

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

In the Matter of the Claim of

VANGJO GRIGORI

Against the Government of Albania

Claim No. ALB-045

Decision No. ALB-232

Hearing on the record held on February 24, 1997

FINAL DECISION

This claim against the Government of Albania is based upon the alleged confiscation of real and personal property located in Orman Ciflig and Bulgarec, in the District of Korce.

The Commission's Proposed Decision, entered on December 16, 1996, awarded claimant compensation in the principal amount of \$16,000.00, plus interest in the amount of \$47,328.00, for a total award of \$63,328.00.

By letter dated December 30, 1996, claimant stated that, while he generally agrees with the Commission's Proposed Decision, the principal amount of his award should be five times higher than \$16,000.00, because "[t]he rate of exchange [of] the dollar in 1946 is different from . . . 1996."

Although not specifically identified as such, the Commission has decided to treat claimant's December 30, 1996 letter as an objection to the Proposed Decision. Because claimant has not requested an oral hearing, the Commission issues this Final Decision based on its de novo review of the evidence in the record.

By letter dated January 8, 1997, the Commission advised claimant to submit any additional evidence or information for the consideration of the Commission before February 7, 1997. However, the letter explained that the Commission's Proposed Decision established the amount of compensation to which claimant was entitled based on the value of the property *at the time of confiscation*. The letter further noted that the purpose of the *interest* award was to compensate for the loss of use of the money that should have been paid by the Albanian Government at the time the property was confiscated. To date, claimant has not responded to the Commission's letter.

The Commission has carefully considered claimant's December 30, 1996 letter and has again reviewed the entire record in this claim. However, the Commission finds that the measures of damages applied in this case are in accordance with longstanding Commission precedent and well-established standards in the law of international claims. As such, there is no basis on which

to change the result reached in the Proposed Decision in this claim. Accordingly, the award set forth in the Proposed Decision of December 16, 1996 must be and is hereby affirmed. That award is restated below, and 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).

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

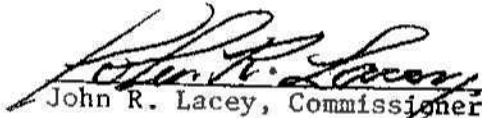
A W A R D

Claimant, VANGJO GRIGORI, is entitled to an award in the principal amount of Sixteen Thousand Dollars (\$16,000.00), plus interest from January 1, 1946 to April 18, 1995, in the amount of Forty-Seven Thousand Three Hundred Twenty-Eight Dollars (\$47,328.00), for a total award of Sixty-Three Thousand Three Hundred Twenty-Eight Dollars (\$63,328.00).

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

FEB 24 1997


Delissa A. Ridgway, Chair


John R. Lacey, Commissioner


Richard T. White, Commissioner

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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 Orman Ciflig and Bulgarec, 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 herein, VANGJO GRIGORI, asserts a multi-part claim. First, he seeks compensation for the alleged expropriation by the Government of Albania in 1946 of 35.5 hectares of arable land located in Orman Ciflig and Bulgarec, District of Korce, and for the confiscation of related personal property, including farm animals and tools. Second, he seeks compensation for the confiscation of a farm house and several annexes, allegedly confiscated by the Albanian government in 1945 and 1967. Third, he seeks compensation for the loss of and damage to certain improved property during World War II for which his father was not compensated. Finally, the claimant also seeks compensation

as the equivalent of rent for the 50 years of usage of his property by the Albanian government.

According to claimant, his father, Vasilios Grigoriou, a national of the United States since 1928, owned the property at issue in 1945. After his death in 1965, claimant became the owner of the properties in question.* Claimant has submitted a copy of his application for a United States passport which was approved on April 27, 1992 in Albania.

In support of his claim, the claimant also has submitted a copy of his father's will, death certificate, a certificate of ownership and a decree of confiscation.

*The Commission notes that claimant's father filed a claim in the Commission's General War Claims Program, conducted from July 15, 1963 to May 17, 1967. The evidence in the records of that program indicate that claimant's father acquired United States nationality by naturalization on ^{5 U.S.C. §552(b)(6)} *Claim of JOHN PANDO AND OLGA JORGANGI, EXECUTORS OF THE ESTATE OF VASILIOS GRIGORIOU, DECEASED, Claim No. W-14020, Decision No.W-16215 (1966).* The claimant's father asserted that his property consisting of a new house, stables, barns, granaries and miscellaneous personalty were destroyed by the German occupation forces in November 1943. However, claimant's father died before the claim was adjudicated. Although the executors of the estate pursued the claim, it was ultimately denied for lack of supporting evidence.

