

By letter dated December 16, 1996, the claimant stated objection to the Commission's decision, asserting that the award in the Commission's Proposed Decision was inadequate to compensate him "for everything the Albanian government confiscated from [his] property including the house and all of its contents, farmland, vineyards, livestock, fruit trees." In support of the objection, claimant submitted photographs of the house and a storage shed, and clarified that his late mother left Albania in 1955 (not 1948, as an affidavit submitted earlier had stated). By letter dated February 2, 1997, claimant submitted two additional affidavits, by Laka Talios and Tina Fernandez. 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.

Although claimant does not explicitly challenge the Commission's award for the house, his submittal of a photograph of the property suggests that he is pressing for a higher value. Indeed, claimant previously estimated the value of the house at the time of expropriation to be \$100,000.00. However, as the Proposed Decision indicated, that figure is not supported by any documentation and is wholly inconsistent with the Commission's study of the values of various kinds of real property in Albania before and during World War II and thereafter. Further, as the Commission's January 15, 1997 letter to claimant indicated, the

Commission determined in its General War Claims Program that the value of the house in 1944 was \$2,000.00. The photograph supplied by claimant does not support a value higher than that assigned in the Commission's Proposed Decision. Accordingly, the Commission's award for the house in the principal amount of \$8,000.00 must be and hereby is affirmed.

The Commission's Proposed Decision did not award claimant compensation for the loss of a storage shed, however. Based on the photograph supplied by claimant with his objection and the reference in the Fernandez Affidavit to a shed, the Commission finds that claimant's late father owned a storage shed behind his house, which -- like the house -- was confiscated by the former Communist regime in Albania. For lack of a more precise date, the confiscation is deemed to have occurred as of January 1, 1955. The Commission further finds that the shed had a value at the time of expropriation of \$500.00. Accordingly, claimant is entitled to an award in the principal amount of \$500.00 as compensation for the loss of the shed, dating from January 1, 1955.

The Commission's Proposed Decision also did not award claimant compensation for the land on which the house and shed stood. The Commission declined to make an award in the absence of "credible evidence on the size of the plot." Although claimant has submitted no additional evidence on this point, the

Commission is persuaded that the house and shed stood on a plot with a value of at least \$2,000.00 at the time of confiscation. Accordingly, claimant is entitled to an award in the principal amount of \$2,000.00 as compensation for the loss of that land, dating from January 1, 1955.

In its Proposed Decision, the Commission declined to make an award for livestock and personal property. The Commission noted that there was no clear basis for inventory of his family's property at the time of confiscation, since it appeared that his entire family had left Albania before then. In addition, the Commission explained that it could not base an award for livestock and personal property on the statements of claimant alone, without more specific statements from others to support claimant's assertions.

Claimant has now clarified that his mother remained on the family's property until 1955, and argues that that fact itself proves that the personal property and livestock were replenished after the War damage -- "otherwise there would [have been] nothing [for her] to survive on."

Based on its decisions in its War Claims Program and on a review of claimant's itemized list of the furniture and household goods said to have been confiscated, as well as the affidavits which attest to the confiscation of personal property, the Commission finds that the contents of the home, which it values at

approximately \$1,000.00, were confiscated with the house. Accordingly, claimant is entitled to an award in the principal amount of \$1,000.00 as compensation for the loss of that personal property, dating from January 1, 1955.

Other than the Fernandez Affidavit (which includes a general reference to livestock, but does not mention the types and numbers of animals confiscated), claimant has submitted no additional evidence to substantiate his claims for the loss of livestock (alleged to have included 30 head of sheep, 10 goats, 2 milk cows, one mule, one donkey and two bulls). However, the Commission notes that the livestock claimed here was intended to replace that lost due to the actions of German forces in World War II; and, indeed, the numbers and types of animals allegedly confiscated in 1955 are generally consistent with the representations made by claimant's late father in the Commission's War Claims Program.

Based on its review of the entire record, including claimant's mother's subsistence on the property until 1955 and the consistency of this claim and that in the War Claims Program, the Commission finds that claimant's late father owned livestock (valued at approximately \$500.00), which was confiscated in 1955. Accordingly, claimant is entitled to an award in the principal amount of \$500.00 for the confiscation of that livestock, dating from January 1, 1955.

