



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

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

DECISION

PANEL NO: 1

DECISION NO.: KPCC/D/A/203/2013
DECISION DATE: 11/06/2013

Commissioners Heiskanen (Chairperson),
Vokshi and Wühler

ORDER

(1) In each of the 12 (twelve) claims identified in part A of the attached Schedule, the Commission

decides that

The claimant or the property right holder, as the case may be, has established ownership over the claimed property, or such part thereof as specified in the respective individual decision;

(2) In Claim Nos. 14815, 50626 and 50630, referred to in part C of the attached Schedule, the Commission

decides that

The claimant or the property right holder, as the case may be, has established a use right over the claimed property, or such part thereof as specified in the respective individual decision;

(3) In Claim Nos. 25086, 25087, 25088, 25089, 25090, 25091 and 90041, referred to in part B of the attached Schedule, the Commission,

decides that

The Claimant has established ownership of the deceased property right holder over the claimed property, or such part thereof as specified in the respective individual decision;

- (4) *In each of the 22 (twenty two) claims referred to in paragraphs (1) and (2) above, except for Claim Nos. 40674 and 40675, the Commission*

orders that

(a) The claimant or the property right holder, as the case may be, be given possession of the claimed property;

(b) The respondent and any other person unlawfully occupying the property vacate the same within 30 (thirty) days of the delivery of this order; and

(c) Should the respondent or any other person unlawfully occupying the property fail to comply with the order to vacate within the time stated, they be evicted from the property;

- (5) *In each of the claims identified in the relevant columns in parts A, B and C of the attached Schedule, the Commission additionally decides that the claims be dismissed insofar as the claimants seek compensation for physical damage to, or for loss of use of, the claimed property; and*

- (6) *In cases in which there is more than one owner, the above decisions and orders do not affect the rights of any respective co-owners.*

LEGAL FRAMEWORK

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

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

REASONS FOR THE DECISION

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

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

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

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

5. The Commission held its thirty-fifth session from 10 to 11 June 2013 in Prishtinë/Pristina. A total of 495 agricultural property claims were submitted by the Executive Secretariat of the KPA (the "Executive Secretariat") to the Commission at its thirty-fifth session, together with supporting documentation, claims processing reports, verification reports and other relevant information. All 495 agricultural property claims were resolved by the Commission during the session.

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

A. Claims covered by the present decision

7. In all of the claims covered by the present decision, except for Claim Nos. 14815, 50626 and 50630 where the Claimants seek confirmation of a use right over the claimed properties, the claimants seek the resolution of an ownership claim, and all of them relate to agricultural properties, including agricultural land, pasture and forests.

8. The present decision applies to the 22 claims identified in the attached Schedule. Claim Nos. 16521, 16522, 16523 and 22016 were the subject of an earlier Commission decision.² However the earlier decisions in these claims were overturned by the Commission on account of an incorrect notification of the claimed property during claims processing by the Executive Secretariat or on account of other processing errors by the Executive Secretariat which were identified after the decision had been taken. These claims consequently stand to be re-determined following correct notification of the claimed properties. The Executive Secretariat has written to the claimants advising them of the notification error and informing them that the claims will be re-determined following correct notification of the claimed

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

² Claim No. 16521 was decided by the Commission's decision KPCC/D/2/2007 dated 3 September 2007, Claim Nos. 16522 and 22016 were decided by the Commission's decision KPCC/D/A/5/2007 dated 19 December 2007 and Claim No. 16523 was decided by the Commission's decision KPCC/D/A/3/2007 dated 07 November 2007.

properties. The claimants, as well as the relevant cadastral authority, have been advised that the previous Commission decisions are invalid and cannot be used for the purposes of any legal transaction. The remaining 473 claims for agricultural property dealt with by the Commission during the session are covered by two other decisions, namely decision KPCC/D/A/202/2013 and decision KPCC/D/A/204/2013.

9. All 22 claims covered by the present decision are contested in the sense that the party or parties occupying the claimed properties, or a party that has expressed a legal interest in such properties (the “Respondent”), has contested the validity of the claim within the 30-day period prescribed in section 10.2 of UNMIK/REG/2006/50 as adopted by Law No. 03/L-079, or at a later stage during the proceedings, pursuant to section 10.3 of UNMIK/REG/2006/50 as adopted by Law No. 03/L-079.

