

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

In the Matter of the Claim of	}	
	}	
	}	
	}	
BARI SIGECA	}	Claim No. ALB-349 &
ELMIR SIQECA	}	ALB-350
	}	
	}	Decision No. ALB-328
Against the Government of Albania	}	

PROPOSED DECISION

These claims against the Government of Albania are based upon the alleged confiscation of real and personal property in the villages of Kurjan, Drenie, and Siqeca, district of Fier.

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) (2006).

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).

As an initial matter the Commission notes that the claims decided hereunder were separately filed by BARI SIGECA and ELMIR SIQECA. The Commission has consolidated the claims because each claim is based on the confiscation of the same property and the claimants are cousins.

The claimants assert that the property which is the subject of the claim was confiscated by the Albanian government during the summer of 1946. At the time of confiscation, the claimants state that the property was owned by their great uncle, Zihni Siqeca, and by their respective grandfathers, Faik Siqeca and Muharrem Siqeca. The claimants state that Zihni Siqeca became a United States citizen on August 1, 1941, but they have not provided any information regarding the nationality of their grandfathers.

In support of these claims, the claimants have provided verdicts numbered 13 and 13/1 of the City Counsel of Fier Commission on the Return and Compensation of Property for Former Property Owners dated April 28, 1998 and March 30, 2000 respectively; a decision from the Regional Court, Fier District dated November 19, 1997; and several property verifications from the City of Fier.

The documents submitted establish that the property claimed herein was originally owned by claimants' great grandfather, Mehmet Esat Siqeca. According to the Statements of Claim the property was confiscated by the Albanian government in 1946 at which time it was owned through inheritance by Mehmet Esat Siqeca's three sons: Faik Siqeca (BARI SIGECA's grandfather); Muharrem Siqeca (ELMIR SIQECA's grandfather); and Zihni Siqeca (claimants' great uncle). The date of confiscation is supported by a document from the State Archive of the City of Fier dated May 12, 1998. The Archive document verifies that the portion of the property claimed herein that was owned by Muharrem Mehmet Siqeca was taken by verdict number 15 of the Executive Committee of the Penal Code of the city of Berat dated October 24, 1947. The claimants are claiming for both the portion of the property inherited by their respective grandfathers as well as the portion inherited by Zihni Siqeca.

By letters dated November 10, 2009 to each claimant, the Commission staff requested that the claimants provide information regarding the citizenship of the persons who held an interest in these claims at the time of the confiscation. In response, the Commission was contacted via phone by Enton Siqeca, son of claimant ELMIR SIQECA, who stated that the only U.S. national, until recently, who held an interest in the claims was Zihni Siqeca. According to claimant ELMIR SIQECA's representative, Zihni Siqeca died prior to the date that any other holders of these claims became U.S. nationals. In their Statements of Claim, claimants BARI SIGECA and ELMIR SIQECA have stated that they acquired U.S. nationality in 2005 and 2009 respectively.

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 the law of international claims that a claim is compensable only to the extent that it has been held continuously by one or more U.S. nationals from the date of injury through the date of the Settlement Agreement. *See, e.g., Claim of THE ESTATE OF JOSEPH KREN, DECEASED against Yugoslavia*, Claim No. Y-0660, Decision No. Y-1171 (1954); *Claim of PETER KERNAST*, Claim No. W-9801, Decision No. W-2107 (1965); *Claim of RALPH F. GASSMAN and URSULA ZANDMER against the German Democratic Republic*, Claim No. G-2154, Decision No. G-1955 (1981); *Claim of ELISAVETA BELLO, et. al. against Albania*, Claim No. ALB-338, Decision No. ALB-321 (2008).

Section 509.5(b) of the Commission's regulations provides:

The claimant will have the burden of proof in submitting evidence and information sufficient to establish the elements necessary for a determination of the validity and amount of his or her claim.

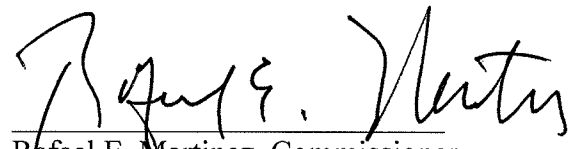
45 C.F.R. 509.5(b)(2008). The Commission finds that the claimants have not met their burden of proof in that they have failed to provide evidence establishing that any portion of these claims has been held continuously by United States nationals from the date the property was allegedly confiscated by the Albanian government in 1947 until the date of the Settlement Agreement, April 18, 1995.

Accordingly, while the Commission sympathizes with the claimants for the loss of their family's property, it must conclude that their claims are not compensable under the terms of the Settlement Agreement. Their claims must therefore be and they are hereby denied.

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

Dated at Washington, DC, June 3, 2011
and entered as the Proposed Decision
of the Commission.


Timothy J. Feighery, Chairman


Rafael E. Martinez, Commissioner

NOTICE: Pursuant to the Regulations of the Commission, any objections must be filed within 15 days after service or receipt of notice of this Second Amended 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. 509.5 (e) and (g) (2008).