

The Commission has treated claimant's supplemental submission as an objection to the Proposed Decision in this case.¹ Claimant states that the property which is the subject of his claim was confiscated by the Albanian government in 1946. According to claimant, the property was owned at that time by his father, Kostandin Vasil Suli (who was naturalized as a U.S. citizen in May 1928). The newly submitted documentation confirms that Kostandin Vasil Suli died in February 1985 and that -- under his will -- his entire estate passed to his wife, Niqi Soulis (also known as Fereniqi Soulis and Terniqi Soulis), provided that she survived him by six months. Evidence in the record indicates that Niqi Soulis died one year later, in February 1986. Accordingly, at the time of her death, claimant's mother was the owner of the instant claim. Regrettably, as claimant concedes, his mother never acquired U.S. nationality.

¹Under the Commission's regulations, a Proposed Decision becomes final after 30 days, absent the filing of an objection. 45 C.F.R. §531.5(g). Thereafter, a claimant may seek reconsideration only through a petition to reopen on the ground of newly-discovered evidence. 45 C.F.R. §531.5(1). Recognizing, however, that domestic turmoil in Albania impeded the efforts of many claimants to obtain evidence to support objections, the Commission in its discretion has decided to treat tardy submittals (such as that here) as timely-filed objections. Thus, the Commission has not required claimant to prove, for example, that he learned of the evidence he relies on to support his objection only *after* the Proposed Decision became final, and that due diligence could not have uncovered the evidence sooner.

As the Proposed Decision explained, the Settlement Agreement requires not only that the property at issue have been owned by a United States national at the time of confiscation, but also that the claim for the property 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). That requirement is well established in the law of international claims, and has long been applied by both this Commission and its predecessor, the International Claims Commission. *See, e.g., Claim of PETER D. JANUS against Yugoslavia*, Claim No. Y-1721, Decision No. Y-0377 (1954); *Claim of MIA FOSTER against Czechoslovakia*, Claim No. CZ-2696, Decision No. CZ-0001 (1960).

Because claimant here inherited his right to claim for the property at issue through his mother, an Albanian national, the claim has not been continuously owned by a U.S. national. The Commission thus lacks jurisdiction over this case.² Accordingly, there is no basis on which to change the result reached in the Commission's Proposed Decision of October 7, 1996. The denial set forth in the

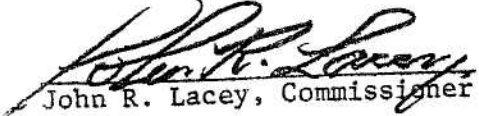
²Because the Commission lacks jurisdiction over this case, claimant should be entitled to relief through the restitution and compensation program being administered by the Government of Albania (if it is not too late to file a claim there). Indeed, the Settlement Agreement between the U.S. and Albania requires that the Government of Albania afford such U.S. nationals the same rights that it affords Albanian nationals to pursue and receive compensation, restitution or any other remedy available under the domestic restitution and compensation procedures established by that government.

Proposed Decision therefore must be and 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.


Delissa A. Ridgway, Chair

MAY 04 1998


John R. Lacey, Commissioner


Richard T. White, 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 the time of confiscation, according to the claimant, the property was owned by his father, Kostandin Vasil Suli, and by his mother, Dhimiter Suli. The claimant has further stated that his father acquired United States nationality by naturalization in May 1929.

By letters dated March 22, 1996 and July 9, 1996, the Commission requested that the claimant submit evidence of his and his parents' United States nationality, some evidence of his parents' ownership of the property, and

some evidence of the property's alleged confiscation by the Albanian government. To date, no substantive response has been received.

However, the Commission recently located the file in the claim submitted by claimant's father in the Commission's General War Claims Program, conducted from July 15, 1963 to May 17, 1967. In that program, the Commission determined that claimant's father acquired United States nationality by naturalization on May 29, 1928. In addition, the Commission made an award of \$ 3,475.00 to claimant's father, for personal property and improvements to real property destroyed or lost as a result of German military operations in January 1944. *Claim of CONSTANTINE SOULIS*, Claim No. W-3141, Decision No.W-14577 (1966).

The War Claims file establishes the U.S. nationality of the father of claimant here. But, even including that information, it is impossible for the Commission to determine -- from the evidence before it -- whether this claim should be considered by this Commission, or by the Albanian authorities, or both.

Even if claimant provided evidence of his own U.S. nationality (which he has not done), claimant has been silent on the nationality of his mother, who died in 1986 (one year after his father). Under the Settlement Agreement, the claim for the loss of property must, in addition to being owned by a United

States national at the time of confiscation of the property in issue, 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. This requirement is well established in the law of international claims, and has long been applied by both this Commission and its predecessor, the International Claims Commission. *See, e.g., Claim of PETER D. JANUS against Yugoslavia*, Claim No. Y-1721, Decision No. Y-0377 (1954); *Claim of MIA FOSTER against Czechoslovakia*, Claim No. CZ-2696, Decision No. CZ-0001 (1960). For this reason, to the extent that claimant inherited through his mother, the Commission lacks jurisdiction over this case *unless* his mother was a U.S. national. If the Commission lacks jurisdiction over all or any part of this case, claimant should be entitled to relief through the restitution and compensation program being administered by the Government of Albania (if it is not too late to file a claim there). Indeed, the Settlement Agreement between the U.S. and Albania requires that the Government of Albania afford such U.S. nationals the same rights that it affords Albanian nationals to pursue and receive compensation, restitution or any other remedy available under the domestic restitution and compensation procedures established by that government.

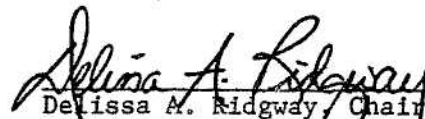
On the other hand, if claimant inherited at least some of the property at issue directly from his father, or if claimant's mother was a U.S. national, the Commission does have jurisdiction over at least part (if not all) of claimant's claim, and could make an award to claimant if he presented the requested evidence to establish his claim -- evidence of his own nationality and that of his mother and his interest in the property at issue in this claim.

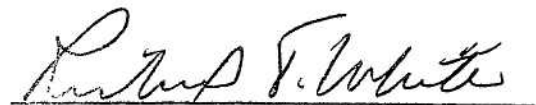
In any event, whether for lack of jurisdiction or for lack of evidence, the claim before this Commission must be and is hereby denied.

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.

OCT 07 1996


Delissa A. Ridgway, Chair


Richard T. White, Commissioner

This decision was entered as the Commission's
Final Decision on DEC 03 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) (1995).