

Kosovo Property Claims Commission  
Komisioni i Kërkesave Pronësore të Kosovës  
Komisija Kosovske Agencije za Imovinu

Perandori Justinian 5  
Pristina  
Tel: +381 (0) 38 249-918  
Fax: +381 (0) 38 249-919  
E-mail: mailbox@kpaonline.org

## DECISION

PANEL NO: 1

DECISION NO.: KPCC/D/A/148/2012  
DECISION DATE: 19/04/2012

Commissioners Heiskanen (Chairperson),  
Vokshi and Wühler

## ORDER

- (1) In each of the 29 (twenty nine) claims identified in parts A and B of the attached Schedule, the Commission decides that the claimant has established ownership of the claimant or the property right holder, as the case may be, over the claimed properties;*
- (2) In each of the 29 (twenty nine) claims referred to in paragraph (1) above, the Commission*  
*orders that*
  - (a) The claimant or the property right holder, as the case may be, be given possession of the claimed property;*
  - (b) The respondent and any other person unlawfully occupying the property vacate the same within 30 (thirty) days of the delivery of this order; and*
  - (c) Should the respondent or any other person unlawfully occupying the property fail to comply with the order to vacate within the time stated, they be evicted from the property;*
- (3) In each of the claims identified in the relevant columns in parts A and B of the attached Schedule, the Commission additionally decides that the claims be dismissed insofar as the claimants seek compensation for physical damage to, or for loss of use of, the claimed property; and*
- (4) In cases in which there is more than one owner, the above decisions and orders do not affect the rights of any respective co-owners.*

## LEGAL FRAMEWORK

1. On 13 June 2008, Law No. 03/L-079 adopting and amending UNMIK Regulation 2006/50 (“UNMIK/REG/2006/50”) on the resolution of claims relating to private immovable property, including agricultural and commercial property entered into force in Kosovo. The Law included an annex (“Annex I”) adopting and amending UNMIK Administrative Direction No. 2007/5 (“UNMIK/ADM/DIR/2007/5”), which implements UNMIK/REG/2006/50. Law No. 03/L-079 and Annex I established the Kosovo Property Agency (“KPA”) as an independent agency and amended certain provisions of UNMIK/REG/2006/50 and UNMIK/ADM/DIR/2007/5 as necessary to effect the change in the applicable legal framework. In accordance with their terms, Law No. 03/L-079 and Annex I entered into force upon their publication in the Official Gazette.

2. Pursuant to section 22 of UNMIK/REG/2006/50 the Regulation ceased to be in force after 31 December 2008. Accordingly, Law No. 03/L-079 is presently the sole source of the Commission’s statutory authority. The provisions of UNMIK/REG/2006/50 remain relevant to the extent that they have been incorporated by reference to Law No. 03/L-079.

## REASONS FOR THE DECISION

3. A claimant is entitled to an order from the Commission for repossession of the property, if the claimant proves:

- (a) ownership of private immovable property, including agricultural and commercial property; or
- (b) a use right in respect of private immovable property, including agricultural and commercial property,

where the claimant or the property right holder, as the case may be, is not now able to exercise such property rights, and where the claim involves circumstances directly related to or resulting from the armed conflict that occurred in Kosovo between 27 February 1998 and 20 June 1999. (See section 3.1 of UNMIK/REG/2006/50 as adopted by Law No. 03/L-079.)

4. Where the claimant makes an ownership claim pursuant to section 3.1(a) of UNMIK/REG/2006/50 as adopted by Law No. 03/L-079, the Commission must resolve the issue of ownership and, if ownership is proven to the satisfaction of the Commission and the claimant does not indicate otherwise, make an order for repossession in favour of the claimant or the property right holder, as the case may be. Where the claimant makes a claim for a property use right pursuant to section 3.1(b) of UNMIK/REG/2006/50 as adopted by Law No. 03/L-079, the Commission may consider the claim in a summary procedure and make an order for recovery of possession. (See section 3.1 of UNMIK/REG/2006/50 read together with section 9 of Annex III of UNMIK/ADM/DIR/2007/5 as adopted by Law No. 03/L-079.)<sup>1</sup>

