

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

In the Matter of the Claim of	}	
	}	
	}	
	}	
	}	Claim No. ALB-336
PETER LAZARIS	}	
	}	Decision No. ALB-318
	}	
	}	
Against the Government of Albania	}	

PROPOSED DECISION

This claim against the Government of Albania is based upon the alleged confiscation of real property located in Himare, District of Vlore.

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) (2004).

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 asserts that the property which is the subject of his claim was confiscated from his father, Savo Lazaris, a Greek national, by the Albanian communist government and then sold fraudulently to another individual by the name of Rappos. He further asserts that the property had been inherited by his grandmother, that his father grew up on the property, and that he and his siblings inherited the right to claim for the property from their father when their father died. He avers that he "attended 4 court hearings and won all 4" in an effort to legally reclaim the property, but that ultimately, in 2006, the supreme court of Albania ruled in favor of the other party.

In support of his claim, the claimant has submitted a copy of a letter he wrote in 2005 to the prime minister of Albania regarding his court case and a document/drawing of the property. On his claim form, he states that he became a United States citizen on April 5, 1971, and that he began living in the United States in May 1965.

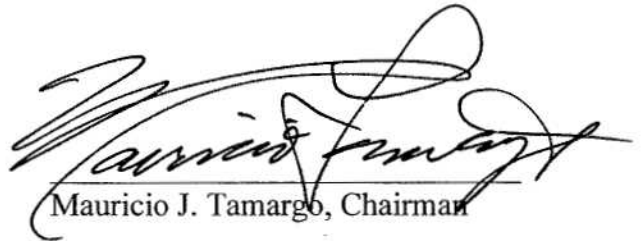
The ICSA mandates that the Commission decide claims in accordance with, *inter alia*, “[t]he applicable principles of international law.” ICSA section 4(a)(2), 22 U.S.C. 1623(a)(2). It is a well-established principle of international law, which this Commission has applied without exception, that a claim 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).

According to the claimant's statements, the property which is the subject of his claim was taken by the Albanian communist regime when it was in the ownership of his father, a national of Greece. Consequently, when the property in question was confiscated by the Albanian government, it was not owned by a national of the United States, as required for a favorable determination under the ICOSA. Nor can the Commission make a determination in claimant's favor based on the failure of the Albanian judicial system to restore rightful possession of the subject property to claimant's family in 2006, as the period covered by the Settlement Agreement ended on April 18, 1995.

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.

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

AUG 31 2006



Mauricio J. Tamargo, Chairman



Stephen C. King, 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. 509.5 (e) and (g) (2005).