

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

In the Matter of the Claim of	}	
	}	
FIGRET FTERA	}	Claim No. ALB-297
	}	
Against the Government of Albania	}	Decision No. ALB-160
	}	

PROPOSED DECISION

This claim against the Government of Albania is based upon the alleged confiscation of certain real property located in Ftere, in or around the District of Sarande.

As a preliminary matter, it is noted that this claim was received by the Commission after the expiration of the December 29, 1995, deadline for the submittal of claims. However, the Commission has decided to accept the claim for adjudication on the merits.

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, a national of the United States since his naturalization on May 26, 1958, has asserted that the property which is the subject of his claim was confiscated by the Albanian government between 1959 and 1960. The claimant further asserts that he was the owner of the property at that time.

By Commission letter dated April 8, 1996, the claimant was asked to provide evidence of his ownership of the property at the time of confiscation, and evidence of the date and circumstances of the confiscation. No probative evidence was submitted in response to this request. The claimant subsequently requested an extension of time for submission of the necessary documents and information. The Commission granted the claimant's request, allowing the claimant until July 31, 1996, to submit the relevant information. To date, however, no further information 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 property which is the subject of his claim, and the 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, it must conclude that his claim is not compensable under the

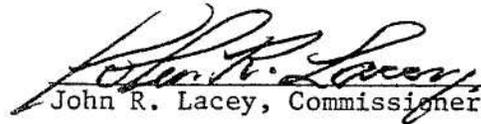
terms of the Settlement Agreement. The claim therefore must be and is hereby denied.

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