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<sup>1</sup>There appears to be a technical error in Annex I. While Annex I clearly appears to be intended to replace UNMIK/ADM/DIR/2007/5 in its entirety, including its all three annexes, Article 26 of Annex I provides that the title of Annex III of UNMIK/ADM/DIR/2007/5 shall be replaced by a title referring to Annex II. However, there is neither specific provision nor any other indication in Law 03/L-079 or its Annexes that the intention of this particular amendment was to delete Annex I or Annex II of UNMIK/ADM/DIR/2007/5. Accordingly the Commission considers that all three Annexes of UNMIK/ADM/DIR/2007/5 are included in the legislative package and will be referred to by the Commission in this decision as Sub-Annexes I, II and III, respectively.

5. The Commission held its twenty-eighth session from 17 to 19 April 2012 in Prishtinë/Pristina. A total of 2,135 agricultural property claims were submitted by the Executive Secretariat of the KPA (the "Executive Secretariat") to the Commission at its twenty-eighth session, together with supporting documentation, claims processing reports, verification reports, and other relevant information. Three agricultural property claims which had been presented to the Commission were withdrawn during the session by the Executive Secretariat. The Commission suspended the consideration of six agricultural property claims pending the holding of an oral hearing. In addition, the Commission resolved 25 claims which had previously been suspended pending the holding of an oral hearing. In sum, a total of 2,151 agricultural property claims were resolved by the Commission during the session.

6. At the Commission's session, the Executive Secretariat presented the claims to the Commission and reported on the processing of and the legal and evidentiary issues raised by the claims. At the Commission's request, the Executive Secretariat provided additional information and explanations, as required.

*A. Claims covered by the present decision*

7. In all of the claims covered by the present decision the claimants seek the resolution of an ownership claim, and all of them relate to agricultural properties, including agricultural land, pasture and forests.

8. The present decision applies to the 29 claims identified in the attached Schedule. Claim Nos. 23499, 26057, 35613, 35614 and 42173 have been the subject of an earlier Commission decision.<sup>2</sup> However the earlier decisions in these claims were overturned by the Commission on account of an incorrect notification of the claimed property during claims processing by the Executive Secretariat or on account of other processing errors by the Executive Secretariat which were identified after the decision had been taken. These claims consequently stand to be re-determined following correct notification of the claimed properties. The Executive Secretariat has written to the claimants advising them of the notification error and informing them that the claims will be re-determined following correct notification of the claimed property. The claimants, as well as the relevant cadastral authority have been advised that the previous Commission decisions are invalid and cannot be used for the purposes of any legal transaction. The remaining 2,122 agricultural property claims are covered by decisions KPCC/D/A/147/2012 and KPCC/D/A/149/2012.

9. All 29 claims covered by the present decision are contested in the sense that the party or parties occupying the claimed properties, or a party that has expressed a legal interest in such properties (the "Respondent"), has contested the validity of the claim within the 30-day period prescribed in section 10.2 of UNMIK/REG/2006/50 as adopted by Law No. 03/L-079, or at a later stage during the proceedings, pursuant to section 10.3 of UNMIK/REG/2006/50 as adopted by Law No. 03/L-079.

10. In order to satisfy the requirements for a valid claim, the claimant or the property right holder, as the case may be, must show that he or she had an ownership right in respect of the claimed property, and that he or she is not now able to exercise his or her property right

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<sup>2</sup> Claim No. 35613 was decided by decision KPCC/D/A/19/2008 dated 20 June 2008, Claim Nos. 35614 and 42173 by decision KPCC/D/A/8/2008 dated 22 February 2008 and Claim Nos. 23499 and 26057 by decision KPCC/D/A/13/2008 dated 30 April 2008.

due to the circumstances directly relating to or resulting from the armed conflict that occurred in Kosovo between 27 February 1998 and 20 June 1999.

