

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

In the Matter of the Claim of	}	
	}	
	}	
LLAZARAQ PANDO CIFLIGU	}	Claim No. ALB-078
	}	Decision No. ALB-245(R)
	}	
Against the Government of Albania	}	
	}	

ORDER

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

In an Amended Final Decision issued on May 24, 2006, the Commission made an award to the claimant in the principal amount of \$300.00 together with an interest award of \$887.40 based on his inherited one-fourth share in his father's claim for confiscation of certain land in the vicinity of Korce by the Albanian Communist regime as of January 1, 1946.


Since then, however, the Commission has received a letter from the claimant dated January 3, 2007, informing the Commission that he does not wish to accept the award because he is currently pursuing legal proceedings in Albania to regain possession of his family's property. After due consideration, the Commission has determined that the claimant's letter should be treated as

a request to withdraw his claim, and has concluded that this request should be granted.

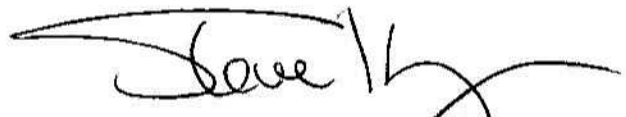
Accordingly, it is ORDERED that the present claim be and it is hereby dismissed with prejudice.

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

JAN 25 2007



Mauricio J. Tamargo, Chairman



Stephen C. King, Commissioner

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

In the Matter of the Claim of	}	
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LLAZARAQ PANDO CIFLIGU	}	Claim No. ALB-078
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Against the Government of Albania	}	
	}	

AMENDED FINAL DECISION

This claim against the Government of Albania is based upon the confiscation of real property in the vicinity of Korce.

By Proposed Decision entered on January 28, 1997, the Commission denied this claim, on the ground that the claimant did not satisfy the 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 dated April 21, 1997, claimant filed objection to the Proposed Decision. However, after careful consideration of his objection in a hearing on

the record held on April 16, 1998, the Commission entered a Final Decision affirming the Proposed Decision.

The Commission has now been informed that in 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 the 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 claimant is now entitled to an award for his share in the claim for the loss of his father's property in Korce, in an amount equal to that received by his brother, Aristokli Cifligu (Claim of ARISTOKLI CIFLIGU, Claim No. ALB-210, Decision No. ALB-191 (Final Decision entered February 24, 1997)). This award shall also date from January 1, 1946.

Under the terms of the U.S.-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 thus will be forwarded to the Albanian government in due course.

Accordingly, the Commission 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 ICSA (22 U.S.C. §§1624, 1626, and 1627). This constitutes the Commission's final determination in this claim.

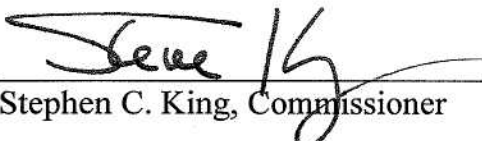
A W A R D

Claimant LLAZARAQ PANDO CIFLIGU is entitled to an award in the principal amount of Three Hundred Dollars (\$300.00), plus interest from January 1, 1946, to April 18, 1995, in the amount of Eight Hundred Eighty-Seven Dollars and Forty Cents (\$887.40), for a total award of One Thousand One Hundred Eighty-Seven Dollars and Forty Cents (\$1,187.40).

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

MAY 24 2006

  
Mauricio J. Tamargo, Chairman

  
Stephen C. King, Commissioner

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

In the Matter of the Claim of

ARISTOKLI CIFLIGU

Against the Government of Albania

Claim No. ALB-210

Decision No. ALB-191

Hearing on the record held on February 24, 1997

FINAL DECISION

This claim against the Government of Albania is based upon the alleged confiscation of real property in or around Korce.

The Commission's Proposed Decision, entered on October 7, 1996, denied this claim for land and a shop, for lack of evidence of the U.S. nationality of claimant's father (the asserted owner of the properties at the time of confiscation), lack of evidence of ownership of the claimed properties, and lack of evidence of the date and circumstances of the alleged confiscations.

By letter dated November 1, 1996, the claimant stated objection to the Commission's decision. In that letter, claimant advised that he has no further documentation to submit in support of his claim, but referred the Commission to

any documents that may have been submitted in support of his brother's claim. *See Claim of LLAZARAQ PANDO CIFLIGU against Albania*, Claim No. ALB-078.