10. In order to satisfy the requirements for a valid claim, the claimant or the property right holder, as the case may be, must show that he or she had an ownership right or, as the case may be, 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.

1. Contested claims – simple defence

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

a. Claim No. 22016

12. Claim No. 22016 has been filed by the Claimant in his capacity as a family household member of the property right holder, namely his deceased father. The Claimant seeks confirmation of ownership and repossession over the claimed property. In support of his claim, the Claimant submitted a possession list from 2002 identifying the alleged property right holder as the owner of the claimed property. The possession list has been verified by the Executive Secretariat as being genuine.

13. The Respondent claims legal rights over the claimed property, however, the Respondent has failed to provide any evidence to support the assertion.

14. Based on the evidence before it, and in the absence of any valid defense by the Respondent, the Commission finds that the claim stands to be granted.

b. Claim No. 33486

15. Claim No. 33486 has been filed by the Claimant in his capacity as the property right holder. The Claimant seeks confirmation of a co-ownership right and repossession of the claimed property. In support of his claim, the Claimant submitted a decision on land consolidation from 1987, pursuant to which the claimed property was allocated to the Claimant in co-ownership. The decision has been verified by the Executive Secretariat as being genuine.

16. The Respondent claims legal rights over the claimed property, however, the Respondent failed to provide any evidence to support the assertion.

17. Based on the evidence before it, and in the absence of any valid defense by the Respondent, the Commission finds that the claim stands to be granted.

2. *Contested claims – other*

18. In the twenty claims identified in parts B and C of the attached Schedule, the party or parties occupying the claimed properties, or a party that has expressed a legal interest in such properties (the “Respondent”), has contested the validity of the claim, however, the Commission has reached the conclusion that the claims stand to be granted for the reasons set out below.

a. *Claim No. 08816*

19. In Claim No. 08816 the Claimant seeks in her capacity as the property right holder the confirmation of a co-ownership right and repossession of the claimed property. In support of the claim, the Claimant submitted a certificate for immovable property rights from 2008 identifying the Claimant’s father as the co-owner of the claimed properties. In further support, the Claimant submitted an inheritance decision from 2008, showing that the Claimant succeeded to the co-ownership right of her father by virtue of inheritance. The certificate for immovable property rights and the inheritance decision have been verified by the Executive Secretariat as being genuine.

20. The Respondent claims legal rights over the claimed property alleging that he purchased the claimed properties some 50 years ago, but failed to provide any evidence to support this assertion. However, it appears that the Respondent has built a construction on the claimed property.

21. Based on the evidence before it, and in the absence of any valid defense by the Respondent, the Commission finds that the claim stands to be granted. The Commission notes that pursuant to Section 22.3 of UNMIK/Administrative Direction 2007/5 as amended by Law 03/L-079, the Executive Secretariat may, in coordination with the Chairperson of the Commission or the Presiding Judge of the Supreme Court panel respectively, delay the execution of an eviction order for a reasonable period of time when it considers that circumstances so warrant. The Executive Secretariat may consider exercising its authority in the present case, in view of the construction built by the Respondent on the claimed property, in order to allow an amicable resolution of the dispute.

b. *Claim No. 13661*

22. Claim No. 13661 has been filed by the Claimant in his capacity as the property right holder. The Claimant seeks confirmation of ownership and repossession of the claimed property. In support of his claim, the Claimant submitted a possession from 1994 identifying the Claimant as the owner of the claimed property. The possession list has been verified by the Executive Secretariat as being genuine.

23. The Respondent claims legal rights over the claimed property, asserting that he has been permitted by the socially owned enterprise “Pasuria bujqësore” to use the claimed property. In support of his allegation, the Respondent submitted *inter alia* two lease agreements from 1999-2000, allegedly concluded with the socially owned enterprise. However neither of these agreements could be verified by the Executive Secretariat as being

genuine. No further evidence has been submitted by the Respondent or has been obtained by the Executive Secretariat *ex officio* that would support the Respondent's allegation.