1. *Contested claims – simple defence*

11. In the six claims identified in part A of the attached Schedule, the party occupying the claimed property, or a party that has expressed a legal interest in such property (the “Respondent”), has either not submitted any legally valid defence in response to the claim or has merely claimed to have the claimant’s permission to use the property, without providing any evidence in support of the allegation. In the absence of any valid defence on the part of the respondents, the Commission finds that the claims stand to be granted.

a. *Claim No. 10326*

12. In Claim No. 10326, the Claimant filed the claim in his capacity as family household member of the property right holder, namely his father. The claimed property was initially incorrectly notified and was found to be occupied by the Respondent, who challenged the claim based on the incorrect notification. The Respondent has not withdrawn his challenge after the second, correct notification of the claimed property.

b. *Claim No. 11021*

13. In Claim No. 11021, the Claimant filed the claim in his capacity of the property right holder. The Claimant submitted a possession list which shows the claimed property being listed in his name. The possession list has been verified by the Executive Secretariat as being genuine. The claimed property was initially incorrectly notified and was found to be occupied by the Respondent, who challenged the claim based on the incorrect notification. The Respondent alleged that he had swapped his property with the claimed property with the Claimant some 30 years ago, however he failed to submit any evidence in support of his allegations. The Respondent has not withdrawn his challenge after the second, correct notification of the claimed property.

c. *Claim Nos. 13267 and 13268*

14. In Claim Nos. 13267 and 13268, the Claimant filed the claims in her capacity as family household member of the property right holder, namely her husband. The Respondent asserted that he bought the claimed properties from the Claimant’s husband, but the evidence submitted by the Respondent does not refer to the claimed parcels. During verification of documents, the Executive Secretariat found out that the claimed properties were incorrectly listed in the Respondent’s and other co-owners’ names, however, they had not been sold to the Respondent. The purchase contract submitted by the Respondent does not relate to the claimed properties, but to different parcels that are claimed in Claim No. 13269. The Municipal Cadastral Office in Ferizaj/Urosevac made the corrections and the claimed properties were reinstated in the name of the property right holder, namely the Claimant’s husband.

d. *Claim Nos. 35613 and 35614*

15. In Claim Nos. 35613 and 35614, the Claimant filed the claims in his capacity as family household member of the property right holder, namely his deceased father. The Respondent asserted that he has permission from the Claimant to use the claimed property. When contacted by the Executive Secretariat, the Claimant stated that he had indeed given a temporary permission to the Respondent to occupy the claimed property, but that verbal

agreement had been terminated and the Respondent had no longer permission to use the property.

*e. Claim No. 56712*

16. Claim No. 56712 was submitted by the Claimant in his capacity of the property right holder. The Claimant submitted a possession list in his and another co-owner's name. The possession list has been verified by the Executive Secretariat as being genuine. During notification of the claimed property, the Respondent challenged the claim but failed to submit any evidence in support of his allegations.

*2. Contested claims – other*

17. In the 23 claims identified in part B of the attached Schedule, the party or parties occupying the claimed properties, or a party that has expressed a legal interest in such properties (the "Respondent"), has contested the validity of the claim, however, the Commission has reached the conclusion that the claims stand to be granted for the reasons set out below.

*a. Claim No. 00312*

18. In Claim No. 00312, the Claimant filed the claim in his capacity of the property right holder. In support of his claim, the Claimant submitted an inheritance decision and court minutes on division of the claimed property. These documents have been verified by the Executive Secretariat as being genuine. During notification of the claimed property, the Respondent challenged the claim, alleging that he had used the property from 1990 until 1999 with permission of the property right holder, and that he paid rent in return. The Respondent alleges that prior to the conflict he had concluded a preliminary agreement with the Claimant to purchase the claimed property and that he paid a deposit to the Claimant, but the final agreement was not reached due to the conflict. He further acknowledges that he continued to use the property after the conflict without the Claimant's consent. The Respondent asserts that the claimed property used to belong to his family until the year 1945, when it was expropriated. The Respondent however failed to provide any evidence in support of his assertions.