The Commission's letter of January 8, 1997 advised claimant to submit any additional evidence or information by February 15, 1997, since the Commission's Final Decision would be forthcoming soon thereafter. Claimant's letter dated February 8, 1997 reiterated that claimant has no additional documentation to submit to the Commission.

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.

Although claimant still has not submitted direct evidence of the U.S. nationality of his father (who is alleged to have been naturalized in 1924), the Commission infers from claimant's own U.S. nationality that claimant's father was naturalized as a U.S. citizen at some time prior to claimant's birth in <sup>5 U.S.C. §552(b)(6)</sup>

Based on the evidence in the files in this claim and in the claim of claimant's brother, the Commission further concludes that claimant's late father was the owner of three parcels of property -- one plot measuring 10,000 square meters, one plot measuring 5,000 square meters, and one plot measuring 189

square meters -- for a total of 15,189 square meters (approximately 1.52 hectares, or 3.8 acres).<sup>1</sup>

While claimant has submitted no specific evidence of the confiscation of his father's land in 1946, the Commission is aware that, on or about August 29, 1945, the Albanian Communist regime promulgated the "Agrarian Reform Law," which provided that land not directly worked by the owner was subject to seizure and redistribution by the government, without payment of compensation to the legal owner. Land Reform Law No. 108, GZ 1945, No. 39. That law was affirmed by the 1946 Albanian constitution which stated that "land belongs to the tiller." Alb. Const., 1946, Ch. I, Art. 12.

Based on the entire record, the Commission determines that implementation of the Agrarian Reform Law, coupled with the restrictions placed upon non-farming owners and the formation of agricultural cooperatives, had the effect of depriving claimant's father of his property, thus constituting an uncompensated expropriation by the Government of Albania. In the absence of

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<sup>1</sup>Unfortunately, there is no evidence of either ownership or confiscation of the shop in the file of either claimant or his brother. In the absence of such evidence, there is no basis upon which to change the result reached in the Commission's Proposed Decision. The denial of that part of this claim therefore must be and is hereby affirmed.



a more precise date, the expropriation will be deemed to have occurred as of January 1, 1946.

The Commission further finds that, upon the death of claimant's father in 1961, his estate devolved in equal shares to claimant, claimant's mother, claimant's sister and claimant's brother. Accordingly, claimant is entitled to compensation for a one-fourth share in the claim to his late father's land.<sup>2</sup>

Based on its study of the values of various kinds of real property in Albania before and during World War II and thereafter, the Commission finds that claimant's late father's property had a value of \$1,200.00 at the time of expropriation, or approximately \$300.00 per acre. Accordingly, claimant is entitled to an award in the principal amount of \$300.00 as compensation for his one-fourth interest in the claim for his late father's land, dating from January 1, 1946.

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<sup>2</sup>Unfortunately, because claimant's mother was not a citizen of the United States, the Commission cannot award claimant compensation for the interest in the claim to his late father's property which he inherited through his mother. Under international law, a claim is compensable only to the extent that it has been continuously held by one or more U.S. nationals from the date of confiscation through April 18, 1995 (the effective date of the Settlement Agreement). *See, e.g., Claim of PETER D. JANUS against Yugoslavia*, Claim No. Y-1721, Decision No. Y-0377 (1954). In this case, inheritance through claimant's mother broke the continuity of U.S. ownership of part of the claim. The Commission therefore is limited to consideration of the one-fourth interest which claimant inherited directly from his late father.

In accordance with applicable principles of international law and its decisions in previous claims programs, the Commission further concludes that claimant is entitled to interest as part of his award, amounting to 6 percent simple interest per annum from the date of loss to April 18, 1995 (the effective date of the Settlement Agreement). Accordingly, claimant is entitled to an interest award of 295.8 percent of his principal award, or \$887.40.

The Commission therefore withdraws its denial of claimant's claim and enters the award set forth below, which will be certified to the Department of Treasury for payment in accordance with sections 5, 7 and 8 of Title I of the ICSA (22 U.S.C. §§ 1624, 1626 and 1627).

