

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, THANAS HODO (a.k.a. Thanas Hoda), seeks compensation for the alleged expropriation by the Government of Albania of real and personal property in 1946. At that time, according to the claimant, the property was owned by his father, Kiriacos Hondas (a.k.a. Qirko Hoda and Qirjako Hoda), a naturalized United States citizen since 1932. Specifically, the

claimant describes the property as 1) a three story dwelling with six bedrooms and two kitchens; a shop; a bakery; various household items and furniture; various livestock; and various dry goods, all of which the claimant asserts were burned or otherwise destroyed during World War II by the German Army; 2) thirty sheep, three horses and two cows, and 3) several parcels of agricultural land in Labova e Madhe totalling 2800 square meters.

The Commission finds it established that the claimant's father, Kiriacos Hondas, acquired his United States nationality by naturalization in Bangor, Maine, in 1932, and that he died in Gjirokaster, Albania, on September 15, 1967.

In a letter dated March 26, 1996, the Commission informed claimant that it did not have authority to consider his claim for the destruction of real and personal property by the German Army, since its General War Claims Program ended by law in 1967, and claims for damage during World War II are not covered by the Settlement Agreement with Albania. Accordingly, the Commission must conclude that this portion of the claimant's claim is not compensable. The first portion of his claim therefore must be and is hereby denied.

No evidence has been submitted to document the existence of or ownership of the thirty sheep, three horses and two cows which were allegedly confiscated. The claimant is responsible for the production of evidence in this case and thus bears the burden of proof in submitting independent objective evidence. In the absence of such evidence, the Commission must conclude that this portion of his claim likewise is not compensable under the Settlement Agreement. His claim for livestock therefore must also be and is hereby denied.

The record does, however, contain evidence of the claimant's father's ownership of the land in Labova e Madhe, in the District of Gjirokaster. Although claimant has stated on his claim form that the various parcels which constitute this portion of his claim measure a total of 2800 square meters, the "Certification" which he submitted, from the Chairman of the Notarial District in Gjirokaster, states that the property measured 3700 square meters. This information is also supported by a document entitled "List of Land Ownership" from the Cadastre Office of Gjirokaster, under the Ministry of Agriculture and Forestry, which reflects that the claimant's father was the owner of such agricultural land.

Although the claimant has alleged that his father's property was confiscated in 1946, the evidence in the record indicates that the property in fact was not seized until it was collectivized in 1957. The Commission's independent research has verified that the local authorities established an agricultural collective in the village of Labova in 1957. This is also confirmed by the "Certification" referred to above. For lack of a precise date, the confiscation will be deemed to have occurred as of January 1, 1957.

The claimant has not provided a copy of his father's will or a certificate of inheritance. The family certificate which is part of the record shows that there were five other members of the Hodo family: the claimant, his mother, and three siblings. The claimant has stated that his mother, Eftali Hodo, died in Albania on May 16, 1994. She was not a national of the United States at the time of her death. The Commission has received an affidavit from his sister, Ermioni Hoda, stating that she wishes to be considered a co-claimant in this claim. A copy of her United States passport, issued in Albania on February 26, 1993, has been submitted as evidence of her United States nationality. Claimant has also stated that he wishes his sister Izmini Hodo to be considered a co-claimant in this claim. A copy of her United States passport, issued in Albania on February 26, 1993, has also been submitted as evidence of her United States nationality. The

Commission accepts ERMIONI HODO (a.k.a Ermioni Hoda) and IZMINI HODO (a.k.a. Izmini Hoda) as eligible co-claimants in this claim, and finds, therefore, that this claim, owned by the late Kiriacos Hondas, who was survived by his wife and four children, devolved upon his death, in accordance with the inheritance laws of Albania as found in the Civil Code of April 2, 1928, in equal shares to his widow and his four children. As such, each of the claimants is entitled to claim based on a one-fifth interest in their father's estate.*

Based on the evidence before it, and in the absence of evidence that would support a higher valuation, the Commission finds that the claimants' father's real property, consisting of 3,700 square meters of agricultural land and including 700 square meters of vineyard, had a value of \$500 at the time of loss. Accordingly, the Commission finds the claimants entitled to awards in the principal amount of \$100 each as compensation for their respective one-fifth interests in the claim for the loss of their father's property.

* The family certificate submitted by the claimants indicates that their brother Ilia was born in 1929, which was before their father's naturalization in 1932. He thus did not acquire United States nationality at birth, unlike his brother and sisters. The Commission is also aware that their mother never acquired her United States nationality. Their interests in the claim are therefore not compensable under the Settlement Agreement.

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, claimants are entitled to interest awards of 229.8 percent of their principal awards, or \$229.80.

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

AWARDS

Claimant, THANAS HODO, is entitled to an award in the principal amount of One Hundred Dollars (\$100.00), plus interest from January 1, 1957 to April 18, 1995, in the amount of Two Hundred Twenty-Nine Dollars and

Eighty Cents (\$229.80), for a total award of Three Hundred Twenty-Nine Dollars and Eighty Cents (\$329.80).

Claimant, ERMIONI HODO, is entitled to an award in the principal amount of One Hundred Dollars (\$100.00), plus interest from January 1, 1957 to April 18, 1995, in the amount of Two Hundred Twenty-Nine Dollars and Eighty Cents (\$229.80), for a total award of Three Hundred Twenty-Nine Dollars and Eighty Cents (\$329.80).

Claimant, IZMINI HODO, is entitled to an award in the principal amount of One Hundred Dollars (\$100.00), plus interest from January 1, 1957 to April 18, 1995, in the amount of Two Hundred Twenty-Nine Dollars and Eighty Cents (\$229.80), for a total award of Three Hundred Twenty-Nine Dollars and Eighty Cents (\$329.80).

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

NOV 18 1996

This decision was entered as the Final Decision on

JAN 14 1997

Delissa A. Ridgway
Delissa A. Ridgway, Chair

John R. Lacey
John R. Lacey, Commissioner

Richard T. White
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).