

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

In the Matter of the Claim of

FOTINA SOTIR DEMITRI

Against the Government of Albania

Claim No. ALB-048

Decision No. ALB-223

PROPOSED DECISION

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

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 her claim was confiscated by the Albanian Communist regime "after they took over." At that time, according to the claimant, her father, Guri Sotir, was the owner of the property in question and had purchased the property from "the Church, Mitropolia E. Korces" in 1930-1932. The claimant has stated that her father acquired United States nationality by naturalization in 1928 and she asserts that she acquired United States nationality both through her father and on her own in 1950.

By letter dated February 1, 1996, the Commission requested that the claimant submit evidence of her and her father's United States nationality, some evidence of ownership of the property for which she is claiming and evidence of her inheritance of the property or claim from her father. In response, the claimant submitted a copy of her Certificate of Citizenship which indicates that she became a citizen as of 5 U.S.C. §552(b)(6) presumably also the date of her father's naturalization. Claimant also submitted a copy of a Power of Attorney prepared by her father in 1956. That document gave claimant's cousin, Ligor Sotir Trebicka, the power to act and represent claimant's father in all matters relating to the property here in question. The Power of Attorney also transferred the land to Ligor Sotir Trebicka for this purpose. In her April 15, 1996 letter, the claimant stated that she has learned that her cousin, Mr. Ligor Sotir Trebicka, had died, and that his wife received compensation for the land.

In July 1996, the claimant advised the Commission that she had requested some ownership information from Korce, but that no substantive response had been received to date. However, an independent investigation conducted by the Commission in the "hipoteka" of Korce has determined that no property is registered there in the name of either Guri Sotir or Ligor Trebicka.

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.

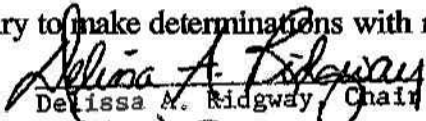
45 C.F.R. 531.6(d) (1995).

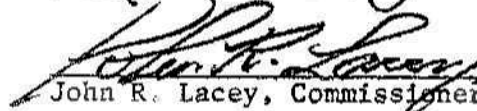
The Commission finds that the claimant has not met the burden of proof to establish her father's ownership or the extent of her interest in the property at issue in this claim. In the absence of such evidence, the Commission must conclude that claimant's claim is not compensable under the terms of the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

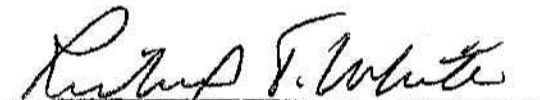
The Commission finds it unnecessary to make determinations with respect to other elements of this claim.

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

NOV 18 1996


Delissa M. Ridgway, Chair


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).