

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

In the Matter of the Claim of

SOPHOCLES PANAGIOTIS

Against the Government of Albania

Claim No. ALB-015

Decision No. ALB-195

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 Tsiatista (Catiste), in the District of Gjirokaster.

By Proposed Decision entered on November 18, 1996, the Commission denied this claim on the ground that the documentation submitted showed the owner of the property at the time of confiscation to be claimant's late mother, an Albanian national. Thus, the Commission was unable to make the necessary finding that the property was then owned by a national of the United States. The Proposed Decision further noted that claimant had failed to establish that the personal property claimed for in this proceeding is different from that for which

his late father was compensated in the Commission's General War Claims Program.

By letter dated December 12, 1996, the claimant stated objection to the Commission's decision, asserting that the property at issue actually belonged to his father. According to that letter, claimant had the property documented "in [his] mother's name because [he] thought this way [he] wouldn't complicate the case." Claimant's letter of objection included no evidence to support his argument, however, although he requested permission to submit additional documentation later in 1997.

The Commission's letter of December 20, 1996 acknowledged receipt of claimant's objection. The letter advised claimant to submit by January 17, 1997 any available evidence to prove his late father's ownership of the property at issue. The letter further noted that claimant's letter of objection had not addressed whether the house and personal property claimed by claimant were different than those for which his late father been compensated in the Commission's General War Claims Program. The Commission cautioned the claimant that, in the absence of any evidence on that point, the Commission -- at best -- could only find claimant entitled to compensation for land. To date, claimant has not responded to the Commission's letter.

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.

The Commission has carefully considered claimant's statement of objection and has again reviewed the entire record in this claim. However, claimant has submitted no evidence to prove that the house and personal property at issue here is property other than that for which his late father was compensated in the Commission's General War Claims Program. As such, there is no basis on which to change the result reached in that part of the Commission's Proposed Decision, and that part of the Proposed Decision must be and hereby is affirmed.

Similarly, claimant has failed to submit any documentation to substantiate his argument that his late father was the real owner of the property at issue. Thus, based on the documentation submitted by claimant, the Commission would have no choice but to deny claimant's claim for land as well.

The Commission has reviewed claimant's late father's file in the General War Claims Program, however, and has decided to rely on certain evidence presented there to substantiate this claimant's claim for land. That evidence — including both a claim form and an affidavit signed by claimant's late father, as well as notes of a March 1966 Commission interview of claimant's late father —

indicates that claimant's late father inherited approximately 4 acres of agricultural land upon the death of his father in 1922. *See Claim of EFTHEMIOS PANAGIOTIS and CARRIE CHIPPAS*, Claim No. W-2310, Decision No. W-18025 (1966). Based on that evidence, the Commission finds that claimant's late father was the owner of 4 acres of land in Tsiatista (Catiste).

Evidence in the file also indicates that the property at issue was confiscated on March 25, 1950, when claimant's father had already been living in the United States since 1914 and his mother was captured trying to flee Albania. Based on that evidence, the Commission finds that the former Communist regime in Albania deprived claimant's late father of 4 acres of property as of March 25, 1950, constituting an uncompensated expropriation by the Government of Albania.

The documentation further indicates that claimant's late father died intestate, and that his estate (including the claim for the property here at issue) devolved in equal shares to claimant, claimant's mother, and claimant's sister. The file indicates that claimant's mother died in 1992 and that claimant's sister died in 1995. Accordingly, claimant asserts that he is now the sole owner of the claim.

Unfortunately, the Commission cannot award claimant compensation for his late sister's interest in the claim, since claimant has not established that he was one of her heirs. Similarly, because his late mother was not a U.S. national, the Commission cannot award claimant compensation for the one-sixth interest in his late father's property which he inherited through her. The ICSA mandates that the Commission decide claims in accordance with international law. Under international law, a claim is compensable only to the extent that it has been held continuously by one or more United States nationals from the date of confiscation through April 18, 1995 (the effective date of the Settlement Agreement). This requirement of continuous U.S. nationality is well-established and has long been applied both by this Commission and its predecessor, the International Claims Commission. *See, e.g., Claim of PETER D. JANUS against Yugoslavia*, Claim No. Y-1721, Decision No. Y-0377 (1954); *Claim of MIA FOSTER against Czechoslovakia*, Claim No. CZ-2696, Decision No. CZ-0001 (1960). In this case, inheritance through claimant's mother broke the continuity of U.S. ownership of part of the claim. Therefore, for both reasons stated above, the

Commission is limited here to consideration of the one-third interest in the 4 acres which claimant inherited directly from his late father.*

Claimant has not asserted a specific value for the property at issue. Based on its study of the values of various kinds of real property in Albania before and during World War II and thereafter, the Commission finds that claimant's father's 4 acres of agricultural land had a value at the time of expropriation of \$900.00.

The Commission therefore concludes that claimant SOPHOCLES PANAGIOTIS is entitled to an award in the total principal amount of \$300.00. In accordance with applicable principles of international law and its decisions in previous claims programs, the Commission further concludes that claimant is entitled to interest as part of his award, amounting to 6 percent simple interest per annum from the date of loss to April 18, 1995 (the effective date of the

*Although this Commission has no jurisdiction to consider the one-sixth interest in the claim which claimant inherited through his late mother, claimant should be entitled to seek relief through the Albanian Government for that part of his claim. The Government of Albania is obligated by the Settlement Agreement to afford U.S. nationals the same rights it affords Albanian nationals to pursue and receive compensation, restitution or any other remedy available under the domestic restitution and compensation procedures established by the Albanian Government. Settlement Agreement, Article 4.

Settlement Agreement). Accordingly, claimant is entitled to an interest award of 270.4 percent of his principal award, or \$811.20.

