

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

In the Matter of the Claim of	}	
	}	
	}	
PERIKLI PAPA	}	Claim No. ALB-304
	}	
	}	Decision No. ALB-266(R)
	}	
Against the Government of Albania	}	

AMENDED PROPOSED DECISION

This claim against the Government of Albania is based upon the confiscation of real property in the village of Lubonja, District of Korce.

By Proposed Decision entered on January 28, 1997, the Commission denied this claim, on the ground that the claimant failed to establish either that he was living in the United States on April 18, 1995, or that his interest in the claim was owned by someone living in the United States for at least half the time between April 18, 1995, and the date the claim arose, as required in the Agreed Minute to the U.S.-Albania Claims Settlement Agreement. *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").

By letter received at the Commission on March 25, 1997, the claimant stated objection to the denial of his claim on the ground that he was unaware of the residency requirement, and pointed out that his children had been living in the United States since 1993. However, after careful consideration, the Commission concluded in a Final Decision issued on April 15, 1997, that it had no choice but to affirm its denial of his claim based on the residency requirement in the Agreed Minute to the Settlement Agreement.

The Commission has now been informed, however, that in a Diplomatic Note dated April 27, 2006, the Albanian Minister of Foreign Affairs advised the United States Embassy in Albania that it accepted and agreed with a proposal made by the United States Government on November 18, 2005, to delete the residency requirement from the Agreed Minute to the Settlement Agreement.

Based on this modification of the Settlement Agreement, the Commission concludes that the claimant is now entitled to further consideration of his claim. Accordingly, the Final Decision in this claim issued on April 15, 1997, is hereby ordered withdrawn, and an Amended Proposed Decision shall issue in its place, as detailed below.

According to the claimant's Statement of Claim, his claim is based on the uncompensated taking by the Albanian Communist regime, in November 1946, of certain parcels of farmland in the vicinity of the village of Lubonja, in the District of Korce, and a house and the land on which it stood, said to have been confiscated in 1954. Both properties were said to have been owned by claimant's father, Petro Kristo Papa (Petro Christo), who became a United States national by naturalization on July 5, 1932, and died in Albania on September 27, 1966. Claimant further indicates that he was born in Albania on Personally Identifiable Information  
Redacted under 5 U.S.C. §552(b)(6) In support of his claim he has submitted a copy of his United States passport, a copy of a document reflecting that his father was naturalized on July 5, 1932; two documents from the Albanian authorities in Lubonja reflecting that his father had owned a total of 21,250 square meters of land and that he was his father's sole heir; and a diagram which is said to reflect the dimensions of his father's house and lot in the village.

Based on the claimant's statements and evidence, and on the results of the investigation by the Commission's independent consultant in Albania, the Commission finds that the claimant's father, Petro Kristo Papa, owned 21,250 square meters of land and a single-family house in Lubonja, Albania, and that this property was nationalized or otherwise taken by the Albanian Communist regime, without payment of compensation, in November 1946 and 1954, respectively. In

the absence of a precise date, the taking of the farmland will be deemed to have occurred as of November 1, 1946 and the confiscation of the house will be deemed to have occurred as of January 1, 1954.

The claimant has stated and provided certain documentation asserting that he is the sole heir of his father who died in Albania in 1966. Claimant has stated that his father had proclaimed him, as the oldest child, as the head of the family household. However, according to the investigation undertaken by the Commission's independent consultant in Albania, it appears that at the time of Petro Kristo Papa's death in 1966, he was survived by his widow and his two sons, the claimant and his brother, Stavri. It further appears that Stavri Papa died in Albania in 1968 leaving as his heirs his wife, Andoneta Papa and his son, Petro Papa.\*

In the absence of credible evidence to the contrary, the Commission finds that this claim for the taking of real property belonging to Petro Kristo Papa passed at the time of his death to the claimant, his mother and brother in equal shares, in accordance with the inheritance laws of Albania. Accordingly, claimant is entitled to an award for the loss of one-third of the value of the

---

\*No evidence of the U.S. nationality of claimant's mother or the heirs of his brother have been submitted and none of these individuals has filed a claim with the Commission.

property taken from his father, dating from November 1, 1946, in the case of the farmland, and from January 1, 1954, in the case of the house and lot.

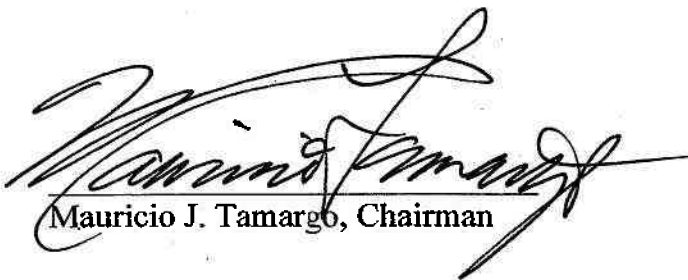
Turning to the value of the property at the time of taking, claimant has not indicated what he believes that value to have been. Based on comparisons with similar property for which it has granted awards in other claims, the Commission finds that the claimant's father's 2.1 hectares (approximately 5.2 acres) of farmland would have had a value of at least \$1,000.00 at the time of taking. Accordingly, claimant is entitled herein to an award in the amount of \$333.33, dating from November 1, 1946 for his one-third share in the confiscated farmland. As for the house that was assertedly confiscated in 1954, and the 250 square-meter (approximately 2,691 square-feet) lot on which it stood, the Commission finds that it would have had a value of at least \$5,000.00 at the time of taking. Accordingly, the claimant is entitled to \$1,666.67 for his one-third share, dating from January 1, 1954, for a total principal award of \$2,000.00.

