

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

In the Matter of the Claim of

THANAS ANESTI LASKE

Against the Government of Albania

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} Claim No. ALB-092

} Decision No. ALB-212
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Hearing on the Record held on February 5, 1999.

FINAL DECISION

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

By Proposed Decision entered on November 18, 1996, the Commission denied this claim, which according to the claimant was for the loss of a house and "over 100 acres of land." Although the Commission found that claimant had established his own naturalization as a United States citizen in 1962 and that of his father in 1964, the Commission found the evidence before it insufficient to establish either the ownership of the property at issue or its alleged confiscation in 1967.

By letter dated December 9, 1996, claimant stated objection to the Proposed Decision and submitted additional documentation in support of his claim, including a 1942 photograph of Kreshove (said to show his family's house), a 1978 photograph of himself and his relatives in front of the remains of his family's house (it had been heavily damaged during World War II), the death certificates for his father and mother, and two documents issued by the local authorities in Kreshove indicating that claimant's grandfather, Apostol Laske, and his uncle, Pandeli Laske, had been co-owners of 3.51 hectares of farmland in the vicinity of Kreshove and that claimant's grandfather also had owned a building lot of approximately 216 square meters in the village of Kreshove. In addition, the Commission's independent consultant in Albania has provided documentation from the land records in Kreshove reflecting that claimant's grandfather had owned 1.51 hectares of the 3.51 hectares of farmland referred to above, and that his uncle had owned the remaining 2 hectares.

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.

Based on the evidence now before it, the Commission finds that claimant's grandfather had owned 1.51 hectares (about 3.7 acres) of farmland in the vicinity

of Kreshove, and that this land was expropriated without payment of compensation on or about September 1, 1967. The Commission further finds that claimant's father, Anesti Laske, was one of three heirs of his grandfather and thus was owner of a one-third interest in this farmland at the time of the expropriation. In addition, the Commission finds that claimant's grandfather had owned a 216-square-meter (about 2,325 square feet) building lot in the village of Kreshove, which was expropriated on September 1, 1967, at which time claimant's father owned a one-third interest therein. The record establishes that claimant was as his father's only child, and that he therefore became the owner of his father's claim for the resulting property loss by inheritance following the deaths of his father and his mother (also a United States citizen) on May 26, 1987, and September 13, 1989, respectively. Accordingly, claimant is entitled to an award for the expropriation of his father's one-third interest in the building lot and farmland, dating from September 1, 1967.

Claimant asserted in his Statement of Claim form that the property in question had a value of \$100,000 at the time of loss. However, he has submitted no evidence to support such a valuation, and, in light of the documented values for property established in other, similar claims, it is clear that the asserted figure is quite exaggerated. Rather, based on the values established in those other,

similar claims, the Commission finds that claimant's father's one-third interest in the 3.7 acres of farmland had a value of \$500 as of the expropriation date of September 1, 1967, and that his one-third interest in the 216-square-meter building lot also had a value of \$500 at that time. Accordingly, claimant is entitled herein to an award in the total principal amount of \$1,000, dating from September 1, 1967.

As for the other 2 hectares of farmland in Kreshove, however, it has been established that the original owner of the property was claimant's uncle, Pandeli Laske, and there is no basis for an inference that claimant or his father would have inherited any interest in Pandeli Laske's estate. On the contrary, claimant has stated that his uncle had children who survived him at the time of his death. Accordingly, to the extent that the present claim may be based on the loss of an interest in claimant's uncle's 2 hectares of farmland in Kreshove, the claim may not be favorably considered.

In accordance with applicable principles of international law and its decisions in previous claims programs, the Commission concludes that claimant is also 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 165.8 percent of his principal award, or \$1,658.00.

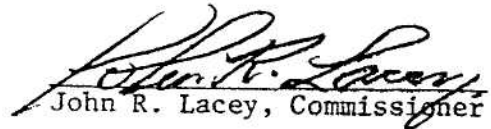
Under the terms of the Settlement Agreement, the United States Government has agreed to advise the Albanian authorities of the issuance of the Commission's awards, so as to prevent double recovery in a claim. A copy of this decision therefore will be forwarded to the Albanian Government in due course.

The Commission therefore withdraws the denial of this claim set forth in the Proposed Decision, 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). This constitutes the Commission's final determination in this claim.


A W A R D

Claimant THANAS ANESTI LASKE is entitled to an award in the principal amount of One Thousand Dollars (\$1,000.00), plus interest from September 1, 1967 to April 18, 1995, in the amount of One Thousand Six Hundred Fifty-Eight Dollars (\$1,658.00), for a total award of Two Thousand Six Hundred Fifty-Eight Dollars (\$2,658.00).

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	}	
THANAS ANESTI LASKE	}	Claim No. ALB-092
	}	Decision No. ALB-212
Against the Government of Albania	}	

PROPOSED DECISION

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

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 which is the subject of his claim, which is said to have consisted of a house and over 100 acres of land, was confiscated by the Albanian government in 1967. The claimant further asserts that both he and his father, United States nationals since 1962 and 1964, were the owners of the property at that time.

By Commission letter dated February 9, 1996 the claimant was asked to provide evidence to support his claim, including evidence of his United States nationality, and some evidence of ownership and confiscation as well as evidence of his inheritance from his father. In response, by letter dated July 1, 1996, the

claimant submitted copies of his and his father's Certificates of Naturalization as well as a photograph of the house that is the subject of the claim. In that letter, claimant states that he is unable to provide an official copy of the deed because his relatives in Albania have informed him that, to obtain such a document from Albania, he must send \$500 to them. In that letter, the claimant also states that he is unable to provide any evidence of confiscation and of his inheritance of his father's claim.

By Commission letter dated September 6, 1996, the claimant was again requested to provide some evidence of ownership and confiscation of the house and land in question. To date, however, no such evidence or 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) (1995).

The Commission finds that the claimant has not met the burden of proof in that he has failed to submit evidence to establish his or his father's ownership of the house and 100 acres which is the subject of his claim. In the absence of such evidence, the Commission must conclude that claimant's claim is not

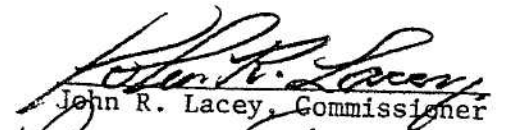
compensable under the terms of the Settlement Agreement. The claim therefore must be and is hereby denied.

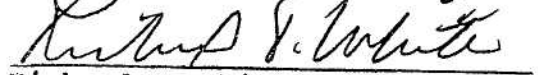
The Commission finds it unnecessary to make determinations with respect to other elements of this claim.

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

NOV 18 1996


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).