



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/145/2012

DECISION DATE:

29/02/2012

Commissioners Heiskanen (Chairperson),
Vokshi and Wühler

ORDER

(1) In each of the 18 (eighteen) claims identified in parts A and B of the attached Schedule, the Commission decides that the claim be dismissed.

(2) In each of the 8 (eight) claims identified in parts C of the attached Schedule, the Commission decides that the claim be refused.

(3) In Claim Nos. 14101, 22487, 24611, 40044, 43192, 49461 and 54791, referred to in parts A, B and C of the attached Schedule, the Commission additionally decides that the claim be dismissed insofar as the Claimant seeks 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.)¹

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

5. The Commission held its twenty-seventh session from 27 to 19 February 2012 in Prishtinë/Pristina. A total of 160 residential property claims were submitted by the Executive Secretariat of the KPA (the "Executive Secretariat") to the Commission at its twenty-seventh session, together with supporting documentation, claims processing reports, verification reports and other relevant information. A total of 27 residential property claims which had been presented to the Commission were referred by the Commission back to the Executive Secretariat for further verification. The Commission suspended the consideration of one residential property claim pending the holding of an oral hearing. In sum, a total of 132 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. 14101, the claimants seek the resolution of an ownership claim and all of them relate to residential property, including the associated land. In Claim No. 14101 the Claimant seeks confirmation of a use right.

8. The present decision covers the 26 residential property claims which are listed in parts A, B and C of the attached Schedule. The remaining 106 claims for residential property are covered by decisions KPCC/D/R/143/2012 and KPCC/D/R/144/2012.

9. A total of 24 of the 26 claims covered by this decision have not previously been considered by the Commission, while Claim Nos. 54480 and 54498 were the subject of an earlier Commission decision. However the earlier decisions in these two claims were overturned by the Commission on account of an incorrect notification of the claimed properties during claims processing by the Executive Secretariat. Both claims consequently stand to be re-determined following correct notification of the claimed property. Evidence and information provided by any respondents to the claim or any current occupants of the claimed properties is taken into account by the Commission in the re-determination of the claims. In the claims in which previous decisions have been overturned by the Commission, the Executive Secretariat has written to each claimant advising them of the notification error and informing them that their claims will be re-determined following correct notification of the claimed property. The Claimants, as well as the relevant cadastral authorities, have been advised that the previous Commission decisions are invalid and cannot be used for the purposes of any legal transaction.

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.

10. The eighteen claims listed in parts B and C of the attached Schedule 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.

11. The eight claims listed in part A of the attached Schedule are uncontested in the sense that no party has contested the validity of the claims 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. 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, 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

12. 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.

13. 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.

14. 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.)

15. 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.

16. 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

a. Claim No. 11751

17. Claim No. 11751 has been submitted by the Claimant in her capacity as a family household member of the alleged property right holder, namely her husband. The Claimant has submitted a contract on gift dated 1990 from her father-in-law, granting the ideal part of 1/2 of the claimed property to his son, the alleged property right holder. The Executive Secretariat has verified the contract as being genuine.

18. The Respondent, who is the brother of the alleged property right holder and is currently using the claimed property, contests the Claimant's allegations, asserting that he is the only heir pursuant to a contract on gift concluded in 1993 between him and his father. The Executive Secretariat has verified the contract as being genuine.

19. Based on the evidence before it, the Commission concludes that the Claimant's claim arises out of a pre-existing family dispute and not out of the 1998-99 conflict. Accordingly, in the absence of a loss of possession or control over the claimed property as a result of the 1998-99 conflict, the Claimant's claim falls outside the Commission's jurisdiction.

b. *Claim No. 22487*

20. Claim No. 22487 is filed by the Claimant in his capacity as property right holder. The Claimant seeks compensation for a destroyed house contending that the house has been destroyed by the Respondent.

21. The Respondent, who is the current occupant of the claimed property, asserts that he uses the property with the permission of the municipality. He has submitted a possession list which indicates that the claimed property belongs to the municipality. The Executive Secretariat has verified the possession list as being genuine.

