

OVERVIEW OF IMMOVABLE PROPERTY RESTITUTION/COMPENSATION REGIME – REPUBLIC OF ALBANIA (AS OF 13 DECEMBER 2016)

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A. OVERVIEW

On 7 April 1939, on the eve of World War II, Italy invaded and annexed Albania. After the Axis powers (Germany, Italy, Bulgaria, Hungary and Romania) carved up Yugoslavia in 1941, Kosovo became part of Italian-occupied Albania. When Italy surrendered to the Allied powers in 1943, Germany occupied Albania and Kosovo.

The treatment of Jews varied greatly between Albania and Kosovo. In general, Albanian Jews were protected during the Italian occupation but they did face certain restrictions on their liberty and in some instances were required to move from the coast to inland towns. Foreign Jews who had found temporary refuge in Albania were by law supposed to be repatriated, but in practice were not expelled. They were instead put into concentration camps in Albania's interior. When the Nazis occupied Albania after Italy's surrender in 1943, they attempted to implement their Final Solution. The first step was collecting lists of Jews in each town. Albanians and Jews alike would not turn over the lists. During this period, many Jews (refugees and nationals) went into hiding and the Albanian population (comprised of Muslims, Orthodox and Catholics) protected them. Many scholars have attributed the compassion of Albanians towards Jews as a display of religious tolerance and *besa* – a national belief that obliges Albanians to provide uncompromising assistance to anyone seeking protection. (See Norman H. Gershman, *Besa: Muslims who saved Jews in World World II* (2008).) According to Yad Vashem, only one (1) family from Albania was deported and died in Pristina in Kosovo (See [Yael Weinstock Mashbaum, “When Religious Prejudice and Hate Did Not Exist’: Jews in Albania”, Yah Vashem \(“Mashbaum”\)](#) (last accessed 13 December 2016).)

The Jewish population in Kosovo (attached to Albania in 1941) suffered comparatively more during World War II. Many Jewish refugees entering Kosovo were returned to places like Belgrade, or were shot. In 1942, the Italians turned over lists of Jews in Kosovo to the Nazis, who then demanded they be handed over to German control. Some were turned over and murdered and others went to camps in Albania or were taken to Albanian cities where locals protected them. In 1944, with the assistance of Albanian SS *Skanderbeg* troops, the Nazis deported Jews from Kosovo to the Bergen-Belson camp in Germany, where they were killed. Estimates of the number of Jews in Kosovo who were murdered during the Holocaust range from approximately 200 to more than 600.

Before World War II, approximately **200** Albanian Jews and **400** Jewish refugees (mainly from Germany and Austria) were in Albania. At the end of the war, there were **1,800**

Jews in Albania. By 1946, most had returned to their home countries and approximately **157** Jews were left in Albania.

Albania was the only Nazi-occupied country where the Jewish population increased at the end of the war. After Albania was liberated at the end of World War II, the country fell under Communist rule and was first known as the People's Republic of Albania, then later, the People's Socialist Republic of Albania. During the subsequent half century of Communist rule in Albania, religion was outlawed. In 1991, as the end of Communism drew near, almost all of the 300-person Jewish community in Albania emigrated to Israel. Estimates of the size of the current Jewish population range from **40** to **200**.

At the end of World War II, as an occupied country, Albania was not a party to an armistice agreement or any treaty of peace, which affected the return of property.

We are not aware of any settlement agreements between Albania and other countries for property belonging their nationals confiscated during the Holocaust era. However, in 1995, Albania and the United States entered into a [U.S.-Albanian Claims Settlement Agreement](#), which addressed claims of U.S. nationals against Albania arising from nationalization or expropriation of property.

The Republic of Albania was established in 1992 after the fall of Communism. Albania became a member of the Council of Europe in 1995 and ratified the European Convention on Human Rights in 1996. As a result, suits against Albania claiming violations of the Convention are subject to appeal to the European Court of Human Rights (ECHR). Albania was granted European Union (EU) candidate status in 2004.

Albania endorsed the Terezin Declaration in 2009 and the Guidelines and Best Practices in 2010.

As part of the European Shoah Legacy Institute's Immovable Property Restitution Study, a Questionnaire covering past and present restitution regimes for private, communal and heirless property was sent to all 47 Terezin Declaration governments in 2015. As of 13 December 2016, no response from Albania has been received.

Private Property Restitution

Private immovable (real) property, as defined in the Terezin Declaration Guidelines and Best Practices for the Restitution and Compensation of Immovable (Real) Property Confiscated or Otherwise Wrongfully Seized by the Nazis, Fascists and Their Collaborators during the Holocaust (Shoah) Era between 1933-1945, Including the Period of World War II ("Terezin Best Practices") for the purpose of restitution, is:

property owned by private individuals or legal persons, who either themselves or through their families owned homes, buildings, apartments or land, or who had other legal property rights, recognized by national law as of the last date before

the commencement of persecution by the Nazis, Fascists and their collaborators, in such properties.
(Terezin Best Practices, para. b.)

Albania does not have any restitution and/or compensation laws relating to Holocaust-era confiscations. There is little information regarding the treatment of Jews in Albanian concentration camps and what happened to Jewish property in coastal towns during the Italian occupation, when Jewish families were required to move inland.

