



reflecting that he is a United States citizen by birth in Albania on Personally Identifiable Information  
Redacted under 5 U.S.C. §552(b)(6)  
a copy of his father's death certificate, reflecting that his father, Nicholas S. George, died in the United States in 1981; an envelope postmarked May 16, 1994, in Rochester, New York, which he (claimant) had addressed to his son in Albania; and a Declaration and Certification by officials in the village of Tushemisht concerning the amount of land that Sotir Vasil is said to have owned and verifying that none of it has been returned to private ownership. In addition, the Commission has verified from the file pertaining to the claim submitted by his father in the General War Claims Program that his father was naturalized as a United States citizen on May 31, 1927.

Since claimant did not request an oral hearing, his objection is being considered in a hearing on the record, based on a de novo review of the entire file pertaining to his claim.

The investigation of this case conducted by the Commission's independent consultant in Albania disclosed that as of 1950, claimant had been registered in the land records as one of four co-owners of four parcels of agricultural land in the vicinity of Pogradec, with a total area of 2,145 square meters. The other three co-owners were his father, uncle and brother. In addition, the investigation disclosed that 50 square meters of land belonging to the "Gjeli brothers" was

expropriated for road improvement by decision of the Executive Committee of the District of Pogradec dated February 2, 1965; that a piece of land of unspecified size belonging to claimant and his brother was taken for public use by decision of the same Executive Committee dated May 17, 1967; and that a house located in Tushemisht belonging to claimant's wife was nationalized by decision of the Executive Committee dated June 15, 1972. The investigation report noted that claimant had formerly owned this house, but that he had sold it to his wife shortly before it was nationalized.

As has been explained to claimant in letters from the Commission staff, the Agreed Minute to the 1995 claims settlement agreement between the United States and Albania permits the Commission to favorably consider a claim of a claimant with dual Albanian and United States nationality only if the claim was either held by a person or persons domiciled in the United States for at least one-half of the time between the date the claim arose and April 18, 1995, the settlement agreement's effective date, or was held by a person domiciled in the United States on April 18, 1995. In this case, claimant's father, Nicholas S. George, was naturalized as a United States citizen on May 31, 1927, and was domiciled in the United States from at least the beginning of World War II until his death in Rochester, New York, on September 24, 1981. As a successor in

interest of his father, claimant thus would have a compensable claim for any property formerly owned by his father if such property was expropriated or otherwise taken by the Albanian government in or before February 1968. However, the Commission is precluded from favorably considering any claim for property formerly owned by the claimant himself, since he has not established that he was ever domiciled in the United States or that he was even physically present in the United States on April 18, 1995.

Based on its review of the evidence in the record, the Commission finds that claimant's father, Nicholas S. George, owned a one-fourth interest in 2,148 square meters (about 0.5 acre) of agricultural land -- predominantly consisting of vineyard -- in the vicinity of Pogradec, and that this property was expropriated by the Albanian government pursuant to its law of November 8, 1955, on the systemizing of agrarian reform. For lack of a precise date, the loss will be deemed to have occurred as of January 1, 1956. As one of the two heirs of his father's estate, along with his brother, following their father's death in 1981 (their mother having previously died in 1958), claimant is accordingly entitled to an award equivalent to the value of a one-eighth interest in the property as of the date of loss.

Claimant has not asserted a separate, individual value for the parcels of property in question. Based on comparisons with other, similar claims, the Commission finds that the property, consisting of 2,148 square meters or about 0.5 acre, would reasonably had a value of \$500 at the time of expropriation. For his one-eighth interest therein, claimant is accordingly entitled to an award in the principal amount of \$62.50, dating from January 1, 1956.

In addition, the Commission finds that claimant's uncle, Sotir Vasil, who was naturalized as a United States citizen on April 30, 1935, had owned four parcels of farmland covering a total area of 1.42 hectares or about 3.5 acres, that these parcels also were effectively expropriated by the Albanian government on or about January 1, 1956, that they consisted predominantly of cropland, and that at the time of expropriation they had a value of about \$400 per acre, or \$1,400. In addition, the Commission finds that claimant and his brother Kostaq were the sole heirs of Sotir Vasil, who, according to the claimant, had no children and died in or about 1976. Accordingly, claimant is entitled herein to an additional award in the principal amount of \$700 for the loss of a one-half share in Sotir Vasil's farmland, also dating from January 1, 1956.

In accordance with applicable principles of international law and its decisions in previous claims programs, the Commission further concludes that

the claimant is entitled to interest as part of his award, amounting to 6 percent simple interest per annum from the date of loss to the effective date of the Settlement Agreement. Accordingly, claimant is also entitled to an interest award of 235.8 percent of his principal award, or \$1,797.98.

The remaining portions of claimant's claim are for the expropriation or other taking of property which he had owned. As already noted, however, in order to be eligible for compensation, claimant must demonstrate that his claim for that property satisfies one or the other of the residency criteria in the Agreed Minute to the 1995 United States-Albania claims settlement agreement. Although he has been requested to submit evidence to that end, he has not done so.

