

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

In the Matter of the Claim of

DURIM POSHI

Against the Government of Albania

Claim No. ALB-152

Decision No. ALB-202

PROPOSED DECISION

This claim against the Government of Albania is based upon the alleged confiscation of real property located in the village of Grapsh, District of Gjirokaster.

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 asserted that the property that is the subject of his claim was confiscated by the Albanian government in 1944. At that time, according to the claimant, his father, Hiqmet Poshi, was the owner of the property in question. According to the claimant, his father acquired United States nationality by naturalization in 1918.

By letters dated February 14, 1996, and June 17, 1996 , the Commission requested that the claimant submit evidence of his and his father's United States nationality, evidence of ownership of the property for which he is claiming and evidence of his interest in the claim. By letter received at the Commission on July 16, 1996, the claimant provided copies of certain pages of an undated United States passport in the name Hqmet Poshi and documents purporting to establish his father's ownership of 45 "dynyms" of land. By Commission letter dated September 6, 1996, the claimant was again requested to provide evidence of his and his father's United States nationality as well as some evidence of his interest in the claim. On September 9, 1996, the claimant's daughter contacted the Commission by telephone and requested a thirty (30) day extension of time. That request was granted but no substantive response has been received to date.

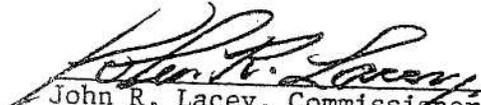
The Commission finds that the claimant has not met the burden of proof to establish his and his father's U.S. nationality. In the absence of such evidence, the claim must be and is hereby denied.

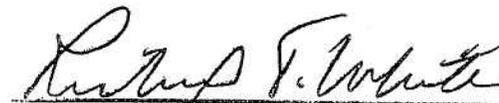
The Commission finds it unnecessary to make determinations with respect to other elements of this claim.

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

NOV 18 1996

  
Delissa A. Ridgway, Chair

  
John R. Lacey, Commissioner

  
Richard T. White, Commissioner

This decision was entered as the Commission's Final Decision on ~~JAN 14 1997~~

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).