

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

In the Matter of the Claim of	}	
	}	
	}	
	}	
ESTATE OF KOSTA KOVI LAKRORI,	}	Claim No. ALB-232
DECEASED	}	
	}	Decision No. ALB-259(R)
	}	
	}	
Against the Government of Albania	}	

AMENDED FINAL DECISION

This claim against the Government of Albania is based upon the confiscation of real property located in Proger, in the District of Devoll.

In a Proposed Decision issued on January 28, 1997, which became final on March 25, 1997, the Commission denied this claim against the Government of Albania because it was not established either that the claimant's decedent or his heirs were living in the United States on April 18, 1995, or that the claim was owned by someone living in the United States for at least half the time between April 18, 1995, and the date the claim arose, as required in the Agreed Minute to the U.S.-Albania Claims Settlement Agreement. *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").

By letter dated June 15, 2006, the Commission notified the claimant's representative that in a Diplomatic Note dated April 27, 2006, the Albanian Minister of Foreign Affairs had advised the United States Embassy in Albania that it accepted and agreed with the proposal made by the United States Government on November 18, 2005, to delete the residency requirement from the Agreed Minute to the Settlement Agreement.

As a result of this modification of the Settlement Agreement, the Commission reviewed claimant's file again and requested certain additional information and documentation from the claimant's representative in support of the claim for confiscation of the subject property, which is said to have taken place in 1953.

On July 27, 2006, the Commission received certain documents in support of the claim. These documents, which were sent from Albania, included a copy of Mr. Lakrori's Alien Registration card dated February 5, 1945; documents pertaining to inheritance and copies of death certificates of Mr. Lakrori, his wife and his son, as well as other documents identifying Mr. Lakrori's heirs.

The Commission has carefully reviewed the record before it, including the recent submissions. From this review, it appears that Mr. Kosta Kovi Lakrori was born in Albania on May 10, 1889; that he was married to Vika Jovan Lakrori, an Albanian national; and that he died in Albania in 1960.*

The Commission notes that on the claim form submitted in 1996, it was asserted that Mr. Kosta Kovi Lakrori had resided in the United States since 1912 and that he acquired United States nationality on February 5, 1945. However, the only document recently submitted as purported evidence of Mr. Lakrori's United States nationality is a copy of Mr. Lakrori's Alien Registration card dated February 5, 1945. There is no evidence that he ever actually acquired United States nationality. Although an Alien Registration card entitles a person to legally reside and work in the United States, he or she must be naturalized in order to be considered a United States national.

The ICSA mandates that the Commission decide claims in accordance with, *inter alia*, "[t]he applicable principles of international law." ICSA section 4(a)(2), 22 U.S.C. 1623(a)(2). It is a well-established principle of international law, which this Commission has applied without exception, that a claim may be found

*It appears that the claimant's decedent's widow, Vika Jovan Lakrori, had signed the claim form in 1996 on behalf of her previously deceased husband. The record further reflects that the claimant's decedent's son, Thoma Lakrori, who was born in 1929, died in 1993 in Albania, and that Mrs. Lakrori herself died in 2004.

compensable only if the property which is the subject of the claim was owned by a national of the United States when the property was expropriated or otherwise taken. *See, e.g., Claim of EUGENIA D. STUPNIKOV Against Yugoslavia*, Claim No. Y-2-0071, Decision No. Y-2-0003 (1967); *Claim of ILONA CZIKE Against Hungary*, Claim No. HUNG-2-0784, Decision No. HUNG-2-191 (1976); *Claim of JOSEPH REISS Against the German Democratic Republic*, Claim No. G-2853, Decision No. G-2499 (1981); *Claim of TRANG KIM Against Vietnam*, Claim No. V-0014, Decision No. V-0001 (1982). This principle has also been recognized by the courts of the United States. *See e.g., Haas v. Humphrey*, 246 F.2d 682 (D.C. Cir. 1957), *cert. denied* 355 U.S. 854 (1957).

