

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

In the Matter of the Claim of

ZAKIJE FLORENCE LIKA

Against the Government of Albania

Claim No. ALB-163

Decision No. ALB-136

Hearing on the record held on December 16, 1996.

FINAL DECISION

This claim against the Government of Albania is based upon the alleged confiscation of real property located near Gjirokaster, Albania.

By Proposed Decision entered on July 1, 1996, the Commission denied this claim on the ground that the claimant had failed to provide any evidence of her father's ownership of the property for which she had claimed.

By letter dated July 13, 1996, the claimant requested further time to establish her father's ownership of the property in question. By Commission letter dated August 1, 1996, the claimant was advised that her letter would be treated as an objection to the Commission's Proposed Decision and that she should provide any further evidence which would enable the Commission to reach a more favorable result. The claimant was specifically advised that the

evidence in the Commission's General War Claims program was insufficient to establish her father's ownership of the property in question, but if the claimant herself could provide some evidence of ownership, value and confiscation of the property, she might qualify for an award for a one-sixth interest in the property.\*

By letter dated October 21, 1996, the Commission again advised the claimant that, without some evidence of ownership and confiscation, her claim would be finally denied for failure to meet the burden of proof. The letter also suggested the names of several Albanian consultants who might be able to assist her in developing her claim. However, no response to that letter has been received.

The Commission has carefully considered claimant's objection and has again reviewed the entire record in this claim. The Commission is constrained to conclude, however, that there is no basis on which to change the result

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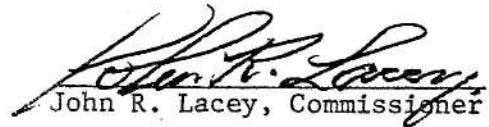
\*The Commission notes that the claimant and four other individuals previously filed a claim in the Commission's General War Claims Program for the same property. At that time, the evidence submitted was not persuasive in establishing the extent of the property which was the subject of the claim and the claim was denied. *Claim of FATIRI FAY DE LUISE, ZAKIJE FLORENCE LIKA, BEJE GURI, REUF GURI and ISMAIL GURI*, Claim No. W-4375/W-17448, Decision No. W-21130 (1967). The claimant was also advised that in view of the claimants' statements in that program that the property had been destroyed during World War II, the claimant would bear a heavy burden in persuading the Commission that the property existed and was confiscated in 1944 by the Albanian government, as alleged.

reached in its Proposed Decision in this claim. Accordingly, the denial set forth in the Proposed Decision of July 1, 1996 must be and it is hereby affirmed. This constitutes the Commission's final determination in this claim.

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

DEC 16 1996

  
Delissa M. Ridgway, Chair

  
John R. Lacey, Commissioner

  
Richard T. White, 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 claimant in this case has stated that the property which is the subject of her claim was confiscated by the Albanian government in 1944. The claimant asserts that her father was the owner of the property at that time, and she has submitted documentation reflecting that he was then a United States national, having acquired United States nationality by naturalization on March 12, 1928. However, she has submitted no documentation or other such evidence to substantiate her father's ownership of the property or its confiscation by the Albanian government.

By Commission letter dated April 4, 1996, the claimant was requested to provide evidence of ownership and of confiscation of the property in question. To date, however, no response 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).

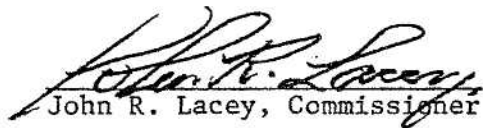
The Commission finds that the claimant has not met the burden of proof in that she has failed to submit supporting evidence to establish the ownership of the property which is the subject of her claim and the date and circumstances of its alleged confiscation. Accordingly, the claim must be and is hereby 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.

JUL 0 1 1996

  
Delissa A. Ridgway, Chair

  
John R. Lacey, Commissioner

  
Richard T. White, 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 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).