*b. Claim Nos. 22219 and 22220*

19. In Claim Nos. 22219 and 22220, the claims were filed by an authorized representative of the Claimant, who claims the properties in his capacity of the property right holder. The Claimant submitted a possession list in his name and an inheritance decision which shows that he has inherited the claimed properties from his father. Both documents have been verified by the Executive Secretariat as being genuine. The Respondent asserts that he purchased the claimed properties in 2001 from the alleged property right holder. However, the Respondent has failed to produce any evidence to substantiate the alleged transaction.

*c. Claim Nos. 23499*

20. In Claim No. 23499, the Claimant filed the claim in his capacity of the property right holder. The Claimant submitted a possession list in his name, which has been verified by the Executive Secretariat as being genuine. During notification of the claimed property, the Respondent challenged the claim, but did not substantiate his challenge, nor provided any evidence in its support.

d. *Claim Nos. 28524 and 92486*

21. In Claim No. 28524, the Claimant filed the claim in his capacity of a family household member of the deceased property right holder, namely his father. Claim No. 92486 was lodged by a different Claimant in his capacity of a family household member of the property right holder, namely his grandfather. Both claims relate to the same property and the first Claimant is the uncle of the second Claimant. The possession list that was found *ex officio* by the Executive Secretariat is in the name of the deceased property right holder and his brother. The Respondent, who is currently using the claimed property, challenged the claim, alleging that he has purchased the claimed property from the alleged property right holder's sons, however, he did not provide any evidence in support of his assertions. The Claimants also deny that the claimed property has been sold.

e. *Claim No. 26057*

22. In Claim No. 26057, the Claimant filed the claim in her capacity as a family household member of the deceased property right holder, namely her husband. The Respondent claims that he has been cultivating the claimed parcel since 1990, with the consent of the property right holder. The Executive Secretariat attempted to contact the Claimant and only managed to reach the Claimant's daughter who stated that the property right holder, namely her father, had not given permission to anyone to use the claimed property. The Claimant has also submitted an inheritance decision that declares her as the heir to the deceased property right holder, however the Commission notes that the decision is not issued by a competent court. Accordingly, the claim stands to be granted in the name of the proven property right holder, namely the Claimant's deceased husband.

f. *Claim Nos. 35690 and 35691*

23. In Claim Nos. 35690 and 35691, the Claimant filed the claims in his capacity as a family household member of the claimed property right holder, namely his deceased father. The Respondent alleges that he is using the claimed property with the permission of the Claimant. When subsequently contacted by the Executive Secretariat, the Respondent also stated that he had purchased a part of the parcel claimed in Claim no. 35690 from the Claimant's father. The Respondent however failed to provide any evidence in support of his allegation. The Claimant's wife stated that her husband has never given permission to anyone to use the properties, and she denied the alleged sale of any part of the claimed properties.

g. *Claim No. 36998*

24. In Claim No. 36998, the Claimant filed the claim in his capacity as a family household member of the property right holder, namely his deceased father. The Executive Secretariat *ex officio* located a certificate for immovable property rights listing the claimed property in the name of the Claimant's father. During notification of the claimed property, the Respondent challenged the claim, asserting that he had purchased the property from the Claimant's father and the Claimant's uncle and as evidence submitted an informal purchase contract concluded in 2000. The Respondent alleges that he was unable to certify the contract in court since the Claimant is living in Serbia. However, the Commission notes that the parcel number of the claimed property is not listed in the said purchase contract. The Claimant confirms that other properties of his father were sold to the Respondent, but not the claimed property.

*h. Claim No. 41350*

25. In Claim No. 41350 the Claimant filed the claim in his capacity as a family household member of the property right holder, namely his deceased mother. The Claimant submitted a possession list, listing the claimed property in the name of his mother. The possession list has been verified by the Executive Secretariat as being genuine.

