

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

In the Matter of the Claim of

NICOLA M. DIMITRI
EVANGELINE PRIFTI

Against the Government of Albania

Claim No. ALB-024

Claim No. ALB-188

Decision No. ALB-231

PROPOSED DECISION

This claim against the Government of Albania is based upon the alleged confiscation of real property located in Borove, 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) (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 claimants herein seek compensation for the alleged expropriation by the Government of Albania in 1949 of agricultural land located in Bove, District of Kolonje. At that time, according to claimants, claimant NICOLA DIMITRI and his brother, Louis M. Prifti (the late husband of claimant EVANGELINE PRIFTI), were the owners of the property which they inherited from their father, Michael Dimitri, who died on July 6, 1943. Claimant EVANGELINE PRIFTI asserts that, after her husband's death in 1984, she inherited his interest in the claim for the property.

In support of their claim, the claimants have submitted evidence of their United States nationality as well as copies of the death certificates of Michael Dimitri and Louis Prifti, together with a copy of the latter's will and documents pertaining to ownership of the various parcels of land.

The Commission notes that Louis M. Prifti and NICOLA DIMITRI previously filed a claim in the Commission's General War Claims Program, conducted from July 15, 1963 to May 17, 1967. In that program, the Commission made an award to the claimants for personal property and improvements to real property owned by their father which were destroyed or lost as a result of German military operations in July 1943. *Claim of LOUIS M. PRIFTI and NICOLA M. DIMITRI*, Claim No. W-8408, Decision No. W-14348 (1966).

Claimant NICOLA M. DIMITRI has stated on his current claim form that, after the destruction caused by the German military forces, "only the land remained," which he has estimated to be approximately 2-1/2 acres. He also asserts that the "land was appropriated by the Communist Government in 1949."

Both claimants subsequently submitted copies of documents purportedly previously submitted for use in the War Claims program.¹ One document is entitled "Description of the Prifti Family Farm Land in Borova." This document was prepared by Louis M. Prifti, who identified 12 parcels of land totalling 10-3/8 acres of land. The documents attached to this "Description" are entitled "Transfer of Title," "Sales Act" and "Note of Sale," and date from between 1923 and 1940. However, the documents submitted relate only to five of the parcels and, of these, only three reflect the original Albanian-language text.

Based on the evidence in the War Claims file, the Commission finds that claimant NICOLA M. DIMITRI has been a national of the United States since obtaining derivative citizenship on March 23, 1943, by virtue of the naturalization of his father; that EVANGELINE PRIFTI acquired United States nationality by birth in Connecticut on October 30, 1927; and that her predecessor in interest, Louis M. Prifti, acquired derivative citizenship on May 8, 1931, also by virtue of the naturalization of his father. Louis M. Prifti died in Virginia on November 12, 1984.

¹The Commission notes that copies of those documents were not found in the above-mentioned War Claims file. A note in the file indicates that a "black book" containing photographs, clippings and other evidence was returned to the claimants on February 13, 1967.

The Commission further determines that EVANGELINE PRIFTI is the sole beneficiary of her husband's estate under the terms of his will. Based on a review of the documents submitted by the claimants, the Commission finds that prior to 1949, claimant NICOLA M. DIMITRI and Louis M. Dimitri, as the heirs of Mihal Prifti, were the owners of at least five parcels of agricultural land located in the vicinity of Borove, District of Kolonje -- parcels identified as "Manopole," "Vreshta," "Koder" and "Selishte."² According to the documentation, Mihal Prifti paid a total of 50 gold Napoleons and 200 gold francs for those properties. At the applicable exchange rates, these purchase prices were equivalent to \$302.40 and \$65.57, for a grand total of \$367.97. In the absence of documentary evidence of their family's ownership of the other seven parcels, the Commission is unable to award compensation for their loss.

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

²One document gives the size of the parcel to which it relates as 3 *strem*, which is equivalent to 0.3 hectares or 0.75 acre, and another gives a size of one *kille*, which is also equivalent to 0.3 hectares. The areas asserted for the other three parcels--0.75 acres, 0.5 acres, and 0.125 acres--are merely amounts given in the English translations relating to the respective parcels.

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 and the formation of agricultural cooperatives, had the effect of depriving the claimants of their property and thereby constituted an uncompensated expropriation by the Government of Albania. Accordingly, claimants are entitled to awards of compensation for the resulting loss. In this case, one of the claimants has stated that the property was confiscated in 1949 and the other has stated that confiscation took place "after World War II." For lack of a precise date, the Commission will deem the taking to have occurred as of January 1, 1949.

The claimants have not asserted a specific value for their property. However, based on the prices reflected in the purchase documents, together with its study of the values of various kinds of real property in Albania before and during World War II and thereafter, the Commission finds that the property in

question had a value at the time of expropriation of \$600.00. Accordingly, claimants are each entitled to an award in the principal amount of \$300.00 as compensation for the loss of the property in question, dating from January 1, 1949.

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 277.8 percent of his or her principal award, or \$833.40.

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 thus will 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).

ALB-024
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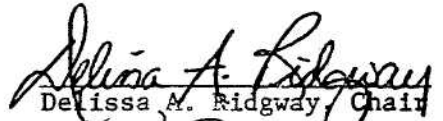
A W A R D S

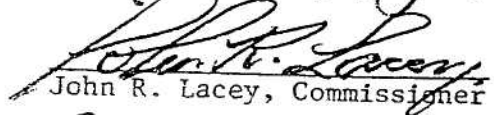
Claimant, NICOLA M. DIMITRI, is entitled to an award in the principal amount of Three Hundred Dollars (\$300.00), plus interest from January 1, 1949, to April 18, 1995, in the amount of Eight Hundred Thirty-Three Dollars and Forty Cents (\$833.40), for a total award of One Thousand One Hundred Thirty-Three Dollars and Forty Cents (\$1,133.40).

Claimant, EVANGELINE PRIFTI, is entitled to an award in the principal amount of Three Hundred Dollars (\$300.00), plus interest from January 1, 1949, to April 18, 1995, in the amount of Eight Hundred Thirty-Three Dollars and Forty Cents (\$833.40), for a total award of One Thousand One Hundred Thirty-Three Dollars and Forty Cents (\$1,133.40).

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

DEC 16 1996


Delissa A. Ridgway, Chair


John R. Lacey, Commissioner


Richard T. White, Commissioner

This decision was entered as the Commission's

Final Decision on **FEB 18 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).