

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

In the Matter of the Claim of

ELZA PECI

Against the Government of Albania

Claim No. ALB-260

Decision No. ALB-169

PROPOSED DECISION

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

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 her claim were confiscated by the Albanian government in 1962. The claimant also asserts that her father, Pandi Peci, a United States citizen since 1927, was the owner of the properties. However, the claimant has submitted no documentation or other evidence to substantiate her own United States nationality and that of her father, his ownership of the properties at the time they were taken, her inheritance of these properties, or the circumstances under which the properties were confiscated.

By letter dated March 19, 1996, the Commission requested claimant to provide evidence of her United States nationality and that of her father, evidence of her father's ownership of the properties in question, a copy of her father's will or a certificate of inheritance, and some evidence of confiscation of these properties. No response was received. On July 2, 1996, the Commission reiterated its request and advised claimant that if the requested information and evidence were not received within thirty days, the claim would be submitted for decision on the basis of the existing record. To date, claimant has submitted no further evidence.

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.

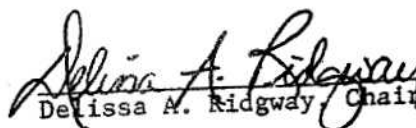
45 C.F.R. 531.6(d) (1995).

The Commission finds that the claimant has not met the burden of proof in that she has failed to submit supporting evidence to establish her United States nationality and that of her father, as well as evidence of her father's ownership of the properties at issue, and the date and circumstances of the alleged confiscation. In the absence of such evidence, the Commission is unable to find that, at the time the properties in question were assertedly taken

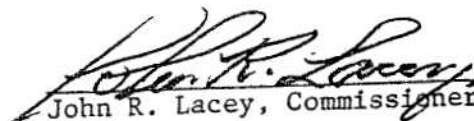
by the Albanian government, they were owned by a national of the United States. Accordingly, the claim must be and is hereby denied.

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.

  
Delissa A. Ridgway, Chair

**AUG 16 1996**

  
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).