

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 herein, ELIZABETH MEHMET and JAMES SHAKER, seek compensation for the alleged expropriation by the Government of Albania in 1945 of two houses, barns, vineyards and arable land measuring a total of 2.6 hectares (6.42 acres), located in Kuc I Zi. At that time, according to the claimants, the property was owned by their father, Shefket Shaker, a national of the United States since 1928. They also claim for personal property -- a pair of gold earrings and a gold necklace -- said to have been left behind in Albania by their mother, Resmie Shaker, who became a national of the United States in 1955.

The record in this claim includes evidence of the United States nationality of both claimants and their mother and father, a "Declaration of Ownership" translated from the Albanian, as well as a death certificate for Shefket Shaker and a probate document regarding the estate of Resmie Shaker.

Based on the evidence in the record, the Commission finds that the claimant's father, Shefket Shaker, acquired United States nationality by naturalization on January 16, 1928, in Waterbury, Connecticut, and died on February 25, 1976; that their mother, Resmie Shaker, acquired United States nationality by naturalization in 1955 and died on March 18, 1976; and that the claimants acquired United States nationality by birth on Personally Identifiable Information Redacted under 5 U.S.C. §552(b)(6) and

Personally Identifiable Information Redacted under 5 U.S.C. §552(b)(6)

, respectively. The Commission further finds that as of 1945, the claimant's father was the owner of two parcels of land measuring a total of 2.6 hectares (6.42 acres). However, the claimants have submitted no evidence to establish the existence of the two houses or the barns, or to support the claim for the personal property previously owned by their mother. Moreover, the claim for their mother's jewelry fails since the alleged taking occurred in 1945, and claimants' mother did not obtain her United States nationality until 1955. As such, claimants' claim for the houses and barns and for their mother's jewelry

is not compensable under the terms of the Settlement Agreement. That part of the claim therefore must be and is hereby denied.

Although the record does not contain any evidence of the exact date of the confiscation of the real properties, the statements made by the claimants regarding the confiscation are credible and comport with the Commission's 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.

Based on the entire record, 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 agricultural property, and thereby constituted an uncompensated expropriation by the Government of Albania.

The claimants have asserted that their father's real property had a total value at the time of the loss of \$56,000.00. However, claimants have submitted no evidence to support this valuation. Based on comparisons with similar properties in other claims, and in the absence of evidence that would support a higher valuation, the Commission finds that the claimants' father's property, consisting of 2.6 hectares (6.42 acres) and including 0.2 hectares of vineyard in the village of Kuc I Zi, had a total value of \$1,400.00 at the time of the expropriation.

The claimants have not provided a copy of their father's will or a certificate of inheritance identifying them as their father's only heirs at the time of his death in 1976. However, the claimants have recently submitted a probate document from the State of Connecticut issued after the death of their mother, Resmie Shaker, on March 18, 1976, which shows that her estate was distributed, in accordance with her will, to the claimants in equal shares. The Commission finds, therefore, that this claim, owned by the late Shefket Shaker, passed by intestacy upon his death on February 25, 1976, to his wife, and then upon her death on March 18, 1976, to her children, the claimants ELIZABETH SHAKER MEHMET and JAMES SHAKER. Accordingly, each of the claimants is entitled to a principal award in the amount of \$700 as compensation for their one-half

interest in the claim for the loss of their father's agricultural property, dating from August 29, 1945.

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 of the claimants is entitled to an interest award of 297.8 percent of his or her principal award, or \$2,084.60.

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 ICSCA (22 U.S.C. §§1624, 1626, and 1627).

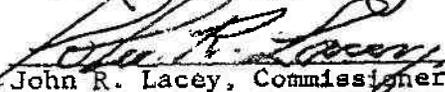
AWARDS

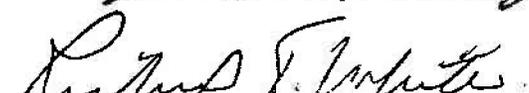
Claimant, ELIZABETH SHAKER MEHMET, is entitled to an award in the principal amount of Seven Hundred Dollars (\$700.00), plus interest from August 29, 1945, to April 18, 1995, in the amount of Two Thousand Eighty-Four Dollars and Sixty Cents (\$2,084.60), for a total award of Two Thousand Seven Hundred Eighty-Four Dollars and Sixty Cents (\$2,784.60).

Claimant, JAMES SHAKER, is entitled to an award in the principal amount of Seven Hundred Dollars (\$700.00), plus interest from August 29, 1945, to April 18, 1995, in the amount of Two Thousand Eighty-Four Dollars and Sixty Cents (\$2,084.60), for a total award of Two Thousand Seven Hundred Eighty-Four Dollars and Sixty Cents (\$2,784.60).

Dated at Washington, DC
and entered as the Proposed
Decision of the Commission.
NOV 18 1996


Delissa A. Ridgway, Chair


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).