

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

In the Matter of the Claim of

SOTIRAQ JOSIFI
SHEGA AHMETI
VANGJEL JOSIFI

Against the Government of Albania

Claim No. ALB-224

Decision No. ALB-237

PROPOSED DECISION

This claim against the Government of Albania is based upon the alleged confiscation of real property located in the village of Vodice, in the District of Kolonje.

As a preliminary matter, the Commission notes that the claim was received after the expiration of the Commission's filing deadline of December 29, 1995. However, the Commission has decided to accept the claim for adjudication on the merits.

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 first of the claimants herein, SOTIRAQ JOSIFI, submitted this claim seeking compensation for the alleged expropriation by the Government of Albania of 35,630 square meters of arable land "at the end of 1950." At that time, according to his Statement of Claim, the property was owned by his father, Pandeli Joseph (a.k.a. Pandeli Josifi), a naturalized United States citizen since

1927. As supporting documentation, he submitted, among other things, a "Verification" from the District Council of Kolonje, Office of Archives, which states that his father, Pandeli Josifi, was the registered owner of 35,630 square meters of land in Vodice, District of Kolonje. This document is corroborated by a "Certificate" signed by the Head of the Cadastre Section of Kolonje District. In addition, he submitted a copy of his father's naturalization certificate and of his own passport, reflecting that he is a United States national by birth.

The Commission finds it established that Pandeli Joseph acquired United States nationality by naturalization in Philadelphia, Pennsylvania, in 1927, and that he died in Philadelphia on January 15, 1990, leaving his three surviving children as the heirs of his estate.* In addition to his son SOTIRAQ JOSIFI, the other heirs were his daughter SHEGA AHMETI and his son VANGJEL JOSIFI, who have requested to be included as co-claimants in this claim. Having reviewed the documentation they have submitted, which reflects that they are also United States nationals by birth, the Commission hereby includes them as additional claimants in their brother's claim.

*A fourth child, his son George P. Joseph, was killed in France during World War II.

The Commission further determines that the assertion that the claimants' father's property was confiscated in 1950 is credible and comports with its understanding 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.

The Commission determines that the implementation of the Agrarian Reform Law, coupled with the restrictions placed upon non-farming owners, had the effect of depriving the claimants' father of his property, and thereby constituted an uncompensated expropriation by the Government of Albania. For lack of a precise date, the confiscation will be deemed to have occurred as of December 31, 1950. Accordingly, as the heirs of their father's estate, each of the claimants is entitled to an award based on a one-third share in their father's claim for the confiscation of his property, dating from December 31, 1950.

The claimants have asserted that their father's property should be valued at "no less than \$10 per square meter," based on the further assertion that land in Tirana sells for \$80 per square meter. However, the proper measure of value in such claims is the value of the property in issue as of the time of confiscation. Moreover, the property here in issue is agricultural, and thus cannot properly be compared with property within a city or town.

Having compared the location and other facts relating to the claimants' father's property with the locations and other facts, including purchase prices, of property at issue in other claims, the Commission finds that the property in question, consisting of 35,630 square meters (3.56 hectares or about 8.8 acres) of arable land, had a value of approximately \$200 per acre, or \$1,800, at the time of loss. Accordingly, the claimants are each entitled to an award in the principal amount of \$600.00 as compensation for their respective one-third shares in the claim for the loss of their father's property, dating from December 31, 1950.

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, the claimants are each entitled to an interest award of 265.8 percent of their principal awards, or \$1,594.80.

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).

AWARDS

Claimant, SOTIRAQ JOSIFI, is entitled to an award in the principal amount of Six Hundred Dollars (\$600.00), plus interest from December 31, 1950 to April 18, 1995, in the amount of One Thousand Five Hundred Ninety-Four Dollars and Eighty Cents (\$1,594.80), for a total award of Two Thousand One Hundred Ninety-Four Dollars and Eighty Cents (\$2,194.80).

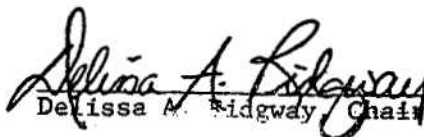
Claimant, SHEGA AHMETI, is entitled to an award in the principal amount of Six Hundred Dollars (\$600.00), plus interest from December 31, 1950 to April 18, 1995, in the amount of One Thousand Five Hundred Ninety-

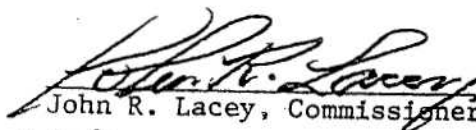
Four Dollars and Eighty Cents (\$1,594.80), for a total award of Two Thousand One Hundred Ninety-Four Dollars and Eighty Cents (\$2,194.80).

Claimant, VANGJEL JOSIFI, is entitled to an award in the principal amount of Six Hundred Dollars (\$600.00), plus interest from December 31, 1950 to April 18, 1995, in the amount of One Thousand Five Hundred Ninety-Four Dollars and Eighty Cents (\$1,594.80), for a total award of Two Thousand One Hundred Ninety-Four Dollars and Eighty Cents (\$2,194.80).


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

JAN 28 1997


Delissa A. Sidgway, Chair


John R. Lacey, Commissioner

This decision was entered as the Commission's Final Decision on MAR 25 1997


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).