

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

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In the Matter of the Claim of

ALEKSANDRA FILIPI  
MARIORA FILIP MITEZI  
PETRAQ FILIP  
KASJANI DAPSHI  
VASILLAQ FILIP  
THODORAQ FILIP

ANESTI FILIP  
ANDREA FILIPI  
KOSTANCA GJANCI  
ALBERT FILIP  
GERALDINA NDONI

Against the Government of Albania

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} Claim No. ALB-119

} Claim No. ALB-161

} Decision No. ALB-275(R)  
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ORDER

These claims against the Government of Albania are based upon the alleged confiscation of real and personal property located in the District of Korce.

By proposed Decision entered in these claims on February 24, 1997, the Commission found PETRAQ FILIP, KASJANI DAPSHI, VASILLAQ FILIP, THODORAQ FILIP, ANESTI FILIP, ANDREA FILIPI, KOSTANCA GJANCI and ALBERT FILIP entitled to awards in the principal amount of \$250.00 each (together with interest of \$739.50) for their respective

one-sixth interests in the loss of their father's one-half interest in 4.5 hectares (about 11.1 acres) of agricultural property which had been confiscated in 1946.

The claims of ALEKSANDRA FILIPI, MARIORA FILIP MITEZI and GERALDINA NDONI were denied because they did not meet the residency requirement in the Agreed Minute to the U.S.-Albania Claims Settlement Agreement. *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"). That provision specified that a claim would not be compensable under the Settlement Agreement unless it was established either that the claimant was residing in the United States as of the agreement's effective date of April 18, 1995, or that the claim was held continuously by one or more United States nationals residing in the United States for at least half the time between the date the claim arose and April 18, 1995.

In a Final Decision and Order issued on April 15, 1997, the Commission granted the request of those claimants to whom the Commission had made an award to withdraw their claims, and an Order of Dismissal with prejudice was issued with respect to those claims.

By Commission letters dated July 13, 2006, the Commission notified ALEKSANDRA FILIPI, MARIORA FILIP MITEZI and GERALDINA NDONI that the Albanian government had accepted and agreed with a proposal made by the United States Government on November 18, 2005, to delete the residency requirement from the Agreed Minute to the Settlement Agreement. Based on this modification of the Settlement Agreement, the Commission concluded that the claims of these particular claimants were now eligible for consideration on the merits.

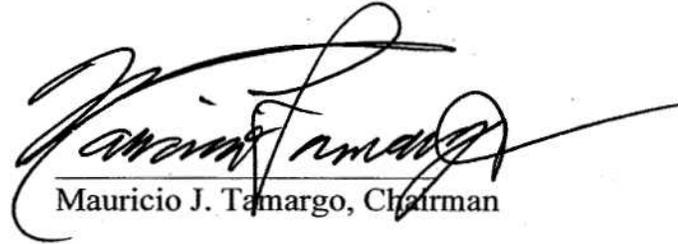
By letter dated August 15, 2006, GERALDINA NDONI, responded that she too wished to withdraw her claim from further consideration. The Commission has not had a response from ALEKSANDRA FILIPI or MARIORA FILIP MITEZI.

The Commission has determined that Mrs. Ndoni's letter should be treated as a request to withdraw her claim, and has concluded that this request should be granted. Accordingly, it is ORDERED that claimant GERALDINA NDONI's claim be and it is hereby dismissed with prejudice.

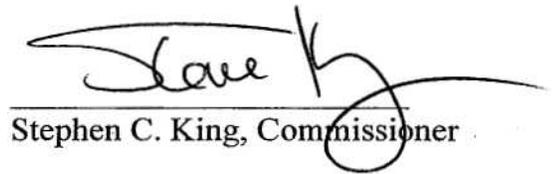
The Commission will take no further action on the claims of ALEKSANDRA FILIP or MARIORA FILIP MITEZI.

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

SEP 20 2007



Mauricio J. Tamargo, Chairman



Stephen C. King, Commissioner



interests in the loss of their father's one-half interest in 4.5 hectares (about 11.1 acres) of agricultural property which had been confiscated in 1946.

In response to the Proposed Decision, by letter dated March 14, 1997, claimant PETRAQ P. FILIP notified the Commission that he does "not agree to accept this kind of estimation." He further stated that, at least for the present, "it is better that [his] ownership stays unchanged, rather than having it change for only \$250.00." Claimant THODORAQ FILIP's letter dated March 20, 1997 was to the same effect. Claimants VASILLAQ FILIP and KASJANI DAPSHI notified the Commission by facsimile letter received on March 17, 1997, that "it will be in [their] best interest to pursue this case at a later time with the Albanian Government."