The Commission therefore withdraws its denial of claimant's claim in its Proposed Decision and enters the award set forth below, which will be certified to the Department of 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).

Under the terms of the 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 double recovery in a claim. A copy of this decision therefore will be forwarded to the Albanian Government in due course.

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

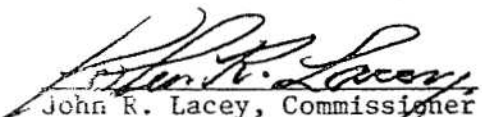
AWARD

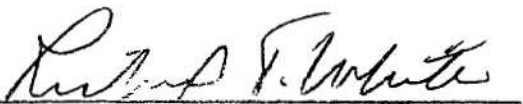
Claimant SOPHOCLES PANAGIOTIS is entitled to an award in the principal amount of Three Hundred Dollars (\$300.00), plus interest from March 25, 1950 to April 18, 1995, in the amount of Eight Hundred Eleven Dollars and Twenty Cents (\$811.20), for a total award of One Thousand One Hundred Eleven Dollars and Twenty Cents (\$1,111.20).

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

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
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In the Matter of the Claim of	}	
	}	
	}	
SOPHOCLES PANAGIOTIS	}	Claim No. ALB-O15
	}	
	}	Decision No. ALB-195
	}	
Against the Government of Albania	}	

PROPOSED DECISION

This claim against the Government of Albania is based upon the alleged confiscation of real and personal property located in Tsiatista (Catiste) in the District of Gjirokaster.

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 in this case has stated that the property which is the subject of his claim was confiscated by the Albanian government in 1950. According to the claimant, his parents, Efthemios Panagiotis and Anastasia Panagiotis (Panajoti), were the owners of the property at the time of confiscation. To establish his father's United States nationality, the claimant has submitted a copy of his father's Certificate of Naturalization issued in Chicago, Illinois on July 9, 1928. To establish his own United States nationality, the claimant has submitted a copy of his Certificate of Citizenship, issued in 1991. The Certificate of

Citizenship establishes that the claimant was a national of the United States as of his date of birth, §552(b)(6)

The ownership documents submitted by the claimant indicate that, as of 1946, the property was owned by claimant's mother, Anastasia Panajoti, an Albanian national who died in 1992; there is no evidence of ownership by claimant's father. Those documents thus contradict the statements on claimant's claim form.

By letter dated March 11, 1996, the Commission advised the claimant that in order to qualify for compensation under the Settlement Agreement, the property must have been owned by a United States national at the time of confiscation. The claimant was advised that if his mother, an Albanian national, was the sole heir of Efthemios Panagiotis, the claim would not be eligible for compensation. The claimant did not respond to this letter.

A subsequent review of the Commission's records indicates that the claimant's father previously filed a claim in the Commission's War Claims Program. *Claim of EFTHEMIOS PANAGIOTIS and CARRIE CHIPPAS*, Claim No. W-2310, Decision No. W-18025 (1966). By letter dated July 17, 1996, the claimant was advised that his father was compensated at that time for the loss of

his one-half interest in a house, stables, vineyard, household furnishings and livestock. Claimant was further advised that, in view of that determination, the burden would be on him to establish that the property for which he is now claiming still existed and was confiscated by the Albanian government in 1950. The claimant has not responded to this letter.

On or about September 17, 1996, the claimant submitted further evidence in support of his claim. A review of these documents also indicates that the property in question was owned by Mrs. Anastasia Panajoti. No other evidence has been submitted.

The ICSA mandates that the Commission decide claims in accordance with, *inter alia*, "[t]he applicable principles of international law." ICSA section 4(a)(2), 22 U.S.C. 1623(a)(2). It is a well-established principle of international law, which this Commission has applied without exception, that a claim may be found compensable only if the property which is the subject of the claim was owned by a national of the United States when the property was expropriated or otherwise taken. *See, e.g., Claim of EUGENIA D. STUPNIKOV Against Yugoslavia*, Claim No. Y-2-0071, Decision No. Y-2-0003 (1967); *Claim of ILONA CZIKE Against Hungary*, Claim No. HUNG-2-0784, Decision No.

HUNG-2-191 (1976); *Claim of JOSEPH REISS Against the German Democratic Republic*, Claim No. G-2853, Decision No. G-2499 (1981); *Claim of TRANG KIM Against Vietnam*, Claim No. V-0014, Decision No. V-0001 (1982). This principle has also been recognized by the courts of the United States. *See, e.g., Haas v. Humphrey*, 246 F.2d 682 (D.C. Cir. 1957), *cert. denied* 355 U.S. 854 (1957).

For this reason, to the extent that claimant inherited through his mother, the Commission lacks jurisdiction over this case *unless* his mother was a U.S. national. If the Commission lacks jurisdiction over all or any part of this case, claimant should be entitled to relief through the restitution and compensation program being administered by the Government of Albania (if it is not too late to file a claim there). 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.

On the other hand, if claimant inherited at least some of the property at issue directly from his father, or if claimant's mother was a U.S. national, the

Commission does have jurisdiction over at least part (if not all) of claimant's claim, and could make an award to claimant if he presented the requested evidence to establish his claim – evidence of his mother's nationality and his and his sister's interest in the property at issue in this claim.

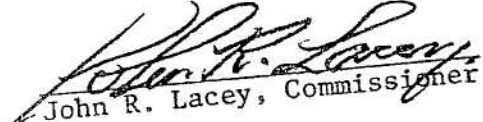
In any event, whether for lack of jurisdiction or for lack of evidence, the claim before this Commission must be and is hereby denied.

The Commission finds it unnecessary to make determinations with respect to other elements of this claim.

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

NOV 18 1996


Delissa M. 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).