

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

In the Matter of the Claim of

WILLIAM KOUTRAS
ALEXANDER KOUTRAS
CECELIA DOURIS

Against the Government of Albania

Claim No. ALB-011

Decision No. ALB-216

PROPOSED DECISION

This claim against the Government of Albania is based upon the alleged confiscation of real and personal property located in Labove e Zhapës (Labove e Madhe), in the District of Gjirokastrë.

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 claimants in this case have asserted that the property which is the subject of their claim, which is said to have consisted of a two-story, six-room house, a stone stable and related personal property, was confiscated by the Albanian government during the "Communist occupation." The claimants further assert that their father, Theodore Koutras, a United States national since 1925, was the owner of the property at that time.

By letter dated March 5, 1996, the Commission pointed out to the claimants that they had previously filed a claim in the Commission's General War Claims Program for the same property. At that time, the claimants were found entitled to compensation for the loss and destruction of that property during World War II. *Claim of WILLIAM KOUTRAS, CLARA PAPPAS, ALEXANDER KOUTRAS and CECELIA DOURIS*, Claim No. W-6128, Decision No. W-16501 (1966). The claimants were advised that in view of this determination, a basis would exist for an award only for the value of the land underlying the destroyed structures, and they were requested to provide some evidence of its confiscation.

In response, the claimants have now submitted an affidavit from their cousin, Paul Geori, who states that the property had an area of "approximately 200 square yards". A subsequent statement by Paul Geori indicates that in the mid-1960's, he saw new houses being built on land formerly occupied by the "ruined ones" such as the Koutros residence. Mr. Geori also states that he "learned that the cooperative had sequestered these ruined properties."

The War Claims file includes documentation which establishes the U.S. nationality of the claimants and of their father. The evidence in that file indicates that claimants' father died on February 12, 1962, a resident of the state of New Jersey, leaving as his heirs his wife, who was not a national of the United States,

and four children, all of whom are, or were, native born citizens of the United States. Under the law of intestate succession of New Jersey, his surviving spouse inherited a 1/3 interest in the estate of the decedent, and claimants each inherited 1/6 thereof. The claimants have stated that their sister Clara Pappas is no longer alive but have not disclosed the identity of her heirs.

At a minimum, the decision in the Commission's War Claims Program establishes that claimants' family indeed once owned a house. The Commission's decision in its War Claims Program implicitly acknowledges that claimants' family owned *some* land on which their house stood. Based on the totality of the record, the Commission finds that the land upon which the claimants' family's home stood was expropriated by the Albanian government in 1965. For lack of a precise date, the Commission will deem the taking to have occurred as of January 1, 1965.

Claimants here have estimated the value of the property to have been approximately \$10,500.00. However, that figure is not supported by any documentation and is wholly inconsistent with the Commission's study of the values of various kinds of real property in Albania before and during World War II and thereafter. In the General War Claims program, the Commission determined that the house on the lot had a value at the time of destruction of

\$2,400.00. On the basis of that figure, the Commission finds that the building lot had a value of \$600 at the time of confiscation. Accordingly, based on their status as the beneficiaries of the estate of their father, the claimants are each entitled to a principal award of \$100.00 as compensation for their inherited father's interests in the property. These awards shall date from January 1, 1965.

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 181.8 percent of his or her principal award, or \$181.80.

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).

A W A R D S

Claimant, WILLIAM KOUTRAS, is entitled to an award in the principal amount of One Hundred Dollars (\$100.00), plus interest from January 1, 1965, to April 18, 1995, in the amount of One Hundred Eighty-One Dollars and Eighty Cents (\$181.80), for a total award of Two Hundred Eighty-One Dollars and Eighty Cents (\$281.80).

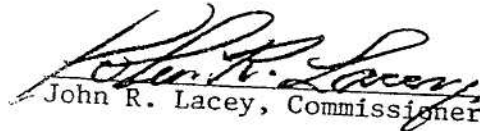
Claimant, ALEXANDRA KOUTRAS, is entitled to an award in the principal amount of One Hundred Dollars (\$100.00), plus interest from January 1, 1965, to April 18, 1995, in the amount of One Hundred Eighty-One Dollars and Eighty Cents (\$181.80), for a total award of Two Hundred Eighty-One Dollars and Eighty Cents (\$281.80).

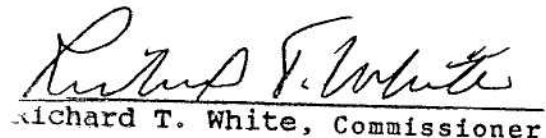
Claimant, CECELIA DOURIS, is entitled to an award in the principal amount of One Hundred Dollars (\$100.00), plus interest from January 1, 1965, to April 18, 1995, in the amount of One Hundred Eighty-One Dollars and Eighty Cents (\$181.80), for a total award of Two Hundred Eighty-One Dollars and Eighty Cents (\$281.80).

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


Delissa M. Ridgway, Chair

NOV 18 1996


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 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).