

**APPEALS TO THE SUPREME COURT OF KOSOVO  
FROM A DECISION OF THE KOSOVO PROPERTY CLAIMS COMMISSION**

***INFORMATION SHEET FOR PARTIES***

**Right of appeal to Supreme Court of Kosovo**

This document provides information on appeals to the Supreme Court of Kosovo for parties dissatisfied with a decision of the Kosovo Property Claims Commission ('KPCC').

Within thirty (30) days of a party's notification by the Kosovo Property Agency ('KPA') of a decision of the KPCC on a claim, a party may submit through the Executive Secretariat of the KPA to the Supreme Court of Kosovo an appeal against such decision.

**Grounds of appeal**

The appeal may be filed on the grounds that:

- (a) The decision involves a fundamental error or serious misapplication of the applicable material or procedural law; or
- (b) The decision rests upon an erroneous or incomplete determination of the facts.

New facts and material evidence presented by any party to the appeal shall not be accepted and considered by the Supreme Court unless it is demonstrated that such facts and evidence could not reasonably have been known by the party concerned prior to the decision of the KPCC.

**How to file an appeal**

An appeal must be submitted in writing to either the KPA headquarters or to any of the KPA's regional or sub-offices. Contact addresses are as below.

The appeal may either be handed over in person to KPA staff or be sent by letter to the KPA offices. An appeal must reach the KPA offices within 30 days of the party's notification of the KPCC decision.

The appeal should contain the following information:

- Name, address and contact details of the appellant. It is recommended that the appeal contains a copy of the appellant's identification document.
- Number and details of the KPCC decision being appealed against.
- Grounds for the appeal

**Procedures for appeals**

In proceedings before the Supreme Court, including but not limited to the submission of an appeal, claimants and respondents shall be represented by a lawyer who is a member of a bar association in Kosovo, the Republic of Serbia or the Republic of Montenegro except for natural persons who may chose to represent themselves. At the discretion of the Presiding Judge in the Supreme Court, a party may also be represented by a member of a foreign bar who has the necessary competence and experience. A lawyer acting for a party must submit to the KPA Executive Secretariat or the Registry for the KPA Appeals Panel at the Supreme Court, a copy of the power of attorney granting the authority to represent such party in the proceedings before the Supreme Court. The Supreme Court may require that such power of attorney be certified.

On receipt of the appeal, the KPA through its Executive Secretariat shall send copies to the other party or parties and shall send the appeal and the related file to the Supreme Court.

Within thirty (30) days of receipt of a copy of the appeal, the other party or parties shall submit a written response to the Supreme Court through the Secretariat of the KPA.

Once an appeal is made to the Supreme Court by a party, the decision of the KPCC is stayed and cannot be executed as long as the case is pending at the Supreme Court.

The proceedings before the Supreme Court shall consist of written proceedings and, where the interests of justice require, an oral hearing may take place.

Until the end of international supervision the Supreme Court shall decide on the appeal in a panel composed of one judge who is a resident of Kosovo and two international judges.

Within fifteen (15) days of the date on which the Supreme Court determines that it has received all the evidence that it requires to decide the appeal, it shall render a decision on the appeal which it shall deliver to the KPA. The KPA shall then serve the Supreme Court's decision on the appeal to the parties.

The decisions of the Supreme Court are final and enforceable and cannot be challenged through ordinary or extraordinary remedies.

### **Further information**

Should you require any further information and guidance on the procedure to be followed in the preparation of an appeal to the Supreme Court, please contact the KPA in the below addresses.

**AKP ZYRET/KPA OFFICES/KANCELARIJE KAI. Selia/Headquarters/Sedište;** Rr.“Nazim Gafurri 31”Prishtinë/Priština, tel.038/249-918, fax.038/249-919. **Prishtinë/Priština;** Rr.“Rexhep Luci 2”/Redžep Ljuci 2, tel.038/225-473, fax.038/244-854. Graçanicë/Gracanica, Vidovdanska bb. **Prizren,** Rr.“Wiliam Walker”pn Prizren (ne zyren e EULEX-it)/Wiliam Walker bb Prizren (EULEX baza), tel.038/760-610; 038/760-611. **Gjilan/Gnjilane;** Rr.“Lidhje e Prizrenit 114” tel.0280/320-289, fax.0280/324-067. **Mitrovicë/Mitrovica;** Rr.“Mbretëresha Teuta”(përballë Jugobankës)/Mbretëresha Teute bb.(preko puta Jugobanke), tel.028/530-136, fax.028/530-139, Pjesa Veriore e Mitrovicës/Severni deo Mitrovice; Rr.Ndërtesa e AKM-së, Dhoma nr.18, Kompleksi i Stacionit Verior të UNMIK-ut/Filipa Višnjica bb. Zgrada TREPCE drugi sprat kancelarija br.18 tel:063/197-6470. **Pejë/Peć;** Rr.“Mbretëresha Teuta 85”/Mbretëresha Teuta 85, tel.039/431-668, fax.039/432-970. **Beograd;** “Kosovës 49”/Kosovska 49,tel.011/334-5513, fax.011/334-5314, 011/334-4452. **Podgoricë/Podgorica;** “Crnogorskih Serdara bb” tel.020/624-216; 020/623-744. **Shkup/Skopje:** “Vinichka No.10” (ndërtesa e CDRIM)/Vinička ulica No.10 (CDRIM-zgrada), prvi sprat, tel; +389 71 886 564. **Kragujevc/Kragujevac,** “Lole Ribara” Street tel: 034 330-234; 330-784 3rd Floor **Nish/Nis** Dusanov Bazar, Kupola 2nd Floor, Office No. 210 tel: 018/203-777