

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, MARGARET SUXHO, a United States citizen by birth, has asserted that the properties which are the subject of her claim were confiscated by the Albanian government in 1947. The claimant further asserts that at the time of the taking, the claimed properties were owned by her father, Llazi Papajani, who was naturalized as a United States citizen in 1928.* On the claim

*Claimant has identified Nikollaq Papajani as also having an interest in the claim. He is the son of claimant's deceased brother, Kostandin. Mr. Papajani sent certain documents to the Commission which are part of the current record, but he has failed to respond to the Commission's letter requesting clarification whether he is a claimant in this case and he has failed to provide evidence of his U.S. nationality. Accordingly, the Commission has not included him as a claimant herein.

form, claimant seeks compensation only for four buildings in which stores had been located in the city of Korce, and for a six-room house located at 123 Abdyl Frasherri Street in Korce.

The record in this claim contains evidence of the United States nationality of both the claimant and her father. Claimant has also submitted a copy of a "Judgment" dated September 25, 1947, which evidences the ownership and confiscation as of June 8, 1947, of claimant's father's fifty percent interest in a house, along with four storehouses, 14,000 square meters of land, contents of a house and a "daughter's dowry". The legal basis for this confiscation purportedly was that he was a "saboteur" and "people's enemy."

The Commission's independent consultant has verified that claimant's father was the registered owner of 14,000 square meters of arable land and the owner of another 30,000 square meters of real property. With regard to this agricultural property, he also advises the Commission that File No. 88 has been opened with the Commission for the Return of Property of Korce District in the name of Llazi Papajani, and that Evri Papajani, claimant's sister-in-law, has asked to be recognized as the owner of the agricultural land and to be compensated for it. However, claimant has recently submitted a sworn statement

from her sister-in-law averring that she has not received any compensation for the property and that she has now withdrawn her request for return or compensation.

Based on the entirety of the evidence in the record, the Commission finds that prior to 1947, claimant's father was the owner of a one-half interest in a house located in Korce, 4 storehouses, and a total of 44,000 square meters (4.4 *dynym*) or about 10.9 acres of real property including agricultural property located in the vicinity of Korce, that this property was confiscated on June 8, 1947, and that this confiscation was effected without proper basis in law. In addition, based on the evidence submitted, the Commission finds that claimant's father's personal property and a "daughter's dowry" were similarly confiscated as of that date by the Albanian government. Claimant is therefore entitled to an award of compensation for the resulting loss.

Claimant has asserted a value for the 4 storehouses of 13,000 "francs" and a value of 8,000 "francs" for the house. This is consistent with the values assigned to the properties in the "Judgment" of September 25, 1947. According to the currency charts utilized by the Commission, the house, in which claimant's father had a one-half interest, would have been worth approximately \$4,000 in 1947 and the four storehouses would have been worth \$6,500.00.

Claimant has not assigned a value to the agricultural property or the personal property including the dowry. Based on its study of the values of various types 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 10.9 acres of agricultural and other real property had a value at the time of expropriation of approximately \$300 per acre, or \$3,300.00. The claimant has not asserted a value for the confiscated personal property but has recently asserted that the dowry had a value of \$20,000.00. However, she has submitted no support for her assertion. In the absence of supporting evidence of such valuation and based on its determinations in other similar cases, the Commission finds that the personal property including the dowry would reasonably have had a value of \$5,000.00.

The claimant has also submitted a document entitled "Legacy Testimony" dated February 13, 1993. This document states that claimant's father died in Korce in 1979 without a will, that his legal heirs at that time were his wife and three children, and that each is entitled to a one-quarter interest in the property. Accordingly, the Commission finds that the claimant is entitled to an award in the principal amount of \$4,200.00 based on her inherited one-fourth interest in her father's claim, dating from June 8, 1947.

In accordance with applicable principles of international law and its decisions in previous claims programs, the Commission further concludes that the claimant is entitled to interest as part of her award, amounting to 6 percent simple interest per annum from the date of loss to the effective date of the Settlement Agreement. Accordingly, claimant is also entitled to an interest award of 287.8 percent of her principal award, or \$12,087.60.

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.

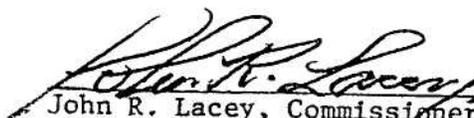
The Commission therefore makes the following award, which will be certified to the Secretary of the Treasury for payment in accordance with sections 5, 7, and 8 of Title I of the ICSCA (22 U.S.C. §§1624, 1626, and 1627).

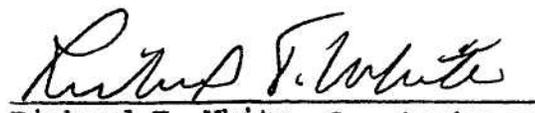
A W A R D

Claimant, MARGARET SUXHO, is entitled to an award in the principal amount of Four Thousand Two Hundred Dollars (\$4,200.00) , plus interest from June 8, 1947, to April 18, 1995, in the amount of Twelve Thousand Eighty-Seven Dollars and Sixty Cents (\$12,087.60), for a total award of Sixteen Thousand Two Hundred Eighty-Seven Dollars and Sixty Cents (\$16,287.60).

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

OCT 29 1998


John R. Lacey, Commissioner


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).