, Thoma Ligor (Nikolla), owned three parcels of land in the village of Polene, totaling 61.6 dynyms. Specifically, claimant's father owned 5.4 hectares (13 acres) of farmland, 0.5 hectare (1.2 acres) of vineyard and 0.1 hectare (0.25 acre) of grazing land.

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.

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

Government of Albania. In this case, claimant has not specified when the property was confiscated. For lack of a precise date, the Commission will deem the taking of the agricultural land to have occurred as of August 29, 1945.

The claimant asserts that his father's property had a value at the time of expropriation of approximately \$328,300.00. However, he has submitted no evidence of any kind that would support such an extremely high valuation. 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 farmland in question had a value of approximately \$300 per acre, or \$4,000.00, that the vineyard's value was \$600, and that the grazing land had a value of \$50.00 at the time of loss.

The Commission further finds that this claim, owned by the late Thoma Ligor Nikolla, a widower who died in 1973 in Massachusetts without a will, devolved in equal shares to his two children, the claimant and his sister, Violeta Dudo Minka. In turn, Violeta Minka, a U.S. national by birth, assigned her one-half interest in the claim to her brother. Accordingly, claimant is entitled to an award in the principal amount of \$4,650.00 as compensation for the loss of his father's property, dating from August 29, 1945.

The second part of the claim concerns the loss of a house located on 100 square meters of land in the village of Polene. According to claimant, the house was destroyed by the Albanian government, and only the land now remains. Although claimant has submitted evidence that he was the owner of 100 square meters of land in 1947, he has submitted no evidence of the date and circumstances of its confiscation. Similarly, claimant has provided no proof of either the ownership or confiscation of the house.

Section 531.6(d) of the Commission's regulations provides:

The claimant shall be the moving party, and shall have the burden of proof on all issues involved in the determination of his or her claim.

45 C.F.R. 531.6(d) (1995).

The Commission finds that the claimant has not met the burden of proof in that he has failed to submit supporting evidence to establish the date and circumstances of the alleged confiscation of the land, and the ownership and confiscation of the house. This portion of the claim therefore must be and is hereby denied.

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 \$13,847.70.

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 thus will 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 ICOSA (22 U.S.C. §§1624, 1626 and 1627).

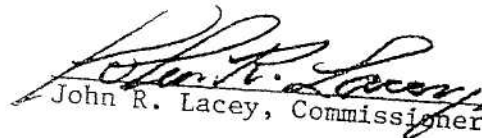
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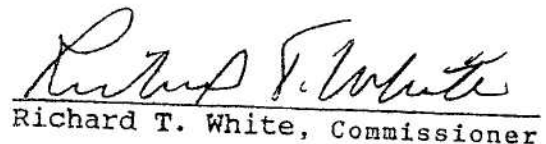
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Dated at Washington, DC and
entered as the Proposed
Decision of the Commission.

FEB 24 1997


Delissa A. Ridgway, Chair


John R. Lacey, Commissioner


Richard T. White, Commissioner

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).