In addition, by letter received at the Commission on March 17, 1997, claimant KOSTANCA GJANCI advised the Commission that she does not agree with the Commission's valuation and that she does not "want that amount of money." In her letter, Ms. Gjanci requests the Commission to discuss with the Albanian government the return of her property. Claimant ANESTI FILIPI, on his own behalf and on behalf of ANDREA FILIPI, advised the Commission by letter dated March 15, 1997, that he too does not agree with the Commission's

Proposed Decision and wants the "property to be returned." Finally, by letter dated March 22, 1997, claimant ALBERT FILIPI notified the Commission that he finds the Proposed Decision unacceptable and seeks the return of his properties.

Although not specifically so stated, the Commission deems the claimants' letters to be requests for withdrawal, which are hereby granted. The Commission therefore withdraws the awards set forth in the Proposed Decision of February 24, 1997 for PETRAQ FILIP, KASJANI DAPSHI, VASILLAQ FILIP, THODORAQ FILIP, ANESTI FILIPI, ANDREA FILIPI, KOSTANCA GJANCI and ALBERT FILIPI.

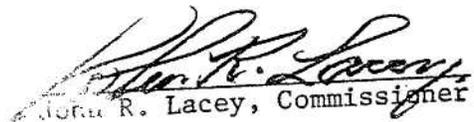
Accordingly, it is ORDERED that the present claims be and they are hereby dismissed with prejudice.

This constitutes the Commission's final determination in these claims.

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

APR 15 1997

  
Delissa A. Ridgway, Chair

  
John R. Lacey, Commissioner

ALB-119  
ALB-161

FOREIGN CLAIMS SETTLEMENT COMMISSION  
OF THE UNITED STATES  
UNITED STATES DEPARTMENT OF JUSTICE  
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In the Matter of the Claim of

ALEKSANDRA FILIPI  
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ANESTI FILIPI  
ANDREA FILIPI  
KOSTANCA GJANCI  
ALBERT FILIPI  
GERALDINA NDONI

Against the Government of Albania

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Claim No. ALB-119

Claim No. ALB-161

Decision No. ALB-275

PROPOSED DECISION

These claims against the Government of Albania are based upon the alleged confiscation of real and personal property located in the District of Korce.

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 Agreed Minute to the Settlement Agreement further provides:

For purposes of article 1, the term "United States nationals" shall include dual United States-Albanian nationals only if those nationals are domiciled in the United States currently or for at least half the period of time between when the property was taken and the date of entry into force of the agreement.

In effect, this residency requirement limits the Commission's jurisdiction over the claims of dual nationals to those cases where the owner of the claim either (1) was domiciled in the United States on April 18, 1995 (the effective date of the Settlement Agreement), or (2) was domiciled in the United States for at least half the period of time between the date the property was expropriated and April 18, 1995.

The first group of claimants here (Claim No. ALB-119) are the wife and children of Pandi Filipi. The second group of claimants (Claim No. ALB-161) are the children of Llambi Filipi. Pandi and Llambi Filipi were brothers who acquired United States nationality by naturalization on August 29, 1929 and August 28, 1918, respectively. All claimants except Aleksandra Filipi, the wife of Pandi Filipi, are United States citizens by birth. The first group of claimants seeks compensation for the one-half interest of Pandi Filipi in agricultural property located in the District of Korce. The second group of claimants seeks compensation for the one-half interest of Llambi Filipi in the same property, which was allegedly expropriated by the government of Albania in 1946. At that time, according to claimants, Pandi and Llambi Filipi were the owners of the claimed property. According to the claimants, Pandi Filipi died in Albania in

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1955 and Llambi Filipi died in Albania in 1969. Each was survived by a wife and five children. Claimants assert this claim as the heirs of Pandi and Llambi Filipi. The second group of claimants also claim for 480 gold napoleons, allegedly confiscated from their parents sometime between 1944 and 1948.

In support of their claims, claimants have submitted documentation including copies of the naturalization certificates of Pandi and Llambi Filipi, copies of the U.S. passports of all the claimants who acquired U.S. nationality by birth, Certificates of Inheritance, and documents of ownership including deeds of purchase.<sup>1</sup>

Unfortunately, as explained in the Commission's letters dated May 17, 1996 and September 6, 1996, and discussed below, the residency requirement in the Agreed Minute to the Settlement Agreement precludes the Commission's consideration of those parts of the claim belonging to ALEKSANDRA FILIPI, MARIORA MITEZI and GERALDINA NDONI.

The Commission is constrained by the Settlement Agreement to apply the residency requirement to the claims of all dual U.S.-Albanian nationals. The

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<sup>1</sup>Aleksandra Filipi, the wife of Pandi Filipi, has stated on the claim form that she acquired U.S. nationality by birth abroad to a U.S. parent but has provided no evidence to substantiate that assertion. Moreover, she has been and is a resident of Albania.

three claimants mentioned are dual U.S.-Albanian nationals (assuming ALEKSANDRA FILIPI can establish her U.S. nationality), because their father was an Albanian citizen. Under Albanian law, claimants retain Albanian nationality notwithstanding their U.S. nationality by birth.