Based on the evidence recently submitted by the Lakrori family, it appears that the property which is the subject of this claim was taken by the Albanian communist regime when it was in the ownership of Mr. Kosta Kovi Lakrori, an Albanian national, and that after his death, the claim for the loss of the property was owned by his wife and children, who were also Albanian nationals. Consequently, the Commission is constrained to find that when the property in question was confiscated by the Albanian government, it was not owned by a national of the United States, as required for a favorable determination under the ICOSA. Nor is

there a basis for a finding that the claim for the property was ever held by a United States national.

Accordingly, while the Commission sympathizes with the claimant's decedent's family for the loss of his property, it must conclude that this claim is not compensable under the terms of the Settlement Agreement. The claim therefore must be and is hereby denied.

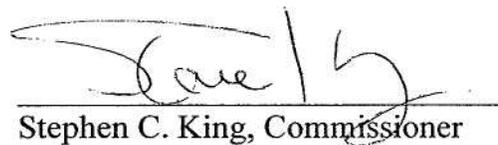
This constitutes the Commission's final determination in this claim.

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

AUG 31 2006



Mauricio J. Tamargo, Chairman



Stephen C. King, Commissioner

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 Agreed Minute to the Settlement Agreement further provides:

For purposes of article 1, the term "United States nationals" shall include dual United States-Albanian nationals only if those nationals are domiciled in the United States currently or for at least half the period of time between when the property was taken and the date of entry into force of the agreement.

In effect, this residency requirement limits the Commission's jurisdiction over the claims of dual nationals to those cases where the owner of the claim either (1) was domiciled in the United States on April 18, 1995 (the effective date of the Settlement Agreement), or (2) was domiciled in the United States for at

least half the period of time between the date the property was expropriated and April 18, 1995.

Claimant here, assertedly a U.S. citizen by naturalization in 1945, seeks compensation for three parcels of land (1.6 hectares, .125 hectares and .06 hectares) and a store, all said to have been expropriated from claimant in 1953 with the establishment of the agricultural cooperative.

Unfortunately, the information provided by claimant to date is not sufficient to establish his right to compensation. It appears that claimant is a dual U.S.-Albanian national, because his father was an Albanian citizen. Under Albanian law, claimant retains Albanian nationality notwithstanding his acquisition of U.S. nationality.

Because claimant is a dual United States-Albanian national, the Commission is constrained to apply the residency requirement in the Agreed Minute to the Settlement Agreement. Although the claim form indicates that claimant began living in the United States in 1912, there is no evidence that claimant was living in the United States on April 18, 1995 (the effective date of the Settlement Agreement). Nor is there any evidence that claimant lived in the United States for at least half of the approximately 42 years between the expropriation in 1953 and April 1995.

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).

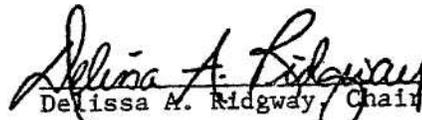
The Commission finds that claimant here has not met the burden of proof in that he has failed to establish either that he was living in the United States on April 18, 1995 or that he lived in the United States for at least half the time between April 18, 1995 and 1953, when the claim arose. In the absence of such evidence, the Commission is unable to find that the residency requirement in the Agreed Minute to the Settlement Agreement is satisfied.

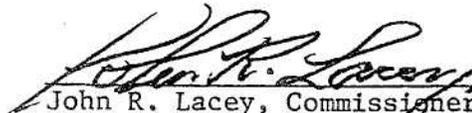
Accordingly, while the Commission sympathizes with claimant for the loss of his property, it cannot find -- on the evidence submitted to date -- that this claim is compensable under the terms of the Settlement Agreement. The claim therefore must be and is hereby denied.

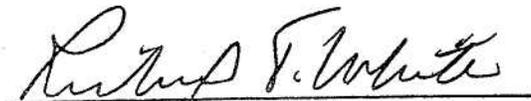
The Commission finds it unnecessary to make determinations with respect to other elements of the claim.

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

JAN 28 1997


Delissa A. Ridgway, Chair


John R. Lacey, Commissioner


Richard T. White, Commissioner

This decision was entered as the Commission's Final Decision on MAR 25 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).