



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

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## **DECISION**

PANEL NO: 1

DECISION NO.: KPCC/D/A/149/2012  
 DECISION DATE: 19/04/2012

Commissioners Heiskanen (Chairperson),  
 Vokshi and Wühler

## **ORDER**

- (1) In each of the one hundred and fifty four (154) claims identified in parts A and C of the attached Schedule, the Commission decides that the claim be dismissed;*
- (2) In each of the seventy seven (77) claims identified in parts B and D of the attached Schedule, the Commission decides that the claim be refused; and*
- (3) In each of the claims identified in the relevant columns in parts B and D of the attached Schedule, the Commission additionally decides that the claim be dismissed insofar as the claimants seek compensation for physical damage to, or for loss of use of, the claimed property.*

## 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 or the property right holder, as the case may be, 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 all its 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. One agricultural property claim was referred by the Commission back to the Executive Secretariat for further processing. 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 2,150 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 the claims covered by the present decision, the claimants seek the resolution of an ownership claim. All of the claims relate to agricultural property, including agricultural land, pasture and forests.

8. The present decision covers a total of 231 claims, as identified in the attached Schedule. The remaining 1,919 claims for agricultural property dealt with by the Commission during the session are covered by two other decisions, namely decisions KPCC/D/A/147/2012 and KPCC/D/A/148/2012.

9. A total of 219 of the claims covered by the present decision had not previously been considered by the Commission, while twelve claims identified in the relevant columns of part C of the attached Schedules were the subject of an earlier Commission decision. However the earlier decisions in these claims were overturned by the Commission on account of an incorrect notification by the Executive Secretariat of the claimed property during claims processing or on account of other processing errors by the Executive Secretariat which were identified after the respective decision had been taken. These claims consequently stand to be re-determined following correct notification of the claimed property. 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.

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 or use right in respect of the claimed property, and that he or she is not now able to exercise his or her property right 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.

11. The Commission notes that the 96 claims listed in parts A and B of the attached Schedule to this decision are contested in the sense that the party 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. Pursuant to section 10 of UNMIK/REG/2006/50 as adopted by Law No. 03/L-079, each of the Respondents has been provided with a copy of the claim submitted by the respective Claimant. In accordance with section 3.5 of Annex II to UNMIK/AD/2007/5 as adopted by Law No. 03/L-079, the Claimants have been provided with a copy of the documents submitted by the respective Respondent in response to the claim. Both parties in each case have thus been given an opportunity to comment on the information provided by the other party, and any such comment or information has been taken into account during claim processing and adjudication.

12. The Commission notes that the 135 claims listed in parts C and D of the attached Schedule to the decision are uncontested in the sense that at the time the claimed properties were notified there was no evidence of illegal occupation, use or cultivation of these properties by any person or, even if there was such evidence, no party 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 any later stage during the proceedings, pursuant to section 10.3 of UNMIK/REG/2006/50 as adopted by Law No. 03/L-079. The Executive Secretariat has notified claims in a variety of ways including through the physical notification of the property and/or through notification of the property via publication in gazette and newspapers, through local municipal authorities, municipal courts, local village leaders and through other relevant institutions in Kosovo and Serbia. Based on the information provided by the Executive Secretariat, the Commission is satisfied that the Executive Secretariat has made reasonable efforts to notify the claimed properties, the persons who may be currently occupying the properties, and any other persons who may have a legal interest in such properties, as required by section 10.1 of UNMIK/REG/2006/50 as adopted by Law No. 03/L-079. Accordingly these claims must be considered uncontested.

#### *B. Claims dismissed*

13. Pursuant to section 11.4 of UNMIK/REG/2006/50 as adopted by Law No. 03/L-079, the Commission shall dismiss the whole or part of a claim where:

- (a) The claimant has failed to file a complete claim in accordance with the procedures set out in the Regulation;
- (b) The claim is not within the scope of jurisdiction of the KPA; and
- (c) The claim has previously been considered and decided in a final administrative or judicial decision.

14. Section 8.6 of Annex III of UNMIK/ADM/DIR/2007/5 as adopted by Law No. 03/L-07907/50 provides the Commission with the power to dismiss or refuse a claim on any ground, including those set down in section 11.4 of UNMIK Regulation 2006/50.

15. Claims which are dismissed as falling outside the Commission’s jurisdiction or for procedural reasons and not on account of the merits of the claim may be capable of resolution through the local courts, subject to the applicable law. In such claims the Commission’s decision does not constitute a *res judicata*. Section 3.2 of UNMIK/REG/2006/50 as adopted by Law No. 03/L-079 confirms the claimants’ right to pursue before courts of competent jurisdiction claims that do not fall within the mandate of the Commission, as set out in section 3.1 of UNMIK/REG/2006/50 as adopted by Law No. 03/L-079. (See also section 8.1

of Annex III of UNMIK/ADM/DIR/2007/5 concerning the Commission's authority to refer issues arising in connection with a claim which are not within its jurisdiction, to a competent local court or administrative board or tribunal.)

16. Pursuant to section 3.1 of UNMIK/REG/2006/50 as adopted by Law No. 03/L-079, the jurisdiction of the Commission is limited to property claims that are conflict-related in the sense that they involve circumstances directly related to or resulting from the armed conflict that occurred between 27 February 1998 and 20 June 1999, where the claimant is not now able to exercise such property rights. In order to establish whether or not a claim falls within its jurisdiction, the Commission must determine whether the claimant or the property right holder, as the case may be, has been displaced from the claimed property, or has lost possession or control over such property, as a consequence of the conflict. The Commission must also establish whether the claimant or the property right holder, as the case may be, is now able to exercise his or her rights over the claimed property.

17. While the Commission has taken the view that a loss of possession that occurred outside the period 27 February 1998 and 20 June 1999 may nonetheless be considered to be directly related to or result from the conflict, depending on the circumstances of the case, it must be satisfied that there is some evidence indicating that the property loss involved circumstances surrounding the conflict.

*I. Contested Claims*

*1. Voluntary disposal or ability to exercise property right*

*a. Claim No. 06282*

18. Claim No. 06282 has been filed by the Claimant in his capacity as the alleged property right holder. The Claimant submitted a possession list No. 43 listing him as a co-owner of the claimed property with his sister. The Respondent alleges that he purchased the claimed property from the Claimant in 1987 but the documents were destroyed during the war. However, the Executive Secretariat located *ex officio* a certificate for the immovable property rights No. UL-72217090-00558, listing the claimed property in the name of a third party, Hestet Ajeti, pursuant to a purchase contract No. 3587/07. When contacted by the Executive Secretariat, the Claimant confirmed that he had sold the claimed property to the third party in 2007. The Claimant agreed to withdraw the claim, but failed to do so. Accordingly, the claim falls outside the jurisdiction of the Commission and stands to be dismissed.

*b. Claim No. 10310*

19. Claim No. 10310 has been filed by the Claimant in his capacity as the alleged property right holder. The Claimant submitted a contract on gift Vr. Nr. 1630/2004, pursuant to which he was given an ideal part of one fourth of the claimed property and a possession list No. 23 listing him as the owner of part of the claimed property. The Respondent alleges that he bought the claimed property from the Claimant and remaining co-owners and submitted a purchase contract No. 2278/2007 and an updated certificate for the immovable property rights No. 217 listing the Respondent and Rrahman Olluri as the owners of the claimed property, which was divided into two parcels. The Claimant submitted a written statement dated 5 September 2007 stating that he wanted to withdraw the claim, as he had sold it in 2007. The Claimant also submitted a copy of the purchase contract. He was contacted by the Executive Secretariat and asked to sign a withdrawal form at one of the KPA offices,

however, the Claimant has failed to do so. Accordingly, the claim falls outside the jurisdiction of the Commission and stands to be dismissed.

*c. Claim No. 13269*

20. Claim No. 13269 has been filed by the Claimant in her capacity as a family household member of the alleged property right holder, namely his wife. The Respondent alleges that he bought the claimed property with three co-owners and submitted a purchase contract No. 3325/06 verified at the Municipal Court in Ferizaj/Uroševac on 7 August 2006 and a receipt of payment of € 18,620 for three land parcels, which includes the claimed property, signed by the property right holder and the Respondent. The Executive Secretariat located *ex officio* a certificate for the immovable property rights listing the claimed property in the name of the Respondent and the co-owners. The Claimant initially stated that the property right holder had been pressured into selling the claimed property to the Respondent, and that the full purchase price had not been paid. However, she later submitted a written statement through the UNHCR Property Office confirming that the property had been sold to the Respondent but that she felt betrayed by the Respondent, as he had agreed to buy the other properties owned by the property right holder and had reneged on their agreement. The Claimant did not withdraw the claim. Accordingly, the claim falls outside the jurisdiction of the Commission and stands to be dismissed.

*d. Claim Nos. 22485 and 22486*

21. Claim Nos. 22485 and 22486 have been filed by the Claimant in his capacity as the alleged property right holder. The Respondent in Claim No. 22485, who is currently occupying the claimed property, alleges that he purchased the claimed property from the Claimant in 2007. The Executive Secretariat found *ex officio* certificates for the immovable property rights over the claimed properties which lists the two Respondents as owners of the respective claimed properties. The Claimant subsequently confirmed the sale of the claimed properties to the two Respondents in 2007 but did not withdraw the claims. Accordingly, the claims fall outside the jurisdiction of the Commission and stand to be dismissed.

*e. Claim Nos. 23029 and 23030*

22. Claim Nos. 23029 and 23030 have been filed by the Claimant in his capacity as the alleged property right holder. The Claimant submitted a contract on lifelong care showing that he was granted ownership over the claimed properties after his father's death. The Respondent alleges that he purchased the claimed properties from the Claimant's father through his lawyer, Sait Hiseni on 2 June 2003 and submitted a certified purchase contract Vr. Nr. 9272/2003, pursuant to which the Cadastral records were updated in the name of the Respondent. The Respondent submitted a copy of the possession list No. 338, listing the claimed properties in his name. During the processing of the claims, the Claimant submitted a written statement on 17 November 2011, acknowledging that the claimed properties had been sold to the Respondent. Accordingly, the claims fall outside the jurisdiction of the Commission and stand to be dismissed.

*f. Claim No. 23754*

23. Claim No. 23754 has been filed by the Claimant in his capacity as a family household member of the alleged property right holder, namely his father. The Claimant submitted a possession list No. 2 issued on 17 June 2004, listing the claimed property in the name of the property right holder. The Respondent, who currently occupies the claimed property,

submitted a certified purchase contract No. 854/2009 dated 24 March 2009 concerning the claimed property, signed by the Claimant's authorized representative and the Respondent. The Respondent also submitted a certified power of attorney, by which the Claimant authorized his lawyer, Bedri Godanci, to sell the claimed property to the Respondent. The Executive Secretariat located *ex officio* an updated certificate for the immovable property rights No. UL-71010022-00202 dated 28 February 2012, which lists the claimed property in the name of the Respondent. The Executive Secretariat contacted the Claimant informing him of the above. The Claimant confirmed that the claimed property had been sold in 2009, but that he does not have time to withdraw the claim. Accordingly, the claim falls outside the jurisdiction of the Commission and stands to be dismissed.

*g. Claim No. 25055*

24. Claim No. 25055 has been filed by the Claimant in his capacity as a family household member of the alleged property right holder, namely the property right holder's son. The Claimant submitted a purchase contract No. 26/1965 from 1965 and a possession list listing the claimed property in the name of the alleged property right holder. The Respondent states that his sister in law purchased the claimed property from the alleged property right holder and submitted a purchase contract No. 5663/2003, based on which the cadastral records were updated in 2003 and the claimed property was registered in her name on possession list No. 257. Both parties allege that the initial purchase price had not been received by the alleged property right holder, as third parties involved in the process had defrauded the property right holder from receiving the purchase price. The Claimant filed a claim before the Municipal Court in Pejë/Peć on 21 April 2005 for annulment of the purchase contract on the basis that the transaction was forged. The parties reached a Court Settlement C.nr. 727/05 on 15 December 2009, whereby the Respondent agreed to pay the property right holder a sum of € 18,500. The Claimant refuses to withdraw the claim on the basis that there is another residential dispute pending resolution before the Commission. The Commission considers that the court settlement on the subject matter constitutes *res judicata* and the claim therefore stands to be dismissed. Furthermore, since the Claimant confirmed that the claimed property has been sold, the claim falls outside the jurisdiction of the Commission and stands to be dismissed on this ground as well.

