

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

In the Matter of the Claim of

SOFIKA S. VASIL
THOMAS R. WASSO

Against the Government of Albania

Claim No. ALB-314

Decision No. ALB-300

PROPOSED DECISION

This claim against the Government of Albania is based upon the alleged confiscation of real property located in Orman Ciflig, District of Korce.

As a preliminary matter, the Commission notes that this claim was received after its deadline for filing of claims of December 29, 1995. The Commission nevertheless has decided to accept the claim for consideration.

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, SOFIKA S. VASIL and THOMAS R. WASSO, assert a multi-part claim. First, SOFIKA S. VASIL seeks compensation for the alleged expropriation by the Government of Albania in 1946 of 8 *dynym* (0.8 hectare or about 2 acres) of farmland located in Orman Ciflig that had been owned by her husband, Sotir Vasil, a United States national since 1928. Second, she seeks compensation for the alleged expropriation, also in 1946, of her husband's one-half interest in two plots of land measuring 12 *dynym* and 11 *dynym*, also located in Orman Ciflig. Claimant THOMAS R. WASSO seeks compensation for property jointly owned by his father, Jovan Vasil (a.k.a. Joseph

Wasso), and his father's brother, Sotir Vasil. In support of their claim, the claimants have submitted documents including certificates of naturalization, a birth certificate, copies of wills, death certificates and certificates of property ownership.

Evidence in the record establishes that Sotir Vasil, Jovan Vasil (Joseph Wasso) and SOFIKA S. VASIL acquired United States nationality by naturalization on April 20, 1928, April 4, 1932 and December 8, 1955, respectively. Evidence in the record also establishes that claimant THOMAS R. WASSO acquired United States nationality by birth in Massachusetts on

Personally Identifiable Information
Redacted under 5 U.S.C. §552(b)(6)

The Certificates of Ownership confirm that 8 dynym of land was owned solely by Sotir Vasil and that two parcels of land measuring 12 dynym and 11 dynym were jointly held by Sotir Vasil and his brother, Jovan Vasil (Joseph Wasso).

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

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 formation of agricultural cooperatives, had the effect of depriving Sotir Vasil and Jovan Vasil (Joseph Wasso) of their property, and thereby constituted an uncompensated expropriation by the Government of Albania. In this case, claimants have stated that the property was confiscated in 1946. For lack of a precise date, the Commission will deem the taking of the agricultural land to have occurred as of January 1, 1946.

The claimants assert that the three parcels of land had a value at the time of expropriation of approximately \$11,368.00, \$17,457.00, and \$16,002.00, respectively, based on purchase prices of 2,900 "Flori" (gold coins), 4,386 Flori and 3,988 Flori, respectively. The claimants also assert that in 1926 one Flori equalled \$4.00. However, they have submitted no supporting evidence to substantiate such a figure.* According to the actual purchase contracts, dating from 1926, the 8-dynym (2-acre) parcel was purchased for 2,900 franga ari, or

*The Commission's currency charts indicate that, prior to 1933, \$1 was equal to 5 *franga ari*, or gold francs.

approximately \$290.00 per acre; the 12-dynym (3-acre) parcel was purchased for 800 franga ari, or approximately \$54.00 per acre, and the 11-dynym (2.7- acre) parcel was purchased for 4,000 franga ari, or approximately \$295.00 per acre.

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 properties located in Orman Ciflig at issue in this claim, consisting of 8 dynym and 11 dynym, had a value at the time of expropriation of about \$600.00 per acre, or \$1,200.00 and \$1,800.00, respectively, and that the property consisting of 12 dynym had a value at the time of expropriation of about \$110.00 per acre, or \$350.00.

The Commission further finds that the portion of this claim owned by the late Sotir Vasil, who died in Massachusetts on June 9, 1983, passed under the terms of his will to his wife, claimant SOFIKA S. VASIL. Accordingly, claimant SOFIKA S. VASIL is entitled to an award in the principal amount of \$2,275.00 as compensation for the loss of her husband's 8 dynym of land and his one-half interest in the 11-dynym and 12-dynym parcels. This award shall date from January 1, 1946.

The Commission also finds that the portion of this claim owned by the late Jovan Vasil (Joseph Wasso), who died in Massachusetts on November 14, 1945,

passed under the terms of his will to his son, claimant THOMAS R. WASSO. Accordingly, claimant THOMAS R. WASSO is entitled to an award in the principal amount of \$1,075.00 as compensation for the loss of his father's one-half interest in the 11-dynym and 12-dynym parcels, also dating from January 1, 1946.

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, claimant SOFIKA S. VASIL is entitled to an interest award of 295.8 percent of her principal award, or \$6,729.45, and claimant THOMAS R. WASSO is entitled to an interest award of 295.8 percent of his principal award, or \$3,179.85.

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 thus will 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 ICSA (22 U.S.C. §§1624, 1626 and 1627).

AWARDS

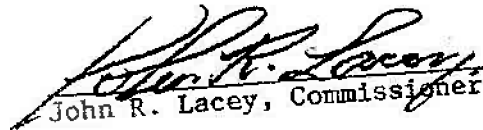
Claimant SOFIKA S. VASIL is entitled to an award in the principal amount of Two Thousand Two Hundred Seventy-Five Dollars (\$2,275.00), plus interest from January 1, 1946 to April 18, 1995, in the amount of Six Thousand Seven Hundred Twenty-Nine Dollars and Forty-Five Cents (\$6,729.45), for a total award of Nine Thousand Four Dollars and Forty-Five Cents (\$9,004.45).

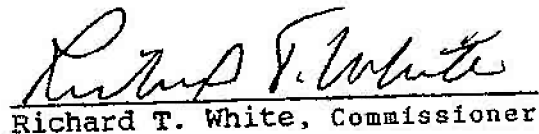
Claimant THOMAS R. WASSO is entitled to an award in the principal amount of One Thousand Seventy-Five Dollars (\$1,075.00), plus interest from January 1, 1946 to April 18, 1995, in the amount of Three Thousand One Hundred Seventy-Nine Dollars and Eighty-Five Cents (\$3,179.85), for a total award of Four Thousand Two Hundred Fifty-Four Dollars and Eighty-Five Cents (\$4,254.85).

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

MAR 10 1997


Delissa A. Ridgway, Chair


John R. Lacey, Commissioner


Richard T. White, Commissioner

This decision was entered as the Commission's Final Decision on MAY 06 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).