



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).

Claimant VICKE SHEH seeks compensation for a building consisting of an apartment and a store located in the Upper Bazaar in Tepelene which was allegedly confiscated in 1945 by the Albanian government. She also seeks compensation for the confiscation of the entire contents of a five-room house including personal effects. According to the claimant, her father-in-law, Sadik Sheh, who acquired United States nationality by naturalization in 1934, owned the property in question at the time of confiscation. After the death of Sadik Sheh in New York in 1978, the interest to the claim is said to have passed to Avdullah Sheh, claimant's husband. Claimant asserts that she inherited the claim upon the death of her husband in 1986.

Evidence in the record establishes that the claimant was born in New York City on June 18, 1929, that her husband acquired United States nationality by naturalization on March 4, 1946, and that her father-in-law acquired United States nationality by naturalization on November 19, 1934.<sup>1</sup>

The only evidence of ownership that the claimant has submitted is a "Declaration" of Zagoll Shehu, who states that claimant's father-in-law owned two houses, 6 hectares of land, several stores, a truck, and a concrete mixer, all of which were damaged during World War II, and that the land was confiscated in 1945. Unfortunately, this document alone is not sufficient to substantiate claimant's claim.

It is not clear whether or how the property listed in the "Declaration" relates to that which claimant listed on her claim form. Moreover, as explained in the Commission's March 8, 1996 and October 17, 1996 letters to claimant, the

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<sup>1</sup>The Commission notes that claimant's father-in-law filed a claim in the Commission's General War Claims program. At that time, the claimant's father-in-law alleged that his property--consisting of five stores and unimproved property located in Tepelene--was damaged by the German military forces. By its Proposed Decision of September 21, 1966, the Commission made an award to the claimant for the loss of five stores in the amount of \$1,520.00. *Claim of SADIK SHEH*, Claim No. W-6073, Decision No. W-16962 (1966). However, the Commission vacated that award in an Amended Proposed Decision (dated March 23, 1967), because of questions about the authenticity of certain evidence submitted in support of the claim. By letter dated March 8, 1996, the Commission sent copies of both decisions to the present claimant.

Commission generally requires that a claimant prove ownership by submitting a copy of a deed to the property or an official document from the local land registry office. Although claimant asserts that Zagoll Shehu is an official of the city of Tepelene, the "Declaration" itself does not so state, and there is no indication of his official title or position. The document is also undated, and fails to specify the circumstances of the alleged confiscation.

Section 531.6(d) of the Commission's regulations provides:

The claimant shall be the moving party, and shall have the burden of proof on all issues involved in the determination of his or her claim.

45 C.F.R. 531.6(d) (1995).

The Commission concludes that claimant here has failed to meet the burden of proof to establish the ownership of the property which is the subject of her claim, and the dates and circumstances of the alleged confiscations.<sup>2</sup> Accordingly, the claim must be and is hereby denied.

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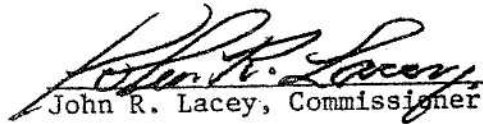
<sup>2</sup>Even if the Commission were to rely on the finding of the Commission in 1966 that Sadik Sheh owned five stores in Tepelene that were damaged during World War II, the claimant has submitted no evidence to establish that the store for which she is now claiming had been repaired and had some value in 1945, when it was allegedly confiscated. Moreover, the claimant has submitted no evidence in support of her claim for personal property.

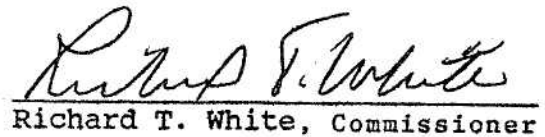
The Commission finds it unnecessary to make determinations with respect to other elements of this claim.

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

FEB 24 1997

  
Melissa A. Midway, 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).