24. Based on the evidence before it, and in the absence of any valid defense by the Respondent, the Commission finds that the claim stands to be granted.

c. Claim No. 14298

25. Claim No. 14298 has been filed by the Claimant in his capacity as the property right holder. The Claimant seeks confirmation of a co-ownership right and repossession of the claimed property. In support of his claim, the Claimant submitted *inter alia* an inheritance decision from 1997 showing that the Claimant inherited the claimed property in co-ownership, and a possession list from 1998 identifying him as a co-owner of the claimed property. The possession list and the inheritance decision have been verified by the Executive Secretariat as being genuine.

26. The Respondent claims legal rights over the claimed property alleging that he purchased the claimed property. However, the Respondent has failed to submit any evidence to support his assertion.

27. Based on the evidence before it, and in the absence of any valid defense by the Respondent, the Commission finds that the claim stands to be granted.

d. Claim No. 14815

28. Claim No. 14815 has been filed by the Claimant in his capacity as the property right holder. The Claimant seeks confirmation of a use right over the claimed property encompassing land parcel No. 4387/27. In support of his claim, the Claimant submitted *inter alia* an allocation decision from 1997 issued by the Municipality of Gjakovë/Djakovica, pursuant to which the claimed property was allocated to the Claimant. The decision has been verified by the Executive Secretariat as being genuine. The Executive Secretariat *ex officio* obtained the certificate for immovable property rights, which also identifies the Claimant as the property right holder.

29. The Respondent claims legal rights over the claimed property asserting that the claimed property was already allocated to him in 1989 by the socially-owned enterprise "Ereniku" from Gjakovë/Djakovica. In support of his assertion, the Respondent submitted an allocation decision from 1989 issued by the socially-owned enterprise "Ereniku." However the Commission notes that the decision does not relate to the claimed land parcel No. 4387/27, but to land parcel No. 4387/2. The Respondent asserts that the claimed parcel No. 4387/2 was created from parcel No. 4387/27 in the course of a land consolidation, however, he failed to provide any evidence in support of his allegation. The Executive Secretariat also could not obtain *ex officio* any evidence that could support this allegation.

30. Based on the evidence before it, and in the absence of any valid defense by the Respondent, the Commission finds that the claim stands to be granted.

31. The Commission notes that a structure has been built by the Respondent on the claimed property. Pursuant to Section 22.3 of UNMIK/Administrative Direction 2007/5 as amended by Law 03/L-079, the Executive Secretariat may, in coordination with the Chairperson of the Commission or the Presiding Judge of the Supreme Court panel respectively, delay the execution of an eviction order for a reasonable period of time when it considers that

circumstances so warrant. The Executive Secretariat may consider exercising its authority in the present case, in order to allow an amicable resolution of the dispute.

e. Claim Nos. 16521, 16522 and 16523

32. Claim Nos. 16521, 16522 and 16523 have been filed by the Claimant in her capacity as the property right holder. The Claimant seeks confirmation of ownership and repossession of the claimed properties. In support of the claims, the Claimant submitted a number of documents including a possession list identifying the Claimant as the owner of the claimed properties. The possession list has been verified by the Executive Secretariat as being genuine.

33. The Respondent claims legal rights over the claimed properties asserting that they used to belong to the Respondent's family until they were expropriated by the authorities after the First World War. The Respondent, however, failed to submit any evidence to support this allegation. The Commission considers further that it has no jurisdiction to consider the legality of acts of land nationalization or expropriation by previous regimes.

34. Based on the evidence before it and in the absence of a valid defense by the Respondent, the Commission finds that the claims stand to be granted.

f. Claim Nos. 25086, 25087, 25088, 25089, 25090, 25091 and 90041

35. Claim Nos. 25086, 25087, 25088, 25089, 25090, 25091 and 90041 have been filed by the Claimant Cvetko Rajko Stankovic in his capacity as a family household member of the property right holder, namely his deceased mother Cveta Stankovic.

36. In support of the claims, the Claimant submitted a possession list identifying the property right holder's husband as the owner of the claimed properties. In further support, the Claimant submitted an inheritance decision from 1996 showing that the property right holder succeeded to the ownership right of her husband by virtue of inheritance. The possession list and the inheritance decision have been verified by the Executive Secretariat as being genuine.