Under the terms of the 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 double recovery in a claim. A copy of this decision therefore will be forwarded to the Albanian Government in due course.

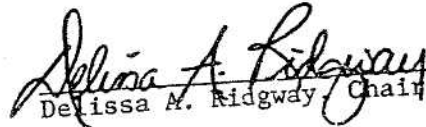
This constitutes the Commission's final determination in this claim.

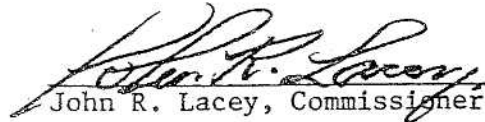
A W A R D

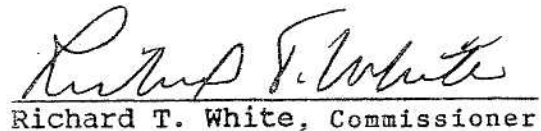
Claimant ARISTOKLI P. CIFLIGU is entitled to an award in the principal amount of Three Hundred Dollars (\$300.00), plus interest from January 1, 1946 to April 18, 1995, in the amount of Eight Hundred Eighty-Seven Dollars and Forty Cents (\$887.40), for a total award of One Thousand One Hundred Eighty-Seven Dollars and Forty-Cents (\$1,187.40).

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

FEB 24 1997

  
Delissa M. Ridgway, Chair

  
John R. Lacey, Commissioner

  
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

LLAZARAQ PANDO CIFLIGU

Against the Government of Albania

Claim No. ALB-078

Decision No. ALB-245

PROPOSED DECISION

This claim against the Government of Albania is based upon the alleged confiscation of real property located in the city of Korçe.

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 three parcels of land (totaling 1.95 hectares) as well as a "fuel oil station," said to have been expropriated by the Albanian government in the agrarian reform of 1946. At that time, according to claimant, the property was owned by his father, Pandi Thimi Orman Cifligu (Pando Efthim), assertedly naturalized as a United States citizen in 1924. The claimant further states that he inherited the right to claim for the property upon the death of his father.

Unfortunately, for the reasons explained in the Commission's May 17, 1996 letter to claimant and discussed below, the Commission cannot consider this claim.

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.

The claim form indicates that claimant himself has never lived in the United States. Moreover, while claimant here has not indicated the date of his father's death, claimant's brother -- Aristokll Cifligu -- has stated that Mr.

Efthim died in the United States in 1961. Claimant's father therefore did not live in the United States for at least half of the approximately 49 years between the expropriation of the property and the effective date of the Settlement Agreement.

Because the owner of this claim was not domiciled in the United States as of April 18, 1995, and was not domiciled in the United States "for at least half the period of time between when the property was taken" and April 18, 1995, the claim is not within the scope of the Settlement Agreement. Accordingly, while the Commission sympathizes with claimant for the loss of his family's property, the Commission must dismiss this claim for lack of jurisdiction.

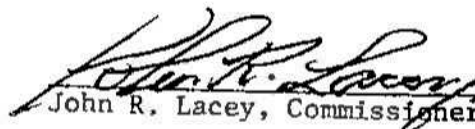
While this Commission has no jurisdiction to consider the claim, claimant may be entitled to some form of relief through the Albanian Government. The Government of Albania is obligated by the Settlement Agreement to afford U.S. nationals the same rights it affords Albanian nationals to pursue and receive compensation, restitution or any other remedy available under the domestic restitution and compensation procedures established by the Albanian Government. Settlement Agreement, Article 6. The Commission's May 17, 1996 letter advised claimant to contact the Albanian authorities directly, if he wishes to pursue such a claim.

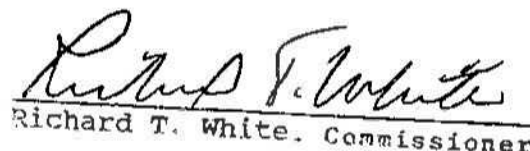
The Commission finds it unnecessary to make determinations with respect to other elements of this claim.

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

**JAN 28 1997**

  
Melissa A. Lidgway  
Delissa & Midway, Chair

  
John R. Lacey, Commissioner

  
Richard T. White, Commissioner

This decision was entered as the Commission's  
Final Decision on MAR 25 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).