

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

In the Matter of the Claim of

PASKAL KRISTO

Against the Government of Albania

Claim No. ALB-162

Decision No. ALB-199

PROPOSED DECISION

This claim against the Government of Albania is based upon the alleged confiscation of real property located in Qafzes, District of Kolonje.

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 was confiscated by the Albanian government in 1946. At that time, according to the claimant, the property was owned by his father, Sotir Qiric Kristo, who had acquired United States nationality by naturalization as a United States citizen on June 30, 1943. However, the claimant further states that his father died in 1988, and he has submitted no evidence to establish that he, as the heir of the claim for his father's property, acquired United States nationality before his father's death. On the contrary, he has stated that he was born in Albania in Personally Identifiable Information
Redacted under 5 U.S.C. §552(b)(6) and he is a resident of Albania at the present time.

The ICSA mandates that the Commission decide claims in accordance with, *inter alia*, "[t]he applicable principles of international law." ICSA section 4(a)(2), 22 U.S.C. 1623(a)(2). One such principle is that a claim may be found compensable only if it was continuously held by one or more United States nationals from the date of the confiscation of the property which is the subject of the claim until April 18, 1995, the effective date of the Settlement Agreement.

This requirement of continuous United States nationality of the owner or owners of a claim is well established in the law of international claims, and has long been applied by both this Commission and its predecessor, the International Claims Commission. *See, e.g., Claim of PETER D. JANUS against Yugoslavia*, Claim No. Y-1721, Decision No. Y-0377 (1954); *Claim of MIA FOSTER against Czechoslovakia*, Claim No. CZ-2696, Decision No. CZ-0001 (1960).

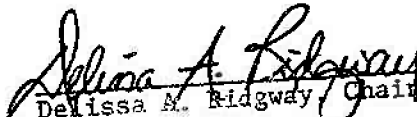
In this case, assuming that ownership of the claim passed to the claimant upon his father's death in 1988, as he alleges, there appears to have been a break in the continuity of United States-national ownership of the claim, since there is no indication that the claimant acquired United States nationality before his father's death. Accordingly, the Commission finds that, although the property at issue in this claim was owned by a national of the United States when it was assertedly taken by the Albanian government, the claim for the property's loss

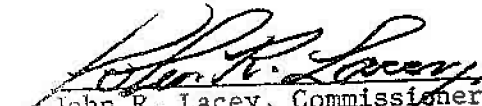
has not been continuously owned by a national of the United States at all times from the date the claim arose until April 18, 1995, the effective date of the Settlement Agreement. Thus, while the Commission sympathizes with the claimant for the loss of his father's property, it must conclude that his claim is not compensable under the terms of the Settlement Agreement. Therefore, the claim must be and is hereby denied.

The Commission finds it unnecessary to make determinations with respect to other elements of this claim.

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

NOV 18 1996


Delissa M. Ridgway, Chair


John R. Lacey, Commissioner


Richard T. White, Commissioner

This decision was entered as the Commission's Final Decision on JAN 14 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).