*h. Claim Nos. 26113 and 26116*

25. Claim Nos. 26113 and 26116 have been filed by the Claimant in her capacity as a family household member of the alleged property right holder, namely the property right holder's daughter. The Respondent alleges that he bought the claimed property in 2004 and submitted a purchase contract No. 3295/04 dated 29 December 2004 and possession list No. 325, updated according to the purchase contract. When contacted by the Executive Secretariat, the Claimant confirmed that the claimed properties had been sold but that she could not withdraw her claims. Accordingly, the claims fall outside the jurisdiction of the Commission and stand to be dismissed.

*i. Claim No. 29145*

26. Claim No. 29145 has been filed by the Claimant in his capacity as the property right holder. The Respondent alleges that he purchased the claimed property from the Claimant and submitted a purchase contract No. 7325/2009 verified by the Municipal Court in Pejë/Peć on 16 September 2009 and an updated certificate for the immovable property rights listing the claimed property in his name. Upon being contacted by the Executive Secretariat, the Claimant confirmed that he had sold the claimed property to the Respondent and no longer

wishes to claim legal rights over the property. The Claimant did not withdraw the claim. Accordingly, the claim falls outside the jurisdiction of the Commission and stands to be dismissed.

*j. Claim No. 30668*

27. Claim No. 30668 has been filed by the Claimant in his capacity as the family household member of the alleged property right holder, namely the son of the alleged property right holder. The Claimant submitted a certified contract on lifelong care III R. br. 28/95 dated 27 April 1995, according to which he would inherit the claimed property upon his mother's death. The Respondent claimed a legal right to the claimed property but refused to cooperate with the Executive Secretariat. During the processing of the claim, the Claimant confirmed that he had sold the claimed property in 2011. When asked to withdraw his claim, he refused. Accordingly, the claim falls outside the jurisdiction of the Commission and stands to be dismissed.

*k. Claim No. 33210*

28. Claim No. 33210 has been filed by the Claimant in her capacity as a family household member of the alleged property right holder, namely her mother. The Claimant submitted a possession list No. 3501, listing the claimed property in the name of the property right holder. The claimed property was inherited by the Claimant and other sixteen co-owners pursuant to an inheritance decision T.nr. 80/2000 dated 21 February 2003 and cadastral updates were made based on this inheritance decision. The Executive Secretariat contacted the Claimant and asked her to submit her mother's death certificate and the inheritance decision, which she has not done. The Respondent alleges that he purchased the claimed property from the Claimant and the other co-owners, pursuant to a purchase contract Ov. br. 8220/2008, concluded between the authorized representative of the Claimant and co-owners, Slavisa Vukosavljevic and the Respondent on 14 June 2008, which the Respondent submitted as evidence. The Respondent states further that he had sold the claimed property on to third parties, namely Bajram Elezkurtaj and the Vukrii family (Kujtim, Fadil, Flora and Besarta). The Executive Secretariat located *ex officio* the certificate for the immovable property rights in the names of these third parties and contacted the Claimant, who confirmed that the claimed property had been sold to the Respondent. Accordingly, the claim falls outside the jurisdiction of the Commission and stands to be dismissed.

*l. Claim No. 34140*

29. Claim No. 34140 has been filed by the Claimant in her capacity as a family household member of the alleged property right holder, namely her mother. The Claimant acknowledges that the claimed property has been sold to Shefqet Imeri and Isi Murgli and requests that the Commission require Isi Murgli to pay the outstanding amount as the purchase price was not paid in full. The Claimant submitted a possession list No. 1119 listing her mother as the owner of the claimed property. However, the Executive Secretariat located *ex officio* possession list No. 140 registered in the name of Shefqet Imeri, updated pursuant to a certified purchase contract Vr. Nr. 119/2003 dated 7 February 2003. The Executive Secretariat contacted the Claimant and she confirmed that the claimed property had been sold and she agreed to withdraw her claim. However, the Claimant has failed to do so. In these circumstances the claim falls outside the jurisdiction of the Commission and stands to be dismissed.

*m. Claim Nos. 36999, 37427 and 51521*

30. Claim Nos. 36999, 37427 and 51521 have been filed by the Claimant in his capacity as a family household member of the alleged property right holders, namely his father in Claim No. 36999 and his uncle in Claim Nos. 37427 and 51521. The Claimant submitted a contract on division Ov. br. 179/95 dated 16 November 1994 pursuant to which his father and uncle were given the claimed properties. The Executive Secretariat located *ex officio* certificates for the immovable property rights listing the claimed properties in the names of the respective property right holders. The Respondent alleges that he purchased the claimed properties from the property right holders and submitted an uncertified purchase contract in respect of the claimed properties dated 11 August 2000. He explained that it was not possible to certify the purchase contract, as the Municipal Court in Kamenicë/Kamenica requires that all the parties be present. The Executive Secretariat contacted the Claimant and asked him to submit a power of attorney from his uncle, as he does not fall within the definition of family household member. The Claimant failed to do so. However, the Claimant confirmed that the claimed properties had been sold by the property right holders to the Respondent on 11 August 2000. Accordingly, the claims fall outside the jurisdiction of the Commission and stand to be dismissed.

*n. Claim No. 49412*

31. Claim No. 49412 has been filed by the Claimant in his capacity as the property right holder. The Claimant submitted a possession list No. 4, listing him as the owner of the claimed property. The Respondent alleges that he purchased the claimed property from the Claimant and submitted a certified purchase contract No. 186/2000 dated 1 August 2000 signed between the Claimant and the Respondent and his four brothers. When contacted by the Executive Secretariat, the Claimant's wife confirmed that the claimed property had been sold in 2000 but refused to withdraw the claim. Accordingly, the claims fall outside the jurisdiction of the Commission and stand to be dismissed.

*o. Claim Nos. 49642, 49643 and 49644*

32. Claim Nos. 49642, 49643 and 49644 have been filed by the Claimant in her capacity as the property right holder. The Claimant submitted a certificate for the immovable property rights No. UL 72514014-00240, listing her as the owner of the claimed properties. The two brothers who are currently using the property responded to the claim and allege that they purchased the claimed properties from the Claimant and submitted a certificate for the immovable property rights No. UL 72514014-00240, listing the claimed properties in the name of one of the Respondents and a cadastral decision 38/2008 dated 14 February 2008, pursuant to which the changes were made to the cadastral records. The Executive Secretariat located *ex officio* an updated certificate for the immovable property rights No. UL 72514014-00240, listing the claimed properties in the name of the same Respondent. This was based on a purchase contract Vr. Nr. 516/2008 dated 29 January 2008. When contacted by the Executive Secretariat, the Claimant confirmed that the claimed properties had been sold but refused to withdraw her claims, as she wished to request compensation for the use of the claimed properties from 1999 – 2008 by the Respondents without her permission. Accordingly the claims fall outside the jurisdiction of the Commission and stand to be dismissed. The claims for compensation also fall outside the jurisdiction of the Commission and stand to be dismissed.

*p. Claim No. 53652*

33. Claim No. 53652 has been filed by the Claimant in her capacity as a family household member of the alleged property right holder, namely her grandfather. The Claimant submitted a possession list No. 26 listing her grandfather as the owner of the claimed property. The Respondent alleges that the Claimant's father, Sava Ristic, sold the claimed property to him on 16 September 2009 and submitted a purchase contract No. 7475/2009. He stated that he did not register the claimed property for property tax reasons. The Executive Secretariat located *ex officio* five certificates for the immovable property rights, listing the claimed property in the name of the Respondent. When contacted by the Executive Secretariat, the Claimant confirmed that her father had sold the claimed property in 2009 and since she was living abroad, she could not withdraw the claim. Accordingly, the claim falls outside the jurisdiction of the Commission and stands to be dismissed.

*q. Claim No. 26474*

34. Claim No. 26474 has been filed by the Claimant in his capacity as a family household member of the alleged property right holder. The Claimant submitted a possession list No. 2034 dated 6 November 2001, listing the claimed property in the name of the property right holder. The Respondent Shefqet Jashari alleges that he purchased the claimed property in 2003. He submitted an uncertified copy of a purchase contract concluded between the property right holder and the Respondent's representative Avni Hetemi, dated 26 October 2003, and an invoice dated 26 October 2003, prepared by the property right holder's lawyer Avni Ibrahimimi for the full purchase price. The Executive Secretariat contacted the property right holder's lawyer Avni Ibrahimimi, who confirmed that the sale and payment had taken place. The Respondent also submitted possession list No. 2034 dated 8 August 2007 and 2 October 2007, possession list No. 8317 dated 3 February 2004, and a copy plan No. 41 dated 2 March 2003, listing the claimed property in the name of the Respondent. The Respondent submitted a purchase contract No. 236/04 dated 4 February 2004 concluded between the property right holder and the Respondent and a purchase contract No. 2006/5 concluded between the Respondent and his brother dated 7 June 2005, pursuant to which the Respondent sold the claimed property to his brother Ekrem Jashari. The Executive Secretariat found *ex officio* that the claimed property is also registered in the cadastral records, in the certificate for the immovable property rights No. 2034 dated 11 May 2008 and 10 April 2010, in the name of the Respondent's brother Ekrem Jashari. When the Executive Secretariat contacted the Claimant to inform him of the above, the Claimant continued to deny the sale. However, when the Executive Secretariat contacted the Respondent, he explained that his brother Ekrem Jashari has a joint interest in the claimed property, and his name is therefore on some of the documentation.

35. Based on the evidence before it, the Commission is satisfied that the Claimant sold the claimed property in 2003. Accordingly, the claim falls outside the jurisdiction of the Commission and stands to be dismissed.

*r. Claim Nos. 00264 and 92290*

36. Claim Nos. 00264 and 92290 have been filed by an authorized representative of the Claimant who claims the properties in his capacity as the property right holder. The Claimant is seeking confirmation of ownership and repossession of the claimed property, in each claim an ideal part of one fourth of the claimed property.

37. The Respondent alleges that he purchased the claimed property from the property right holders' father, Sava Jagodic in 1986 and has been in possession of the property ever since. However, he asserts that the cadastral records were not updated. He claims that he renewed the purchase contracts with the property right holders in Claim Nos. 00264 and 92290 on 19 July 2011 and that the cadastral records were updated in his name for an ideal part of ½ of the claimed property. The Executive Secretariat contacted the Claimant and he confirmed that he and the co-owners have sold the claimed property to the Respondent and that he would withdraw the claims but has not done so. Accordingly, Claim Nos. 00264 and 92290 stand to be dismissed since the Claimant disposed of the properties voluntarily.

2. *No loss of possession as a result of the conflict*

a. *Claim No. 00078*

38. Claim No. 00078 has been filed by the Claimant in his capacity as the property right holder. The Claimant submitted a certificate for the immovable property rights No. 703014035-1287, listing the claimed property, as socially owned property, in the name of the Kosovo Forest Agency; a copy of a lawsuit filed at the Municipal Court in Prishtinë/Priština P. 697/61 dated 31 August 1961, in which his father seeks acknowledgment of his ownership rights over the claimed property; and an administrative decision 03/8967 dated 6 July 1964, by which his father's appeal against administrative decision 649/61 on confiscation of the claimed property by the Municipality dated 28 February 1963, was rejected for lack of evidence of ownership. The Claimant alleges that he has been in possession of the claimed property, which he inherited from his grandfather. The authorized representative of the Respondent, the Kosovo Forest Agency, Murat Lepaja, alleged that the Respondent is the owner of the claimed property. The Executive Secretariat located *ex officio* possession list No. 190 listing the claimed property, as socially owned property, in the name of the Kosovo Forest Agency. The Executive Secretariat contacted the Claimant and he confirmed that the claimed property had been confiscated by the state in 1928, and that he was not in possession of the claimed property immediately prior to or during the 1998-1999 conflict. The Claimant's loss of possession of the claimed property was therefore not a result of the circumstances directly related to or resulting from the 1998-1999 conflict. Accordingly, the claim falls outside the jurisdiction of the Commission and stands to be dismissed.

b. *Claim No. 10014*

39. Claim No. 10014 has been filed by the Claimant in his capacity as the property right holder. The Claimant states that he purchased the claimed property from Nysret Avdiu and submitted a purchase contract No. 1009/2001 dated 13 November 2001 and a possession list No. 3690 listing the claimed property in his name. The Respondent alleges that the claimed property belongs to his family and that his cousin Nysret Avdiu sold the claimed property without authorization. There is a court proceeding initiated in this case. When contacted by the Executive Secretariat, the Claimant confirmed that he did not lose possession of the claimed property as a result of the conflict, because he acquired the property only in 2001. Consequently, as there is no conflict related loss of possession or inability to exercise property rights over the claimed property, the claim stands to be dismissed as falling outside the jurisdiction of the Commission.

c. *Claim No. 10477*

40. Claim No. 10477 has been filed by the Claimant in his capacity as the property right holder. The Claimant initially sought payment of the outstanding amount of the purchase

price or alternatively repossession of the claimed property. The Claimant subsequently amended his claim requesting repossession of the claimed property only. The Claimant states that he concluded a purchase contract with the Respondent, along with the other four co-owners, on 24 December 1996. He alleges that the Respondent did not pay the entire purchase price. The Respondent confirms that he has not paid the entire purchase price, as the Claimant requested that the remaining amount be paid in Euro, as opposed to Deutsche Mark at the rate of one Euro for one Deutsche Mark. The Respondent therefore filed a lawsuit before the Municipal Court in Prishtinë/Priština No. 1851/2006 on 8 October 2006 for the determination of his ownership rights over the claimed property. This proceeding is still pending. The Claim was previously filed with the Housing and Property Directorate (“HPD”) under Claim No. DS003511, but was rejected as the Housing and Property Claims Commission (“HPCC”) found that it was not a residential property claim.

