

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

In the Matter of the Claim of		
VANGJEL PRIFTI		Claim No. ALB-006
Against the Government of Albania		Decision No. ALB-130

PROPOSED DECISION

This claim against the Government of Albania is based upon the alleged confiscation of real and personal property located in Humelice, in the 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 stated that the property which is the subject of his claim, which is said to have consisted of some "300 acres" of land, as well as moveable items, was confiscated by the Albanian government in 1945. The claimant asserts that his father, a United States national since 1936, was the owner of the property at that time.

By Commission letter dated December 13, 1995, the claimant was asked to provide certain evidence to substantiate his claim including evidence of his and his father's United States nationality and his father's ownership of the property which is the subject of the claim. In response, by letter dated

January 15, 1996, the claimant submitted evidence to establish his father's United States nationality, but no other evidence was included.

By Commission letter dated May 17, 1996, the claimant was again requested to provide some evidence of ownership of the "300 acres" for which he is claiming. At that time, the Commission also advised the claimant that a review of its War Claims records indicated that the claimant and his father had previously filed claims for property loss and damage during World War II. *Claim of VANGJEL PRIFTI*, Claim No. W-6785, Decision No. W-873 (1965); *Claim of VASIL PRIFTI*, Claim No. W-6784, Decision No. W-19944 (1967). In that program, however, the Commission denied claimant's claim because the property upon which the claim was based was not owned by a United States national on the date of loss, namely, October 16, 1943.\* However, the claimant's father, Vasil Prifti, was compensated for destruction of improved property and the loss of personal property that resulted from military operations during World War II.

By letter dated June 4, 1996, the claimant submitted a copy of his father's will purporting to leave all properties in Albania to him. In that letter, the claimant has stated that "no records" exist to prove his father's ownership

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\*Evidence in that file indicates that the claimant acquired United States nationality by naturalization on (b)(6) 1946.

of the properties in question because the various occupying forces in Albania had burned the Office of Records located in Gjirokaster during World War II. Claimant's letter indicated, however, that he would be submitting an affidavit by officials of Humelice, attesting to the ownership of the properties at issue. To date, no such affidavit has been received, and no other corroborating evidence 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) (1994).

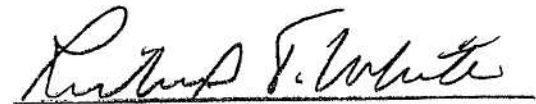
The Commission finds that the claimant has not met the burden of proof in that he has failed to submit supporting evidence to establish his father's ownership of the properties which are the subject of his claim, or the date and circumstances of their alleged confiscation. In the absence of such evidence, the Commission 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 A. Ridgway, Chair

  
Richard T. White, Commissioner

This decision was entered as the Commission's  
Final Decision on DEC 03 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) (1995).