26. Initially the Respondent alleged that he and his brother purchased the claimed property, together with other properties owned by the Claimant's mother, from the Claimant's mother in 1986, and that he has been using it continuously since then. The Respondent asserts that there was no written purchase contract concluded between the parties, but that he paid the agreed purchase price to the Claimant's mother's bank account. The Respondent further indicated witnesses who could confirm the alleged sale. The Claimant however denied that his mother had sold the claimed property to the Respondent.

27. During its 27<sup>th</sup> session on 29 February 2012 the Commission ordered that an oral hearing be held in this case by one of its members pursuant to section 5.4 of Annex III of UNMIK/ADM/DIR/2007/5 as adopted by Law No. 03/L-079. Both parties and the Respondent's witnesses were invited to attend the oral hearing on 29 March 2012 in the KPA premises in Prishtinë/Pristina. The Respondent, his authorized representative Nexhat Beqiri and the two witnesses named by the Respondent, Sheremet Curri and Imer Mustafa, attended the hearing. The Respondent stated he and his brother Hamdi Makiqi purchased the claimed properties from the Claimant's mother, now deceased Darinka Radec, in 1985 for a purchase price of 150 million dinars. He further asserted that they have been in possession of the claimed properties since then and cultivated the land. The Respondent alleged that he and his brother paid the purchase price in two instalments; an initial payment of 20 million dinars was made in person to the seller Darinka Radec, and the remaining part was paid to her son Momcilo through a Jugobanka bank account. However, the Respondent clarified that the forest, which is the subject of the present claim, was not part of the property transaction between the Respondent and his brother and the Claimant's mother. Indeed, the transaction referred to other properties that are claimed by the Claimant in other claims before the Commission; these claims have been decided by the Commission's decision KPCC/D/A/156/2012.

28. On 3 April 2012, the hearing of the Claimant took place in the KPA premises in Mitrovicë/Mitrovica, as he had not been able to attend the hearing in Prishtinë/Pristina. The Claimant stated that he is the owner of the claimed parcel, a forest in the village Resnik as evidenced by the possession list. He also alleged that the forest was cut after 1999 by unauthorized persons, however he stated that he did not sell the claimed property to anyone.

29. Based on the evidence before it, including the evidence offered at the oral hearings, the Commission is satisfied that the Claimant's mother is the property right holder and that the claimed property has not been sold. Claim No. 41350 therefore stands to be granted in the name of the Claimant's deceased mother as the property right holder.

*i. Claim Nos. 42173 and 42175*

30. In Claim Nos. 42173 and 42175, the Claimant filed the claims in his capacity as a family household member of the property right holder, namely his deceased father. As regards Claim No. 42173, the Claimant submitted a possession list in the name of the property right holder; the document has been verified by the Executive Secretariat as being genuine. The Respondent challenged the claim by asserting that his father purchased the claimed property in 1977 from a third person. However, the Respondent did not submit any documents in

support of his allegations. The Claimant denied that there had ever been a sale and stated that the claimed property belonged to his father.

31. As regards Claim No. 42175, the Claimant alleges that his deceased father in his capacity as the property right holder, exchanged the claimed parcel 581/2 with the Respondent's parcel 1045/1 prior the 1999 conflict. According to the Claimant, the exchange was made pursuant to a contract on exchange, however, this transaction is not yet reflected in the cadastre records. The Claimant's statement was confirmed by the Respondent Ibrahim Jasharaj, who confirms that the parcels in question were exchanged in 1981. The Respondent also alleges that he paid an additional amount of money to the Claimant's father as the property exchanged was worth more than his property. According to the Respondent, the contract on exchange was burned during the conflict.

32. Taking into account that both parties to Claim No. 42175 agree that there had been an exchange of properties, the Commission considers that the Claimant's claim stands to be granted in the name of his deceased father for the exchanged parcel 1045/1, but not for the originally claimed parcel.