41. The Commission finds that the claim relates to a dispute that arose before the 1998-99 conflict and that the Claimant did not lose possession as a consequence of the conflict. Accordingly, the claim falls outside the jurisdiction of the Commission and stands to be dismissed. Moreover, pursuant to section 18 of UNMIK/REG/2006/50 as adopted by Law No. 03/L-079, the Commission’s jurisdiction is excluded if judicial proceedings in respect of the claim have been commenced prior to 16 October 2006, the date on which UNMIK/REG/2006/50 entered into force. As the judicial proceedings in respect of the claimed property were commenced by the parties on 8 October 2006, the claim is not within the jurisdiction of the Commission and stands to be dismissed on this basis as well.

*d. Claim Nos. 18245 and 18346*

42. Claim Nos. 18345 and 18346 have been filed by the Claimant in his capacity as the property right holder. The Claimant alleges that he is a co-owner of the claimed properties with his two brothers. He asserts that his father gave the claimed properties to Sali Bulaku for use a long time ago, but Sali Bulaku then sold the properties on to others. The Claimant and his brothers filed a claim before the court in 1980 against Sali Bulaku and the court issued a Decision P. br. 345/80 in 1981 recognizing the Claimant’s and his brothers’ ownership rights over the claimed properties. The cadastral records were updated based on this decision. The Claimant stated that he left Kosovo in 1992 with one of his brothers, while the third brother stayed on until his death in 1995. Upon his return to Kosovo in 2002, the Claimant alleges to have found out that the claimed properties were occupied by persons unknown to him.

43. The Respondent alleges that he bought the claimed properties from Sali Bulaku and has built several houses on the properties, although the transfer was never registered at the Cadastral Office. The Claimant alleges that he offered to sell the land to the Respondent, who refused on the basis that he claims to have already bought it from Sali Bulaku in the 1970s. The Claimant filed a claim at the Municipal Court in Prishtinë/Priština against the Respondent and the court proceedings are still pending. The Commission finds that the claims relate to a long standing dispute that arose before the 1998-99 conflict and that the Claimant did not lose possession as a consequence of the conflict. Accordingly, the claims fall outside the jurisdiction of the Commission and stand to be dismissed.

44. Moreover, pursuant to section 18 of UNMIK/REG/2006/50 as adopted by Law No. 03/L-079, the Commission’s jurisdiction is excluded if judicial proceedings in respect of the claim have been commenced prior to 16 October 2006, the date on which UNMIK/REG/2006/50 entered into force. As judicial proceedings in respect of the claimed

property were commenced in 1980, the claims are not within the jurisdiction of the Commission for this reason as well and stand to be dismissed.

*e. Claim Nos. 20204, 20205 and 20207*

45. Claim Nos. 20204, 20205 and 20207 have been filed by the Claimant in his capacity as the property right holder. The Claimant states that the claimed properties were confiscated by the state and gifted to the Socially Owned Enterprise Bujqesia in Pejë/Peć in 1959. The Claimant challenged the confiscation and filed a lawsuit. A final judgment of the Municipal Court in Pejë/Peć, P.br. 727/93 in 1997 confirmed the Claimant's ownership of the ideal part of 1/5 of the claimed properties. However, the cadastral records were never updated and the claimed properties continued to be registered as socially owned property. The Claimant states further that the Kosovo Trust Agency privatized the claimed property in 2005 and sold it to the company NPT Elkos Group. The Privatisation Agency, which took over from the Kosovo Trust Agency in 2008, responded that no claims had been filed with the KTA regarding the Claimant's ownership claims. The Respondent NPT Elkos Group's authorized representative submitted copies of a purchase contract No. 62/2005 dated 23 February 2005 concluded between the Kosovo Trust Agency on behalf of the Socially Owned Enterprise Bujqesia in Pejë/Peć and the Respondent and a partial possession list No. 87 listing a 99 year leasehold over the claimed properties in the name of the Respondent. When contacted by the Executive Secretariat, the Claimant confirmed that he was not in possession of the claimed properties immediately prior to or during the 1998-1999 conflict. Indeed, he acknowledged that he did not have possession over the claimed properties since 1959, despite the judgment of the court. The Commission concludes that the Claimant's loss of possession of the claimed properties was not a result of the circumstances directly related to or resulting from the 1998-1999 conflict. Accordingly, the claims fall outside the jurisdiction of the Commission and stand to be dismissed.

*f. Claim Nos. 21062, 21066, 21068, 21069, 21070, 21071, 28525, 28526, 90374, 90381, 90386 and 90387*

46. Claim Nos. 21062, 21066, 21068, 21069, 21070, 21071, 28525, 28526, 90374, 90381, 90386 and 90387 have been filed by the Claimants in their capacity as family household members of the alleged property right holder. In Claim Nos. 21062, 21066, 21068, 21069, 21070 and 21071 the claims were submitted by the son of the alleged property right holder, whereas Claim Nos. 28525, 28526, 90374, 90381, 90386 and 90387 were submitted by the grandson of the alleged property right holder and the nephew of the Claimant in Claim Nos. 21062, 21066, 21068, 21069, 21070 and 21071.

47. The Claims were submitted by the Claimants for the same parcels on behalf of the alleged property right holder. Both Claimants are seeking confirmation of ownership and repossession of the claimed properties. The Claimants allege that the property right holder is the owner of an ideal part of 1/2 of the claimed properties, while his brother Hasan Gashi is listed as the owner of the remaining ideal part of one half of the claimed properties. The Executive Secretariat located *ex officio* possession list No. 23 confirming the alleged ownership rights. However, the Commission notes that the property right holder passed away in 1994 and no inheritance procedure has been initiated.

48. The Respondents in the claims, Bahri Llugiqi, Faik Bytyqi, Muhamet Bytyqi, Rexhep Bytyqi and Enver Llugiqi, assert that they purchased the claimed properties from the property right holder's sons Halit Gashi and Sadri Gashi in 1986, 1995, 1996, 1997 and 2005 respectively. The Respondents submitted copies of uncertified purchase contracts and

witness statements. When the Executive Secretariat contacted the Claimants, they confirmed that all the claimed properties had been sold by Halit Gashi and Sadri Gashi to the Respondents but state that they are seeking repossession of the claimed properties because Halit and Sadri Gashi had another eight brothers and therefore the Claimants do not consider them being authorized to sell the claimed properties without the consent of all the other inheritors. The Claimants allege that the other relatives were never reimbursed or given a share of the purchase price.

49. The Commission notes that there is no evidence of any conflict related loss of possession or inability to exercise property rights over the claimed properties but rather a family dispute that arose prior to the conflict. Accordingly the claims stand to be dismissed as falling outside the jurisdiction of the Commission.

*g. Claim No. 35303*

50. Claim No. 35303 has been filed by the Claimant in her capacity as a family household member of the alleged property right holder, namely the property right holder's daughter. The Claimant submitted a possession list No. 172 from 1967, which lists the property right holder as the owner of an ideal part of 1/3 of the claimed property and an inheritance decision O. br. 983/06 based on possession list No. 172, issued by the Municipal Court in Kraljevo, which shows that she inherited an ideal part of 1/5 of the claimed property. However, the Executive Secretariat found *ex officio* that the claimed land parcel was not only renumbered and now found on possession list No. 50 but listed in the name of the Claimant's uncle. When confronted with this information, the Claimant acknowledged that there was a long-standing family dispute pending over the claimed property and explained that she left Kosovo with her family in 1982 and that her uncle had subsequently registered all the claimed parcels in his name. The Respondent, who had initially claimed legal rights over the claimed property, explained that he no longer uses the claimed property and that it had been sold by the Claimant's uncle's children to one of his neighbours.

51. The Commission concludes that the Claimant lost possession as a result of a family dispute and not as a consequence of the 1998-1999 conflict. Accordingly, the claim falls outside the jurisdiction of the Commission and stands to be dismissed.

*h. Claim No. 36820*

52. Claim No. 36820 has been filed by the Claimant in his capacity as a family household member of the alleged property right holder, namely his grandfather. The Claimant submitted a possession list No. 203, listing the claimed property in the name of the alleged property right holder. During the processing of the claim, the Claimant confirmed that his grandfather had sold the claimed property on 5 November 1966. However, the Claimant alleges that since the Respondent had not paid the outstanding price for 3.62 m<sup>2</sup> of the claimed property, he is entitled to repossession of that part of the claimed property.

53. The Respondent alleges that his family purchased the claimed property in 1966 and has been in possession of it ever since. He asserts that all documentation of the transaction burned during the war, and the cadastre record has not been updated. Based on the evidence before it, the Commission considers that the alleged property right holder did not lose possession as a result of the 1998-99 conflict but as a result of a voluntary sales transaction. Accordingly the claim falls outside the Commission's jurisdiction and stands to be dismissed. The claim for the outstanding amount for the 3.62 m<sup>2</sup> claimed property also falls outside the jurisdiction of the Commission and must be dismissed.

*i. Claim No. 38812*

54. Claim No. 38812 was initially filed by the Claimant in his capacity as the property right holder. However, upon negative verification of the inheritance decision, he agreed to proceed with the claim as a family household member of the alleged property right holder, namely his father. The Claimant later admitted that in 1989 he had exchanged the claimed property with the Respondent, who is currently occupying the claimed property in exchange for two land parcels belonging to the Respondent. The Claimant later amended his claim from a confirmation of ownership to a request to have the exchanged land parcels transferred into the names of the respective parties in the cadastral records. Such a claim falls outside the jurisdiction of the Commission and stands to be dismissed.

*j. Claim No. 47318*

55. Claim No. 47318 has been filed by the Claimant in her capacity as a family household member of the alleged property right holder, namely her mother. The Claimant alleges that the claimed property had been nationalized in 1964 and given to the Agricultural Combine Ratar in Fushë Kosovë/Kosovo Polje. As the Agricultural Combine has now been dissolved, she requests confirmation of her mother's ownership rights over the claimed property. The Executive Secretariat contacted the Claimant several times, requesting her to submit additional documentation to prove the alleged property right holder's rights over the claimed property. In response, she submitted a sketch of the claimed parcel showing the name of her mother and the number of the purchase contract Ov. No. 2156/64 dated 14 October 1964 with Agricultural Combine Ratar in Fushë Kosovë/Kosovo Polje.

56. The Respondent asserts that his father purchased the claimed property from Ukë Brestovci after World War II. The Executive Secretariat located *ex officio* the certificate for the immovable property rights No. 225, listing the claimed property, now divided into two sub-parcels, in the name of Ukë Brestovci.

57. The Commission concludes that, in the absence of any evidence of any conflict related loss of possession or inability to exercise property rights over the claimed property, the claim stands to be dismissed as falling outside the jurisdiction of the Commission.