The final matter is claimant's claim for farmland, vineyards, woodland, a storage area and fruit trees. In its Proposed Decision, the Commission noted various inconsistencies in this part of the claim and supporting statements, and declined to make an award for those properties without more specific statements from other individuals supporting claimant's statements quantifying those losses. Unfortunately, claimant has not submitted written statements from local officials, and the Talios and Fernandez Affidavits do little to cure the Commission's concerns.

On March 10, 1997, however, the Commission received further evidence from the claimant including documents obtained from the Archives of Gjirokaster. The Commission has reviewed these documents which establish claimant's father's ownership of 69 *dynyms* (17.1 acres) of agricultural land in the vicinity of Catiste.

The Commission is aware that on or about August 29, 1945, the Albanian Communist regime promulgated the "Agrarian Reform Law." That 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. The law was affirmed

by the 1946 Albanian constitution which stated that "land belongs to the tiller."

Alb. Const., 1946, Ch. I, Art. 12.

Based on the entire record, 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. Accordingly, claimant is entitled to an award of compensation for the resulting loss. For lack of a precise date, the Commission will deem the loss to have occurred as of January 1, 1955.

The claimant has generally asserted a value of \$300,000.00 for the agricultural property and for the buildings. However, he has submitted no evidence to substantiate such a high valuation. 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 and other cases, the Commission finds that the property located in the vicinity of Catiste, District of Gjirokaster, had a value at the time of expropriation of approximately \$250 per acre, or \$4,300.00. Accordingly, claimant is also entitled to an award in the principal amount of \$4,300.00 as compensation for the loss of his father's 69 dynyms of agricultural property, dating from January 1, 1955.

Claimant has not submitted any new evidence in support of his claim for the confiscation of a storage area and fruit trees. The two affidavits previously submitted by the claimant merely refer generally to the confiscation of farmland and vineyards. Under the circumstances, there is no basis on which to change the result reached on this part of the claim in the Commission's Proposed Decision. Accordingly, the denial of the claim for a storage area and fruit trees, set forth in the Proposed Decision of November 18, 1996, must be and is hereby affirmed.

For the reasons set forth above, the Commission concludes that claimant PETER A. PANOS is entitled to an aggregate award in the total principal amount of \$16,300.00. 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 Settlement Agreement). Accordingly, claimant is entitled to an interest award of 241.8 percent of his principal award, or \$39,413.40.

The Commission therefore withdraws the award made 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 ICSA (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.

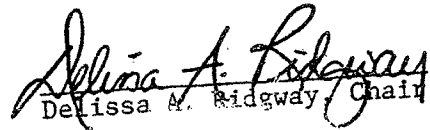
This constitutes the Commission's final determination in this claim.

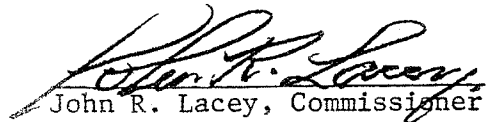
A W A R D

Claimant PETER A. PANOS is entitled to an award in the principal amount of Sixteen Thousand Three Hundred Dollars (\$16,300.00), plus interest from January 1, 1955 to April 18, 1995, in the amount of Thirty-Nine Thousand Four Hundred Thirteen Dollars and Forty Cents (\$39,413.40), for a total award of Fifty-Five Thousand Seven Hundred Thirteen Dollars and Forty Cents (\$55,713.40).

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

APR 15 1997


Delissa M. Ridgway, Chair


John R. Lacey, Commissioner

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

In the Matter of the Claim of

PETER A. PANOS

Against the Government of Albania

Claim No. ALB-010

Decision No. ALB-210

PROPOSED DECISION

This claim against the Government of Albania is based upon the alleged confiscation of real and personal property located in Chiarista (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-- which is said to have consisted of some "40 acres of farmland, 6 acres vineyards, 4 acres woodland" and a "4 acre storage area," as well as a village home with a separate weaving room and moveable items-- was confiscated by the Albanian government in or about 1955. The claimant asserts that his father, a United States national since 1943, was the owner of the property at that time. The claimant has established that he and his father acquired United States nationality by naturalization on §552(b)(6) 1953 and July 9, 1943, respectively, and

that his father died in Illinois on March 4, 1991. His mother predeceased his father, in 1985.

