

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

<p>In the Matter of the Claim of</p>  <p>VIOLA HADJIYANIS</p>  <p>Against the Government of Albania</p>	}	<p>Claim No. ALB-084</p> <p>Decision No. ALB-230</p>
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**PROPOSED DECISION**

This claim against the Government of Albania is based upon the alleged confiscation of real property located in Dhoksat, 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 herein, VIOLA HADJIYANIS, seeks compensation for the alleged expropriation by the Government of Albania in 1950 of a house located on approximately 1,000 square meters of land located in Dhoksat, District of Gjirokaster. At that time, according to claimant, the property was owned by her husband, Anastasios E. Hadjiyanis, who became a national of the United States in 1926. The claimant states that the house, which was confiscated by the Albanian government and converted to a school for the children of Dhoksat, was built by her husband's paternal grandfather at a cost of 2,000 gold liras at the end of the 19th century. The claimant also states that her husband's cousin, Sofokli

Dudi, filed a claim with the appropriate Albanian authorities in 1995 for the property so that it would not go unclaimed. The claimant asserts, however, that her husband owned the property and that, after his death, she inherited his interest.

In support of her claim, the claimant has submitted a copy of her husband's Certificate of Naturalization, her own birth certificate, a copy of her husband's will, and his death certificate. In addition, the claimant has submitted a photograph of the house, copies of affidavits, and miscellaneous correspondence from her Albanian attorney and her relatives in Albania and Greece which touch on the question of ownership and confiscation.

Based on the evidence in the record, the Commission finds that claimant's husband, Anastasios Hadjiyanis, became a national of the United States by naturalization on March 22, 1926, in Chicago, Illinois; that he died in Grosse Pointe, Michigan on December 31, 1979; that claimant acquired United States nationality by birth in Woonsocket, Rhode Island, on 5 U.S.C. §552(b)(6); and that she is the sole beneficiary of her husband's estate under his will. Further, the Commission finds that, prior to 1950, the claimant's husband was the owner of a house located on 1,064 square meters of land in the village of Dhoksat, District of Gjirokaster. The written statements of third parties, including that of an

Albanian attorney, submitted by claimant here all corroborate the existence of a house in the post-war years which was confiscated in 1950 and converted into a school by the Albanian authorities.

Based on the totality of the record, the Commission finds that claimant's husband's property was expropriated by the Albanian government in 1950. For lack of a precise date, the Commission will deem the taking to have occurred as of January 1, 1950. As the sole beneficiary of her husband's estate, the claimant is accordingly entitled to an award of compensation for the resulting loss.

The evidence reflects that the house in question was a spacious house with a double curved stairway leading to the entrance and that it was situated in a large garden surrounded by a stone fence.

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 claimant's husband's house and land had a value at the time of expropriation of \$15,000.00. Accordingly, claimant is entitled to an award in the principal amount of \$15,000.00 as compensation for the loss of the house and land, dating from January 1, 1950.

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 her 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 271.8 percent of her principal award, or \$40,770.00.

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 issuance of awards, so as to prevent any double recovery. As noted above, the claimant has stated that her cousin has filed a claim for her husband's property with the Albanian Land Commission for the Return of Property in Gjirokaster, although no decision has yet been made.\* In furtherance of the Agreement, a copy of this decision will be forwarded to the Albanian authorities 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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\*In her most recent letter dated November 15, 1996, the claimant states that she wishes to pursue her claim under the terms of the U.S.-Albania Claims Settlement Agreement rather than to pursue it directly in Albania.

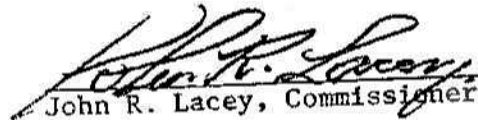
A W A R D

Claimant, VIOLA HADJIYANIS, is entitled to an award in the principal amount of Fifteen Thousand Dollars (\$15,000.00), plus interest from January 1, 1950, to April 18, 1995, in the amount of Forty Thousand Seven Hundred Seventy Dollars (\$40,770.00), for a total award of Fifty-Five Thousand Seven Hundred Seventy Dollars (\$55,770.00).

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

DEC 16 1996

  
Delissa M. Ridgway, Chair

  
John R. Lacey, Commissioner

  
Richard T. White, Commissioner

This decision was entered as the Commission's  
Final Decision on **FEB 18 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).