*k. Claim No. 47588*

58. Claim No. 47588 has been filed by the Claimant in his capacity as the property right holder. The Respondent alleges that he exchanged another property with the Claimant in 1972 for the claimed property and that he has been in possession ever since. According to the Respondent, he signed a contract of exchange for the claimed property but that it had burned together with his old house during the conflict in 1998-1999. He further explains that he built a new house on the property in 2000. The Claimant's son Zoran Vasic was contacted by the Executive Secretariat, since the Claimant was not in a good health condition, and was confronted with the allegations of the Respondent. The Claimant's son could not confirm the exchange, but did explain that neither he nor his family had been in possession of the claimed property since 1980.

59. The Commission concludes that, in the absence of any evidence of any conflict related loss of possession or inability to exercise property rights over the claimed property, the claim stands to be dismissed as falling outside the jurisdiction of the Commission.

3. *Claims dismissed based on lack of jurisdiction over claims that have been submitted to the competent court prior to the date of entry into force of UNMIK/REG/2006/50*

60. Claim Nos. 92291 and 92292 have been filed by an authorized representative of the Claimant who claims the properties in his capacity as the property right holder. The Claimant is seeking confirmation of ownership and repossession of the claimed property, in each claim an ideal part of one fourth of the claimed property.

61. The Respondent alleges that he purchased the claimed property from the property right holders' father, Sava Jagodic in 1986 and has been in possession of the property ever since. However, he asserts that the cadastral records were not updated.

62. In Claim Nos. 92291 and 92292 the Claimant alleges that he inherited the claimed property from his father and denies that the properties were sold to the Respondent's father. The Executive Secretariat *ex officio* found out that there is an ongoing dispute regarding the ownership of the claimed properties before the court, filed in the 1980s and reinstated in 2004. The Executive Secretariat located *ex officio* a decision C.nr. 260/4 issued by the Municipal Court in Kamenicë/Kamenica on 21 December 2009, temporarily suspending the proceedings before the court due to the death of Sreten Stevanovic, until his inheritors approach the court to resume the proceedings. Sreten Stevanovic had filed the claim before the court against Dragutin Slakovic from whom he had allegedly bought the claimed properties that he then sold to the father of the Claimant, pursuant to a purchase contract dated 19 August 1980. The Claimant's father is also a party to the lawsuit in his capacity as the property right holder.

63. Pursuant to section 18 of UNMIK/REG/2006/50 as adopted by Law No. 03/L-079, the Commission's jurisdiction is excluded if judicial proceedings in respect of the claim have been commenced prior to 16 October 2006, the date on which UNMIK/REG/2006/50 entered into force. As the judicial proceedings in respect of the claimed property were commenced in 1986, Claim Nos. 92291 and 92292 are not within the jurisdiction of the Commission and stand to be dismissed.

4. *Claims dismissed on account of the absence of a power of attorney*

64. Pursuant to section 5.2 of UNMIK/ADM/DIR/2007/5, as adopted by Law No. 03/L-079, claims may be made by either the property right holder or a family household member of the property right holder. A claimant may be represented by an authorized natural person with a valid and duly executed power of attorney. In exceptional cases where the provision of a power of attorney is problematic, the Executive Secretariat may certify an alternative document authorizing representation of a claimant.

65. Section 1 of the UNMIK/ADM/DIR/2007/5, as adopted by Law No. 03/L-079, defines "Member of Family Household" to include "the spouse, children (born in and out of wedlock or adopted) and other persons whom the property right holder is obliged to support in accordance with the applicable law, or the persons who are obliged to support the property right holder in accordance with the applicable law, regardless of whether or not that person resided in the property together with the property right holder." The Commission has determined that, under the applicable law, this definition covers, in addition to spouses and children, parents, brothers, sisters, grandparents and grandchildren of the property right holder. However, by implication the definition does not cover in-laws, uncles, aunts, nephews, nieces or cousins, or other more distant relatives who must provide a power of

attorney authorizing their representation on behalf of the property right holder or a family household member of the property right holder. Individuals who do not fall within the definition of a household member cannot be considered claimants, but are persons purporting to represent the claimant.

66. Claims in which the person filing the claim is not a family household member and requires a power of attorney cannot be considered complete claims in accordance with section 5.2 of UNMIK/ADM/DIR/2007/5 as adopted by Law No. 03/L-079, since an essential procedural requirement is not satisfied, namely authorization from the property right holder or a family household member of the property right holder.

*a. Claim No. 17662*

67. Claim No. 17662 has been filed by the Claimant in his capacity as a family household member of the alleged property right holder, namely his father. The Claimant states that on 28 April 1972, his aunt authorized him to transfer all the properties on possession list No. 131 to the Claimant's father. He submitted a power of attorney dated April 1972 that was purportedly issued to him by his aunt. However, the power of attorney does not appear to be valid as according to the death certificate the Claimant's aunt passed away in March 1972 so she could not have issued any power of attorney in April 1972; moreover, the Claimant was a minor at the time the power of attorney was allegedly issued. The Executive Secretariat contacted the Claimant and he explained that the date on the death certificate was incorrect; it should have been May 1972. The Claimant was given 15 days to provide a new death certificate, which he explained he could not do. The Executive Secretariat requested the Civil Registration Office for verification of the date of death of the aunt. The Civil Registration Office confirmed that the date of death was March 1972.

68. Consequently, in the absence of a valid power of attorney, the claim must be dismissed.

*b. Claim Nos. 28982, 28983, 28984, 28985 and 28986*

69. Claim Nos. 28982, 28983, 28984, 28985 and 28986 have been filed by the same Claimant who filed Claim No. 17662 above, in his capacity as a family household member of the alleged property right holder, namely his aunt. The Claimant submitted a possession list No. 128 listing his aunt as the owner of the claimed properties, and a power of attorney issued by his aunt in April 1972. However, as noted above, since the Claimant was a minor at the time the power of attorney was allegedly issued and this was also after the alleged property right holder's death on 10 March 1972, the power of attorney cannot be considered valid. The Claimant further submitted four powers of attorney issued by his aunt's four children authorizing him to dispose of her property.

70. When the Executive Secretariat asked the Claimant to provide a copy of the inheritance decision to determine his aunt's inheritors, he stated that the inheritance procedure is still pending before the court in Serbia and accordingly no inheritance decision had yet been issued. The Respondent submitted a handwritten statement alleging that the claimed properties used to belong to his ancestors and were given to the property right holder's family. The Respondent stated that he uses the claimed properties for grazing his cows and wishes to purchase the claimed properties.

71. The Commission concludes that, based on the evidence before it, the claims must be dismissed on account of the failure by the Claimant to provide authorization of his capacity to file the claims on behalf of the alleged property right holder or her inheritors.

*c. Claim Nos. 51021, 51023 and 51024*

72. Claim Nos. 51021, 51023 and 51024 have been filed by the Claimant in her capacity as the family household member of the alleged property right holder, namely her mother-in-law. As the Claimant does not fit within the definition of family household member, she was contacted by the Executive Secretariat several times in 2008 and 2009 and asked to submit a power of attorney issued by the inheritors of the alleged property right holder. However, the Claimant failed to submit such a power of attorney. Accordingly, the claims stand to be dismissed.

*II. Uncontested Claims*

*1. Voluntary disposal or ability to exercise property right*

*a. Claim Nos. 10144 and 35778*

73. Claim Nos. 10144 and 35778 have been filed by the Claimants in their capacity as the alleged property right holders of ideal parts of 2/3 and 1/3 of the claimed property. The Claimant in Claim No. 10144 submitted a court decision on a contract of division dated 15 August 1983, and the Claimant in Claim No. 35778 submitted a possession list from 1993 in support of their claims. However, the Executive Secretariat located *ex officio* a certificate for the immovable property rights No. 525, which had been updated pursuant to a purchase contract No. 1767/09 in 2009, and which lists the claimed property in the name of Mr Bafti Maloku. When contacted by the Executive Secretariat, the Claimants confirmed that they had sold the claimed property and undertook to withdraw the claims. However, the Claimants have not withdrawn their claims. Accordingly, the claims fall outside the jurisdiction of the Commission and stand to be dismissed.

*b. Claim No. 11052*

74. Claim No. 11052 has been filed by the Claimant in his capacity as the property right holder. The Claimant submitted a possession list No. 28 from the dislocated cadastre listing his father as the owner of the claimed property, and an inheritance decision No. 128/2000 dated 11 April 2002, issued by a parallel court in Prishtinë/Priština, pursuant to which the Claimant inherited the ideal part of 1/3 of the claimed property. However, the Executive Secretariat located *ex officio* a certificate for the immovable property rights No. 571-1, which had been updated pursuant to a purchase contract No. 1847/03 dated 7 August 2003 and lists the claimed property in the name of a third party, Mr Bahtjar Rexhep Lohaj. When confronted with the above by the Executive Secretariat, the Claimant confirmed that the claimed property had been sold and agreed to withdraw the claim. However, the Claimant has failed to do so. Accordingly, the claim falls outside the jurisdiction of the Commission and stands to be dismissed.

*c. Claim Nos. 19268, 19269, 19270 and 19271*

75. Claim Nos. 19268, 19269, 19270 and 19271 have been filed by the Claimant in his capacity as the property right holder. Claim Nos. 19269, 19270 and 19271 were the subject of an earlier Commission decision. However the earlier decisions in these three claims were

overturned by the Commission on account of the incorrect notifications of the claimed properties by the Executive Secretariat which were only identified after the decision had been taken. These claims consequently stand to be re-determined following correct notification of the claimed property.

76. The Claimant submitted a Possession List No. 94, listing his father as the owner of the claimed properties, his father's death certificate and an inheritance decision O. br. 1071/01 issued by the Municipal Court in Kraljevo, dated 14 June 2012, based on which he inherited the claimed properties. However, on 5 April 2011 the Claimant informed the Executive Secretariat that he had sold the claimed properties and that he would withdraw the claims. However, despite being sent a notice of dismissal in case of non-withdrawal by the Executive Secretariat, the Claimant has not withdrawn his claims. Accordingly, the claims fall outside the jurisdiction of the Commission and stand to be dismissed.

*d. Claim Nos. 22047, 22048 and 22050*

77. Claim Nos. 22047, 22048 and 22050 have been filed by the Claimant in her capacity as the alleged property right holder. The Claimant submitted a possession list No. 133, listing herself and her sister as co-owners of the claimed properties, and an inheritance decision o.br. 187/05 dated 12 July 2006 issued by the Municipal Court in Pejë/Peć, by which she inherited her sister's share of the claimed properties. However, the Executive Secretariat located *ex officio* a certificate for the immovable property rights No. 133, listing the properties claimed in Claim Nos. 22047 and 22048 in the name of Zeqir Avdylaj, updated pursuant to purchase contract No. 4681/10 dated 14 July 2010. The Executive Secretariat also located *ex officio* a certificate for the immovable property rights No. 1859, listing the property claimed in Claim No. 22050 in the name of Xhemajl Mulliqi, updated pursuant to purchase contract No. 409/08 dated 23 January 2008. The Claimant was contacted by the Executive Secretariat and she confirmed that the claimed properties had been sold and agreed to withdraw the claims. However, she has failed to do so. Accordingly, the claims fall outside the jurisdiction of the Commission and stand to be dismissed.

*e. Claim No. 22483*

78. Claim No. 22483 has been filed by the Claimant in his capacity as the property right holder. The Claimant confirmed that the claimed property had been sold to the private enterprise Immobiliare Friuli in 2007. However, the claim has not been withdrawn. Accordingly, the claim falls outside the jurisdiction of the Commission and stands to be dismissed.

*f. Claim Nos. 26121*

79. Claim No. 26121 has been filed by the Claimant in her capacity as the family household member of the alleged property right holder, namely her father. The Claimant submitted a possession list No. 23, which lists the claimed property in the name of the alleged property right holder. However, the Executive Secretariat located *ex officio* possession list No. 325, which lists the claimed property in the name of a third party, Zeqir Jahir Sylejmani. When confronted with this information, the Claimant confirmed that the claimed property had been sold to Zeqir Jahir Sylejmani in 2004. Accordingly, the claim falls outside the jurisdiction of the Commission and stands to be dismissed.

