

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

In the Matter of the Claim of

GURI DHOSI STEFANI

Against the Government of Albania

Claim No. ALB-074

Decision No. ALB-173

PROPOSED DECISION

This claim against the Government of Albania is based upon the alleged confiscation of real and personal property located in Shtike, District of Kolonje, and in an unspecified location in Albania.

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, GURI DHOSI STEFANI a/k/a Guri Dhosi Jani, seeks compensation for the alleged expropriation by the Government of Albania in 1957 of 6.6 hectares of arable land located in the village of Shtike, District of Kolonje. At that time, according to claimant, he was the owner of the property in question. Claimant subsequently amended his claim to seek compensation as well for the confiscation of a two-story house and farm and for the confiscation of livestock. According to the claimant, he is a United States national by virtue of his father's naturalization as a United States national prior to claimant's birth in

in 5 U.S.C. §552(b)(6)

ALB-074

In support of his claim, the claimant has submitted a Certificate of Ownership and Confiscation from the District Council Archives of Kolonje, hand-drawn illustrations of the various parcels of property in question, building plans for a house and farm buildings, and a declaration as to confiscation of his livestock.

To establish his United States nationality, the claimant has submitted a copy of his United States passport issued in Tirana on April 8, 1993 as well as a copy of his father's United States passport, which is undated. Although the claimant has not submitted a copy of his father's Certificate of Naturalization, based on the evidence in the record, the Commission draws the logical inference that claimant's father, Theodore J. Stephens, acquired United States nationality by naturalization at some point prior to claimant's birth on 5 U.S.C. §552(b)(6)

Based on the evidence in the record and on its own independent investigation in Albania, the Commission further finds that, prior to 1957, the claimant was the owner of 6.6 hectares of arable land located in the village of Shtike, District of Kolonje. Evidence in the record also indicates that, pursuant to Decision Number 24 dated March 13, 1957, the properties in the District of Kolonje were collectivized as part of the overall Albanian Agrarian Reform.

Based on the entire record, the Commission determines that the implementation of the Agrarian Reform Law, coupled with the formation of agricultural cooperatives, had the effect of depriving the claimant of his property, and thereby constituted an uncompensated expropriation by the Government of Albania. The Commission also determines that the claimant was deprived of his livestock as a part of the overall Agrarian Reform. Accordingly, claimant is entitled to an award of compensation for the resulting loss as of March 13, 1957.

The claimant has not asserted a value for the land that is the subject of his claim. 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 claimant's property consisting of 6.6 hectares (16.3 acres) in the village of Shtike had a value at the time of expropriation of approximately \$300 per acre, or \$5,000.00, and the livestock (including two cows, 4 oxen, 35 sheep, 36 goats and two horses) had a value of \$1,000.

Accordingly, claimant is entitled to an award in the principal amount of \$6,000.00 as compensation for the loss of his land and livestock, dating from March 13, 1957.

Claimant has recently amended his claim to include a claim for the expropriation of a six-room house with two kitchens and a farm. However, the location of the house and farm has not been specified and -- except for hand-drawn plans of the house and farm buildings -- the claimant has not submitted any evidence of his ownership or of the confiscation of these particular properties.

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 his ownership of the house and farm for which he has claimed and the date and circumstances of their alleged confiscation. This portion of the claim therefore must be and is hereby denied.

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 228.6 percent of his principal award, or \$13,716.00.

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 awards, so as to prevent any double recovery. Thus, 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 ICOSA (22 U.S.C. §§1624, 1626, and 1627).

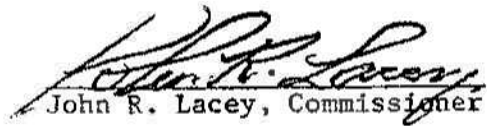
AWARD

Claimant, GURI DHOSI STEFANI, is entitled to an award in the principal amount of Six Thousand Dollars (\$6,000.00), plus interest from March 13, 1957, to April 18, 1995, in the amount of Thirteen Thousand Seven Hundred Sixteen Dollars (\$13,716.00), for a total award of Nineteen Thousand Seven Hundred Sixteen Dollars (\$19,716.00).

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 **MAR 25 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).