

any documents that may have been submitted in support of his brother's claim. *See Claim of LLAZARAQ PANDO CIFLIGU against Albania*, Claim No. ALB-078.

The Commission's letter of January 8, 1997 advised claimant to submit any additional evidence or information by February 15, 1997, since the Commission's Final Decision would be forthcoming soon thereafter. Claimant's letter dated February 8, 1997 reiterated that claimant has no additional documentation to submit to the Commission.

Because claimant has not requested an oral hearing, the Commission issues this Final Decision based on its de novo review of the evidence in the record.

Although claimant still has not submitted direct evidence of the U.S. nationality of his father (who is alleged to have been naturalized in 1924), the Commission infers from claimant's own U.S. nationality that claimant's father was naturalized as a U.S. citizen at some time prior to claimant's birth in 1929.

Based on the evidence in the files in this claim and in the claim of claimant's brother, the Commission further concludes that claimant's late father was the owner of three parcels of property -- one plot measuring 10,000 square meters, one plot measuring 5,000 square meters, and one plot measuring 189

square meters -- for a total of 15,189 square meters (approximately 1.52 hectares, or 3.8 acres).¹

While claimant has submitted no specific evidence of the confiscation of his father's land in 1946, the Commission is aware that, on or about August 29, 1945, the Albanian Communist regime promulgated the "Agrarian Reform Law," which provided that land not directly worked by the owner was subject to seizure and redistribution by the government, without payment of compensation to the legal owner. Land Reform Law No. 108, GZ 1945, No. 39. That law was affirmed by the 1946 Albanian constitution which stated that "land belongs to the tiller." Alb. Const., 1946, Ch. I, Art. 12.

Based on the entire record, the Commission determines that implementation of the Agrarian Reform Law, coupled with the restrictions placed upon non-farming owners and the formation of agricultural cooperatives, had the effect of depriving claimant's father of his property, thus constituting an uncompensated expropriation by the Government of Albania. In the absence of

¹Unfortunately, there is no evidence of either ownership or confiscation of the shop in the file of either claimant or his brother. In the absence of such evidence, there is no basis upon which to change the result reached in the Commission's Proposed Decision. The denial of that part of this claim therefore must be and is hereby affirmed.

a more precise date, the expropriation will be deemed to have occurred as of January 1, 1946.

The Commission further finds that, upon the death of claimant's father in 1961, his estate devolved in equal shares to claimant, claimant's mother, claimant's sister and claimant's brother. Accordingly, claimant is entitled to compensation for a one-fourth share in the claim to his late father's land.²

Based on its study of the values of various kinds of real property in Albania before and during World War II and thereafter, the Commission finds that claimant's late father's property had a value of \$1,200.00 at the time of expropriation, or approximately \$300.00 per acre. Accordingly, claimant is entitled to an award in the principal amount of \$300.00 as compensation for his one-fourth interest in the claim for his late father's land, dating from January 1, 1946.

²Unfortunately, because claimant's mother was not a citizen of the United States, the Commission cannot award claimant compensation for the interest in the claim to his late father's property which he inherited through his mother. Under international law, a claim is compensable only to the extent that it has been continuously held by one or more U.S. nationals from the date of confiscation through April 18, 1995 (the effective date of the Settlement Agreement). *See, e.g., Claim of PETER D. JANUS against Yugoslavia*, Claim No. Y-1721, Decision No. Y-0377 (1954). In this case, inheritance through claimant's mother broke the continuity of U.S. ownership of part of the claim. The Commission therefore is limited to consideration of the one-fourth interest which claimant inherited directly from his late father.

In accordance with applicable principles of international law and its decisions in previous claims programs, the Commission further concludes that claimant is entitled to interest as part of his award, amounting to 6 percent simple interest per annum from the date of loss to April 18, 1995 (the effective date of the Settlement Agreement). Accordingly, claimant is entitled to an interest award of 295.8 percent of his principal award, or \$887.40.

The Commission therefore withdraws its denial of claimant's claim and enters the award set forth below, which will be certified to the Department of Treasury for payment in accordance with sections 5, 7 and 8 of Title I of the ICOSA (22 U.S.C. §§ 1624, 1626 and 1627).

Under the terms of the Settlement Agreement, the United States Government has agreed to advise the Albanian authorities of the issuance of the Commission's awards, so as to prevent double recovery in a claim. A copy of this decision therefore will be forwarded to the Albanian Government in due course.

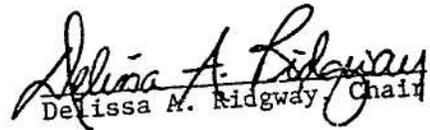
This constitutes the Commission's final determination in this claim.

AWARD

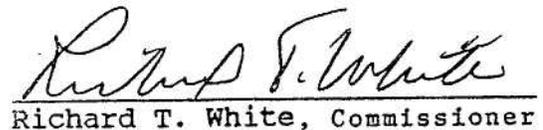
Claimant ARISTOKLI P. CIFLIGU is entitled to an award in the principal amount of Three Hundred Dollars (\$300.00), plus interest from January 1, 1946 to April 18, 1995, in the amount of Eight Hundred Eighty-Seven Dollars and Forty Cents (\$887.40), for a total award of One Thousand One Hundred Eighty-Seven Dollars and Forty-Cents (\$1,187.40).

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

FEB 24 1997


Delissa A. Ridgway, Chair


John R. Lacey, Commissioner


Richard T. White, Commissioner

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

In the Matter of the Claim of

ARISTOKLI P. CIFLIGU

Against the Government of Albania

Claim No. ALB-210

Decision No. ALB-191

PROPOSED DECISION

This claim against the Government of Albania is based upon the alleged confiscation of real property in or around 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 some of the properties which are the subject of his claim were confiscated by the Albanian government in 1946, and some between 1960 and 1970. At the time of confiscation, according to the claimant, the properties were owned by his father, Orman Cifligu Pandi Thimi (a/k/a Pando Efthim). The claimant states that his father has been a United States national since 1924.

By letter dated March 13, 1996, the Commission requested that the claimant submit evidence of his own as well as his father's United States nationality, his father's death certificate and will, evidence of his father's

ownership of the property in question, and some evidence of the date and circumstances of the alleged confiscation. The claimant has now submitted a copy of his passport issued at the American Embassy in Tirane, Albania, a copy of an "AKT-PRONESIJE" in the Albanian language, and a copy of the record at the Hipoteka office of Korce evidencing the registry of certain land to his father in 1924. No other evidence of probative value has been submitted.

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 claimant is responsible for the production of evidence in this case and thus bears the burden of proof in submitting independent objective evidence. To date, the claimant has not met his burden of proof to establish his father's U.S. nationality, his own interest in the claimed properties, or the date and circumstances of the alleged confiscations. 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 claimant's

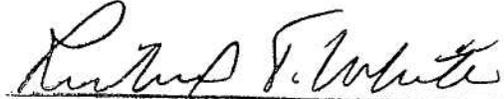
claim is not compensable under the terms of the Settlement Agreement. The claim therefore must be and is hereby denied.

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.

OCT 07 1996


Delissa M. Ridgway, Chair


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).