*g. Claim Nos. 30776, 30778, 30779, 39782, 30783, 30786 and 30787*

80. Claim Nos. 30776, 30778, 30779 and 30787 have been filed by the Claimant in his capacity as a family household member of the alleged property right holder, namely his son, whereas Claim Nos. 30782, 30783 and 30786 have been filed by the Claimant in his capacity as the alleged property right holder. Claim Nos. 30776 and 30779 relate to the same property. The Claimant submitted possession list No. 185 from the dislocated cadastre, listing the property right holder as the owner of the claimed properties, and an inheritance decision No. 26/06 dated 22 March 2005 issued by the Municipal Court in Gjilan/Gnjilane, by which he inherited the claimed properties from the alleged property right holder. The Executive Secretariat located *ex officio* a certificate for the immovable property rights No. 69, listing the claimed property in the name of Bajram Demiri. When contacted by the Executive Secretariat and informed of the above, the Claimant confirmed that the claimed properties had been sold by him, and that he would withdraw the claims. However, the Claimant has failed to do so. Accordingly, the claims fall outside the jurisdiction of the Commission and stand to be dismissed.

*h. Claim No. 44613*

81. Claim No. 44613 has been filed by the Claimant in his capacity as a family household member of the alleged property right holder, namely the property right holder's son. The Claimant submitted a judgment No. 792/97, issued by the Municipal Court in Prizren on 15 April 1998, whereby purchase contracts OV. No. 362/63 and OV No. 363/62, concluded between his grandfather and the Enterprise PIK Progress, were declared invalid and the property rights were transferred to his grandfather's successors, including his father. However, the Executive Secretariat located *ex officio* a certificate for the immovable property rights No. 753, listing the claimed property in the name of a third party, Remzi Safet Amza, updated pursuant to a purchase contract No. 1570/2007 dated 23 March 2007. The Claimant was contacted by the Executive Secretariat and informed of the above. The Claimant confirmed that he had sold the claimed property, however, he has not withdrawn his claim. Accordingly, the claim falls outside the jurisdiction of the Commission and stands to be dismissed.

*i. Claim Nos. 47603, 47604, 47605 and 47786*

82. Claim Nos. 47603, 47604, 47605 and 47786 have been filed by the Claimant in his capacity as the property right holder. The Claimant submitted a contract on gift No. 884/84 dated 21 September 1984 and an inheritance decision T. nr.104/2003 dated 14 October 2003, pursuant to which he received the claimed properties from his father. However, the Executive Secretariat located *ex officio* a certificate for the immovable property rights No. 70, which lists the claimed properties in the name of a third party, Mr Faik Rifat Zeqiri, and which was updated pursuant to purchase contracts Vr. nr. 1826/09 dated 21 July 2009 and Vr.nr. 1201/2008 dated 7 May 2008. When contacted by the Executive Secretariat, the Claimant explained that the claimed properties had been sold in 2008 and 2009. The claims have not been withdrawn, however. Accordingly, the claims fall outside the jurisdiction of the Commission and stand to be dismissed.

*j. Claim Nos. 54982, 54984, 54989 and 54990*

83. Claim Nos. 54982, 54984, 54989 and 54990 have been filed by the Claimant in his capacity as a family household member of the alleged property right holder, namely the

property right holder's son. The Claimant submitted a judgment No. 792/97, issued by the Municipal Court in Prizren on 15 April 1998, whereby purchase contracts OV. No. 362/63 and OV No. 363/62, concluded between his grandfather and the Enterprise PIK Progress, were declared invalid and the property rights were transferred to his grandfather's successors, including his father. However, the Executive Secretariat located *ex officio* certificates for the immovable property rights Nos. 1623, 1105 and 1710, listing the claimed properties in the names of third parties, updated pursuant to purchase contracts with these third parties. The Claimant was contacted by the Executive Secretariat and informed of the above. The Claimant confirmed that he had sold the claimed properties; however, he has not withdrawn his claims. Accordingly, the claims fall outside the jurisdiction of the Commission and stand to be dismissed.

2. *No loss of possession as a result of the conflict*

a. *Claim Nos. 31501, 31502, 31503, 31504, 31505, 31510, 31513 and 31544*

84. Claim Nos. 31501, 31502, 31503, 31504, 31505, 31510, 31513 and 31544 have been filed by the Claimant in his capacity as the property right holder. The Claimant submitted possession list Nos. 181 and 10 listing the claimed properties in his name, and an inheritance decision No. 12/88 dated 8 March 1988, pursuant to which he inherited the claimed properties from his father. He also submitted a power of attorney dated 11 June 2002, whereby he authorized Mr Liman Hasa to sell the claimed properties. He alleges that Mr Hasa misused the power of attorney and transferred the claimed properties into his own name. The Commission notes that the Claimant's claim arises out of an alleged misuse of a power of attorney issued after the 1998-99 conflict and not from the conflict. Accordingly, the claims fall outside the jurisdiction of the Commission and stand to be dismissed.

b. *Claim Nos. 41154 and 41159*

85. Claim Nos. 41154 and 41159 have been filed by the Claimant in his capacity as the property right holder. The Claimant submitted possession list No. 490, listing the claimed properties in his name. However, the Executive Secretariat located *ex officio* a certificate for the immovable property rights No. 63, listing the claimed property in the name of his father. The Claimant submitted written statements on 21 April 2008 and 19 May 2008 in which he explained that he left for Topola in Serbia on 4 November 2002 because of a lack of freedom of movement and in order to secure better education and job opportunities for his children. He states that his nephews have been using the property with his permission. Accordingly, there has been no loss of possession or other property right as a result of the 1998-99 conflict and the claims fall outside the jurisdiction of the Commission and stand to be dismissed.

c. *Claim No. 45258*

86. Claim No. 45258 has been filed by the Claimant in his capacity as a family household member of the alleged property right holder, namely the property right holder's son. The Executive Secretariat contacted the Claimant for information on when his family lost possession of the claimed property. The Claimant acknowledged that his family did not lose possession of the claimed property as a consequence of the 1998-1999 conflict; they left Kosovo after the conflict and moved to Smederevo in Serbia where the Claimant still resides. His nephew has been using the claimed property with the Claimant's permission since then. Accordingly, the claim falls outside the jurisdiction of the Commission and stands to be dismissed.

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*d. Claim Nos. 47107, 47108, 47110, 47111, 47112 and 47113*

87. Claim Nos. 47107, 47108, 47110, 47111, 47112 and 47113 have been filed by the Claimant in his capacity as a family household member of the alleged property right holder, namely his sister. The Claimant submitted possession list No. 9 which lists the claimed properties in the name of his sister. The Executive Secretariat contacted the Claimant several times to explain that his sister had already submitted her own claims over the claimed properties, however, the Claimant has not withdrawn the claims. Accordingly, the claims fall outside the jurisdiction of the Commission and stand to be dismissed.

*e. Claim Nos. 47194, 47195, 47196, 47197, 47198, 47199, 47200, 47201, 47202, 47204, 47205, 47206, 51710, 51711, 51713, 51714 and 51715*

88. Claim Nos. 47194, 47195, 47196, 47197, 47198, 47199, 47200, 47201, 47202, 47204, 47205, 47206, 51710, 51711, 51713, 51714 and 51715 have been filed by the Claimant in his capacity as a family household member of the alleged property right holder, namely the property right holder's son. The Claimant submitted possession list No. 68 listing the claimed properties in the name of the property right holder and an inheritance decision O. br. 11/08 dated 19 June 2008, issued by a parallel court in Kamenicë/Kamenica, pursuant to which he inherited the claimed properties from the property right holder. For Claim Nos. 47205 and 47206, the Claimant also submitted possession list No. 57, listing the claimed properties in the name of the property right holder's mother and a contract on gift OV. nr. 335/89 dated 3 May 1985, pursuant to which the property right holder received the claimed properties from his mother. The Claimant also submitted his birth certificate and his mother's death certificate. There was a name discrepancy between on the one hand the property right holder's birth certificate and death certificate where she is listed as Mirsa Stoilkovic, and on the other hand, the possession list where she is listed as Mirsa Andjeljkovic. The Executive Secretariat contacted the Claimant several times asking him to clarify the name discrepancy and to submit a certified document to that effect. On 28 March 2012, the Claimant finally acknowledged that he did not lose possession of the claimed properties as a consequence of the 1998-1999 conflict. He explained that he left the claimed properties in 1999 mostly for economic reasons and that his properties are located in a Serbian neighbourhood and have not been occupied. He acknowledged that he now resides in Kosovo and is using the claimed properties. Accordingly, in the absence of a loss of possession as a result of the conflict, the claims fall outside the jurisdiction of the Commission and stand to be dismissed.

*f. Claim Nos. 50327 and 50328*

89. Claim Nos. 50327 and 50328 have been filed by the Claimant in his capacity as a family household member of the alleged property right holder, namely the property right holder's son. When contacted by the Executive Secretariat for additional information on when his family lost possession of the claimed properties, the Claimant acknowledged that his family left Kosovo already in 1970 and moved to Serbia, where he still resides today. He further acknowledges that the claimed properties are located in a Serbian neighbourhood and are being used by his relatives. Accordingly, in the absence of a loss of possession as a result of the conflict, the claims fall outside the jurisdiction of the Commission and stand to be dismissed.

*g. Claim Nos. 51705 and 51706*

90. Claim Nos. 51705 and 51706 have been filed by the Claimant in his capacity as the family household member of the alleged property right holder, namely his brother. The Claimant submitted possession list No. 188, listing his brother and mother, each as co-owner of ½ of the claimed properties. The Claimant submitted an inheritance decision O. br. 11/08 dated 19 June 2008, issued by a parallel court in Kamenicë/Kamenica, pursuant to which he inherited the other ½ of the claimed properties from the property right holder. The property right holder was contacted by the Executive Secretariat, as the Claimant had not submitted any documents proving his relationship with the property right holder. The property right holder confirmed that the Claimant was his brother. When the Executive Secretariat contacted the Claimant for a final time on 28 March 2012, he acknowledged that his brother did not lose possession of the claimed properties as a consequence of the 1998-1999 conflict. He explained that the properties are located in a Serbian neighbourhood and have not been unlawfully occupied. Accordingly, in the absence of a loss of possession as a result of the conflict, the claims fall outside the jurisdiction of the Commission and stand to be dismissed.

*h. Claim Nos. 90019, 9015, 90162 and 91604*

91. Claim Nos. 90019, 90155, 90162 and 91604 have been filed by the Claimant in his capacity as the alleged property right holder. The Claimant submitted an inheritance decision No. 12/88 issued by the Municipal Court in Kaçanik/Kaçanik dated 8 March 1988 by which he inherited the claimed properties from his father, and a possession list No. 10 from the dislocated cadastre listing him as the owner of the claimed properties. However, the Executive Secretariat located *ex officio* a possession list No. 465, which lists the Agricultural Enterprise Limani as the owner of the claimed properties. The possession list had been updated pursuant to a purchase contract No. 1347/03 dated 3 December 2003, through which the land parcels on possession list No. 10 were transferred to the Agricultural Enterprise Limani, based on a power of attorney issued by the Claimant to Mr Liman Hasan, the owner of the Agricultural Enterprise Limani, authorizing him to sell the claimed properties on his behalf. The Claimant submitted a power of attorney dated 11 June 2002, however, when contacted by the Executive Secretariat, the Claimant initially denied having issued a power of attorney. The Claimant subsequently acknowledged that he had issued the power of attorney but that Mr Hasan had misused it by transferring the claimed properties to himself.

92. The Commission notes that the Claimant's claim does not raise any issue of coercion, which the Commission would have jurisdiction to deal with, but rather an issue of the misuse of the power of attorney, a matter that falls within the jurisdiction of local courts. Consequently, in the absence of any evidence of any conflict related loss of possession or inability to exercise property rights over the claimed properties, the claims stand to be dismissed as falling outside the jurisdiction of the Commission.

*i. Claim Nos. 91801 and 91802*

93. Claim Nos. 91801 and 91802 have been filed by the Claimant in his capacity as a family household member of the alleged property right holder, namely the property right holder's son. The Claimant submitted possession list No. 170, which lists the ideal part of 2/3 of the claimed properties in the name of the alleged property right holder. However, the Executive Secretariat located *ex officio* certificates for the immovable property rights Nos. 348 and 349 listing the claimed properties in the names of two of the Claimant's uncles as the only co-owners. The Executive Secretariat contacted the Claimant requesting additional information to prove his father's co-ownership over the claimed properties. In the event he

could not provide such evidence, the Claimant was asked to provide a power of attorney from the uncles in whose names the property are currently registered, or from their inheritors. The Claimant acknowledged that the inheritors would not authorize him to act on their behalf. When asked if his family lost possession of the claimed properties as a result of the 1998-1999 conflict, the Claimant acknowledged that this was not the case. He explained that his family left Kosovo in 1970 and moved to Serbia where he still resides, and that the claimed properties are located in a Serbian neighbourhood and are being used by his relatives. Accordingly, in the absence of a loss of possession as a result of the conflict, the claims fall outside the jurisdiction of the Commission and stand to be dismissed.

