

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

In the Matter of the Claim of	}	
NELSON CABEJ		Claim No. ALB-208
Against the Government of Albania		Decision No. ALB-164

PROPOSED DECISION

This claim against the Government of Albania is based upon the alleged confiscation of several parcels of real property located in Konispol and in the vicinity of Gjirokaster.

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 properties which are the subject of his claim were confiscated by the Albanian government in 1946. The claimant also asserts that his father, Rakip Cabej, was the owner of these properties at that time, and he has submitted documentation reflecting that his father acquired United States nationality by naturalization on March 19, 1928. However, claimant has submitted no documentation or other evidence to substantiate his father's ownership of the property at the time it was taken, or the circumstances of its confiscation.

By letter dated March 13, 1996, the Commission requested claimant to provide evidence of ownership of the properties in question, a copy of his father's will or a certificate of inheritance, and some evidence of confiscation of these properties. To date, however, no response has been received. On July 2, 1996, the Commission reiterated its request and informed claimant that if the requested information was not received within 30 days, the claim would be submitted for decision on the basis of the existing record. No further evidence has been received.

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 finds that the claimant has not met the burden of proof in that he has failed to submit supporting evidence to establish his ownership of the properties which are the subject of his claim, and the date and circumstances of its alleged confiscation. In the absence of such evidence, the Commission is unable to find that, at the time the property in question was

assertedly taken by the Albanian government, it was owned by a national of the United States. Accordingly, 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.

AUG 16 1996


Delissa A. Ridgway, Chair


John R. Lacey, Commissioner

This decision was entered as the Commission's
Final Decision on **OCT 07 1996**

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).