

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

In the Matter of the Claim of	}	
VASSIL TAMBURI		Claim No. ALB-O19
Against the Government of Albania		Decision No. ALB-201

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 and personal property located in Hotove, District of Permet.

By Proposed Decision entered on November 18, 1996, the Commission denied the claim on the ground that the property at issue in the claim was not owned by a national of the United States at the time it was assertedly taken by the Albanian government.

By letter dated December 9, 1996, the claimant advised the Commission that he was "disappointed" with the decision. Although not specifically so denominated, the Commission has decided to treat claimant's letter as an objection to the Proposed Decision. Because claimant has not requested an oral

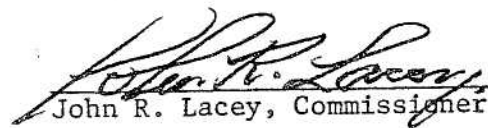
hearing, the Commission issues this Final Decision based on its de novo review of the evidence in the record.

The Commission has carefully considered claimant's statement of objection and has again reviewed the entire record in this claim. However, the Commission must conclude that there is no basis on which to change the result reached in the Commission's Proposed Decision in this claim. Accordingly, the denial set forth in the Proposed Decision of November 18, 1996 must be and it is hereby affirmed. This constitutes the Commission's final determination in this claim.

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

APR 15 1997


Delissa M. Ridgway, Chair


John R. Lacey, Commissioner

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 was confiscated by the Albanian government between 1947 and 1966. According to the claimant, the property was owned by his father, an Albanian national, and then by himself and his brother, Piro Tamburi, also an Albanian national. To establish his United States nationality, claimant has submitted a copy of his Certificate of Naturalization issued in Boston, Massachusetts on §552(b)(6) 1961.

In support of his claim, the claimant has submitted a document entitled "Decision" from the Court of the District of Permet dated October 26, 1995. This document appears to indicate that upon the death of claimant's grandfather, Kici Viril Tamburi, in March 1957, the property in question was inherited by claimant's parents, Koco Tamburi and Vangjeli Tamburi. The "Decision" also indicates that claimant's father died in 1988 and that his mother died in 1990, and that the claimant and his brother inherited their estates equally.

By letters dated January 22, 1996 and October 11, 1996, the Commission advised the claimant that in order to qualify for compensation under the Settlement Agreement, the confiscated property upon which a claim is based must have been owned by a United States national at the time the property was taken. Claimant was also advised that the claim for the loss of property must have been continuously held by one or more United States nationals from the date of the confiscation until April 18, 1995, the effective date of the Settlement Agreement. The claimant was requested to provide evidence of the United States nationality of the owners of the property in question. In response, by letter dated October 21, 1996, the claimant has stated that the property was "handed

down to many generations of the Tamburi family” and that he is “the only one who is a U.S. citizen.”

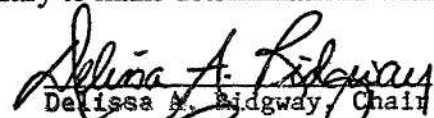
The ICSA mandates that the Commission decide claims in accordance with, *inter alia*, “[t]he applicable principles of international law.” ICSA section 4(a)(2), 22 U.S.C. 1623(a)(2). It is a well-established principle of international law, which this Commission has applied without exception, that a claim may be found compensable only if the property which is the subject of the claim was owned by a national of the United States when the property was expropriated or otherwise taken. *See, e.g., Claim of EUGENIA D. STUPNIKOV Against Yugoslavia*, Claim No. Y-2-0071, Decision No. Y-2-0003 (1967); *Claim of ILONA CZIKE Against Hungary*, Claim No. HUNG-2-0784, Decision No. HUNG-2-191 (1976); *Claim of JOSEPH REISS Against the German Democratic Republic*, Claim No. G-2853, Decision No. G-2499 (1981); *Claim of TRANG KIM Against Vietnam*, Claim No. V-0014, Decision No. V-0001 (1982). This principle has also been recognized by the courts of the United States. *See, e.g., Haas v. Humphrey*, 246 F.2d 682 (D.C. Cir. 1957), *cert. denied* 355 U.S. 854 (1957).

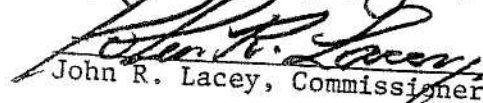
The Commission finds that at the time the property at issue in this claim was assertedly taken by the Albanian government, it was not owned by a national of the United States. On the contrary, the record reflects that during the period when the taking allegedly occurred -- 1947 to 1966 -- the property was owned by claimant's grandfather and then by his parents, all of whom were nationals of Albania. Accordingly, while the Commission sympathizes with the claimant for the loss of his family's property, it must conclude that his 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 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).