Immediately after World War II, all private property in Albania was nationalized under Communist authorities – irrespective of the owners’ race, religion or ethnicity. In 1992, as Albania shifted away from Communism, laws were enacted to protect property rights. They included legislation on restitution/compensation of private property confiscated during the Communist period, such as **Law No. 7512 of 10 August 1991** (privatization law), **Law No. 7652 of 21 December 1992** (rights of tenants to buy/sell state-owned flats), and **Law No. 7501 of 19 July 1991** (privatization of agricultural land). The first property restitution law was passed in 1993, **Law No. 7698 of 15 April 1993**. The most recent immovable private property restitution law is **2004 Law No. 9235 on Restitution and Compensation of Property (and amendments)**. It provides for restitution or compensation (at current market value) of property expropriated since 29 November 1944 (and also for property taken pursuant to a 1944 war profits tax). With limited exception, claims had to be filed by **31 December 2008**.

There has been considerable criticism about the implementation of **Law No. 9235**, including judicial and administrative deficiencies, inability to access relevant archives, and, at least initially, that much of Albania’s land was not registered with the government. In addition, the Property Restitution and Compensation Agency has been unable to obtain adequate funds or lands to satisfy successful claims (according to a European Parliament study, as of 2010 no land fund for payment of claims with in-kind property had been established. (See European Parliament – Directorate-General for Internal Policies, “Private Properties Issues Following the Change of Political Regime in Former Socialist of Communist Countries –Study”, April 2010, p. 46).)

Hundreds of cases concerning Albania’s property restitution regime have been filed with the European Court of Human Rights. Many cases relate to allegations of violations of Article 6 § 1 of the Convention (re: right to fair trial) and Article 1 of Protocol No. 1 (re: right to peaceful enjoyment of one’s possessions). (See, e.g., [Driza v. Albania, EHCR, Application No. 33771/02, Judgement of 13 November 2007](#); [Bushati and Others v. Albania, ECHR, Application No. 6397/04, Judgement of 8 December 2009](#); and [Ramadhi v. Albania, ECHR, Application No. 38222/02, Judgement of November 2007](#).) In 2007, the ECHR found that non-enforcement of domestic judgments and administrative decisions regarding restitution/compensation to former owners was a systemic problem in Albania. (*Ramadhi*, ¶ 90.) In 2015, the European Commission reported that Albania was finalizing a new law to set up a mechanism to enforce restitution/compensation decisions.

We are not aware whether any Albanian Jews filed claims under this law, and, if claims were filed, the number that have been successful.

Communal Property Restitution

Communal immovable (real) property, as defined in the Terezin Best Practices for the purpose of restitution is:

property owned by religious or communal organizations and includes buildings and land used for religious purposes, e.g. synagogues, churches[,] cemeteries, and other immovable religious sites which should be restituted in proper order and protected from desecration or misuse, as well as buildings and land used for communal purposes, e.g. schools, hospitals, social institutions and youth camps, or for income generating purposes.

(Terezin Best Practices, para. b.)

During the Communist period after World War II, religion was banned in Albania. In 1991, as the country was transitioning from Communism to a market economy, nearly all of Albania's Jewish population left for Israel. Today there is little organized communal life. In 2010, Chabad opened a synagogue in Tirana and appointed an unofficial chief rabbi of Albania (who is based in Greece).

Under the **2004 Law No. 9235 on Restitution and Compensation of Property (and amendments)**, religious communities have the same restitution/compensation rights as natural/legal persons. In 2014, the U.S. Department of State reported some religious groups in Albania have entered into bilateral agreements with the government to address prioritized property restitution. The U.S. Department of State also reported in 2014 that, notwithstanding the fact that the state restitution agency was required to give priority to properties owned by religious groups, hundreds of their claims remained unresolved. (*See [U.S. Department of State – Bureau of Democracy, Human Rights and Labor, “Albania 2014 International Religious Freedom Report”](#)* (last accessed 13 December 2016).)

We are unaware whether any communal property was confiscated from the Jewish community during World War II or during the subsequent Communist period. We are also unaware as to whether any claims have been filed by Albania's Jewish community for the return of property.

Heirless Property Restitution

The Terezin Declaration states “that in some states heirless property could serve as a basis for addressing the material necessities of needy Holocaust (Shoah) survivors and to ensure ongoing education about the Holocaust (Shoah), its causes and consequences.” (Terezin Declaration, Immovable (Real) Property, para. 3.) The Terezin Best Practices also “encourage[s] [states] to create solutions for the restitution and compensation of heirless or unclaimed property from victims of persecution by Nazis, Fascists and their

collaborators.” Heirless immovable (real) property, as defined in the Terezin Best Practices for the purpose of restitution, is:

property which was confiscated or otherwise taken from the original owners by the Nazis, Fascists and their collaborators and where the former owner died or dies intestate without leaving a spouse or relative entitled to his inheritances. . . . From these properties, special funds may be allocated for the benefit of needy Holocaust (Shoah) survivors from the local community, irrespective of their country of residence. From such funds, down payments should be allocated at once for needy Holocaust (Shoah) survivors. Such funds, among others, may also be allocated for purposes of commemoration of destroyed communities and Holocaust (Shoah) education.

(Terezin Best Practices, para. j.)

According to Yad Vashem, only one (1) Albanian Jewish family was deported to Pristina in Kosovo and murdered during World War II (a second Kosovar Albanian Jewish family was also deported from Albania to Kosovo but survived). (*See Mashbaum.*) Since becoming a signatory to the Terezin Declaration in 2009, Albania has not passed any laws dealing with restitution of heirless property.

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