Of the first group of claimants, there is no evidence that claimants ALEKSANDRA FILIPI and MARIORA FILIP MITEZI were living in the United States on April 18, 1995 (the effective date of the Settlement Agreement). Indeed, there is no evidence that they have lived in the United States at any time since the death of Pandi Filipi in 1955 in Albania (when they became part owners of the claim). Thus, it cannot be said that these owners of the claim (Pandi Filipi, and then -- after his death -- claimants ALEKSANDRA FILIPI and MARIORA FILIP MITEZI) lived in the U.S. for at least half the time between April 1995 and the expropriation in 1946. The Commission therefore cannot find that the residency requirement is met as to the parts of the claim owned by those claimants. Their parts of the claim therefore must be and are hereby denied.<sup>2</sup>

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<sup>2</sup>If claimant ALEKSANDRA FILIPI is not, in fact, a national of the United States, this Commission lacks jurisdiction over her interest in the claim. She should pursue her claim directly in Albania.

Of the second group of claimants, there is no evidence that claimant GERALDINA NDONI was living in this country on April 18, 1995 (the effective date of the Settlement Agreement). Indeed, there is no evidence that she has lived in the United States at any time since the death of her father, Llambi Filipi, in 1969 in Albania (when she became an owner of the claim). Thus, it cannot be said that the owner of her part of the claim (Llambi Filipi, and then -- after his death -- claimant GERALDINA NDONI) lived in the U.S. for at least half the time between April 1995 and the expropriation in 1946. The Commission therefore cannot find that the residency requirement is met as to the portion of the claim owned by claimant GERALDINA NDONI. That portion of the claim therefore also must be and is hereby denied.

The portions of the claim belonging to claimants PETRAQ FILIP, KASJANI DAPSHI, VASSILAQ FILIP and THODORAQ FILIP (heirs of Pandi Filipi) remain. Because these four claimants were living in the United States in April 1995, they satisfy the residency requirement. The Commission therefore has jurisdiction to consider their parts of the present claim. Similarly, because claimants ANESTI FILIPI, ANDREA FLIPI, KOSTANCA GJANCI, and ALBERT FILIPI (heirs of Llambi Filipi) were living in the United States in April

1995, they also satisfy the residency requirement. The Commission therefore has jurisdiction to consider their parts of the present claim.

The Commission has reviewed the entire record. It notes that the claimants are claiming for three parcels of agricultural property, consisting of between 4.1 and 6.4 hectares of land located in the general vicinity of Korce which was confiscated pursuant to the Agrarian Reform in 1946. According to the claimants, a number of industrial buildings have been erected on a portion of that land, near the entrance to the city of Korce and the Main Street. The claimants have indicated that they have requested the return of that property and wish to enter into a partnership with the owners of the buildings.

The documents of ownership, consisting of purchase contracts, indicate that in 1936 Pandi and Llambi Filipi purchased certain property in excess of 8.5 hectares. However, the Commission's own independent investigation in Albania has been able to establish only that claimants' ancestors owned 40.5 dynyms or 4.5 hectares of agricultural property located in the vicinity of the village of Orman, District of Korce. Based on this investigation, the Commission finds that Pandi and Llambi Filipi owned several parcels of arable land totaling 4.5 hectares (11 acres) in the vicinity of the village of Orman, District of Korce.

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 claimants' fathers of 4.5 hectares of agricultural property, and thereby constituted an uncompensated expropriation by the Government of Albania. In this case, claimants have stated that the property was confiscated in 1946. For lack of a precise date, the Commission will deem the taking of the 4.5 hectares of agricultural land to have occurred as of January 1, 1946.

The claimants have not asserted a value for property. However, the purchase contracts indicate that in 1936, the purchase price for property located in Orman was approximately \$140 per acre. Based on its own 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 value of the 11 acres of agricultural property owned by Pandi and Llambi Filipi was \$3,000.00 at the time of confiscation.

Based on the evidence in the record, the Commission is satisfied that the first group of claimants each had a one-sixth interest in the estate of Pandi Filipi which consisted of a one-half interest in the above property at the time of his death in 1955. Similarly, the second group of claimants also each had a one-sixth interest in the estate of their father, Llambi Filipi, which consisted of a one-half interest in the claim for the above property at the time of his death in 1969.<sup>3</sup>

Accordingly, the Commission finds each claimant entitled to an award in the principal amount of \$250.00 as compensation for his or her one-sixth interest in the loss of his/her father's one-half interest in the property, dating from January 1, 1946.

