

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

In the Matter of the Claim of	}	
WILLIAM VASIL		Claim No. ALB-022
Against the Government of Albania		Decision No. ALB-137

PROPOSED DECISION

This claim against the Government of Albania is based upon the alleged confiscation of real property located in Dishnice, 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, a United States national since his naturalization on §552(b)(6) 1944, has asserted that the property which is the subject of his claim, consisting of 4.9 hectares of farmland and vineyards, was confiscated by the Albanian government in 1947. At that time, according to claimant, the property was owned by his father, Thanas Vasil (Nunka), also a United States national. In a subsequent letter to the Commission, the claimant also asserts that not all the property was confiscated in 1947 -- that a small parcel of land measuring approximately 4.5 *dynyms* (0.45 hectare or about 1.1 acres) was confiscated in 1965 after his father's death.

In support of his claim, the claimant has submitted a copy of his father's United States passport issued on December 23, 1938, a copy of his own Certificate of Naturalization dated §552(b)(6) 1944, a Certificate of Ownership from the District Council Archives of Korce, a sworn statement, and contemporaneous correspondence from his parents.

Based on the evidence in the record, the Commission finds that prior to 1945, claimant's father, who died in Albania in 1965, was the owner of 3.757 hectares (9.28 acres) of arable land located in the vicinity of the village of Dishnice, District of Korce.<sup>1</sup>

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.

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<sup>1</sup>Although the claimant is claiming for 4.9 hectares of land, the Certificate of Ownership submitted by the claimant indicates that the property in question measured 3.757 hectares.

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 claimant's father of his property, and thereby constituted an uncompensated expropriation by the Government of Albania. In view of the claimant's statement that all but one parcel of the property that is the subject of his claim was confiscated in 1947, and in the absence of a more precise date, the Commission determines that the property at issue was confiscated as of January 1, 1947.<sup>2</sup>

The claimant has not asserted a value for his father's property as of 1947. However, 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 claimant's father's property consisting of 3.757 hectares (9.28 acres) of agricultural land (including arable land and an unspecified amount of vineyard in the vicinity of the village of Dishnice) had a value at the time of expropriation of \$2,100.00, or slightly in excess of \$200 per acre.

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<sup>2</sup>The claimant has submitted no evidence of confiscation of any property in 1965.

The Commission notes that the claimant has not provided a copy of his father's will or a certificate of inheritance identifying him as his father's sole heir at the time of his death in 1965. Instead, claimant has submitted a sworn statement stating that he is "the sole heir of the farm land in Dishnica," because he is the "only living member of the family left." In prior correspondence with the Commission, the claimant has stated that both his mother and sister have since died. The claimant has not indicated the dates of death of his mother and his sister, although he has indicated that they survived his father. Without further evidence on this issue, the Commission is unable to find that the claimant was his father's sole heir in 1965. The Commission finds, therefore, that this claim, owned by the late Thanas Vasil (Nunka), who was survived by his wife and two children, devolved upon his death in 1965, in accordance with the inheritance laws of Albania as found in the Civil Code of April 2, 1928, in equal shares to his wife and his two children.

To the extent, however, that claimant's claim is based on his inheritance of his mother's and sister's two-third interests in his father's claim upon their deaths, the Commission lacks jurisdiction over that two-third interest because it was not continuously owned by a U.S. national up to April 18, 1995, the effective date of the Settlement Agreement. The claimant has stated that his

mother never acquired United States nationality and there is no evidence that his sister ever acquired U.S. nationality. However, claimant should be entitled to pursue this part of his claim through the restitution and compensation program being administered by the Government of Albania. Indeed, the Settlement Agreement between the U.S. and Albania requires that the Government of Albania afford such U.S. nationals the same rights that it affords Albanian nationals to pursue and receive compensation, restitution or any other remedy available under the domestic restitution and compensation procedures established by that government.

Accordingly, the Commission finds the claimant entitled to an award in the principal amount of \$700.00 as compensation for his one-third interest in the loss of his father's property, dating from January 1, 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 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 289.8 percent of his principal award, or \$2,028.60.

The Commission's independent review of documents filed with the Commission for the Return of and Compensation for Property in Korce indicates that a request dated June 28, 1996, has been made for compensation for the agricultural land that is the subject of this claim, although no decision has yet been made. Under the terms of the U.S.-Albania settlement agreement, the Commission will advise the Albanian authorities of the issuance of this decision so as to prevent any double recovery.

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).

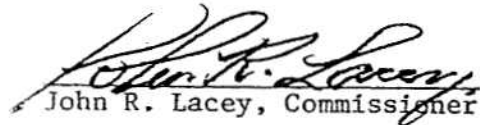
A W A R D

Claimant, WILLIAM VASIL, is entitled to an award in the principal amount of Seven Hundred Dollars (\$700.00), plus interest from January 1, 1947, to April 18, 1995, in the amount of Two Thousand Twenty-Eight Dollars and Sixty Cents (\$2,028.60), for a total award of Two Thousand Seven Hundred Twenty-Eight Dollars and Sixty Cents (\$2,728.60).

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

JAN 28 1997

  
Delissa A. Ridgway, Chair

  
John R. Lacey, Commissioner

  
Richard T. White, Commissioner

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