

The Commission has again reviewed the entire evidentiary record in this case, particularly the Ownership Declaration of claimant's brother (executed in Korce on June 14, 1996) and the Notarial Declaration of Meri Demiri (dated September 16, 1996). The Ownership Declaration includes a sworn statement by the local notary, who attests that it is customary to officially register property in the name of one sibling (typically the eldest) "without denying other members of the family the right to claim their share of [the] inheritance." Mrs. Demiri's Notarial Declaration is to the same effect -- that, even though the property was registered in the name of claimant's brother, "in reality all members of his family i.e. his mother, his brother, his two sisters in Albania as well as his sister Dimetra in U.S.A. [claimant here] shared equally by inheritance in the farm."

Based on the entirety of the evidence, the Commission is persuaded that claimant's late father owned a farm of 15 hectares (including 13 hectares farmland, .5 hectares pasture, and 1.5 hectares orchard), which passed in equal shares on his death in 1925 to claimant, her mother, her two brothers and her two sisters.*

*Although claimant initially claimed for a house and furnishings and other personal property, no documentary evidence has been submitted in support of that part of the claim. Accordingly, the denial of that part of the claim must be and hereby is affirmed.

Although claimant has submitted no specific evidence of the date and circumstances of the confiscation, 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 statements of claimant and the entire record, the Commission determines that implementation of the Agrarian Reform Law, coupled with the restrictions placed upon non-farming owners, had the effect of depriving the claimant of her property, thus constituting an uncompensated expropriation by the Government of Albania. In the absence of a more precise date, the Commission deems the confiscation to have occurred as of January 1, 1946.

Based on its study of the values of various kinds of real property in Albania before and during World War II and thereafter, the Commission finds that claimant's late father's farm property had a value at the time of expropriation of approximately \$8,200.00. Accordingly, claimant is entitled to a principal award in the amount of \$1,366.67 for her one-sixth interest.

In accordance with applicable principles of international law and its decisions in previous claims programs, the Commission further concludes that claimant is entitled to interest as part of her award, amounting to 6 percent simple interest per annum from the date of loss to April 18, 1995 (the effective date of the Settlement Agreement). Accordingly, claimant is entitled to an interest award of 295.8 percent of her principal award, or \$4,042.61.

The Commission therefore withdraws its denial in this claim and enters the award set forth below, which will be certified to the Department of Treasury for payment in accordance with sections 5, 7 and 8 of Title I of the ICOSA (22 U.S.C. §§ 1624, 1626 and 1627).

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 Government in due course.

This constitutes the Commission's final determination in this claim.

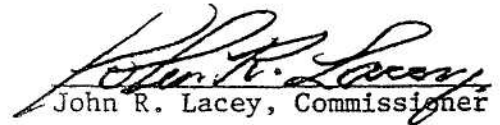
A W A R D

Claimant DIMETRA ANGJELI GREGORY is entitled to an award in the principal amount of One Thousand Three Hundred Sixty-Six Dollars and Sixty-Seven Cents (\$1,366.67), plus interest from January 1, 1946 to April 18, 1995, in the amount of Four Thousand Forty-Two Dollars and Sixty-One Cents (\$4,042.61), for a total award of Five Thousand Four Hundred Nine Dollars and Twenty-Eight Cents (\$5,409.28).

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


Delissa A. Ridgway, Chair

FEB 24 1997


John R. Lacey, Commissioner


Richard T. White, Commissioner

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	}	
	}	
	}	
DIMETRA ANGJELI GREGORY	}	Claim No. ALB-221
	}	
	}	Decision No. ALB-204
	}	
Against the Government of Albania	}	
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PROPOSED DECISION

This claim against the Government of Albania is based upon the alleged confiscation of real and personal property located in Pendavinj, 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 claimant, DIMETRA ANGJELI GREGORY, has asserted that the properties which are the subject of her claim were confiscated by the Albanian government in approximately 1945 to 1946. Specifically, the claimant seeks compensation for the alleged expropriation by the government of Albania of three parcels of arable land totaling 15 hectares (37.05 acres) and for the destruction of a farmhouse and individual personal property. She further asserts that she and her brother, an Albanian citizen, were the owners of the property at the time of the confiscation, having inherited it jointly after their father's death in 1925.

Evidence in the record establishes that the claimant acquired her United States nationality by naturalization on June 18, 1940.

By Commission letters dated March 13 and May 23, 1996, claimant was requested to provide further evidence of her ownership and inheritance of her father's property, in addition to some evidence regarding the date and circumstances of the alleged confiscations. It was also noted that there is no evidence in the record to identify, or document the ownership of, the farmhouse or personal property which is the subject of part of the claim.

In support of her claim, the claimant has submitted the following: a certified verification of the "Registration of Private Agricultural Properties" from the Head of City Council Archives of Korce, dating from 1947, which indicates that Mr. Kristo Angjeli, claimant's brother and a citizen of Albania residing in Korce, is the registered owner of the three parcels of land; personal correspondence between claimant's great-nephew, George Angjeli, and Lieutenant Colonel William Gregory, the son of the claimant; three additional notes regarding the claim, written by Mr. Gregory; and an "ownership declaration" executed by "Kico Kosta Angjeli" which is submitted as the affidavit of claimant's brother, Kristo Angjeli. This affidavit avers that although the affiant, Kristo Angjeli, is the registered owner of the three parcels of land,

claimant shares in the ownership of this land, as do the other members of his family. An additional affidavit recently submitted by a friend of the family residing in Albania also purports to support the claimant's claim that she and her family shared in the estate of her father along with her brother, Kristo Angjeli. However, to date, no documentary evidence has been submitted to show that claimant was in fact a co-owner of the claimed property.

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).

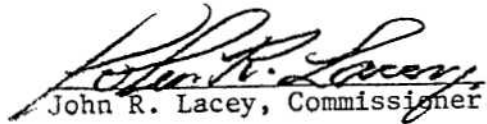
The Commission finds that the claimant has not met the burden of proof in that she has failed to submit documentary evidence to establish her ownership of an interest in the properties which are the subject of her claim. In the absence of such evidence, the Commission is unable to find that the claimant's claim is compensable under the Settlement Agreement. The claim therefore must be and is hereby denied.

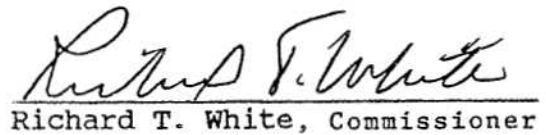
The Commission finds it unnecessary to make determinations with respect to other elements of this claim.

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


Delissa A. Ridgway, Chair

NOV 18 1996


John R. Lacey, Commissioner


Richard T. White, Commissioner

This decision was entered as the Commission's Final Decision on JAN 14 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).