

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

In the Matter of the Claim of	}	
	}	
	}	
ABEDIN BILO	}	Claim No. ALB-347
	}	
	}	Decision No. ALB-331
	}	
Against the Government of Albania	}	

PROPOSED DECISION

This claim against the Government of Albania is based upon the alleged confiscation of real property said to have been located in the village of Lubonje, District of Korca.

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) (2006).

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 claim, ABEDIN BILO, asserts that the property that is the subject of this claim was confiscated in 1956, at which time it was owned by his father, Arif Bilò (Zejnèli), who subsequently died in New York in 1959. Claimant asserts that he has been a U.S. national since his birth in Albania in 1932, based on the naturalization of his father as a U.S. citizen in 1930. In support of these contentions, claimant has submitted a copy of his father's certificate of citizenship and documentation verifying the date and place of his death in 1959. Further, claimant has submitted as evidence of his own U.S. nationality a copy of his United States passport, which was issued to him in 2003 in Charleston, S.C. The claimant, however, has not submitted evidence establishing that he was a U.S. national on the date of his father's death in 1959.

By Commission letters dated April 21, 2009, July 28, 2009, and November 17, 2010, the claimant was requested to provide evidence to establish his U.S. nationality at the relevant time periods, evidence of the ownership of the real property in question, and its confiscation. In response, claimant has provided documentation reflecting his father's ownership of the property, including a photograph of his family's former house. The Commission's independent consultant in Albania has verified the ownership of the property by claimant's father and has also informed the Commission generally concerning the former Albanian Communist regime's expropriation and collectivization of property in the Korca area.

Claimant, however, has not provided any further evidence sufficient to permit the Commission to determine that he was a U.S. national on the date of his father's death; i.e., when he inherited the right to claim for a portion of his father's property. In addition to the three Commission letters cited above, the record in this claim reflects that a member of the Commission's legal staff explained in a telephone conversation with the claimant's grandson on January 21, 2011, how the claimant could proceed to provide verification of claimant's U.S. nationality by birth, either with additional documentary evidence or by obtaining a verification from the Office of United States Citizenship and Immigration Services. Since then, however, the Commission has received no further communication concerning this claim.

It is a well-established principle of the law of international claims, which has been applied by both this Commission and its predecessors, the War Claims Commission and the International Claims Commission, that a claim is compensable

only to the extent that it has been held continuously by one or more United States nationals from the date the claim arose through the date of the Settlement Agreement. *See, e.g., Claim of THE ESTATE OF JOSEPH KREN, DECEASED against Yugoslavia, Claim No. Y-0660, Decision No. Y-1171 (1954); Claim of PETER KERNAST, Claim No. W-9801, Decision No. W-2107 (1965); Claim of RALPH F. GASSMAN and URSULA ZANDMER against the German Democratic Republic, Claim No. G-2154, Decision No. G-1955 (1981); Claim of ELISAVETA BELLO, et. al. against Albania, Claim No. ALB-338, Decision No. ALB-321 (2008).*

Section 509.5(b) of the Commission's regulations provides:


The claimant will have the burden of proof in submitting evidence and information sufficient to establish the elements necessary for a determination of the validity and amount of his or her claim.

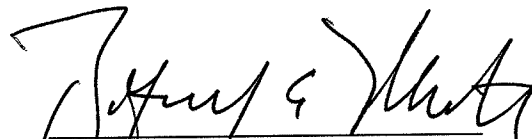
45 C.F.R. 509.5(b)(2010).

In light of the circumstances of this claim, described above, the Commission is constrained to find that the claimant has not met his burden of proof insofar as he has failed to submit evidence sufficient to establish that his claim for the loss of his father's property was held continuously by a national of the United States from the time of its loss in 1956 until the date of the Settlement Agreement, as required under the precedent decisions cited above. 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, D.C. June 3, 2011  
and entered as the Proposed  
Decision of the Commission.

  
Timothy J. Feighery, Chairman

  
Rafael E. Martinez, Commissioner

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NOTICE: Pursuant to the Regulations of the Commission, any objections must be filed within 15 days after service or receipt of notice of this Second Amended 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. 509.5 (e) and (g) (2010).