



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 seeks compensation for the alleged expropriation by the Government of Albania of a house and 544 square meters of grounds located in the Vrenez quarter of Vlora in 1968 and 1978. According to claimant, he was originally the sole owner of the property but in 1958 -- prior to his escape from Albania -- he gave a one-half interest in the property to his brother, Minella Gjoni, to be held for him in trust. Claimant further asserts that, in 1970, his

brother gave that one-half interest to Popi Gjoni (claimant's wife), also to be held in trust on claimant's behalf. Claimant also asserts that the government demolished the house in 1978 or 1979, to make way for construction of a road.

In support of his claim, claimant has submitted documentation reflecting his naturalization as a United States citizen on July 14, 1967, as well as two documents in Albanian, with English translations, respectively dating from 1996 and from 1970. The first of these states that, from 1958, the claimant and his brother each owned a one-half interest in the property, but that 200 square meters of the grounds were expropriated by order of the Vlora Executive Committee on June 5, 1968. The second document transferred Minella Gjoni's one-half share in the property to the claimant's wife on April 20, 1970. In addition, claimant has submitted drawings of the house; two lists of building materials and costs (said to reflect the expenditures that would be required to rebuild the house); a decision issued by the Commission for Restitution and Compensation of Property in Vlora on November 30, 1995 (finding the claimant and his wife entitled to compensation for expropriation of 544 square meters of land); and an affidavit by claimant's son attesting to the 1979 destruction of the house.

Based on the evidence submitted, the Commission finds that the claimant, SPIRO P. JONES, owned a one-half interest in 200 square meters of grounds in

the Vrenez quarter of Vlora which was expropriated or otherwise taken by the Government of Albania, without payment of compensation, on or about June 5, 1968. Accordingly, claimant is entitled to an award for the resulting loss.

However, in the absence of contemporaneous documentation or other evidence substantiating claimant's contention, there is no basis in the record for a finding that claimant's brother was holding the other half of the property in trust for claimant. Accordingly, the Commission determines that claimant's claim for the other one-half interest in the 200 square meters of land expropriated in 1968 must be and is hereby denied.

The Commission further finds that the claimant owned a one-half interest in the remaining grounds and the house, and that this interest was expropriated or otherwise taken by the Government of Albania, without payment of compensation, on or about January 1, 1979. Accordingly, claimant is also entitled to an award for the loss of that property interest. However, claimant's claim for the other one-half interest in the remaining grounds and the house -- allegedly held in trust for him by his brother and, later, his wife -- again must be and is hereby denied in the absence of supporting documentary evidence.

The claimant has not asserted a value for the 200 square meters of grounds taken in 1968. As for the house and remaining grounds, he has claimed a value of either \$70,000.00 or \$62,497.00. The latter figure is said to reflect the estimated cost of rebuilding the house in 1996, in Albanian *lek* converted to dollars at the exchange rate of 111 *lek* to \$1.00. In addition, he has submitted an untranslated document in Albanian which appears to list estimated rebuilding costs of the house between 1986 and 1990 of 64,220.40 *lek*, which would have been equivalent to approximately \$16,000.00.

Based on its review of the evidence submitted, and its comparison of this case with others in which property values have been established, the Commission finds that the claimant's one-half share in the 200 square meters of land expropriated in 1968 had a value at that time of \$1,000.00. Accordingly, claimant is entitled to an award in that amount in this portion of his claim, dating from June 5, 1968.

The Commission further finds that the claimant's one-half interest in the house and remaining grounds had a value of \$9,000.00 at the time of expropriation on January 1, 1979. Accordingly, claimant is entitled herein to a further award in that amount, dating from January 1, 1979.

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. Claimant is therefore entitled to an interest award of 161.2 percent of his \$1,000.00 principal award, or \$1,612.00, and an interest award of 97.8 percent of his \$9,000 principal award, or \$8,802.00, for a total interest award of \$10,414.00.

Under the terms of the 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 double recovery in a claim. A copy of this decision therefore will be forwarded to the Albanian authorities in due course.

Accordingly, the Commission makes the following award, which will be certified to the Secretary of the Treasury in accordance with sections 5, 7 and 8 of Title I of the ICSCA (22 U.S.C. §§1624, 1626, and 1627).

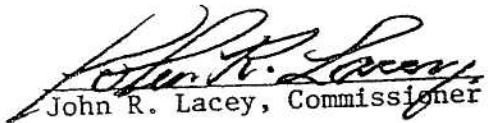
AWARD

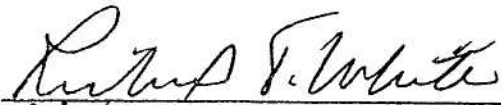
Claimant, SPIRO P. JONES, is entitled to an award in the principal amount of Ten Thousand Dollars (\$10,000.00), plus interest on \$1,000.00 in the amount of One Thousand Six Hundred Twelve Dollars (\$1,612.00), and interest on \$9,000.00 in the amount of Eight Thousand Eight Hundred Two Dollars (\$8,802.00) for a total interest award of Ten Thousand Four Hundred Fourteen Dollars (\$10,414.00) and a total award of principal and interest of Twenty Thousand Four Hundred Fourteen Dollars (\$20,414.00).

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

FEB 24 1997

  
Delissa A. Ridgway, Chair

  
John R. Lacey, Commissioner



This decision was entered as the Commission's Final Decision on MAY 06 1997 by Robert 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).