### 3. *Res judicata*

#### a. *Claim No. 23313*

94. Claim No. 23313 has been filed by the Claimant in her capacity as the alleged property right holder. The Claimant has submitted a certificate for the immovable property rights No. 281, listing her as co-owner of the claimed property. The Claimant has previously submitted Claim No. 23314 for the same property which was decided by the Commission in September 2011. The Executive Secretariat asked the Claimant's son, as the Claimant was sick, whether she wished to withdraw her claim, but the Claimant refused to do so. The Commission considers that the previous decision on the same subject matter constitutes *res judicata* and accordingly Claim No. 23313 stands to be dismissed.

#### b. *Claim Nos. 50540, 50552, 50553, 50554, 50555, 50556 and 50557*

95. Claim Nos. 50540, 50552, 50553, 50554, 50555, 50556 and 50557 have been filed by the Claimant in his capacity as the property right holder. The Claimant submitted a possession list No. 73, which lists the claimed properties in his name as co-owner of an ideal part of 1/3 of the claimed properties and a contract on lifelong care No. 3177/84 dated 14 November 1984, dividing the claimed properties into the names of the Claimant and the other two co-owners, namely his father and his father's daughter-in-law, and further transferring his father's share of the claimed properties to the Claimant upon the death of both his father and mother, giving the Claimant a 2/3 share of the claimed properties. The Executive Secretariat contacted the Claimant and asked him to submit copies of his parents' death certificates. The Claimant asserts that they passed away on 19 August 1986 and 13 February 1987 respectively, but failed to submit a copy of the death certificates. The Executive Secretariat located *ex officio* a land consolidation decision No. 461-428-84 dated 14 September 1987 and minutes dated 28 May 1984, which incorporated the transfer of the claimed properties to the Claimant pursuant to the contract on lifelong care and consolidated fifteen land parcels into five land parcels with new parcel numbers.

96. The Commission notes that the same Claimant has also filed Claim Nos. 50547, 50548, 50549, 50550 and 50551 in respect of the same properties as those claimed in Claim Nos. 50540, 50552, 50553, 50554, 50555, 50556 and 50557. The Executive Secretariat also located *ex officio* a certificate for the immovable property rights No. 430, which lists the Claimant as owner of 1/1 of the five land parcel numbers into which the original fifteen parcels have been consolidated. The entirety of the claimed properties is covered by Claim Nos. 50547, 50548, 50549, 50550 and 50551, which have been granted by the Commission's decision KPCC/D/A/147/2012 dated 19 April 2012. Thus the remaining seven claims, namely Claim Nos. 50540, 50552, 50553, 50554, 50555, 50556 and 50557, which are covered by this decision, stand to be dismissed, as the entire subject matter to the claims is covered in the five granted claims.

#### 4. *Claims dismissed on account of the absence of a power of attorney*

97. Claim Nos. 44819, 44820, 44824, 44827, 44829, 44831, 44833, 44837, 44838, 44842, 44844 and 44846 have been filed by the Claimant in her capacity as a family household member of the alleged property right holder, namely the property right holder's daughter-in-law. The Claimant submitted possession lists Nos. 9 and 89 listing the claimed properties in the name of the alleged property right holder and her marriage certificate. As the Claimant does not fit within the definition of family household member, the Claimant was contacted by the Executive Secretariat three times and was each time requested to submit a power of attorney issued by the inheritors of the property right holder. The Claimant explained that she could not submit a power of attorney as her husband had passed away and her children did not live in Serbia. The last time she was contacted she stated that no inheritance procedure had been initiated and that it would take time to acquire a power of attorney.

98. Accordingly, since the Claimant has not submitted a valid power of attorney, the claims stand to be dismissed.

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99. The Commission finds that all of the claims covered by this section B stand to be dismissed for lack of jurisdiction, for the reasons set out above.

#### C. *Claims refused*

100. Pursuant to section 8.6 of Annex III of UNMIK/ADM/DIR/2007/5 as adopted by Law No. 03/L-079, the Commission may refuse or dismiss a claim on any grounds. Claims may be refused by the Commission if the claimant or the property right holder, as the case may be, has been unable to prove their ownership or use right over the claimed property.

101. Pursuant to section 3.1 of UNMIK/REG/2006/50 as adopted by Law No. 03/L-079, the Commission has jurisdiction to determine ownership or use right claims over private immovable property. In reaching its decisions, the Commission may consider any reliable evidence which it considers relevant to a claim, including evidence presented by the Executive Secretariat concerning the reliability of any public record (section 6.2 of Annex III to UNMIK/ADM/DIR/2007/5 as adopted by Law No. 03/L-079). The Commission may also require that the Executive Secretariat obtain more information from a party or conduct additional investigations in relation to any claim (section 6.3 of Annex III to UNMIK/ADM/DIR/2007/5 as adopted by Law No. 03/L-079). In making its determinations, the Commission may be guided but is not bound by the rules of evidence applied in the local courts in Kosovo (section 6.1 of Annex III to UNMIK/ADM/DIR/2007/5, as adopted by Law No. 03/L-079).

##### I. *Contested Claims*

###### a. *Claim Nos. 06248 and 06250*

102. Claim Nos. 06248 and 06250 have been filed by the Claimant in his capacity as a family household member of the alleged property right holder, namely his father.

103. The Respondents to the two claims allege that their families purchased the claimed properties from the Claimant's father. According to the Respondent, the property claimed in

Claim No. 06250 was bought in 1978, and the property claimed in Claim No. 06248 in 1972, respectively. The Respondent in Claim No. 06248 asserted that the payment was made in the presence of four witnesses and that he had filed a claim before the Municipal Court in Malishevë/Mališevo for the recognition of his ownership rights over the claimed property and that the procedure is still pending. The Respondent's son in Claim No. 06250 asserted that the transaction was registered in the cadastral records in 2011.

104. During the processing of the claim, the Claimant acknowledged that his father had sold the claimed properties to the Respondents' families in 1972 and 1978, respectively. He alleged, however, that the Respondents had not paid the entire purchase price and approximately DM 15,000 to 16,000 of the purchase price was still outstanding. The Claimant requested that the Commission compel the Respondents to pay the outstanding amount. Based on the evidence before it, the Commission notes that it is uncontested that the claimed properties were sold prior to the conflict. Accordingly the alleged property right holder did not have any property rights over the claimed properties immediately prior to or during the 1998-99 conflict and the claims stand to be dismissed. The Commission further notes that it has no jurisdiction to grant the Claimant's request for payment of the outstanding portion, which claim also stands to be dismissed. The Commission's decision is without prejudice to the Claimant's right to seek reimbursement of the part of the purchase price that he claims has not been paid before competent local courts.

*b. Claim Nos. 08677, 08681, 08683, 08684, 08685, 92487 and 92488*

105. Claim Nos. 08677, 08681, 08683, 08684, 08685, 92487 and 92488 have been filed by the Claimant in her capacity as a family household member of the alleged property right holder, namely her daughter. In Claim Nos. 08677, 08681, 08683, 08684, 92487 and 92488, the Respondent submitted a purchase contract dated 8 January 1974 whereby the claimed properties were purchased by the Alijaj family from the Jovovic family. The Respondent also submitted a receipt dated 1 May 1974 for the payment of the last instalment of the purchase price by the buyers and the judgment of the Municipal Court in Pejë/Peć C. nr. 1204/05, which validated the purchase contract and transferred it into the name of the Alijaj family in 2008 with effect from 2 November 2009. The Executive Secretariat contacted the Claimant and she confirmed that the claimed properties were sold by her husband before he died in 1998.

106. The land parcel No. 2/4 claimed in Claim No. 08685 was not included in the purchase contract or the Municipal Court Judgment of 2008. The Respondent alleges that he purchased all the claimed properties from the Jovovic family, including land parcel No. 2/4, which he claimed had been purchased twice, first in 1974 and then again in 1996 or 1997. He proposed to bring two witnesses to attest to this fact and submitted statements from these two witnesses. The Respondent explained that the land parcel had been bought without knowing that it was classified as social property, but during 1997 the Jovovic family had registered it in the names of the seventeen co-owners of the Jovovic family, including the property right holder. When the Executive Secretariat contacted the Claimant, she said it was possible that the land parcel had been sold, but she was not sure and did not know why it had not been included in the purchase contract. She agreed to withdraw Claim No. 08685, after the resolution of the related claims. The Executive Secretariat tried to obtain additional information on the land parcel sold by her husband, but was unable to contact her.

107. Based on the evidence before it, the Commission concludes that the Claimant has failed to show an ownership right or possession over the claimed properties before or at the time of the conflict in 1998-1999.

*c. Claim Nos. 11665, 11666 and 11673*

108. Claim Nos. 11665, 11666 and 11673 have been filed by the Claimant in his capacity as a family household member of the alleged property right holder, namely his step father. The Claimant submitted possession list No. 32, which lists the claimed properties in the name of the property right holder. The Respondent to Claim Nos. 11665 and 11666 and the Respondent to Claim No. 11673 both allege that they purchased the claimed properties, and that they had been in possession of these properties since 1990. The Claimant confirmed that the claimed properties had been sold to the Respondents in the 1990s. The Claimant also acknowledged that the transfers were not formalized, however, he refused to withdraw the claims.

*d. Claim Nos. 13694, 13695 and 13697*

109. Claim Nos. 13694, 13695 and 13697 have been filed by the Claimant in his capacity as the alleged property right holder. The Claimant submitted possession list No. 38 listing the claimed properties in the name of his father. The Respondents allege that they purchased the claimed properties from the property right holder before the 1998-1999 conflict. The Respondents submitted uncertified purchase contracts as evidence. The Claimant subsequently confirmed that the claimed properties had been sold to the Respondents and indicated that he would withdraw the claims. However, he failed to do so.

*e. Claim No. 17905*

110. Claim No. 17905 has been filed by the Claimant in his capacity as a family household member of the alleged property right holder, namely the property right holder's son. The Claimant subsequently confirmed that the claimed property had been sold to the Zeqirovic family in 1973. However, he has not withdrawn the claim.

*f. Claim No. 20185*

111. Claim No. 20185 has been filed by the Claimant in his capacity as the property right holder. The Claimant submitted possession list No. 99, which lists the Claimant as a co-owner of the claimed property. The Respondents allege that they purchased the claimed property in 1980 and have been in possession of the claimed property ever since. However, they did not register the claimed property in their names due to the high taxes. The Respondents filed a lawsuit against the Claimant in 2007 and submitted the Judgment C.nr. 301/08 issued by the Municipal Court in Vushtri/Vučitrn, confirming their ownership rights over the claimed property. Furthermore, corresponding changes had been made to the cadastral records. The Claimant confirmed that the claimed property had been sold to the Respondents in 1980, but requested compensation for the taxes paid by him on the property until 1999. The Commission notes that it has no jurisdiction to grant such relief.

*g. Claim No. 22266*

112. Claim No. 22266 has been filed by the Claimant in his capacity as the property right holder. The Respondent alleges that he had purchased the claimed property from the Claimant's mother in 1974 and has since then been in continuous possession of the claimed property. The Claimant acknowledges in a written statement that the claimed property had been sold by his mother in 1974 to Enver Bruti, the Respondent, and that the property right holder and her family then left Kosovo in 1975. The Claimant has not withdrawn his claim.

*h. Claim No. 23500*

113. Claim No. 23500 has been filed by the Claimant in his capacity as the property right holder. The Respondent alleges that he purchased the claimed property from the Claimant in 1998 and submitted a handwritten purchase contract concluded between him and the Claimant and a receipt for the second rate of the purchase price. The Executive Secretariat contacted the Claimant and his son, who confirmed that the Claimant had sold the claimed property in 1998.

*i. Claim Nos. 28806 and 28815*

114. Claim No. 28806 has been filed by Claimant 1 in her capacity as a family household member of the alleged property right holder, namely her father. Claim No. 28815 has been filed by the property right holder himself in his capacity as the alleged property right holder (Claimant 2). The Executive Secretariat located *ex officio* a certificate for the immovable property rights, listing the Municipality of Rahovec/Orahovac as the property right holder of the claimed property and the Directorate for Education in Rahovec/Orahovac as the user of the claimed property. The Municipality has built a school building on the claimed property. When requested by the Executive Secretariat to submit documentation in support of the claims, the property right holder responded that he was given permission to use the claimed property by the Municipality of Rahovec/Orahovac, but did not have any documents to prove his ownership right or right of use.

