

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 in this case have asserted that the property which is the subject of their claim was confiscated by the Albanian government in 1952. They further assert that their father, Vasil Naumica (also known as Vasil Dimitri), a United States national since 1935, was the owner of the property at that time. According to the claimants, their father died in 1957 and they and their sister (an Albanian citizen) are his sole heirs.

In support of their claim, the claimants have submitted evidence of their father's United States nationality, their own United States nationality, a copy of their father's death certificate, as well as a copy of a Certificate of Family Composition. In addition, they have submitted a Certificate of Ownership from the District Council of Devoll indicating their father's ownership of several parcels of land totaling 15,500 square meters (1.55 hectares or 3.83 acres) in the village of Qyteze, near Korce. They have also submitted a declaration signed by three individuals relating to the confiscation of a two-story house and its contents, and the loss of animals, agricultural equipment and animal feed.

Research conducted by the Commission's independent consultant in the archives of the Kadaster of Devoll confirms that claimants' father, Vasil Naumica, was the owner of 15,500 square meters (15.5 dynyms) of agricultural land in Qyteze. Evidence in the record also establishes that claimants' father acquired United States nationality by naturalization on July 10, 1935, and that the claimants were born in Albania as United States citizens in 1937 and 1938,

respectively. Based on the evidence in the record, the Commission finds that prior to 1945, the claimants' father was the owner of 15,500 square meters or about 3.8 acres of agricultural property, including forest, meadow and garden land located in the village of Qyteze, District of Devoll.

The Commission is aware 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).

In this case, the claimants have stated that their father's property was confiscated in 1952. However, the Commission is aware that land in the area of Qyteze was collectivized in 1956/1957. Accordingly, the Commission finds that the claimants' father's agricultural land was the subject of an uncompensated expropriation by the Government of Albania on or about January 1, 1956. Claimants are therefore entitled to awards of compensation for the resulting loss.

The claimants have asserted a value for the property of \$250,000.00. However, they have submitted no evidence to support that figure, which is inconsistent with information provided to the Commission in other cases. Based on its 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 property described in the Certificate of Ownership in the village of Qyteze, District of Devoll, had a value at the time of expropriation of approximately \$300 per acre, or \$1,200.00.

The claimants have established that their father died in Illinois in 1957, have stated that he died without a will and that he was survived by a wife and three children. The Commission therefore finds that this claim, owned by the late Vasil D. Naumica, devolved upon his death intestate on March 10, 1957, in accordance with the descent and distribution laws of the State of Illinois, to his wife, then an Albanian national, to the extent of one half, with the remaining one-half devolving to the claimants and their sister.* Accordingly, claimants are

*Claimants have established that their mother acquired U.S. nationality by naturalization on June 11, 1963 and have stated that their older sister is an Albanian national.

each entitled to an award in the principal amount of \$200.00 based on their inherited one-sixth interests in their father's claim for his agricultural property, dating from January 1, 1956.

Although, as noted above, the Commission's independent consultant was able to confirm claimants' father's ownership of the agricultural property for which claimants are claiming, he has been unable to confirm the ownership of a two-story house by the claimants' father. He was similarly unable to find any record or evidence of the Declaration issued by Luiza Nice, Petro Loni and Fillareti Vasili relating to the loss of the personal property for which they have asserted a claim. Without further credible support for this portion of the claim, claimants' claim for that property 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 also entitled to an interest award of 235.8 percent of his or her principal award, or \$471.60.

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.

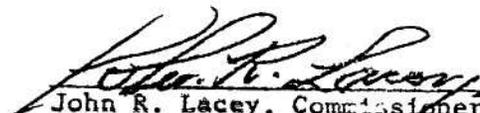
The Commission therefore makes the following awards, which will be certified to the Secretary of the Treasury for payment in accordance with sections 5, 7, and 8 of Title I of the ICOSA (22 U.S.C. §§1624, 1626, and 1627).

A W A R D S

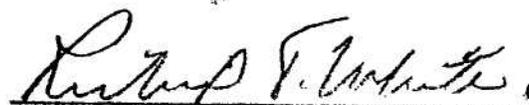
Claimant, CATHERINE GIANNOS, is entitled to an award in the principal amount of Two Hundred Dollars (\$200.00) , plus interest from January 1, 1956, to April 18, 1995, in the amount of Four Hundred Seventy-One Dollars and Sixty Cents (\$471.60), for a total award of Six Hundred Seventy-One Dollars and Sixty Cents (\$671.60).

Claimant, JAMES NAUMICA, is entitled to an award in the principal amount of Two Hundred Dollars (\$200.00) , plus interest from January 1, 1956, to April 18, 1995, in the amount of Four Hundred Seventy-One Dollars and Sixty Cents (\$471.60), for a total award of Six Hundred Seventy-One Dollars and Sixty Cents (\$671.60).

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


John R. Lacey, Commissioner

SEP 18 1998


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).