



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/R/131/2011
DECISION DATE: 26/10/2011

Commissioners Heiskanen (Chairperson),
Vokshi and Wühler

ORDER

- (1) In each of the 38 (thirty eight) claims identified in part A of the attached Schedule, the Commission decides that the claim be dismissed; and*
- (2) In each of the 3 (three) claims identified in part B of the attached Schedule, the Commission decides that the claim be refused.*

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.)¹

¹ There appears to be a technical error in Annex I. While Annex I clearly appears to be intended to replace UNMIK/ADM/DIR/2007/5 in its entirety, including its all three annexes, Article 26 of Annex I provides that the title of Annex III of UNMIK/ADM/DIR/2007/5 shall be replaced by a title referring

5. The Commission held its twenty-fifth session from 24 to 26 October 2011 in Prishtinë/Pristina. A total of 145 residential property claims were submitted by the Executive Secretariat of the KPA (the "Executive Secretariat") to the Commission at its twenty-fifth session, together with supporting documentation, claims processing reports, verification reports, legal memoranda and other relevant information. Two residential property claims which had been presented to the Commission by the Executive Secretariat were referred back by the Commission to the Executive Secretariat for further verification. In sum, a total of 143 residential 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 the claims covered by the present decision, except for Claim No. 11590, the claimants seek the resolution of an ownership claim and all of them relate to residential property, including the associated land. In Claim No. 11590 the Claimant seeks confirmation of a use right in respect of the claimed residential property.

8. The present decision covers the 40 residential property claims which are listed in parts A and B of the attached Schedule. The remaining 103 claims for residential property are covered by decisions KPCC/D/R/129/2011 and KPCC/D/R/130/2011.

9. All the claims covered by the present decision, except for Claim No. 16538, 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. Decisions taken in claims that were incorrectly notified have been overturned by the Commission to ensure correct notification of the property and provide any persons who may have a legal interest in the property with an opportunity to respond to the claim pursuant to section 10.1 of UNMIK/REG/2006/50 as adopted by Law No. 03/L-079. These claims are identified in the relevant columns in the Schedule to this decision. 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 the Secretariat's 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,

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.

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.

10. The Commission notes that Claim No. 16538 is uncontested in the sense that no party has contested the validity of the claim within the 30-day period subsequent notification 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.

B. Claims dismissed

11. 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.

12. 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.

13. 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.)

14. 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.

15. 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.

1. Claims dismissed for lack of jurisdiction

16. Claim No. 16538 has been submitted by the Claimant in her capacity as a family household member of the deceased property right holder. During the notification of the property the Executive Secretariat found the Claimant being present. The Claimant stated that she had never lost possession of the claimed property, and that the property now was being used by her brother. The Claimant explained that she submitted the claim with the KPA because she thought that the KPA would assist her to sell the house. Accordingly, the Claimant has not lost possession of the claimed property as a result of the conflict.

17. In Claim No. 00044 the claim was filed by an authorized person on behalf of the alleged property right holder, namely the Kosovo Islamic Community. The Respondent states that he purchased the property from the Islamic Community some 40 years ago. The Claimant and the Respondent are both parties to a law suit that has been pending before the District Court Gjilan/Gnjilane since 2003. The evidence before the Commission also shows that the Respondent was in possession of the claimed property before the 1998-99 conflict. Accordingly it cannot be said that the Claimant has lost the possession of the claimed property as a result of the conflict.

18. In Claim No. 00263 the Claimant submitted the claim as the alleged property right holder. He seeks confirmation of ownership and repossession of a cellar room which he purchased in 2005 and claims that he is not able to take possession of the claimed property as it is occupied by a person unknown to him. The initial notification, showing one Hafiz Gerbeshi as occupant, was wrongly placed on a property different from the claimed property. The re-notification shows that the claimed property is in fact not occupied. In any event, since the Claimant acquired the claimed property only in 2005, any loss of the ability to exercise property rights over the claimed property cannot be attributed to the circumstances directly related to or resulting from the 1998-99 conflict.

19. Claim No. 14233 has been submitted by the Claimant in his capacity as the alleged property right holder of an ideal part of $\frac{1}{2}$ of the claimed property. Claim No. 91902 has been filed by the same Claimant in the capacity of a family household member, namely his mother, for the other ideal part of $\frac{1}{2}$ of the claimed property. The Claimant seeks confirmation of ownership and repossession. The Claimant confirms that he and his family left the claimed property in 1968, and that the Respondent moved into the empty property with the permission of the Claimant. The Respondent alleges that he purchased the claimed property from the Claimant's father through an informal transaction in 1968 and subsequently, in 1975, constructed two houses on the claimed property. In these circumstances it cannot be said that the Claimant's loss is directly related to or results from the 1998-99 conflict.