115. Based on the evidence before it, the Commission concludes that the Claimants have failed to show the alleged property right holder's ownership or any other property right over the claimed property immediately prior to or during the 1998-99 conflict.

*j. Claim No. 28866*

116. Claim No. 28866 has been filed by the Claimant in his capacity as the property right holder. The Respondent alleges that he is the owner of the claimed property and submitted a certified purchase contract No. 3757/07 dated 26 June 2007, showing that he purchased the claimed property from Bali Mekaj, and another purchase contract No. 2936/9 dated 21 May 2007, showing that Bali Mekaj had in turn purchased it from Petar Rakocevic, through the latter's authorized representative Muhamed Toska, who is the father of the Claimant. The Executive Secretariat contacted the Claimant several times asking him to produce evidence to support his claim. When contacted by the Executive Secretariat on 9 March 2010, the Claimant confirmed that the claimed property had been sold and he agreed to withdraw the claim, however, he failed to do so.

117. Based on the evidence before it, the Commission concludes that the Claimant failed to show ownership or any other property right over the claimed property immediately prior to or during the 1998-99 conflict.

*k. Claim Nos. 28994*

118. Claim No. 28994 has been filed by the Claimant in his capacity as the property right holder. The Respondent alleges that his father purchased the claimed property from the Claimant's father in 1991/1992 and submitted an uncertified, informal purchase contract. The Respondent alleges that his family has been in continuous possession of the claimed

property since 1991. The Claimant acknowledged that his father sold the claimed property in 1991.

119. Based on the evidence before it, the Commission concludes that it is undisputed that the Claimant had no ownership or any other property right over the claimed property immediately prior to or during the 1998-99 conflict.

*l. Claim No. 33202*

120. Claim No. 33202 has been filed by the Claimant in his capacity as a family household member of the alleged property right holder, namely the property right holder's son. The Respondent submitted possession list No. 150 listing the claimed property in his name in 2001, updated pursuant to an inheritance decision whereby he inherited the claimed property from his father, who had died in 1995. When contacted by the Executive Secretariat, the Claimant explained that he would submit additional information. However, to date, the Claimant has not submitted any evidence in support of his claim.

121. Based on the evidence before it, the Commission concludes that the Claimant failed to show ownership or any other property right over the claimed property immediately prior to or during the 1998-99 conflict.

*m. Claim Nos. 41351, 41352, 41353 and 41354*

122. Claim Nos. 41351, 42352, 41353 and 41354 have been filed by the Claimant in his capacity as a family household member of the property right holder, namely his deceased mother. The Claimant submitted a possession list, which lists the claimed properties in the name of his mother. The possession list has been verified by the Executive Secretariat as being genuine.

123. The Respondent alleges that he and his brother purchased the claimed properties from the Claimant's mother in 1986, and that they have 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 into the Claimant's mother's bank account. The Respondent further indicated witnesses who could confirm the sale. The Claimant initially denied that his mother had sold the claimed properties to the Respondent.

124. During its 27<sup>th</sup> session on 29 February 2012, the Commission ordered that an oral hearing be held in these cases 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 that 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 have 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 Claim No 41350 filed by the same Claimant, was not part of the property transaction between the Respondent and his brother and the Claimant's mother.

The Commission notes that Claim No. 41350 has been decided by the Commission's decision KPCC/D/A/148/2012.

125. As the Claimant was not able to attend the hearing in Prishtinë/Pristina on 29 March 2012, on 3 April 2012 the hearing of the Claimant took place in the KPA premises in Mitrovicë/Mitrovica. The Claimant alleged that he is the owner of the parcel claimed in Claim No. 41350, a forest in the village Resnik, as evidenced by the possession list. He stated that he is not interested in pursuing the claims in respect of the other properties but confirmed that his mother did not sell the forest.

126. Based on the evidence before it, including the evidence offered at the oral hearings, the Commission is satisfied that the Claimant's mother as the property right holder at the time sold the claimed properties to the Respondent and his brother, except for the property claimed in Claim No. 41350. Consequently, Claim Nos. 41351, 41352, 41353 and 41354 stand to be refused as the Claimant failed to establish ownership or any other property right over the claimed properties immediately prior to or during the 1998-99 conflict.

*n. Claim No. 44105*

127. Claim No. 44105 has been filed by the Claimant in her capacity as a family household member of the alleged property right holder, namely the property right holder's daughter. The Respondent alleges that he purchased the claimed property from the property right holder and submitted an uncertified purchase contract from 1 March 1987. During the processing of the claim, the Claimant submitted an inheritance decision, through which she inherited an ideal part of 1/3 of the claimed property from her father. The Executive Secretariat contacted the Claimant and she confirmed that the claimed property had been sold prior to the conflict in 1987. However, she did not withdraw her claim.

128. Based on the evidence before it, the Commission concludes that the Claimant failed to show ownership or any other property right over the claimed property immediately prior to or during the 1998-99 conflict.

*o. Claim No. 44434*

129. Claim No. 44434 has been filed by the Claimant in his capacity as the property right holder. The Respondent alleges that he purchased the claimed property from one Zeqir Ademi, who had purchased it from the Kovacevic family on 30 October 1993 and signed a hand written contract in the presence of three witnesses, which was never certified. The Respondent submitted the purchase contract as well as a final receipt of payment dated 25 December 1993. When confronted with the Respondent's statement and evidence, the Claimant acknowledged that the claimed property had been sold in 1993 and although he agreed to withdraw the claim, he had failed to do so.

130. Based on the evidence before it, the Commission concludes that the Claimant failed to show ownership or any other property right over the claimed property immediately prior to or during the 1998-99 conflict.

*p. Claim No. 44504*

131. Claim No. 44504 has been filed by the Claimant in her capacity as the property right holder. The Respondent alleges that he purchased the claimed property from the Claimant's aunt and submitted a certified purchase contract No. 9905/03 dated 28 May 2003 and

possession list No. 4898, updated pursuant to the purchase contract. The Claimant submitted two written statements dated 11 August 2011 and 29 September 2011, respectively, wherein she acknowledged the sale of the claimed property and that she had meant to claim for another land parcel.

132. Based on the evidence before it, the Commission concludes that the Claimant has failed to show ownership or any other property right over the claimed property immediately prior to or during the 1998-99 conflict.

*q. Claim Nos. 44994 and 92484*

133. Claim Nos. 44994 and 92484 have been filed by the Claimant in her capacity as a family household member of the alleged property right holder, namely the property right holder's daughter. The Claimant submitted an inheritance decision P. Nr. 868/07 dated 20 August 2007, whereby she inherited the claimed properties along with two other co-owners. The Respondent alleges that he purchased the claimed properties in 1987 from Arsa and Svetozar Garic in the presence of two witnesses and took possession of the claimed properties. However, due to the administrative barriers at that time, namely the Temporary Law of the Kosovo Assembly for Transfers of Immovable Property between Different Nationalities, which required the consent of the Municipal Communities for the transfer of immovable property, the Respondent could not register the claimed properties in his name. The Municipal Court in Podujevë/Podujevo subsequently recognized the Respondent's ownership rights over the claimed properties in decision No. 37/07 dated 16 March 2007, pursuant to which the cadastre records were updated. The Municipal Court decision on inheritance P. Nr. 868/07 dated 20 August 2007 was issued without an awareness of the sale of the claimed properties to the Respondent.

134. The Commission considers that, in the circumstances, it cannot rely on the inheritance decision submitted by the Claimant and concludes that the Claimant failed to show ownership or any other property right over the claimed property immediately prior to or during the 1998-99 conflict.

*r. Claim No. 91779*

135. Claim No. 91779 has been filed by the Claimant in his capacity as a family household member of the alleged property right holder, namely her father-in-law. The Claimant submitted a power of attorney issued by her husband authorizing her to act on his behalf.

136. The Respondent alleges that his father purchased the claimed property in 1997, and that they have been in continuous possession of the claimed property ever since the sale. The Claimant subsequently confirmed the sale and explained that no purchase contract was concluded. She did not withdraw the claim.

137. Based on the evidence before it, the Commission concludes that the Claimant has failed to show ownership or any other property right over the claimed property immediately prior to or during the 1998-99 conflict.

### III. Uncontested Claims

#### a. Claim Nos. 22199, 22200, 22201, 22203, 22205, 22206, 22207 and 22208

138. Claim Nos. 22199, 22200, 22201, 22203, 22205, 22206, 22207 and 22208 have been filed by the Claimant in his capacity as the property right holder. The Claimant alleges that he purchased the properties claimed in Claim Nos. 22199, 22200 and 22201 from Milica Gogic but that they did not conclude a purchase contract or have the changes registered in the cadastral records. The Claimant submitted a possession list No. 273, listing the claimed properties in the above claims in the name of Milica Gogic, who inherited the property pursuant to an inheritance decision O.br. 12/79. The Claimant submitted a statement from his children dated 30 August 2008, which purports to confirm that the Claimant purchased the claimed properties from Milica Gogic about 20 years earlier, that the entire purchase price had been paid and that the Claimant's family had used the property until 14 June 1999. The Executive Secretariat contacted the Claimant several times, asking him to submit additional documentation, which he agreed to do. He also agreed to submit a statement from Milica Gogic or Milica Gogic's sons as the original documents allegedly had been burnt with the house.

139. The Claimant alleges that the properties claimed in Claim Nos. 22203, 22205 and 22206 were sold by Stana and Milorad Dasic to Cano Brahimi, who then exchanged these properties with the Claimant. However, no formal agreement was concluded or changes made to the cadastre records. The Executive Secretariat located *ex officio* possession list No. 20, listing the claimed properties in the name of Stana Dasic. The Executive Secretariat contacted the Claimant several times, asking him to submit additional documentation in support of his claim for ownership of these properties. However, he failed to submit any such documentation.

140. The Claimant alleges that he bought the properties claimed in Claim Nos. 22207 and 22208 about 50 years ago from Sultana Maksimovic, Milic Popovic and Tomash Popovic. However, no formal agreement was concluded or changes made to the cadastre. The Executive Secretariat located *ex officio* possession list No. 233, listing the claimed properties in the names of Sultana Maksimovic, Milic Popovic and Tomash Popovic. The Executive Secretariat contacted the Claimant several times, asking him to submit additional documentation in support of his claim for ownership over these properties. However, he failed to submit any such documentation.

141. Based on the evidence before it, the Commission concludes that the Claimant has failed to show ownership or any other property right over the claimed properties immediately prior to or during the 1998-99 conflict.

#### b. Claim Nos. 22745, 22746, 22747, 22748 and 22749

142. Claim Nos. 22745, 22746, 22747, 22748 and 22749 have been filed by the Claimant in her capacity as a family household member of the alleged property right holder, namely her father-in-law. The Claimant submitted a power of attorney issued by her son as the alleged property right holder's grandson, authorizing her to represent him. She further produced an old possession list No. 54 from 1966 listing the claimed properties in the name of her father-in-law.

143. The Executive Secretariat located *ex officio* possession list No. 1 in respect of the claimed properties, registered in the name of Public Water Supply Company K.R.U.

Hidrosistemi Radoniq Sh.a (J.S.C). The cadastral officer confirmed to the Executive Secretariat that the Cadastre was updated in 2007, changing the name of the Public Water Supply Company from a Holding Company to Public Water Supply Company K.R.U. Hidrosistemi Radoniq Sh.a (J.S.C), pursuant to a Transfer Act on the Right of Property Right Holder and Authority over the Immovable Property No. 1869 dated 27 July 2007. The Claimant was contacted by the Executive Secretariat and asked to confirm the date the family lost possession of the claimed properties. The Claimant replied that she did not know and that there was no family member alive who possessed the property to answer that question. The Claimant stated that she did not know any member of the family who lived on or visited the claimed property before the conflict. The Claimant also indicated that she was not interested in pursuing the claim any longer, but did not withdraw the claim. The Commission notes that the Claimant also failed to submit proof of the family relationship between the property right holder and her son.

144. The Public Water Supply Company K.R.U. Hidrosistemi Radoniq Sh.a (J.S.C) was contacted by the Executive Secretariat. A representative of the company explained that the claimed properties were expropriated by the then Hidrosistemi Radoniq in 1978 by decisions of the Secretariat of Economy and Finance of the Municipality of Gjakovë/Đakovica.

