

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

In the Matter of the Claim of

TELMAK KONA

Against the Government of Albania

Claim No. ALB-189

ORDER

This claim against the Government of Albania is based upon the alleged confiscation of real and personal property located in the District of Berat.

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 averred in his Statement of Claim, which was dated December 14, 1995, that the store and the house which are the subject of the claim were confiscated by the Albanian government in 1948 and 1969, respectively, and that they were owned at that time by his father and brother. From the claim form, it further appears that both owners were Albanian citizens at that time. If so, this claim would not be compensable under the Settlement Agreement.

In any event, the claimant has now notified the Commission that he wishes to withdraw his claim from further consideration by the Commission,

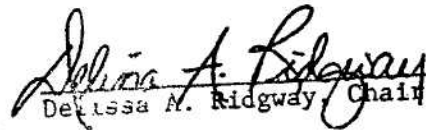
because he wishes to seek the return of his property under Albanian law. This has been memorialized in his letter of May 4, 1996.

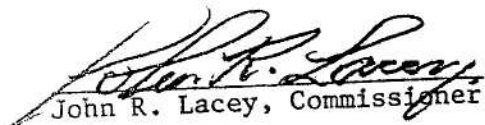
The Commission accepts the claimant's request to withdraw his claim. In doing so, the Commission makes no determination on the merits of the claim.

Accordingly, it is ORDERED that the present claim be and it is hereby dismissed without prejudice.

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

JUL 01 1996


Delissa M. Ridgway, Chair


John R. Lacey, Commissioner


Richard T. White, Commissioner