

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

In the Matter of the Claim of

VIKTOR MILO

Against the Government of Albania

Claim No. ALB-073

Decision No. ALB-174

PROPOSED DECISION

This claim against the Government of Albania is based upon the alleged confiscation of several parcels of real property located in Pogradec and in the villages of Pirg and Zvirine, in the 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).

In his original Statement of Claim form, the claimant herein, VIKTOR MILO, sought compensation only for the confiscation of 192 square meters of land in Pogradec, which he initially alleged had been confiscated in 1980. Subsequently, however, the claimant amended his claim, and now also seeks compensation for the alleged expropriation by the Government of Albania in 1945 of 9.88 acres of land located in the village of Pirc; 13.83 acres of land located in the village of Zvirine; a one-third interest in a house located in Pirc; and other improved property in Zvirine consisting of two "rooms" and two barns. The villages of Pirc and Zvirine are located in the District of Korçe.

The claimant has stated that his late father, Samuel Milo Spiro, from whom he inherited the claim for the expropriated properties, became a United States national in 1932.

In support of his claim, the claimant has submitted a copy of his United States passport, issued in 1992 in Albania, a copy of his father's will, his father's death certificate, Certificates of Ownership from the State Archives for the City of Pogradec and the District of Korce, and certain affidavits pertaining to confiscation.

Based on the evidence in the record, the Commission finds that claimant's father, Samuel Milo Spiro, also known as Zisi Milo or Zisi Mili Spiro, acquired United States nationality by naturalization on September 17, 1932, in Eau Claire, Wisconsin, and that he died in Wisconsin on January 24, 1964.

In support of his claim for 192 square meters of land located in Pogradec, the claimant has submitted a "Declaration" signed in 1964 by two individuals who state that a building and its contents owned by claimant's father were destroyed during the occupation of the German Nazi regime in 1943. The claimant now seeks compensation only for the confiscation of that land, and has submitted a Declaration dated February 25, 1996, by two individuals who state that the land

was taken by the Albanian government in November 1985.¹ Based on the totality of the record, the Commission finds that the property in question, consisting of a 192 square meter building site located in Pogradec, was owned by the late Samuel Milo Spiro, who died in Wisconsin in 1964, that it passed according to his will to his son, the claimant, VIKTOR MILO, and that it was expropriated by the Albanian government in November 1985. For lack of a precise date, the Commission will deem the taking to have occurred as of November 1, 1985.

Claimant has estimated the value of the 192 square meters to have been approximately \$3,000.00 at the time of confiscation . 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 the real property in question. Accordingly, claimant is entitled to an award of compensation in the amount of \$3,000.00 for the loss of his 192 square meters of land in Pogradec, dating from November 1, 1985.

¹The claimant has asserted that this particular property was confiscated in 1980 and that, in November 1985, the property was given to someone else to build a house. However, he has submitted no evidence in support of any confiscation in 1980.

In support of his claim for the confiscation of agricultural property located in the villages of Pirc and Zvirine, District of Korce, the claimant has submitted a "Verification" dated May 26, 1995 from the Archives of City of Pogradec and a "Proof of Ownership" dated April 5, 1995 from the Archives of Korce. These documents establish that claimant's father owned at least 4 hectares (9.88 acres)² of land located in the village of Pirc which was confiscated in 1946 and that, as of 1945, claimant's father also owned 5.6 hectares (13.83 acres) of land located in Zvirine.

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.

²The "Verification" submitted by the claimant states that claimant's father owned 4 hectares (9.88 acres) of land located in Pirc prior to the Agrarian Reform. It then goes on to verify that in 1946 certain specific properties totaling 7.36 hectares (18 acres) were confiscated. Although the Commission is unable to resolve this inconsistency, it notes that the claimant has consistently claimed only for 9.88 acres of land.