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) (1997).

The Commission is constrained to again conclude that claimant has not met the burden of proof in establishing the elements of a compensable claim with respect to the portions of his claim based on property which he had owned. Accordingly, the denial of the remainder of his claim must be and is hereby affirmed.


Under the terms of the United States-Albania 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 any double recovery. A copy of this decision will therefore be forwarded to the Albanian government in due course.

The Commission therefore partially withdraws the denial set forth in the Proposed Decision in this claim, and makes the following award, which will be certified to the Secretary of the 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). In all other respects, the Proposed Decision is affirmed. This constitutes the Commission's final determination in this claim.

A W A R D

Claimant, GJERGJI GJELI, is entitled to an award in the principal amount of Seven Hundred Sixty-Two Dollars and Fifty Cents (\$762.50), plus interest from January 1, 1956, to April 18, 1995, in the amount of One Thousand Seven Hundred Ninety-Seven Dollars and Ninety-Eight Cents (\$1,797.98), for a total award of Two Thousand Five Hundred Sixty Dollars and Forty-Eight Cents (\$2,560.48).

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

  
John R. Lacey, Commissioner

FEB 5 1999

  
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

GJERGI GJELI

Against the Government of Albania

Claim No. ALB-220

Decision No. ALB-286

**PROPOSED DECISION**

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

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 Agreed Minute to the Settlement Agreement further provides:

For purposes of article 1, the term "United States nationals" shall include dual United States-Albanian nationals only if those nationals are domiciled in the United States currently or for at least half the period of time between when the property was taken and the date of entry into force of the agreement.

In effect, this residency requirement limits the Commission's jurisdiction over the claims of dual nationals to those cases where the owner of the claim either (1) was domiciled in the United States on April 18, 1995 (the effective date of the Settlement Agreement), or (2) was domiciled in the United States for at least half

the period of time between the date the property was expropriated and April 18, 1995.

Claimant here asserts that he is a United States national because his father acquired United States nationality in 1917. He seeks compensation for 1.6 hectares of agricultural land and buildings measuring 167 square meters (assertedly valued at a total of \$369,167.00), said to have been confiscated in 1949, 1954 and 1967. At that time, according to claimant, the properties were owned by his father, whose name he does not specify. Claimant asserts this claim as the heir of his father who died in the United States in 1981. In support of his claim, he has submitted drawings of some buildings and estimates of damage to properties for which he may or may not be claiming.<sup>1</sup>

By Commission letter dated May 17, 1996, the claimant was advised that the residency requirement in the Agreed Minute to the Settlement Agreement would preclude the Commission from considering his claim because he was a resident of Albania. By letter dated November 20, 1996, the claimant advised the Commission that he had returned to Albania from the United States in 1994 but that his father had lived in the United States until his death in 1981.

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<sup>1</sup>Some of these documents refer to shops and contents of shops and to land suitable for construction in Pogradec and in Tushemisht as well as to 14,155 square meters of agricultural property located in Tushemisht.

By letter dated January 2, 1997, the Commission advised the claimant to document his father's residence in the United States until 1981 and his father's U.S. nationality, as well as his own U.S. nationality and to verify that the properties in question have not been returned to him. To date, the claimant has not responded.

Research conducted by the Commission's independent consultant in Albania indicates that 2,145 square meters of land is registered in the names of Koli Spiro Gjeli (claimant's father), Kosto S. Gjeli (claimant's uncle), Kostaq K. Gjeli (claimant's brother) and the claimant. In addition, the research indicates that 50 square meters of land belonging to the "Gjeli Brothers" was confiscated for road improvement, that an unspecified piece of property belonging to claimant and his brother was also taken for a state enterprise and that compensation (rent) had been paid for this taking. According to the Commission's consultant, a house owned by claimant's wife was confiscated in 1972.<sup>2</sup> Finally, the consultant has informed the Commission that claimant's wife and his brother have opened two files with the Commission for the Return of Property in Pogradec, although no decisions have been made to date.

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<sup>2</sup>Apparently, the claimant had transferred the house to his wife prior to its confiscation.

**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.**

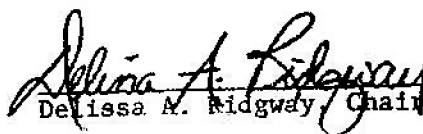
**45 C.F.R. 531.6(d) (1995).**

**The Commission finds that the claimant has not met the burden of proof in that he has failed to submit supporting evidence to establish his father's and his own United States nationality as well as documentation of the dates of his father's and his own residence in the United States. In addition, he has provided no information regarding the date and circumstances of alleged confiscation and destruction of the properties in which he may have had an interest. Accordingly, his 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.

FEB 24 1997

  
Delissa M. 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).