20. In Claim No. 00109 the Claimant submitted the claim as the alleged property right holder, seeking confirmation of ownership and repossession of the claimed property. The Claimant acknowledges that she lost possession of the claimed house in 1992 as a result of the divorce of her husband at the time. Accordingly it cannot be said that the Claimant's loss is directly related to or resulting from the 1998-99 conflict.

21. In Claim No. 53175 the Claimant submitted the claim as the alleged property right holder, claiming confirmation of ownership and repossession of one room in the house of the Respondent, the Claimant's father. It is undisputed that the Respondent is the owner of the house and that the Respondent had given a room in the house to each of his three sons. The Claimant alleges that he left the claimed property in 1999, when he moved to Montenegro with his family. The evidence before the Commission suggests that the Claimant has not returned because of a family conflict, and indeed the Claimant's father has not lost possession of the claimed property. Accordingly it cannot be said that the Claimant's claim involves circumstances directly related to or resulting from the 1998-99 conflict.

2. *Voluntary disposal – lack of ownership*

22. In all of the claims covered by this section, the Claimants initially claimed that they or their families have lost the properties as a result of the 1998-1999 conflict. However, the Claimants later advised the Executive Secretariat that they or their families, as the case may be, disposed of the properties voluntarily. The fact that the Claimants or the property right holders, as the case may be, have been able to sell the property shows that he or she, is, and has been, in a position to exercise his or her property right within the meaning of and therefore cannot claim a loss of his or her property right as a result of the conflict. Accordingly these claims stand to be dismissed.

23. In Claim No. 53997 the Claimant filed the claim in his capacity as a family household member of the alleged property right holder, namely his mother. Two parties responded to the claim, each of them claiming a legal right or interest to the claimed property. The First Respondent alleges that the claimed property was originally owned by his family until 1953 and states that he wishes to purchase the property. The Second Respondent alleges that he purchased the property from the Claimant's mother in 2009. The Claimant acknowledges the sale of the property but asserts that the purchase price was not paid in full. The Commission concludes that the property right holder has proven her ability to exercise her property right by selling the property. Therefore, the Claimant is currently able to exercise his property rights and it cannot be said that he has lost possession of the claimed property as a result of the conflict.

24. In Claim No. 16327 the Claimant filed the claim in her capacity as a family house hold member of the alleged property right holder, namely her brother. The Claimant acknowledges that her brother sold the claimed property, but she asserts that, due to an alcohol addiction, he was not legally capable when he authorized Rexhep Gashi in 2000 to use and sell the claimed property. The Claimant seeks the annulment of any transaction made pursuant to the authorization given to Rexhep Gashi in 2000. The Respondent asserts that he purchased the claimed property from a

third party in 2006. The Claimant has not shown any evidence in support of her allegation of incapacity, and in any event there is no evidence that the Claimant's loss was directly related to or resulting from the 1998-99 conflict.

25. In Claim No. 23159 the Claimant lodged the claim in her capacity as family household member, namely granddaughter of the deceased property right holder. The Respondent claims that he purchased the claimed property from the Claimant in 2008. The Claimant confirms that he sold the property, however she contends that the purchase price was not fully paid by the Respondent.

26. In Claim No. 38844 the Claimant filed the claim initially in her capacity as a family household member on behalf of her now deceased father-in-law. The Claimant seeks confirmation of ownership right of the claimed property and a number of other properties. Subsequently, she submitted a contract on gift by which the ownership of some of the claimed properties was transferred to her from her father-in-law. The Respondent asserts that he has purchased the claimed property in 2008. The Respondent submitted in support of his allegation a purchase contract and Certificate of Immovable Property Rights, both showing his property right over the claimed property. Both documents have been verified as being genuine by the Executive Secretariat. Upon disclosure of the Respondent's allegation, the Claimant confirmed the sale of the claimed property.

27. In Claim No. 13312 the Claimant filed the claim as the alleged property right holder, seeking confirmation of ownership and repossession. The Respondent asserts that he purchased the claimed property from the Claimant in 1998, however as not all contractual obligations were met at that time, the parties concluded a fresh purchase contract on 20 June 2007 and verified it in Municipal Court in 2008. The Claimant acknowledges the sale of the claimed property to the Respondent. The Claimant indicated that he would withdraw the claim, however he has not done so.