Based on the record in this case, 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. The claimant has not specifically stated when the properties were confiscated. The "Verification" from the Archives of the City of Progradec, however, indicates that the properties located in Pirc were confiscated in 1946. For lack of a precise date, the Commission will deem the taking to have occurred as of January 1, 1946.

The claimant has not asserted a value for the unimproved properties located in Pirc and Zvirine. Based on its own 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 totaling 9.6 hectares (23.7 acres) located in the villages of Pirc and Zvirine, District of Korce, had a value at the time of expropriation of approximately \$200 per acre, or \$4,800.00. Accordingly, claimant is also entitled to an award of compensation for the loss of his father's unimproved lands in Pirc and Zvirine.

In support of his claim for the one-third interest in a house in the village of Pirg, the claimant has submitted a "Letter of Sale" dated November 19, 1938, indicating the sale of a one-third interest in a two-bedroom, "two barn" house to claimant's father. However, claimant has provided no evidence as to what ultimately happened to this property.

Section 531.6(d) of the Commission's regulations provides:

The claimant shall be the moving party, and shall have the burden of proof on all issues involved in the determination of his or her claim.

45 C.F.R. 531.6(d) (1995).

The Commission finds that the claimant has not met the burden of proof in that he has failed to submit supporting evidence to establish the date and circumstances of the alleged confiscation of this particular property. This portion of the claim therefore must be and is hereby denied.

Finally, in support of his claim for a two-room house located in Zvirine, claimant has submitted a statement from the Mayor of the village of Zvirine which states that the two-room, "two-barn" structure belonging to claimant's father was confiscated in 1945. The claimant has also submitted a sketch of the property which indicates that the house stood on 72 square meters of land. Based on a review of the entire record, the Commission finds that the claimant is also

entitled to compensation for the confiscation in 1945 of this property. For lack of a precise date, the Commission will deem the taking to have occurred on August 29, 1945, the effective date of the Agrarian Reform Law.

The claimant has not asserted a value for this property. Based on its own 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 house consisting of two rooms and two barns had a value at the time of confiscation of \$2,500.00.

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 56.8 percent of his principal award of \$3,000.00, or \$1,704.00, and to an interest award of 295.8 percent of his award of \$4,800.00, or \$14,198.40, and 297.8 percent of his award of \$2,500, or \$7,445.00.

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 in claims filed in both countries. A copy of this decision will therefore be forwarded to the Albanian government in due course.

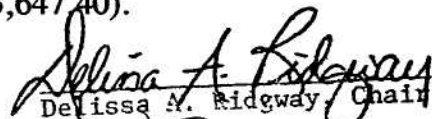
The Commission therefore makes the following award, which will be certified to the Secretary of the Treasury for payment in accordance with sections 5, 7, and 8 of Title I of the ICSCA (22 U.S.C. §§1624, 2626 and 1627).

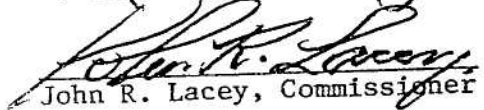
A W A R D

Claimant, VIKTOR MILO, is entitled to an award in the total principal amount of Ten Thousand Three Hundred Dollars (\$10,300.00), plus interest on \$3,000.00 in the amount of One Thousand Seven Hundred Four Dollars (\$1,704.00), and interest on \$4,800.00 in the amount of Fourteen Thousand One Hundred Ninety Eight Dollars and Forty Cents (\$14,198.40), and interest on \$2,500.00 in the amount of Seven Thousand Four Hundred Forty-Five Dollars (\$7,445.00), for a total interest award of Twenty-Three Thousand Three Hundred Forty-Seven Dollars and Forty Cents (\$23,347.40) and a total award of principal and interest in the amount of Thirty-Three Thousand Six Hundred Forty-Seven Dollars and Forty Cents (\$33,647.40).

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

JAN 28 1997


Delissa A. Ridgway, Chair


John R. Lacey, Commissioner

This decision was entered as the Commission's

Final Decision on MAR 5 1997


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).