

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

In the Matter of the Claim of }
KICO ZDRULI } Claim No. ALB-279
Against the Government of Albania } Decision No. ALB-128

ORDER

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

In a Proposed Decision issued on May 7, 1996, which became final on July 2, 1996, the Commission denied this claim against the Government of Albania because there was no evidence that the property in question was owned by a national of the United States at the time of loss. Some nine years later, in May 2005, claimant's son contacted the Commission to state that the Commission had misread the property documents and that the property was, in fact, owned by the claimant, a national of the United States, and by his wife, an Albanian national. Claimant's son also indicated that the claimant had first arrived in the United States in June 1995. No further action was taken by the Commission at that time, however, because the Agreed Minute to the 1995 claims settlement agreement between the United States and Albania did not

allow it to take favorable action on a claim unless the claimant was residing in the United States as of the agreement's effective date of April 18, 1995.

By letter from the Commission dated June 20, 2006, the claimant was notified that in a Diplomatic Note dated April 27, 2006, the Albanian Minister of Foreign Affairs had advised the United States Embassy in Albania that it accepted and agreed with the proposal made by the United States Government on November 18, 2005, to delete the residency requirement from the Agreed Minute to the Settlement Agreement. As a result of this modification of the Settlement Agreement, the Commission reviewed claimant's file again and requested certain additional information and documentation from the claimant in support of the claim for confiscation of the subject property, which is said to have taken place in 1962 or 1963.

By letter dated September 25, 2006, however, the claimant notified the Commission that he has decided not to pursue his claim, and wishes to withdraw the claim from further consideration. The Commission has considered the claimant's request, and has determined that it should be granted. In making this determination, the Commission makes no findings or conclusions as to the merits of the claim.

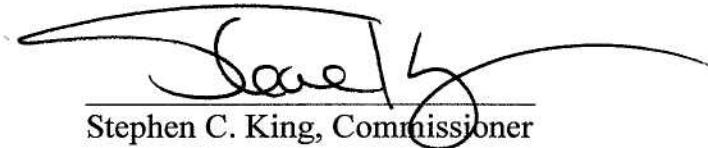
Accordingly, it is ORDERED that the present claim be and it is hereby dismissed without prejudice.

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

OCT 04 2006



Mauricio J. Tamargo, Chairman



Stephen C. King, Commissioner

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In the Matter of the Claim of

KICO ZDRULI

Against the Government of Albania

Claim No. ALB-279

Decision No. ALB-128

PROPOSED DECISION

This claim against the Government of Albania is based upon the alleged confiscation of real 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 property which is the subject of his claim was confiscated by the Albanian government in 1962 or 1963. The claimant asserts that his father (a United States citizen since 1926) and his mother (an Albanian national) were the owners of the property at that time.

By Commission letter dated February 29, 1996, the claimant was asked to provide certain evidence to substantiate his claim, including evidence of ownership of the property which is the subject of the claim. In response, the claimant has submitted certain documents. Those documents, however, which

are dated January 20, 1994, indicate that, as of 1947, the owner of the property was a "Mrs Dhona, Fani Zdruli," who apparently was the claimant's mother. No documents have been submitted to prove that claimant's father was an owner of the property in 1962-63, when the property was confiscated.

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 international law, which this Commission has applied without exception, that a claim may be found compensable only if the property which is the subject of the claim was owned by a national of the United States when the property was expropriated or otherwise taken. *See, e.g., Claim of EUGENIA D. STUPNIKOV Against Yugoslavia*, Claim No. Y-2-0071, Decision No. Y-2-0003 (1967); *Claim of ILONA CZIKE Against Hungary*, Claim No. HUNG-2-0784, Decision No. HUNG-2-191 (1976); *Claim of JOSEPH REISS Against the German Democratic Republic*, Claim No. G-2853, Decision No. G-2499 (1981); *Claim of TRANG KIM Against Vietnam*, Claim No. V-0014, Decision No. V-0001 (1982). This principle has also been recognized by the courts of the United States. *See, e.g., Haas v. Humphrey*, 246 F.2d 682 (D.C. Cir. 1957), *cert. denied* 355 U.S. 854 (1957).

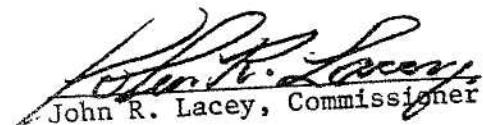
Based on the evidence submitted, the Commission finds that the properties in question were owned at all pertinent times in and after 1947 by an Albanian national. The claimant has provided no evidence to establish that the property was confiscated by the Albanian government as late as 1962 or 1963, as he has asserted, or, assuming it was, to establish that it had passed to a different owner by that time. There is, therefore, no evidence that the property in question was owned by a national of the United States at the time of loss. Accordingly, while the Commission sympathizes with the claimant for the loss of his family's property, 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.

MAY 07 1996


Delissa A. Ridgway, Chair


John R. Lacey, Commissioner


Richard T. White, Commissioner

This decision was entered as the Commission's
Final Decision on JUL 02 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) (1994).