145. Based on the evidence before it, the Commission concludes that the Claimant has failed to show ownership or any other property right over the claimed properties immediately prior to or during the 1998-99 conflict.

*c. Claim Nos. 26789 and 26792*

146. Claim Nos. 26789 and 26792 have been filed by the Claimant in his capacity as a family household member of the alleged property right holder, namely his father. The Claimant submitted an old possession list No. 173 from 1938, listing the claimed properties in the name of the property right holder. However, the Executive Secretariat located *ex officio* certificates on the immovable property rights Nos. 72 and 100, which list the property claimed in Claim No. 26789 in the name of one Milorad Pejcinovic and the property claimed in Claim No. 26792 in the name of one Arif Kabashi. The Executive Secretariat contacted the Claimant and informed him of the above. The Claimant confirmed that the claimed property had been sold before the 1998-99 conflict.

*d. Claim Nos. 28546, 28547, 28548, 28549, 28550 and 90952*

147. Claim Nos. 28546, 28547, 28548, 28549, 28550 and 90952 have been filed by the Claimant in her capacity as the property right holder. The Claimant submitted an inheritance decision O.br. 12/2 dated 30 April 2003, issued by a parallel court in Istog/Istok, pursuant to which she inherited the claimed properties from her mother-in-law. However, the Executive Secretariat located *ex officio* possession list No. 130, listing the claimed properties in the name of the Claimant's mother-in-law. The Claimant was contacted by the Executive Secretariat several times and informed of the verification efforts conducted by the Executive Secretariat. The Claimant was asked to submit a valid inheritance decision or any additional documentation to prove her ownership of the claimed property, or a power of attorney from the inheritors of her mother-in-law, as she does not fall within the definition of family household member. The Claimant indicated that she would initiate the inheritance proceedings at a regular court and submit a valid inheritance decision and a power of attorney from the inheritors of her mother-in-law, however, she failed to do so.

148. Based on the evidence before it, the Commission concludes that the Claimant has not presented adequate evidence of ownership or any other property right and the claims stand to be refused.

*e. Claim Nos. 33300 and 33306*

149. Claim Nos. 33300 and 33306 have been filed by the Claimant in his capacity as a family household member of the alleged property right holder, namely his father, who he claims to be a missing person. The Claimant submitted possession list No. 62, listing the claimed properties in the name of his father. He also submitted possession list No. 60 and a statement requesting that the claims be processed in accordance with the latter possession list; however this list does not relate to the claimed properties. The Executive Secretariat located *ex officio* a certificate on the immovable property rights No. 182, which lists the claimed properties in the name of one Halit Rrahimi. The Executive Secretariat contacted the Claimant and confronted him with this information. The Claimant then confirmed that the claimed property had been sold before the 1998-99 conflict.

150. Based on the evidence before it, the Commission concludes that the Claimant failed to show ownership or any other property right over the claimed property immediately prior to or during the 1998-99 conflict.

*f. Claim No. 42364*

151. Claim No. 42364 has been filed by the Claimant in his capacity as a family household member of the alleged property right holder, namely his father. The Claimant submitted an old possession list No. 173 from 1939, listing the claimed property in the name of the alleged property right holder, in support of his claim. However, the Executive Secretariat located *ex officio* possession list No. 555, which lists the claimed property in the name of Ragip Xhukaj. This possession list had been updated in 1998 pursuant to purchase contract P. br. 346/97 on 12 December 1997 at the Municipal Court in Istok/Istog. When contacted by the Executive Secretariat and informed him of the above, the Claimant confirmed that the claimed property had been sold before the conflict.

152. Based on the evidence before it, the Commission concludes that the Claimant failed to show ownership or any other property right over the claimed property immediately prior to or during the 1998-99 conflict.

*g. Claim Nos. 51004, 51005, 51006, 51008, 51009, 51010 and 51011*

153. Claim Nos. 51004, 51005, 51006, 51008, 51009, 51010 and 51011 have been filed by the Claimant in his capacity as the property right holder. The Claimant submitted various documents in support of his claims; however, there was a discrepancy in the property right holder's surname on the documents submitted. The identity documents show him as Ali Memet Maka, whereas the documents submitted in support of his ownership claim, namely purchase contract No. 786/80 dated 29 April 1980 and certificate for the immovable property rights No. 12, list Ali Mehmet Berisha as the property right holder. The Executive Secretariat contacted the Claimant on several occasions requesting him to clarify the discrepancy. On 23 February 2010, he was contacted to clarify the name discrepancy and to submit a certified document from the civil registration office explaining the name discrepancy or a corrected possession list in his actual name. On 14 January 2011, the Claimant was contacted again and asked to submit a document issued by a competent court or the civil registration office proving that Ali Maka and Ali Mehmet Berisha is the same person. On both occasions the

Claimant was given a deadline for the submission of the required documentation, but he has failed to submit any such documentation.

154. On 20 December 2011, the Claimant was contacted again and asked to submit the documents clarifying the name discrepancy. The Claimant stated that he had two surnames and two identification documents, but failed to substantiate his allegation or to provide any evidence in prove thereof. The Claimant has not submitted any documentation to that effect.

155. Based on the evidence before it, the Commission concludes that the Claimant has failed to show ownership or any other property right over the claimed properties immediately prior to or during the 1998-99 conflict.

*h. Claim Nos. 51121, 51123, 51124 and 51125*

156. Claim Nos. 51121, 51123, 51124 and 51125 have been filed by the Claimant in his capacity as the property right holder. The Claimant submitted a copy of a lawsuit filed before the Municipal Court in Pejë/Peć dated 31 May 2004 whereby he seeks compensation for damage to his property as a result of the conflict, the property being defined as listed in possession list No. 211, namely land parcel Nos. 22/1, 216/6 (correct land parcel number is 216/2 as there is no parcel number 216/6 on the possession list; this is confirmed by the Claimant), 216/7, 216/8, 219/1, 225/5 and 260/1. The Executive Secretariat located *ex officio* possession list No. 211, registered in the name of the Claimant, as the owner of an ideal part of ¼ of the claimed properties, except for land parcel No. 22/1, which is registered in the name of another party.

157. The Claimant only provided the culture and surface area of the claimed properties in the Claim Intake Forms, which do not match with the surface area of the land parcels in possession list No. 211 or the lawsuit he filed in 2004. The Claimant was contacted several times by the Executive Secretariat to clarify the identity of the land parcels claimed by the Claimant in each claim and whether these claims include properties that are not covered by the lawsuit. The Claimant stated that he would visit the KPA Office to clarify the situation so that the property claimed in each claim could be identified, however, he failed to provide such a clarification.

158. Based on the evidence before it, the Commission concludes that the Claimant has failed to show ownership or any other property right over the claimed properties immediately prior to or during the 1998-99 conflict.

*i. Claim Nos. 54794, 54798, 54800, 54803, 54806, 54807, 54809 and 54811*

159. Claim Nos. 54794, 54798, 54800, 54803, 54806, 54807, 54809 and 54811 have been filed by the Claimant in his capacity as a family household member of the alleged property right holder, namely his father. The Claimant alleges that his father purchased the claimed properties from one Bajram Nikqi in 1958 and that a purchase contract had been signed to that effect in 1986 and registered under No. 6/86. The Claimant submitted possession list No.131, listing Bajram Nikqi as the owner of the claimed properties.

160. The Executive Secretariat contacted the Claimant several times, inviting him to submit documentation on the alleged property right holder's ownership over the claimed properties. Although the Claimant agreed to submit the purchase contract or court decision, he has not submitted any additional documentation.

161. Based on the evidence before it, the Commission concludes that the Claimant has failed to show ownership or any other property right over the claimed properties immediately prior to or during the 1998-99 conflict.

*D. Claims for compensation*

162. In Claim Nos. 06248, 06250, 10144, 18345, 19268, 19269, 19270, 19271, 20185, 22047, 22048, 22050, 22483, 22745, 22746, 22747, 22748, 22749, 23029, 23030, 23313, 23500, 23754, 26789, 26792, 31501, 31502, 31503, 31504, 31505, 31510, 31513, 31544, 34140, 35303, 35778, 47588, 47603, 47604, 47605, 49642, 49643, 49644, 54794, 54798, 54800, 54803, 54806, 54807, 54809, 54811, 54982, 54984, 54989, 54990, 90019, 90155, 91604 and 90162, the Claimants seek, in addition to ownership, compensation for physical damage to, or for loss of use of, the claimed property. Under UNMIK/REG/2006/50 as adopted by Law No. 03/L-079 the Commission has no jurisdiction over such claims. Accordingly these claims must be dismissed.

*E. Concluding remarks*

163. 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.

164. 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.



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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

KPA13269	KPA17662	KPA28982	KPA28983	KPA28984	KPA28985	KPA28986
KPA29145	KPA51021	KPA51023	KPA51024	KPA18345	KPA18346	KPA22485
KPA22486	KPA35303	KPA38812	KPA00264	KPA25055	KPA36999	KPA37427
KPA51521	KPA92290	KPA92291	KPA92292	KPA23754	KPA26474	KPA33210
KPA47318	KPA47588	KPA21062	KPA21066	KPA21068	KPA21069	KPA21070
KPA21071	KPA28525	KPA28526	KPA90374	KPA90381	KPA90386	KPA90387
KPA23029	KPA23030	KPA34140	KPA53652	KPA06282	KPA10014	KPA10310
KPA10477	KPA26113	KPA26116	KPA49642	KPA49643	KPA49644	KPA00078
KPA20204	KPA20205	KPA20207	KPA30668	KPA36820	KPA49412	

Spreadsheet /Lista /Prilog  
Part B/Pjesa B/Deo B

KPA11665	KPA11666	KPA11673	KPA17905	KPA28994	KPA91779	KPA13694
KPA13695	KPA13697	KPA20185	KPA23500	KPA44105	KPA44994	KPA92484
KPA22266	KPA33202	KPA08677	KPA08681	KPA08683	KPA08684	KPA08685
KPA28806	KPA28815	KPA28866	KPA92487	KPA92488	KPA06248	KPA06250
KPA44434	KPA44504	KPA41351	KPA41352	KPA41353	KPA41354	

Spreadsheet /Lista /Prilog  
Part C/Pjesa C/Deo C

KPA10144	KPA22047	KPA22048	KPA22050	KPA35778	KPA50327	KPA50328
KPA90019	KPA90155	KPA90162	KPA91801	KPA91802	KPA11052	KPA23313
KPA26121	KPA30776	KPA30778	KPA30779	KPA30782	KPA30783	KPA30786
KPA30787	KPA19268	KPA19269	KPA19270	KPA19271	KPA44613	KPA45258
KPA54982	KPA54984	KPA54989	KPA54990	KPA44819	KPA44820	KPA44824
KPA44827	KPA44829	KPA44831	KPA44833	KPA44837	KPA44838	KPA44842
KPA44844	KPA44846	KPA47604	KPA47605	KPA47786	KPA47194	KPA47195
KPA47196	KPA47197	KPA47198	KPA47199	KPA47200	KPA47201	KPA47202
KPA47204	KPA47205	KPA47206	KPA51705	KPA51706	KPA51710	KPA51711
KPA51713	KPA51714	KPA51715	KPA22483	KPA31501	KPA31502	KPA31505
KPA31544	KPA41154	KPA41159	KPA47603	KPA47107	KPA47108	KPA47110
KPA47111	KPA47112	KPA47113	KPA31503	KPA31504	KPA31510	KPA31513
KPA91604	KPA50540	KPA50552	KPA50553	KPA50554	KPA50555	KPA50556
KPA50557						

Spreadsheet /Lista /Prilog  
Part D/Pjesa D/Deo D

KPA28546	KPA28547	KPA28548	KPA28549	KPA28550	KPA51004	KPA51005
KPA51006	KPA51008	KPA51009	KPA51010	KPA51011	KPA90952	KPA54794
KPA54798	KPA54800	KPA54803	KPA54806	KPA54807	KPA54809	KPA54811
KPA22199	KPA22200	KPA22201	KPA22203	KPA22205	KPA22206	KPA22207
KPA22208	KPA42364	KPA22745	KPA22746	KPA22747	KPA22748	KPA22749
KPA26789	KPA26792	KPA33300	KPA33306	KPA51121	KPA51123	KPA51124
KPA51125						