37. The First Respondent claims legal rights over the claimed properties in Claim Nos. 25086, 25087, 25088, 25089, 25090, 25091 and 90041, and the Second Respondent claims legal rights over the claimed properties in Claim Nos. 25088, 25090 and 90041. The Respondents assert that the First Respondent in 2011 purchased the properties claimed in Claim Nos. 25086, 25087, 25088, 25089, 25090, 25091 and 90041 from the Claimant Cvetko Rajko Stankovic through a lawfully authorized representative, Istref Tairi, and subsequently sold the properties claimed in Claim Nos. 25088, 25090 and 90041 to the brother of the Second Respondent. In support of their allegations, the Respondents submitted *inter alia* the respective power of attorney allegedly issued by the Claimant to the authorized representative, Istref Tairi, as well as a certificate for immovable property rights identifying the First Respondent and the brother of the Second Respondent as owner of the respective claimed properties on the basis of the aforementioned transactions. The Executive Secretariat was, however, unable to verify the power of attorney conferred to Istref Tairi by the Claimant as being valid. The Claimant denies that he ever sold the claimed properties, and states that the power of attorney by which he allegedly authorized Istref Tairi to sell the claimed properties is forged. In these circumstances the Commission cannot rely on the power of attorney presented by the First Respondent, and consequently, the Commission considers that the transactions between the First Respondent and the Claimant and the subsequent transaction to the brother of the Second Respondent cannot be considered valid. In these circumstances, the alleged property right holder cannot be considered to have lost ownership over the claimed

properties as a result of the transactions. It also follows that the Commission cannot rely on the certificate for immovable property rights as this is based on invalid transactions.

38. Based on the evidence before it and in the absence of a valid defense by the Respondents, the Commission finds that the claims stand to be granted in the name of the Claimant's deceased mother Cveta Stankovic as the property right holder.

g. Claim No. 34661

39. Claim No. 34661 has been filed by the Claimant in his capacity as a family household member of the property right holder, namely his mother Jovanka Kosto Vukecevic-Perovic. The Claimant seeks confirmation of a co-ownership right and repossession of the claimed property. In support of his claim, the Claimant submitted a certificate for immovable property rights from 2007, identifying the property right holder as co-owner of the claimed property together with Nikolla Vukicevic, the uncle of the Claimant, and two other persons. The certificate has been verified by the Executive Secretariat as being genuine.

40. The Respondent claims legal rights over the claimed property asserting that he has been permitted to use the claimed property since 1996 based on two lease agreements. In support of this allegation, the Respondent submitted two lease agreements both allegedly concluded with the co-owner of the claimed property, Nikola Vukicevic, the first one on 25 April 1996 for a lease period of three years, and the second one on 4 September 1998 for a further three years lease period. However, neither these lease agreements identifies the claimed property as the subject matter of the respective lease contract. No further evidence has been submitted by the Respondent that could evidence his allegation. The Executive Secretariat has also been unable to obtain *ex officio* any relevant evidence. When contacted by the Executive Secretariat, the Claimant only confirmed that the claimed property was rented to the Respondent by Nicola Vukicevic in 1996 or 1997 for one year, and that Nicola Vukicevic was later expelled from the claimed property and died shortly after he left Kosovo.

41. Based on the evidence before it, and in the absence of a valid defense by the Respondent, the Commission finds that the claim stands to be granted in the name of the Claimant's mother as the property right holder.

h. Claim Nos. 40674 and 40675

42. Claim Nos. 40674 and 40675 have been filed by the Claimant in his capacity as a family household member of the property right holder, namely his father Blago Martinovic. The Claimant seeks confirmation of an ownership right and repossession of the claimed properties. The claimed property in Claim No. 40674 encompasses parcel No. 124 with a surface area of 1 ha 31 ares and 25 m², whereas the claimed property in Claim No. 40675 encompasses parcel No. 239/1 with a surface area of 55 ares and 71 m². In support of his claims, the Claimant submitted a possession list from 1994, identifying the property right holder as the sole owner of the claimed properties. The possession list has been verified by the Executive Secretariat as being genuine.

43. The Respondents in Claim Nos. 40674 and 40675 claim legal rights over the claimed properties. The Respondent in Claim No. 40674 asserts that his father purchased 20 ares of parcel No. 124 in 1983, whereas the Respondent in Claim No. 40675 asserts that his father purchased 25 ares and 71 m² from claimed parcel No. 239/1 in 1983. When contacted by the Executive Secretariat, the Claimant confirmed the transactions with the two Respondents and advised the Executive Secretariat that he claims legal rights only for the remaining, unsold parts of the respective claimed properties.