Based on the evidence in the record, the Commission finds that claimant's father, Vasilios Grigoriou, owned numerous parcels of arable land totalling approximately 35 hectares (86.45 acres) and related personal property in the vicinity of the villages of Orman Ciflig and Bulgarec, District of Korce.

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, claimant has stated that the property was confiscated in 1946. For lack of a precise date, the Commission will deem the taking of the 35 hectares of agricultural land and related personalty to have occurred as of January 1, 1946.

Based on the entire record, the Commission determines that the implementation of the Agrarian Reform Law, coupled with the formation of agricultural cooperatives, had the effect of depriving the claimant's father of 35 hectares of agricultural property, and thereby constituted an uncompensated expropriation by the Government of Albania.

The claimant asserts that this property had a value at the time of expropriation of approximately \$14,000.00. 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 this valuation to be a fair and reasonable approximation of the value of real property located in the vicinity of the villages of Orman Ciflig and Bulgarec, District of Korce.

The Commission further finds that this claim, owned by the late Vasilios Grigoriou, passed under the terms of his will to his son, the claimant VANGJO GRIGORI. Accordingly, claimant is entitled to an award in the principal amount of \$14,000.00 as compensation for the loss of his father's agricultural property, dating from January 1, 1946. The Commission further finds that he is entitled to an additional \$2,000.00 for the confiscation of related personal property, including farms animals and farm equipment. Accordingly, claimant is entitled to an award in the principal amount of \$16,000.00 as compensation for the loss of his father's agricultural and related personal property, dating from January 1, 1946.

The second part of the claim concerns the loss of a two-story house, annexes and the surrounding land. The claimant has provided evidence that the house and 333 square meters of surrounding land have been returned to him by Decision No. 271 (dated July 26, 1994) of the Commission for the Return of or Compensation for Property in Korce. Additionally, that Commission has agreed to compensate the claimant with vouchers ("valuable papers," according to the claimant) for an additional 8810 square meters of land. However, claimant has stated that, to date, he has not received "any payment for that land." The claimant also states that the property has been returned to him in damaged condition and that he does not accept the Commission's decision of July 26, 1994.

There is no evidence in the record indicating that the claimant has taken any steps to formally renounce the Commission decision, however. Accordingly, since the U.S.-Albania Settlement Agreement does not permit double recovery by a claimant, the Commission determines that it is precluded from awarding compensation in this portion of the claimant's claim. Therefore, this portion of the claim is hereby denied.

The third part of claimant's claim is for World War II damage to his father's property in 1943. He has stated that, because his father died in 1965,

his father was unable to file a claim for the damage in this Commission's War Claims Program. As stated above, however, claimant's father did indeed file a claim in the War Claims Program, although it was ultimately denied for lack of proof. In any event, the Commission's authority to adjudicate claims under Title II of the War Claims Act of 1948 expired in 1967, so it cannot now adjudicate claims based on damage and loss suffered during World War II. Accordingly, this portion of the claimant's claim is also denied.

Finally, the claimant claims an unspecified amount of compensation in lieu of rent for usage by the Albanian government for over fifty years. However, ownership rights (and, thus, any rights to rent) were lost when properties were confiscated. Accordingly, this portion of the claim too must be denied.

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 his 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 entitled to an interest award of 295.8 percent of his principal award, or \$47,328.00.

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 thus will be forwarded to the Albanian government in due course.

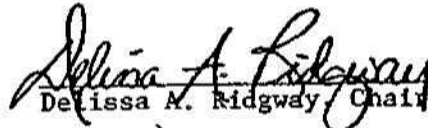
The Commission therefore makes the following award, which will be certified to the Secretary of the Treasury for payment in accordance with sections 5, 7, and 8 of Title I of the ICSA (22 U.S.C. §§1624, 1626 and 1627).

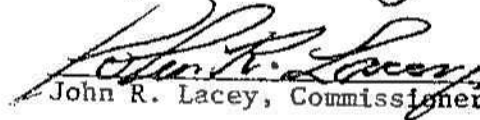
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ted at Washington, DC and entered as the Proposed Decision of the Commission.

DEC 16 1996


Delissa A. Ridgway, Chair


John R. Lacey, Commissioner


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).