28. In Claim No. 51763 the Claimant filed the claim in his capacity as a family household member, namely the husband of the alleged property right holder. The Claimant initially requested repossession of the claimed property, however he later confirmed that the claimed property was sold and that he would withdraw the claim, however he has failed to do so.

29. In Claim No. 44405 the Claimant submitted the claim in his capacity as a family household member, namely the husband of the alleged property right holder, seeking confirmation of ownership and repossession of the claimed property. The Respondent asserts that he bought the claimed property from the Claimant in 2009. The Claimant subsequently confirmed that he sold the property voluntarily to the Respondent, however he refused to withdraw the claim.

30. In Claim No. 14498 the Claimant filed the claim as the alleged property right holder, seeking confirmation of ownership and repossession of the property. The Respondent states that he purchased the claimed property from the Claimant in 2007, concluded a purchase contract and certified it in the court. The claimed property is now registered in the name of the Respondent. The wife of the Claimant subsequently confirmed the sale, and the Claimant modified his initial claim, stating that he now

only seeks compensation for not being able to use the property between 1999 and 2007.

3. *Voluntary disposal -- Claim No. 01000*

31. Claim No. 01000 was lodged by the Claimant in her capacity as the alleged property right holder. The Claimant states that her father entered into a purchase contract with the Respondent in 2000 in respect of the claimed property, amongst others, however, she alleges that her father did not enter into the agreement out of free will, but that he was pressured by the Respondent to sign the contract. She also asserts that the purchase price, DM 120'000, was below the market value and that the purchase price was not paid in full. The Claimant seeks either an order directing the Respondent to pay the outstanding purchase price or to annul the contract and grant her repossession of the claimed property.

32. The Respondent asserts that he purchased the claimed properties in 2000, and that the transaction was based on the free will of both parties. According to the Respondent, the purchase contract was certified in court on 12 February 2002, and that the purchase price was fully paid on the day the contract was signed. The claimed property is registered in cadastral records in the name of the Respondent.

33. The Commission notes that the Claimant had previously submitted a claim with the Housing and Property Directorate for a related parcel that is also included in the above-mentioned purchase contract. The Housing and Property Claims Commission in its decision No. HPCC/D/74/2003/C dated 11 April 2003 dismissed the claim and referred it to the local competent court on the basis that the issue of revision of the terms of the sales contract as to the market price fell outside its jurisdiction.

34. The Commission finds that the Claimant has failed to provide plausible evidence that the Claimant's father entered into the contract under duress. Pursuant section 4.3 of UNMIK Administrative Direction No. 2007/5 duress is assumed if the market value of the property at the time of the sale bears no reasonable relation to the actual purchase price. In the present case, such incongruity between the market value at the time of sale and the actual purchase price of DM 120'000 is not apparent.

4. *Res judicata*

35. Pursuant to section 11.4 of UNMIK/REG/2006/50, as adopted by Law No. 03/L-079, the Commission may dismiss a claim which has previously been considered and decided in a final administrative or judicial decision. In this context, the Commission notes that section 2.7 of UNMIK Regulation 1999/23 provides that final decisions of the Housing and Property Claims Commission are binding and enforceable and are not subject to review by any other judicial or administrative authority in Kosovo. Accordingly the claims in this section stand to be dismissed for the previous decisions taken by a court or the Housing and Property Claims Commission constitute *res judicata*.

36. In the nineteen claims referred to in part A of the attached schedule (Claim Nos. 00815, 91755, 91756, 91757, 91758, 91759, 91760, 91761, 91762, 91763,

91764, 91765, 91766, 91767, 91768, 91769, 91770, 91771 and 91772) the Claimant filed the claims as the alleged property right holder seeking repossession over the claimed properties. The Claimant states that the claimed properties were illegally occupied by his brother and other persons unknown to him. The Claimant indicated that a court procedure was initiated with the Municipal Court in Gjilan/Gnjilane in 2004, and that he was issued a final decision dated 11 February 2008 by which the court confirmed his ownership over the claimed properties.

37. In Claim No. 34652 the Claimant filed the claim in his capacity as a family house holder member on behalf of his mother, seeking repossession over the claimed property. The Claimant had previously submitted a claim to the Housing and Property Directorate and the Housing and Property Claims Commission issued the decision No. HPCC/D/187/2005/B&C dated 30 April 2005 refusing the Claimant's claim and confirming ownership of one of the Respondents in the present KPA claim as well as in the HPD claim.