44. In these circumstances the Commission finds that Claim No. 40674 stands to be granted with 1 ha 11 ares 25 m² over land parcel No. 124, and that Claim No. 40675 stands to be granted with 30 ares over land parcel No. 239/1. In the absence of a physical division of the respective claimed properties after the sale of parts of them, an order confirming the property rights in favour of the property right holder stands to be granted without an eviction order or any other form of ancillary relief as set out above.

i. Claim Nos. 50626 and 50630

45. Claim Nos. 50626 and 50630 have been filed by the Claimant in her capacity as a family household member of the property right holder, namely her deceased father Srecko Jablan. The Claimant seeks confirmation of a use right over the claimed properties. In support of the claims, the Claimant submitted a possession list from 2003, identifying the alleged property right holder, Srecko Jablan, as the use right holder of the claimed properties. The possession list has been verified by the Executive Secretariat as being genuine.

46. The Respondent claims ownership rights over the claimed properties asserting that the properties used to belong to his family, but were confiscated by the authorities in 1914, and that later in 1941, after the properties had been reinstated to the Respondent's family, they were again unlawfully expropriated from the Respondent's family. In support of his allegation the Respondent submitted an administrative decision from 1946. The decision shows, however, that the authorities at the time allocated the properties to Pero Jablan, the predecessor of the alleged property right holder. In further support of his allegation, the Respondent provided witness statements, which, however, merely confirm that the claimed properties belonged to the Respondent's family before World War II.

47. In the Commission's view, in the absence of any corroborating documentary evidence the witness statements cannot be considered sufficient to prove a permanent use right over the claimed property. The Commission further considers that it has no jurisdiction to consider the legality of acts of land expropriation by previous regimes. Consequently, based on the evidence before it and in the absence of a valid defense by the Respondent, the Commission finds that Claim Nos. 50626 and 50630 stand to be granted.

j. Claim No. 93028

48. Claim No. 93028 has been filed by the Claimant in his capacity as the property right holder. The Claimant seeks confirmation of ownership and repossession of the claimed property encompassing land parcel No. 477. In support of his claim, the Claimant submitted a number of documents including a certificate for immovable property rights from 2013, confirming the ownership of the Claimant over the claimed property. The certificate has been verified by the Executive Secretariat as being genuine.

49. The Respondent asserts that he purchased the claimed property in 1986 based on an informal purchase contract from 1986 concluded with the Claimant's family. This is however disputed by the Claimant, who states that only the neighbouring land parcel No. 478 was informally sold to the Respondent, and that the purchase contract was subsequently formalized by a court judgment from 2006. When subsequently contacted by the Executive Secretariat, the Respondent asserted that he purchased both parcel Nos. 477 and 478, but admitted that he only had documentary evidence proving the purchase of parcel No. 478. The Respondent promised to provide witness statements to prove the purchase of the claimed parcel No. 477, however, he failed to do so.

50. Based on the evidence before it, and in the absence of a valid defence by the Respondent, the Commission finds that the claim stands to be granted.

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

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

52. Accordingly, since the Claimants in each of the claims identified in parts A, B and C of the attached Schedule have proven their ownership or, as the case may be, use right over the claimed property, and in the absence of any valid defence on the part of the Respondents, all of these claims stand to be granted, as set out above.

3. *Compensation claims*

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

B. *Concluding remarks*

54. 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.

55. Section 8.8 of Annex III of UNMIK/ADM/DIR/2007/5 as adopted by Law No. 03/L-079 allow 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.

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



Chairperson

APPEALS

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

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

12.3 The appeal may be filed on the grounds that:

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

The Supreme Court of Kosovo may levy court fees for the appeal procedures.

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

KPA22016 REP						
KPA33486						

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

KPA16521 REP	KPA16522 REP	KPA16523 REP	KPA25086	KPA25087	KPA25088	KPA25089
KPA25090	KPA25091	KPA90041	KPA14298	KPA40674	KPA40675	KPA93028
KPA08816	KPA13661	KPA34661				

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

KPA50626						
KPA50630						
KPA14815						