

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 further 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

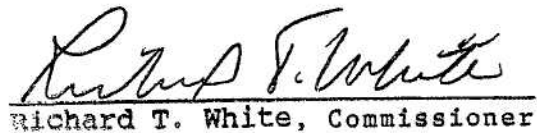
claim for the properties, and the date and circumstances of confiscation. In the absence of such evidence, the Commission is unable to find that the claimant's claim is compensable under the Settlement Agreement. Accordingly, while the Commission sympathizes with claimant for the loss of his family's property, the claim must be and is hereby denied.

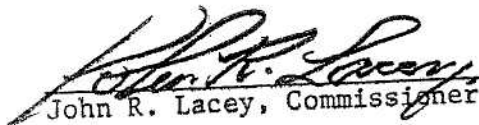
The Commission finds it unnecessary to make determinations with respect to other elements of this claim.

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

NOV 18 1996


Delissa M. Ridgway, Chair


Richard T. White, Commissioner


John R. Lacey, 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).