

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

In the Matter of the Claim of

SOPHIE V. ANDROUTSOS

} Claim No. ALB-201

} Decision No. ALB-229

Against the Government of Albania

PROPOSED DECISION

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

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, SOPHIE V. ANDROUTSOS, a naturalized citizen of the United States since 1948, has asserted that the properties which are the subject of her claim were confiscated by the Albanian government during the period of the Communist takeover. The claimant also asserts that at the time of the taking, the claimed properties were owned by her husband, Vassilios Stavros Androutsos, who became a naturalized United States citizen in 1926. The claimant seeks compensation for a house in Bodrisht and several parcels of arable land located in the vicinity of Bodrisht.

The record in this claim consists of evidence of the United States nationality of both the claimant and her husband, two purchase contracts and a certificate of ownership translated from Albanian, as well as two affidavits and additional correspondence from claimant's daughters relating to the circumstances surrounding the confiscation of the claimed properties. In addition, the Commission has reviewed the contents of the claim filed in the Commission's General War Claims Program by the late husband of the claimant here. *Claim of VASSILIOS STAVROS ANDROUTSOS*, Claim No. W-6972, Decision No. W-18686 (1966).

Based on the evidence in the record, the Commission finds that the claimant's husband, Vassilios S. Androutsos, acquired United States nationality on October 28, 1926, in Bridgeport, Connecticut, and died in Philadelphia, Pennsylvania, on May 17, 1978. The Commission further finds that, before World War II, the claimant's husband was the owner of a house located in the village of Bodrisht, District of Gjirokaster, and also owned several parcels of land comprising 62 *dynym* in area located in the village of Bodrisht.

Although the record does not contain evidence of the exact date of the confiscation of these properties, the Commission is satisfied that the information received from the claimant and her daughters who traveled to Albania is credible

and comports with the Commission's understanding 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 husband of his property, and thereby constituted an uncompensated expropriation by the Government of Albania.

The claimant has not provided a copy of her husband's will or a certificate of inheritance to support her contention that she was his sole heir at the time of his death in 1978. However, a letter submitted by the attorney who administered the estate of the claimant's husband after his death states that there was a will naming the claimant as sole beneficiary of the estate. The Commission finds, therefore, that this claim, owned by the late Vassilios Androutsos, devolved upon his death in 1978, in accordance with his will, to his wife, the claimant herein.

As for the value of claimant's husband's property, the documents submitted by claimant reflect that, in 1933, the purchase price of the land, totalling 62 *dynums* (6.2 hectares or approximately 15.3 acres), was 3900 gold francs, which was then equivalent to \$1,279.00, and that the purchase price of the house was 2800 gold francs in 1925, or the equivalent of \$560.00. No other evidence relevant to the valuation of the property has been submitted.*

Based on the evidence before it, the Commission finds that the claimant's husband's property had a value of \$4,000.00 at the time of the loss. Accordingly, the Commission finds the claimant entitled to an award in the principal amount of \$4,000.00 as compensation for the loss of her husband'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 her 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 her principal award, or \$11,912.00.

*The value of the gold franc varied between 1929 and 1933 from 3 gold francs to the U.S. dollar and 5 gold francs to the U.S. dollar.

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

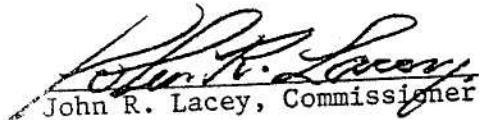
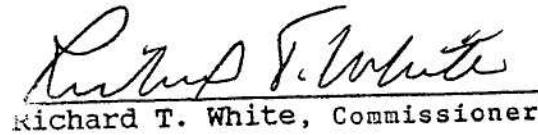
AWARD

Claimant, SOPHIE V. ANDROUTSOS, is entitled to an award in the principal amount of Four Thousand Dollars (\$4,000.00), plus interest from August 29, 1945, to April 18, 1995, in the amount of Eleven Thousand Nine Hundred Twelve Dollars (\$11,912.00), for a total award of Fifteen Thousand Nine Hundred Twelve Dollars (\$15,912.00).

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


Melissa A. Ridgway
Chair

DEC 16 1996


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).