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<sup>3</sup>The second group of claimants has stated that their mother died in 1990. They have not asserted that she ever acquired U.S. nationality. To the extent that they seek to claim for their inheritance of their mother's one-sixth share in the estate of Llambi Filipi, the lack of continuous ownership by a U.S. national precludes the Commission from adjudicating it.

The second group of claimants also claims for the confiscation of 480 gold napoleons between 1944 and 1948. However, they have submitted no documentation to substantiate this part of their claim.

Section 531.6(d) of the Commission's regulations provides:

The claimant shall be the moving party, and shall have the burden of proof on all issues involved in the determination of his or her claim.

45 C.F.R. 531.6(d) (1995).

The Commission finds that the claimants have not met the burden of proof in that they have failed to submit supporting evidence to establish their parents' ownership of the gold coins allegedly confiscated from them or the date and circumstances of the alleged confiscation. This portion of the claim therefore 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 entitled to an interest award of 295.8 percent of the principal award, or \$739.50.

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).

#### AWARDS

Claimant PETRAQ FILIP is entitled to an award in the principal amount of Two Hundred Fifty Dollars (\$250.00), plus interest from January 1, 1946, to April 18, 1995, in the amount of Seven Hundred Thirty-Nine Dollars and Fifty Cents (\$739.50), for a total award of Nine Hundred Eighty-Nine Dollars and Fifty Cents (\$989.50).

Claimant KASJANI DAPSHI is entitled to an award in the principal amount of Two Hundred Fifty Dollars (\$250.00), plus interest from January 1, 1946, to April 18, 1995, in the amount of Seven Hundred Thirty-Nine Dollars and Fifty Cents (\$739.50), for a total award of Nine Hundred Eighty-Nine Dollars and Fifty Cents (\$989.50).

Claimant VASILLAQ FILIP is entitled to an award in the principal amount of Two Hundred Fifty Dollars (\$250.00), plus interest from January 1, 1946, to April 18, 1995, in the amount of Seven Hundred Thirty-Nine Dollars and Fifty Cents (\$739.50), for a total award of Nine Hundred Eighty-Nine Dollars and Fifty Cents (\$989.50).

Claimant THODORAQ FILIP is entitled to an award in the principal amount of Two Hundred Fifty Dollars (\$250.00), plus interest from January 1, 1946, to April 18, 1995, in the amount of Seven Hundred Thirty-Nine Dollars and Fifty Cents (\$739.50), for a total award of Nine Hundred Eighty-Nine Dollars and Fifty Cents (\$989.50).

Claimant ANESTI FILIPI is entitled to an award in the principal amount of Two Hundred Fifty Dollars (\$250.00), plus interest from January 1, 1946, to April 18, 1995, in the amount of Seven Hundred Thirty-Nine Dollars and Fifty Cents (\$739.50), for a total award of Nine Hundred Eighty-Nine Dollars and Fifty Cents (\$989.50).

Claimant ANDREA FILIPI is entitled to an award in the principal amount of Two Hundred Fifty Dollars (\$250.00), plus interest from January 1, 1946, to April 18, 1995, in the amount of Seven Hundred Thirty-Nine Dollars and Fifty

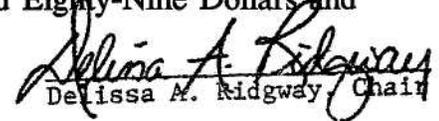
Cents (\$739.50), for a total award of Nine Hundred Eighty-Nine Dollars and Fifty Cents (\$989.50).

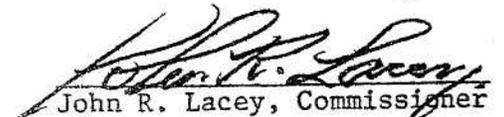
Claimant KOSTANCA GIANCI is entitled to an award in the principal amount of Two Hundred Fifty Dollars (\$250.00), plus interest from January 1, 1946, to April 18, 1995, in the amount of Seven Hundred Thirty-Nine Dollars and Fifty Cents (\$739.50), for a total award of Nine Hundred Eighty-Nine Dollars and Fifty Cents (\$989.50).

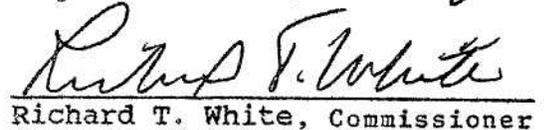
Claimant ALBERT FILIPI is entitled to an award in the principal amount of Two Hundred Fifty Dollars (\$250.00), plus interest from January 1, 1946, to April 18, 1995, in the amount of Seven Hundred Thirty-Nine Dollars and Fifty Cents (\$739.50), for a total award of Nine Hundred Eighty-Nine Dollars and Fifty Cents (\$989.50).

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).