

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

In the Matter of the Claim of

ELIZABETH LEKA
DIANA REPISHTI

Against the Government of Albania

Claim No. ALB-093

Claim No. ALB-185

Decision No. ALB-219

PROPOSED DECISION

These claims against the Government of Albania are based upon the alleged confiscation of real and personal property located in Palorto, Town 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 claimants herein, ELIZABETH LEKA and DIANA REPISHTI, seek compensation for the alleged expropriation by the Government of Albania in 1963 of a house located in Palorto, town of Gjirokaster. At that time, according to claimants, the property was owned by their father, John Chipi (also known as Kadri Chipi), a national of the United States since 1941. The claimants assert that in 1963 the Albanian government caused the auction of their house for 150,000 Old Leks from which 77,873 Old Leks was paid to a former tenant for repairs made on the property. The remaining amount was deposited with an

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agency of the government but no notice was given to the claimants. The purchaser of the property at auction subsequently sold the house to another individual and a recent court decision has found against any rights of ownership by the claimants.

In support of their claims, the claimants have submitted evidence of their United States nationality as well as that of their father and mother, copies of the certificates of death of their parents, a copy of their mother's will, a Certificate of Ownership from the Office of Real Estate records of the District of Gjirokaster and a copy of a Petition to Reverse a Court Decision.

Based on the evidence in the record, the Commission finds that claimants' father, John Chipi, became a national of the United States by naturalization on May 15, 1941, in Brooklyn, New York, and that he died in New York on or about October 20, 1957. The claimants' mother, Tefta Chipi, became a national of the United States by naturalization on March 28, 1960 in New York and died in New York on May 17, 1991. Claimant ELIZABETH LEKA acquired United States nationality by naturalization on ^{5 U.S.C. §552(b)(6)} and claimant DIANA REPISHTI acquired United States nationality by birth in Brooklyn, New York, on ^{5 U.S.C. §552(b)(6)}

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Further, based on its independent review of records in Albania, the Commission finds that on or about July 19, 1963, when the property was auctioned, the property was owned by the claimants and their mother, all nationals of the United States. Upon the death of claimants' mother in 1991 and under the terms of her will, her interest in the claim was inherited equally by the claimants.

Based on the entire record, the Commission determines that the auction of the claimants' property without notice to the claimants, coupled with the actions of the court in denying them any subsequent legal rights to the property, had the effect of depriving the claimants of their property, and thereby constituted an uncompensated "intervention, or other taking of, or measures affecting" the claimants' property. Settlement Agreement, Article 1(a). Accordingly, claimants are entitled to an award of compensation for the resulting loss.

The claimants have not asserted a specific value for their property. However, the Certificate of Ownership indicates that in 1926, the sales price for the property was 3,000 Gold Francs (\$600.00).¹ The claimants Petition to

¹Prior to 1932, 1 U.S. Dollar was worth 5 Gold Francs.

Reverse the Court Decision indicates that the sale price at auction in 1963 may have been 150,000 Old Leks (equivalent to U.S. \$3,000.00).

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 house located in Gjirokaster had a value at the time of auction of \$6,000.00. Accordingly, claimants are each entitled to an award in the principal amount of \$3,000.00 as compensation for the loss of their property, dating from July 19, 1963.²

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 entitled to an interest award of 190.5 percent of her principal award, or \$ 5,715.00.

²Although the claimants had indicated on the claim form that the house was fully furnished, they have provided no evidence of the contents or the value of this personal property and whether the furnishings were also sold at auction.

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 ICOSA (22 U.S.C. §§1624, 1626, and 1627).

AWARDS

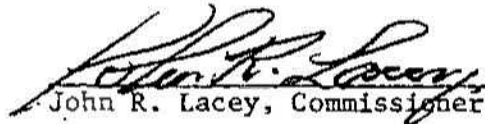
Claimant, ELIZABETH LEKA , is entitled to an award in the principal amount of Three Thousand Dollars (\$3,000.00), plus interest from July 19, 1963, to April 18, 1995, in the amount of Five Thousand Seven Hundred Fifteen Dollars (\$5,715.00), for a total award of Eight Thousand Seven Hundred Fifteen Dollars (\$8,715.00).

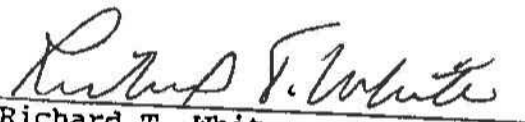
Claimant, DIANA REPISHTI , is entitled to an award in the principal amount of Three Thousand Dollars (\$3,000.00), plus interest from July 19, 1963, to April 18, 1995, in the amount of Five Thousand Seven Hundred Fifteen Dollars (\$5,715.00), for a total award of Eight Thousand Seven Hundred Fifteen Dollars (\$8,715.00).

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

NOV 18 1996


Delissa A. Ridgway, Chair


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 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).

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