By Commission letter dated December 14, 1995, the claimant was asked to provide certain evidence in support of his claim including evidence of his father's ownership of the property which is the subject of the claim and a copy of his father's will. In late December 1995, the claimant submitted in response a statement from the "Tsiatistinon of Northern Epirus," a philanthropic and educational society in Chicago, Illinois, which states that the claimant "is the only child (son) and living relative of Anthony and Kiriakitsa Panos." The claimant also stated that he was unable to produce any legal deed or official document evidencing his father's ownership of the property because "all deeds, documents, etc. were confiscated."

Subsequently, by letter dated March 26, 1996, the claimant submitted three affidavits in support of his claim. Two of the affiants state that the Panos family owned a "nice house" and several acres of farm land, vineyard and fruit trees, all of which was confiscated by the Albanian government. Another affiant has stated that although he was not yet born when the confiscation took place, he knows that the Panos family owned a house and property and, as of 1993, the property "was still in the hands of the present government."

The Commission first notes that a portion of the property that is the subject of this claim was formerly the subject of a claim in the Commission's General War Claims program. At that time, the claimant's father, Antonios Panos, was found entitled to \$3,405.00 as compensation for the loss and destruction during World War II of a five-room house, stable, barn, storehouse, vineyards, furniture, clothing, related personalty and cattle located in Tsiatista or Chiarista (now Catiste). *Claim of ANTONIOS PANOS*, Claim No. W-2723, Decision No. W-12437 (1966).

By Commission letter dated April 26, 1996, the claimant was advised that in light of the War Claims decision, the burden would be on him to establish that the house and personal property for which he is now claiming as part of his claim was not, in fact, destroyed during World War II and that it was been confiscated by the Albanian government. In response, by letter dated May 7, 1996, the claimant stated that the "house was never burned down. The Germans didn't burn down the house. Some of the houses in the Village were burned but they did not burn our home down." According to the claimant, it was the Italian Army that caused some damage to the house, crops and vineyards. The claimant also states that after the war, his mother had the damage repaired and

replenished the livestock "over a 10 year period." The claimant asserts that there should be no "connection between the damage that the Italian Army was responsible for,..... and the confiscation of the property by the Albanian government which took the house, the land, the live stock [sic] and everything we had. The land alone was over 100 acres." In addition to the letter of May 7, 1996, the claimant has submitted the statement of another individual who states that the Panos house was only damaged by the Italian and German armies and still exists.

At a minimum, the decision in the Commission's War Claims Program establishes that claimant's family indeed once owned a house. But, as noted above, the Commission's War Claims decision indicates that the house was "destroyed" in 1944 -- a determination supported by the claim form signed by claimant's father personally in 1964, which states that German troops raided his hometown in August 1944 "ignit[ing] my home destroying in flames everything I had."

On the other hand, a written statement by claimant's father in November 1963 states that the 1944 fire "partially destroyed" his property; that statement is supported by the written statements of Petros Stoyas and Alex Mengos (also dated November 1963). The strong language used by claimant's father on his

claim form can be fairly read to mean total destruction; but perhaps that statement was an overstatement to convey the gravity of the damage, which may actually have been destruction of woodwork (as claimant states in his letter of May 7, 1996) and destruction of the floors and other parts of the house (as indicated by Christos Panos). The written statements of third parties (Christos Panos, Constando Stoyas, Nick Krongor and Sam Panos) submitted by claimant here all corroborate the existence of a house in the post-War years; at least one of those statements indicates that the house is still standing "and people have lived there since the confiscation."

Based on the totality of the record, the Commission finds that claimant's family's home was restored following the fire in 1944, and was expropriated by the Albanian government in 1955. For lack of a precise date, the Commission will deem the taking to have occurred as of January 1, 1955. As the sole heir of his father's estate, the claimant is accordingly entitled to an award of compensation for the resulting loss.

Claimant here has estimated the value of the house at the time of expropriation to be approximately \$100,000.00. However, that figure is not supported by any documentation and is wholly inconsistent with the Commission's study of the values of various kinds of real property in Albania

before and during World War II and thereafter. Based on that study, together with the evidence before it in this case and in the War Claims file, the Commission finds that claimant's family's house had a value at the time of expropriation of approximately \$8,000.00. Accordingly, claimant is entitled to an award in the principal amount of \$8,000.00 as compensation for the loss of the house, dating from January 1, 1955.

