

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

In the Matter of the Claim of

ALEKSANDRA PEPO

Against the Government of Albania

Claim No. ALB-289

Decision No. ALB-295

Hearing on the record held on April 15, 1997

FINAL DECISION

This claim against the Government of Albania is based upon the confiscation of real property located in Terova and Rembec, District of Korce.

By Proposed Decision entered on February 24, 1997, the Commission found the claimant entitled to an award in the principal amount of \$1,916.67 (plus interest of \$5,554.51), based on her right--as an heir of her father and the assignee of three of her siblings--to claim for 5/12ths of the value of 8.7 hectares of farmland and 0.7 hectare of pasture confiscated from her father in 1947. However, the Commission denied any interest claimant inherited through her mother, as there was no evidence either that her mother predeceased her father (who died in 1980) or that she was a U.S. national when he died.

Under cover of a letter dated February 16, 1997—which was received at the Commission on March 6, 1997—claimant submitted a "Certificate" issued by the Civil State Office of Korce, which establishes that claimant's mother died in 1946, and thus was not an heir of claimant's father's estate. The Commission has treated this letter as an objection to the Proposed Decision.

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

Based on that review, the Commission now finds that the claimant is entitled to an award for one-half the value of her father's property, based on her status as one of his five heirs and as assignee of one-half of her three siblings' one-fifth shares in his estate (the other portions having been assigned by them to their sister Marjeta in Albania). Because claimant has not contested the Commission's determination that the entire property had a value of \$4,600.00 at the time of confiscation, that determination is affirmed. Accordingly, claimant is entitled to a revised award in the principal amount of \$2,300.00 based on her right to claim for one-half of the property's value. This award shall date from January 1, 1947.

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 the award granted herein, 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 289.8 percent of her principal award, or \$6,665.40.

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 withdraws the award granted in the Proposed Decision and enters 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). This constitutes the Commission's final determination in this claim.

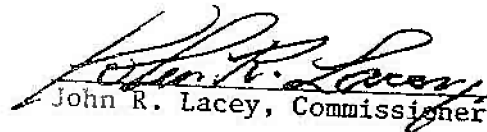
AWARD

Claimant ALEKSANDRA PEPO is entitled to an award in the principal amount of Two Thousand Three Hundred Dollars (\$2,300.00), plus interest from January 1, 1947, to April 18, 1995, in the amount of Six Thousand Six Hundred Sixty-Five Dollars and Forty Cents (\$6,665.40), for a total award of Eight Thousand Nine Hundred Sixty-Five Dollars and Forty Cents (\$8,965.40).

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

APR 15 1997


Delissa A. Ridgway, Chair


John R. Lacey, Commissioner

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In the Matter of the Claim of

ALEKSANDRA PEPO

Against the Government of Albania

Claim No. ALB-289

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PROPOSED DECISION

This claim against the Government of Albania is based upon the alleged confiscation of real property located in Terova and Rembec, 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, ALEKSANDRA PEPO, seeks compensation for the alleged expropriation by the Government of Albania in 1947 of 87 *dynym* (8.7 hectares or about 21.5 acres) of farmland and 7 *dynym* (0.7 hectare or about 1.7 acres) of pasture land in the villages of Terova and Rembec, District of Korce. According to the claimant, this property was owned at that time by her father, Nikolla Kostandin Laska, who had acquired United States nationality by naturalization on December 20, 1944, and who died in Albania in 1980 (shortly after his return there from the United States, where he had resided since before World War II). Claimant is a United States national by virtue of her birth in

Worcester, Massachusetts, on Personally Identifiable Information
Redacted under 5 U.S.C. §552(b)(6). She has asserted her claim based on her status as one of her father's five children and as assignee, along with her sister Marjeta, of the claims of her sister Antoneta and her two brothers, all of whom were also United States nationals at the time of their father's death. However, despite two requests that she do so, the claimant has not stated or documented whether her mother was living at the time of her father's death, or whether she also was an heir of his estate.

Based on the evidence submitted, which includes a corroborating document from the governmental archives in Korce, the Commission finds that claimant's father owned 8.7 hectares of farmland and 0.7 hectares of pasture in or near the villages of Terova and Rembec, District of Korce. The Commission further finds, in the absence of evidence to the contrary, that the claimant and her mother and four siblings each inherited a one-sixth interest in her father's estate upon his death in 1980, and that she is also the assignee of her sister Antoneta and her two brothers of additional 1/12th inherited interests in her father's claim (the other 1/12ths having gone to her sister Marjeta in Albania), thereby giving her the right to claim for 5/12ths of the value of her father's farmland and pasture.

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 formation of agricultural cooperatives, had the effect of depriving the claimant's father of his interest in the property, and thereby constituted an uncompensated expropriation by the Government of Albania. In this case, claimant has stated that the property was confiscated in 1947. For lack of a precise date, the Commission will deem the taking of the land to have occurred as of January 1, 1947. Accordingly, based on her status as an heir of her father's estate and assignee of her sister Antoneta and her two brothers, claimant is entitled to an award equivalent to 5/12ths of the value of her father's property, dating from January 1, 1947.

Claimant has not assigned or estimated a value for her father's property as of the time of confiscation, stating only that it was of "first category." 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 property in question had a value of approximately \$200 per acre, or \$4,600, at the time of loss. For her 5/12ths share in the claim for the property's loss, claimant is accordingly entitled to an award of \$1,916.67, dating from January 1, 1947.

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 the award granted herein, 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 289.8 percent of her principal award, or \$5,554.51.

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.* Accordingly, a copy of this decision will be forwarded to the restitution authorities in Korce 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 ICSPA (22 U.S.C. §§1624, 1626 and 1627).

*In this regard, the Commission's independent consultant in Albania has notified the Commission that the heirs of Nikolla Laska have submitted an application to the Commission for the Return of and Compensation for Property of the District of Korce for the return of his property.

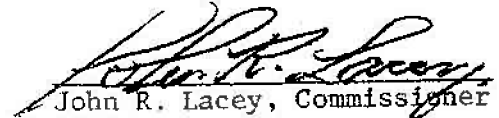
AWARD

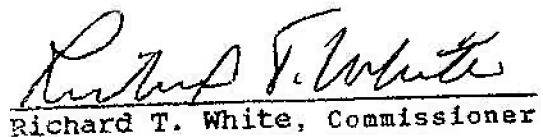
Claimant ALEKSANDRA PEPO is entitled to an award in the principal amount of One Thousand Nine Hundred Sixteen Dollars and Sixty-Seven Cents (\$1,916.67), plus interest from January 1, 1947, to April 18, 1995, in the amount of Five Thousand Five Hundred Fifty-Four Dollars and Fifty-One Cents (\$5,554.51), for a total award of Seven Thousand Four Hundred Seventy-One Dollars and Eighteen Cents (\$7,471.18).

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).