

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

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In the Matter of the Claim of	}	
	}	
	}	
	}	
NAZMI BYLYKBASHI	}	Claim No. ALB-077
	}	
	}	
Against the Government of Albania	}	

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ORDER

This claim against the Government of Albania is based upon the alleged confiscation of real and personal property located in the town of Pilur.

In a Proposed Decision dated January 19, 1996, the Commission denied this claim. The reason for denial was that the property at issue in the claim was not owned by a national of the United States when it was taken by the Albanian Communist regime, as required for compensation under the Commission's authorizing statute, the International Claims Settlement of 1949, as amended (22 U.S.C. 1621 *et seq.*). In the absence of an objection, the decision was entered as final on February 26, 1996.

The Commission subsequently received a communication from the claimant postmarked November 2, 2004, forwarding a copy of his Certificate of Naturalization and three documents written in Albanian. However, he has

submitted no new evidence or information to establish the validity or amount of his claim.

Under its regulations (45 CFR 509(*I*)), the Commission may reopen a claim after a final decision has been entered therein upon submission of a petition to reopen on the ground of newly discovered evidence. However, the regulations specify that

[n]o such petition will be entertained unless it appears therein that the newly discovered evidence came to the knowledge of the party filing the petition subsequent to the date of issuance of the Final Decision or the date on which the Proposed Decision was entered as the Final Decision; that it was not for want of due diligence that the evidence did not come sooner to the claimant's knowledge; and that the evidence is material, and not merely cumulative, and that reconsideration of the matter on the basis of that evidence would produce a different decision.

45 CFR 509(*I*)(2004).

The Commission has determined that claimant's communication of November 2, 2004, should be treated as a petition to reopen its final decision in this claim of February 26, 1996. However, in view of the absence of any new evidence or information that would support a result different from that reached in the final decision, the Commission is constrained to conclude that claimant's petition may not be favorably considered.

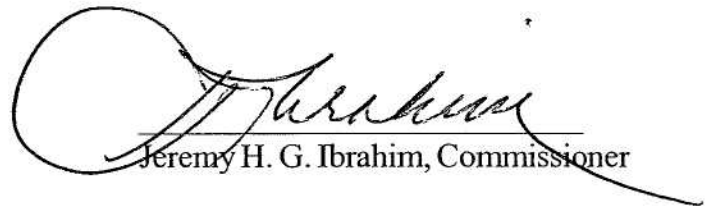
Accordingly, it is ORDERED that the claimant's petition to reopen the final decision in this claim be and it is hereby denied.

Entered as the Order  
of the Commission.

JUN 23 2005



Mauricio J. Tamargo, Chairman



Jeremy H. G. Ibrahim, 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 in 1946. At that time, according to claimant, the property was owned by his father, an Albanian national.

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).

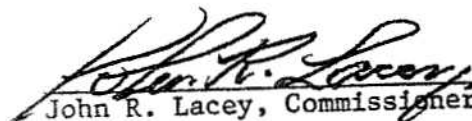
The Commission finds that, at the time the property in question was assertedly taken by the Albanian government, it was not owned by a national of the United States. Accordingly, while the Commission sympathizes with the claimant for the loss of his family's property, it must conclude that his claim is not compensable under the terms of the Settlement Agreement. Therefore, the claim must be and is hereby denied.

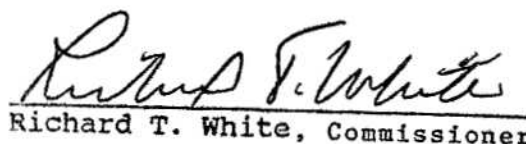
The Commission finds it unnecessary to make determinations with respect to other elements of this claim.

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

JAN 19 1996

  
Delissa A. Ridgway, Chair

  
John R. Lacey, Commissioner

  
Richard T. White, Commissioner

This decision was entered as the Commission's  
Final Decision on FEB 26 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) (1994).