

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

In the Matter of the Claim of

SOTIR ILO
NIKO ILO

Against the Government of Albania

Claim No. ALB-320

Decision No. ALB-303

Counsel for Claimants:

McGrath & Sandberg

PROPOSED DECISION

This claim against the Government of Albania is based upon the alleged⁴ confiscation of real and personal property located in Qyteze, District of Devoll.

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 in this case have asserted that the property which is the subject of their claim was confiscated by the Albanian government in 1956. They further assert that their father, Ilo Nikolla (also known as Louis Nick), a United States national since 1927, was the owner of the property at that time. According to the claimants, their father died in 1974 in Albania and they are his sole heirs.

In support of their claim, the claimants have submitted evidence of their father's United States nationality and their own United States nationality, as well

as a copy of a Certificate of Inheritance confirming that they inherited his estate in equal shares upon his death in Albania in February 1974. In addition, they have submitted a document from the Miras Commune in the District of Devoll and several affidavits verifying their father had owned 16.7 dynym of agricultural property, including a two-story barn, garden land, and orchard and forest land in the village of Qyteze, near Korce. However, they have submitted no evidence relating to the loss of the personal property for which they have asserted a claim, which is said to have consisted of animal feed and garden produce.

Research conducted by the Commission's independent consultant in the archives of the Kadaster of Devoll confirms that claimants' father, Ilo Koli, was the owner of 16,750 square meters (16.7 dynyms) of agricultural land in Qyteze. Evidence in the record also establishes that claimants' father acquired United States nationality by naturalization on June 14, 1927, and that SOTIR ILO and NIKO ILO have been United States citizens since their birth in Albania in 1929 and 1930 respectively. Based on the evidence in the record, the Commission finds that prior to 1945, the claimants' father was the owner of 16,750 square

meters (16.7 dynyms) or about 4.13 acres of agricultural property, including forest and orchard land, garden land, and a barn, located in the village of Qyteze, District of Devoll.

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 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).

In this case, the claimants have stated that their father's property was confiscated in 1956, and the Commission is aware, in fact, that land in the area of Qyteze was collectivized in that year. Accordingly, the Commission finds that the claimants' father's property was the subject of an uncompensated expropriation by the Government of Albania on or about January 1, 1956. Claimants are therefore entitled to awards of compensation for the resulting loss.

The claimants have asserted a value for the property of \$60,000.00. However, they have submitted no evidence to support that figure, which is inconsistent with information provided to the Commission in other cases. 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 described in the Certificate of Ownership in the village of Qyteze, District of Devoll, had a value at the time of expropriation of approximately \$300 per acre, or \$1,300.00, and that the barn located thereon had a value of \$1,000.00. Accordingly, claimants are each entitled to an award in the principal amount of \$1,150.00 as compensation for the loss of their father's property, dating from January 1, 1956.

As noted previously, claimants have submitted no evidence to establish the loss of the personal property for which they have asserted a claim. Accordingly, their claim for that property 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 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 235.8 percent of his principal award, or \$2,711.70.

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

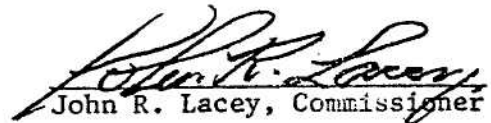
The Commission therefore makes the following awards, which will be certified to the Secretary of the Treasury for payment in accordance with sections 5, 7, and 8 of Title I of the ICSA (22 U.S.C. §§1624, 1626, and 1627).

A W A R D S

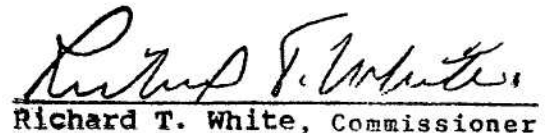
Claimant, SOTIR ILO, is entitled to an award in the principal amount of One Thousand One Hundred Fifty Dollars (\$1,150.00), plus interest from January 1, 1956, to April 18, 1995, in the amount of Two Thousand Seven Hundred Eleven Dollars and Seventy Cents (\$2,711.70), for a total award of Three Thousand Eight Hundred Sixty-One Dollars and Seventy Cents (\$3,861.70).

Claimant, NIKO ILO, is entitled to an award in the principal amount of One Thousand One Hundred Fifty Dollars (\$1,150.00), plus interest from January 1, 1956, to April 18, 1995, in the amount of Two Thousand Seven Hundred Eleven Dollars and Seventy Cents (\$2,711.70), for a total award of Three Thousand Eight Hundred Sixty-One Dollars and Seventy Cents (\$3,861.70).

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


John R. Lacey, Commissioner

SEP 18 1998


Richard T. White, Commissioner

This decision was entered as the Commission's
Final Decision on DEC 4 1998

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) (1997).