*j. Claim Nos. 47401, 47402, 47405 and 47408*

33. In Claim Nos. 47401, 47402, 47405 and 47408, the Claimant filed the claims in his capacity as a family household member of the property right holder, namely his great grandfather. The Claimant submitted a possession list in the name his great grandfather. This document has been verified by the Executive Secretariat as being genuine.

34. The Respondent to Claim Nos. 47401 and 47402, who is currently using the properties, asserts that he purchased the claimed properties a long time ago, however, the contract documents were burned during the conflict. He refused to cooperate further with the Executive Secretariat.

35. The Respondent to Claim No. 47405, who is currently using the property, also asserts that he purchased the claimed property from the Claimant. However, he refused to cooperate with the Executive Secretariat.

36. The Respondent to Claim no. 47408 alleges that he purchased the claimed property from a third party, not from the alleged property right holder or his family. He further asserts that the transaction was concluded based on an informal agreement, and that all documents indicating the sale were destroyed during the conflict.

37. Accordingly, the Commission notes that none of the three Respondents provided any evidence in support of their allegations.

*k. Claim Nos. 10302 and 10303*

38. In Claim Nos. 10302 and 10303, the Claimant filed the claims in her capacity of the property right holder. The Claimant states that she is the sole owner of the property claimed in Claim No. 10302, while in Claim No. 10303 she claimed co-ownership. The property claimed in Claim No. 10302 was found to be in the name of the Claimant's husband, however, based on an inheritance decision issued after the passing away of her husband, the Claimant inherited the claimed property. According to the inheritance decision the Claimant also inherited an ideal part of 1/5 of the property claimed in Claim No. 10303. The said inheritance decision has been verified by the Executive Secretariat as being genuine.



39. The Respondent, who is currently using the property claimed in Claim No. 10302, challenges the Claimant's claim. The Respondent contends that the claimed property belongs to his family since it was given to them in 1986 through a land consolidation process. According to the Respondent, he and his family were using the claimed property until 1995, when they were allegedly forcefully evicted by the police.

40. The Respondent in Claim No. 10303 similarly asserts that the claimed property was given to his family in 1986 through a land consolidation process, and that they were using it until 1995 when the police allegedly evicted them by force.

41. The Executive Secretariat requested both Respondents to submit the land consolidation decision or any other documentation that would show their alleged property rights. Both Respondents replied that they are not interested in submitting any documentation to the Executive Secretariat and stated that they are interested in purchasing the respective properties. Both Respondents failed to submit any evidence in support of their allegations.

*l. Claim No. 14022*

42. In Claim No. 14022, the Claimant filed the claim in her capacity of the property right holder, namely co-owner of the claimed property. The Claimant submitted an inheritance decision and a possession list listing the property in her name, both of which have been verified by the Executive Secretariat as being genuine. During notification, the claimed property was found occupied by the Respondent who challenged the claim, asserting the property belongs to his family. The Respondent submitted evidence, however this evidence is not related to the claimed parcel, but rather to a parcel which is adjacent to the claimed property. The Executive Secretariat contacted the Respondent requesting him to submit relevant evidence, but he has failed to do so.

43. The Claimant denied the Respondent's allegations and maintained that she is the co-owner of the claimed property together with her siblings.

*m. Claim No. 25504*

44. Claim No. 25504, the Claimant filed the claim in his capacity of the property right holder. During notification, the claimed property was found occupied by the Respondent who challenged the claim and submitted a purchase contract dated 2002 concluded between the Claimant's brother as seller and the Respondent and a third party as buyers. According to the contract, the Claimant's brother sold his ideal part of ½ of the property to the Respondent. The claimed parcel was subsequently divided into two new sub-parcels, and the Claimant in Claim No. 25504 claims his sub-parcel. It remains uncontested that he is the owner and he did not sell his sub-parcel. When contacted by the Executive Secretariat, the relevant Municipal Cadastral Office confirmed that for the sub-parcel owned by the Claimant, his brother was erroneously listed as a co-owner. The Respondent does not contest the Claimant's ownership of the sub-parcel.

