

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

In the Matter of the Claim of _____

HASSAN Q. ISMAIL _____

Against the Government of Albania _____

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Claim No. ALB-053

Decision No. ALB-197

PROPOSED DECISION

This claim against the Government of Albania is based upon the alleged confiscation of real property located in the villages of Picar, Karan and Humelice, 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 or 1945. At that time, according to the claimant, he was the owner of the property in question, having inherited it from his father in 1922. The claimant has stated that he acquired United States nationality by birth on 5 U.S.C. §552(b)(6)

However, he has provided no evidence to substantiate that statement.

By letter dated March 6, 1996, addressed to the claimant's daughter, the Commission requested that the claimant submit evidence of his United States nationality and some evidence of ownership of the property for which he was claiming. On April 29, 1996, the claimant's daughter contacted the Commission by telephone and requested an extension of time until June 15, 1996. That request was granted but no further evidence was submitted.

Subsequently, by letter dated August 21, 1996, the Commission advised the claimant's daughter that unless the Commission heard from the claimant within thirty (30) days, the lack of documentation in the file could result in a denial of the claim. No substantive response has been received to date.

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).

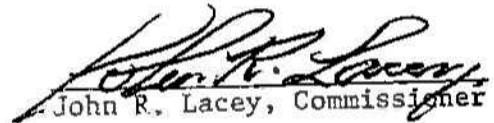
The Commission finds that the claimant has not met the burden of proof to establish his United States nationality or ownership of the property at issue in this claim. In the absence of such evidence, the Commission must conclude that claimant's claim is not compensable under the terms of the Settlement Agreement. The claim therefore must be and is hereby denied.

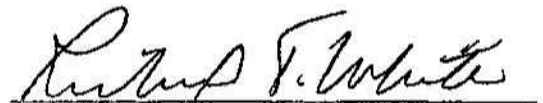
The Commission finds it unnecessary to make determinations with respect to other elements of this claim.

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


Delissa A. Ridgway, Chair

NOV 18 1996


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).