In accordance with applicable principles of international law and its decisions in previous claims programs, the Commission also concludes that the claimant is entitled to interest as part of his award, amounting to 6 percent simple interest per annum from November 1, 1946, to April 18, 1995 (the effective date of the Settlement Agreement) for the confiscation of the

Dollars and One Cent (\$4,130.01) for a total award of principal and interest in the amount of Seven Thousand Ninety-Six Dollars (\$7,096.00).

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

JAN 24 2008



Mauricio J. Tamargo, Chairman



Stephen C. King, 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. 509.5 (e) and (g)(2007).

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

---

In the Matter of the Claim of

PERIKLI PETRO PAPA

Against the Government of Albania

---

Claim No. ALB-304

Decision No. ALB-266

Hearing on the record held on April 15, 1997

**FINAL DECISION**

This claim against the Government of Albania is based upon the alleged confiscation of real property located in Lubonja, in the District of Korce.

The Commission's Proposed Decision, entered on January 28, 1997, denied the claim because the claimant did not satisfy the United States residency requirement in the Agreed Minute to the U.S.-Albania Claims Settlement Agreement. *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").

By letter received at the Commission on March 25, 1997, the claimant stated objection to the denial of his claim on the ground that he was unaware of the residency requirement. According to claimant, his children have lived in the United States since 1993, but he himself did not come to the United States until January 1996, for health reasons.

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.

The Commission sympathizes with the claimant and would much prefer to treat the claims of all U.S. national claimants alike, rather than distinguishing among them on the basis of where they lived on a particular date or for a particular period of time. However, under its authorizing legislation, the Commission is required to apply the Settlement Agreement as written. Thus, the Commission has no discretion to disregard or refrain from implementing any provision of the Agreement. Accordingly, the Commission has no choice but to conclude that the denial of the claim must be and is hereby affirmed.

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

  
DeLissa M. Ridgway, Chair

APR 15 1997

  
John R. Lacey, Commissioner



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

In the Matter of the Claim of

PERIKLI PETRO PAPA

Against the Government of Albania

Claim No. ALB-304

Decision No. ALB-266

PROPOSED DECISION

This claim against the Government of Albania is based upon the alleged confiscation of real property located in Lubonja, in the District of Korce.

As a preliminary matter, the Commission notes that this claim was received by the Commission after the expiration of the Commission's filing deadline of December 29, 1995. The Commission nevertheless has decided to accept the claim for consideration.

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, a United States national by birth, seeks compensation for agricultural land totaling almost three hectares, as well as a house, all said to have been expropriated by the Albanian government in 1946. At that time, according to claimant, the property was owned by his father, Petro Kristo Papa (Peter Christo), who was naturalized as a United States citizen in 1932 and lived in the United States until 1957. The claimant states that he inherited the right to claim for the property upon the death of his father in 1966.

Unfortunately, as explained in the Commission's October 4, 1996 letter and discussed below, the information provided by claimant to date is not sufficient to establish his right to compensation.

It appears that claimant is a dual U.S.-Albanian national, because his father was an Albanian citizen. Under Albanian law, claimant retains Albanian nationality notwithstanding his U.S. nationality by birth. Because claimant is

a dual United States-Albanian national, the Commission is constrained to apply the residency requirement in the Agreed Minute to the Settlement Agreement.

However, while claimant has been living in the United States since January 1996, there is no evidence that he was living in the U.S. on April 18, 1995 (the effective date of the Settlement Agreement). Moreover, while claimant's father apparently lived in the U.S. until 1957, there is no evidence that claimant lived in the U.S. for at least 13 or 14 years between 1966 (when he inherited the claim) and April 1995. Thus, there is no evidence that the owner of the claim (claimant's father, then -- after his death -- claimant) lived in the U.S. for at least half the approximately 49 years between April 1995 and the expropriation in 1946.

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 claimant here has not met the burden of proof to establish either that he was living in the United States on April 18, 1995 or that the owner of the claim lived in the United States for at least half the time between April 1995 and the date the claim arose. In the absence of

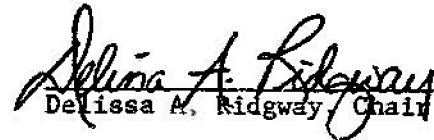
such evidence, the Commission is unable to find that the residency requirement in the Agreed Minute to the Settlement Agreement is satisfied.

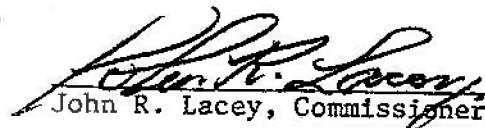
Accordingly, while the Commission sympathizes with claimant for the loss of his family's property, it cannot find -- on the evidence submitted to date -- that this claim is compensable under the terms of the Settlement Agreement. The claim therefore must be and is hereby denied.

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.

**JAN 28 1997**

  
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).