*n. Claim No. 38251*

45. Claim No. 38251 was filed by the Claimant in her capacity as the property right holder. She has submitted a verified inheritance decision, based on which she and her brother have inherited the claimed property from their father.

46. The Respondent who is currently using the claimed property initially alleged that he purchased the claimed property in 1984 and has been in uninterrupted possession ever since.

He further asserted that the documents and other evidence that would prove the transaction were destroyed during the conflict. The Respondent explained that he was unable to register the transaction in the cadastral records due to political circumstances. However, when the Executive Secretariat requested him to substantiate his allegations, the Respondent stated that he purchased the property already some 50 years ago. The Claimant denies that the claimed property has been sold.

47. The Commission notes that the Respondent's various statements regarding the date and the circumstances of the alleged transaction are inconsistent and therefore not credible. The Commission concludes that the Respondent has failed to raise a valid challenge to the Claimant's claim.

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48. In view of the foregoing, the Commission is satisfied, based on the evidence before it, that in the claims identified in parts A and B of the attached Schedule:

- (a) the claimant or the property right holder, as the case may be, had an ownership right in respect of the claimed property, or such part thereof as specified in the respective individual decision;
- (b) the claimant or the property right holder, as the case may be, in each case is not now able to exercise his or her ownership right; and
- (c) the claim in each case involves circumstances directly related to or resulting from the armed conflict that occurred in Kosovo between 27 February 1998 and 20 June 1999.

49. Accordingly, since the claimants in each of the claims identified in parts A and B of the attached Schedule have proven their ownership right over the claimed property, and in the absence of any valid defence on the part of the respondents, all of these claims stand to be granted.

### 3. *Compensation claims*

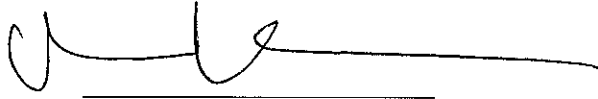
50. The Commission notes that in some of the claims covered by the present decision the claimants seek compensation for damage to, or loss of use of, the claimed properties. Under UNMIK/REG/2006/50 as adopted by Law No. 03/L-079 the Commission has no jurisdiction over compensation claims. Accordingly the claims for compensation must be dismissed.

### *B. Concluding remarks*

51. The Commission's decision and order also apply, where appropriate, to any associated property, *i.e.* any buildings or other constructions owned or used by the claimant or the property right holder, as the case may be, which form a unit with the claimed property.

52. Section 8.8 of Annex III of UNMIK/ADM/DIR/2007/5 as adopted by Law No. 03/L-079 allows the Chairperson of the Commission to sign a cover decision approving all individual claims identified in the cover decision, if the number of claims decided in a session is high. The Commission considers that this is appropriate in the present case.

53. The Commission's decision is without prejudice to the right of the claimants or the property right holders, as the case may be, to seek confirmation of their property right over the claimed properties before the competent local authorities, such as the cadastral authorities or local courts, in accordance with the applicable law.



Chairperson

**APPEALS**

UNMIK/REG/2006/50 and the Law No. 03/L-79 provide that:

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

12.3 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.

Information on the appeals procedures is contained in the separate Appeals Information Sheet provided to parties with this decision.

**\* The English version is the official of all Property Claims Commission decisions. In case of conflict between the English language version and the Albanian or Serbian language version, then the meaning in the English language shall prevail.**

Spreadsheet /Lista /Prilog

Part A/Pjesa A/Deo A

KPA10326	KPA13267	KPA13268	KPA35614	KPA35613	KPA11021	
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Spreadsheet /Lista /Prilog

Part B/Pjesa B/Deo B

KPA26057	KPA35690	KPA35691	KPA38251	KPA56712	KPA36998	KPA47401
KPA47402	KPA47405	KPA47408	KPA10302	KPA10303	KPA14022	KPA22219
KPA22220	KPA23499	KPA25504	KPA28524	KPA92486	KPA00312	KPA42173
KPA42175	KPA41350					