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

In the Matter of the Claim of

GUST JOHN DOCES

Claim No. ALB-214

Decision No. ALB-182

Against the Government of Albania

PROPOSED DECISION

This claim against the Government of Albania is based upon the alleged confiscation of real and personal property in or around Qyteze, in the District of Bilisht.

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.

According to the claimant, he was the owner of the properties at the time of confiscation.

By letter dated March 13, 1996, the Commission requested that the claimant submit evidence of his United States nationality, evidence of his ownership of the properties in question, and some evidence of the date and circumstances of the alleged confiscation. By letter dated June 14, 1996,

claimant submitted evidence of his United States nationality, as well as several affidavits intended to establish his ownership of the properties. However, the affidavits submitted attest only generally to his family's ownership, in the village of Qyteze, of large amounts of land and other property which has not been quantified or adequately described. On July 22, 1996, the Commission requested more substantive evidence of ownership, and asked the claimant to clearly identify the properties which are the subject of his claim. The Commission also requested that claimant provide additional information regarding his right to claim for the properties, including the identification of relatives who may also have an interest in the claim. Claimant responded by letter dated August 5, 1996; however, no futher evidence was submitted.

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 clearly identify or substantiate his ownership of the properties which are the subject of his claim, the extent of his interest in the claim for the properties, and the date and circumstances of confiscation. In the absence of such evidence, the Commission is unable to find that the claimant's claim is compensable under the Settlement Agreement. Accordingly, while the Commission sympathizes with claimant for the loss of his family's property, 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

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gichard T. White, Commissioner

This decision was entered as the Commission's Final Decision on JAN 1 4 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).