38. In Claim No. 48618 the Claimant filed the claim as the property right holder, seeking confirmation of ownership, repossession and compensation over the property. The Claimant had previously submitted a claim with the Housing and Property Directorate under Claim No. DS305606 and the Housing and Property Claims Commission issued decision No. HPCC/D/236/2005A&C dated 6 December 2005 by which the Claimant's claim at the Housing and Property Directorate for repossession was refused, his right to compensation granted and the claim No. DS604784 of Sadik Hajrullahu, the husband of the Respondent in the present KPA claim, seeking confirmation of ownership was granted.

C. Claims refused

39. Pursuant to section 8.6 of Annex III of UNMIK/ADM/DIR/2007/5 as adopted by Law No. 03/L-07907/50, 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, have been unable to prove their ownership or use right interest over the claimed property.

40. 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).

1. *Claim Nos. 08620 and 11590*

41. Claims Nos. 08620 and 11590 have been filed for the same property by different claimants (the "First Claimant" and the "Second Claimant," respectively). Claim No. 08620 has been filed by the First Claimant as the alleged property right holder. The First Claimant submitted an allocation decision and a purchase contract, both dated from March 1999 in respect of the claimed property. The Executive Secretariat has been unable to verify either document. In Claim No. 11590 the Second Claimant alleges that he has an occupancy right over the claimed property, stating that the claimed property was allocated to him by Social Enterprise "DD ISF Progress" Prizren in 1998, however, he subsequently admitted that he never concluded a contract on use or lease with the Public Housing Enterprise. The Second Claimant acknowledges that he was in possession of the claimed apartment only for two months after the end of conflict.

42. Both Claimants filed separate category C claims with the Housing and Property Directorate concerning the same property. Both claims were dismissed by the Housing and Property Claims Commission on the grounds that the Claimants failed to prove possession of the claimed property prior to 24 March 1999, the relevant jurisdictional cut-off date.

43. The Respondent, who is the current occupant of the claimed property, asserts that she is using the claimed property with the permission of "DD ISF Progress" since 2005, however, she failed to provide any legally relevant evidence in support of her assertion.

44. Both Claimants have thus failed to demonstrate a property right, ownership or use right over the claimed property, and the claims therefore stand to be refused.

2. *Claim No. 53755*

45. In Claim No. 53755 the Claimant submitted the claim as the alleged property right holder, namely as a co-owner with an ideal part of 2/20 of the claimed property. The Claimant claimed a number of parcels and initially stated that she sold some of the parcels but was not willing to provide further information about which parcels had been sold. The Claimant further requested the Executive Secretariat to abstain from further contacts.

46. The Respondent states that he purchased the claimed property from a third party, and that he has constructed a new house on the foundations of the old house, however the documents he submitted in support of this statement were not related to the claimed property.

47. The Commission notes that a claim for the claimed property had also been submitted to the Housing and Property Directorate by the same Claimant, which was granted by the Housing and Property Claims Commission by decision No. HPCC/D/207/2005/C dated 20 July 2005. A reconsideration request made by Ahmed Grajqevci (the Respondent in the present claim) was rejected by the HPCC by decision No. HPCC/REC/81/2006 dated 11 December 2006.


48. Even though the Claimant has initially provided sufficient evidence of her co-ownership right over the claimed property through the verified possession list, she later changed her allegation by stating that she sold some of the claimed properties but did not specify which ones and to whom. She further stated that she was not willing to cooperate with KPA offices any longer, but did not wish to withdraw her claim. Due to the Claimant's refusal to cooperate and clarify which of the parcels the Claimant is claiming and which have been sold and which have not, the claim stands to be refused for lack of evidence.

C. Concluding remarks

49. In view of the foregoing, the Commission finds that the claims listed in part A of the attached Schedule stand to be dismissed, and the claims listed in part B of the attached Schedule stand to be refused, and directs that an order be made in respect of each claim as set out above.

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

51. 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.



Chairperson

APPEALS

UNMIK/REG/2006/50 and the Law No. 03/L-079 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.

Further information on the appeals procedure 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

KPA16538	KPA34652	KPA16327	KPA23159	KPA38844	KPA00815	KPA91755
KPA91756	KPA91757	KPA91758	KPA91759	KPA91760	KPA91761	KPA91762
KPA91763	KPA91764	KPA91765	KPA91766	KPA91767	KPA91768	KPA91769
KPA91770	KPA91771	KPA91772	KPA00044	KPA13312	KPA48618	KPA51763
KPA53997	KPA00109	KPA00263	KPA14233	KPA14498	KPA44405	KPA53175
KPA91902	KPA01000					

Spreadsheet /Lista /Prilog

Part B/Pjesa B/Deo B

KPA08620
KPA11590
KPA53755