The Commission's decisions in its War Claims Program and above in this proceeding implicitly acknowledge that claimant's family owned *some* land on which the house stands. The question is the size of that plot. Unfortunately, none of the statements submitted by third parties (Christos Panos, Constando Stoyas, Nick Krongor and Sam Panos) address this specific issue. The only evidence claimant offers on this point is his own statement (on his claim form and in his letter of July 5, 1995) that the house "sat on six acres of good land" -- a statement clearly contradicted by a photograph (submitted by claimant's father) in the War Claims file, depicting the house as one of a number perched on a hillside. Without credible evidence on the size of the plot, the Commission is unable to make an award to claimant for the land on which his family's house stood.

The next part of claimant's claim, for livestock and personal property, is also plagued by certain inconsistencies and a lack of corroborating evidence. Claimant's statement (in his letter of May 7, 1996) that the livestock lost in the summer of 1944 were replenished "over a 10 year period" has not been reconciled with the statement of Christos Panos that the livestock had been replenished by 1948. Nor is it clear who maintained the livestock from the time claimant's mother departed in 1948 until the alleged confiscation in 1954-55.

Moreover, while claimant has listed the furniture and household goods confiscated and has detailed the quantity of livestock confiscated -- 30 head of sheep, 10 goats, 2 milk cows, one mule, one donkey and two bulls (with a total value he estimates at \$ 10,000 for the livestock)--it is not clear how he knows what remained of his family's property at the time of confiscation in 1954-55, since it appears that his family left there some years earlier. The various written statements submitted by others include only general references to the confiscation of livestock and the contents of the house; they give no indication of the quantities of items confiscated. The Commission cannot base an award for livestock and personal property on the statements of claimant alone, without more specific statements from other individuals to support claimant's statements.

The final matter before the Commission in this case is claimant's claim for "40 acres farmland, 6 acres vineyards, [and] 4 acres woodland," a "4 acre storage area" and 40 fruit trees.* His father's file in the War Claims Program includes a written statement giving a detailed description of the property inherited by this claimant's father upon his father's death in 1929. That description is much more modest than the claim asserted by claimant here. A vineyard is mentioned, but there is no reference to any farmland or woodland whatsoever; nor is there any reference to a storage area. The statement of Constando Stoyas mentions only "*several* acres of farm land" (emphasis supplied), as well as an unspecified number of "acres of vineyard" and an unspecified number of "fruit trees." The statement of Nick Krongor is even more general; it refers simply to "fertile farm land and a vineyard." It is difficult to reconcile claimant's claim for vast holdings of farmland and woodlands and a four acre storage area with his father's failure to even mention such properties. And the Commission cannot make an award for the vineyards and the fruit trees without more specific

*A postscript to claimant's July 5, 1995, letter indicates that he "was not aware of the difference in United States acre measures and Albanian hectare measures, which would about double [his] loss." It is not clear whether he is claiming, for example, for 40 acres of farmland or for 80 acres of farmland. In light of the Commission's disposition of this part of his claim, the ambiguity is irrelevant.

statements from other individuals supporting claimant's statements quantifying those losses. Accordingly, the portions of the claimant's claim based on the loss of farm animals and land must be and are 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 April 18, 1995, the effective date of the Settlement Agreement. Accordingly, the claimant is entitled to an interest award of 241.8 percent of his principal award, or \$19,344.00.

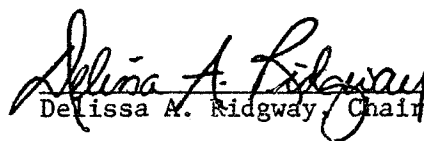
The Commission therefore makes the following award, which will be certified to the Secretary of the Treasury in accordance with sections 5, 7 and 8 of Title I of the ICSA (22 U.S.C. §§1624, 1626 and 1627).

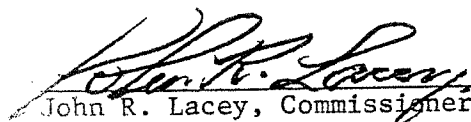
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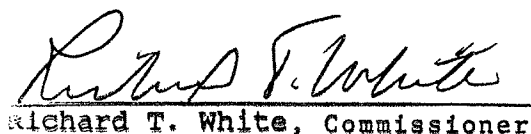
Claimant, PETER A. PANOS, is entitled to an award in the principal amount of Eight Thousand Dollars (\$8,000.00), plus interest from January 1, 1955, to April 18, 1995, in the amount of Nineteen Thousand Three Hundred Forty-Four Dollars (\$19,344.00), for a total award of Twenty-Seven Thousand Three Hundred Forty-Four Dollars (\$27,344.00).

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

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).