22. As the Claimant's sole claim is for compensation for the destroyed property, it falls outside the mandate of the Commission and stands to be dismissed.

c. *Claim Nos. 54480 and 54498*

23. Claim Nos. 54480 and 54498 are filed by two different Claimants, brother and sister, in their capacity as family household members of the alleged property right holder, namely their mother. The claims relate to two different properties. The Claimants state that their family left the properties in 1995-96 when they moved to Arandjelovac in Serbia. The Claimants acknowledge that while the situation in Kosovo was not good at the time, they were under no pressure to leave Kosovo. The Claimants have continued to live in Serbia since then. The claimed properties are located in the Zvečan/Zveqan municipality, which is a majority Serbian area.

24. As the Claimants themselves acknowledge, their claims do not arise out of the 1998-99 conflict. Accordingly they fall outside the mandate of the Commission and stand to be dismissed.

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

25. Claim No. 40044 was 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 did not provide a power of attorney from the alleged property right holder or his family household member. While the Claimant indicated that she would submit the required authorization, she failed to do so.

26. The Claimant has failed to file a complete claim in accordance with the procedures set out in UNMIK/REG/2006/50 as adopted by Law No. 03/L-079. Accordingly the claim stands to be dismissed.

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

27. In all of the claims covered by this section, the claimants initially claimed that they or their families lost the claimed 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 claimed properties shows that they have been in a position to exercise their property

rights within the meaning of section 3.1 of UNMIK/REG/2006/50 as adopted by Law No. 03/L-079. Accordingly these claims stand to be dismissed.

28. Claim No. 36889 has been submitted by the Claimant in his capacity as a family household member of the alleged property right holder, namely his wife. During a telephone conversation with the Executive Secretariat the Claimant stated that his wife left the claimed property in 1968 and moved to the village of Koretiste where she lived until 17 June 1999. The claimed property is located in the village of Bezimeni. In June 1999 the alleged property right holder moved to Bujanovac, Serbia due to the situation in Kosovo. The Respondent states that he purchased the claimed property from the alleged property right holder in April 2011. The Claimant confirmed the sale of the property to the Respondent, however he wishes to continue to pursue the claim because the Respondent did not pay the full purchase price. The Commission notes that it has no jurisdiction over such claims.

29. In Claim No. 11654 the Claimant submitted the claim in her capacity as the property right holder. The Claimant stated in the claim form that she lost possession over the claimed property in April 2005. During the processing of the claim, the Claimant confirmed that she had sold the claimed property and that she does not wish to be in any further contact with the KPA. However, she did not withdraw the claim.

30. Claim No. 21890 has been submitted by the Claimant in his capacity as a family household member of the alleged property right holder, namely his father. The Respondent asserts that he purchased the claimed property from the alleged property right holder in 2009. The Claimant subsequently confirmed that his father had indeed sold the claimed property but that he is not satisfied with the purchase price. The Commission notes that it has no jurisdiction over such claims.

31. In Claim No. 27581 the Claimant filed the claim in his capacity as a family household member of the alleged property right holder, namely her son. The Claimant subsequently confirmed that the claimed property had been sold in 2008, and that she would withdraw the claim, however she failed to do so.

32. In Claim No. 33512 the Claimant lodged the claim in his capacity as the property right holder. The Claimant subsequently confirmed that he had sold the claimed property in 2007. The Claimant indicated that he would withdraw the claim, but failed to do so.

33. In Claim Nos. 43191 & 43192 the Claimant submitted the claims in his capacity as the property right holder. The Claimant subsequently confirmed that his father had sold the claimed properties after the conflict and meanwhile had passed away. He indicated that he would withdraw the claims, but failed to do so.

34. In Claim No. 44653 the Claimant filed the claim in his capacity as a family household member of the alleged property right holder, namely his father. The Claimant subsequently confirmed that he sold the claimed property in 2006 or 2007 to the Respondent. The claim has not been withdrawn.

35. In Claim No. 49641 the Claimant filed the claim in his capacity as property right holder. The Claimant subsequently confirmed that he sold the claimed property

in 2008. He did not withdraw the claim but confirmed that he wished the claim to be dismissed.

36. In Claim No. 53112 the Claimant filed the claim in her capacity as the property right holder. The Respondent asserts that he purchased the claimed property from the Claimant in 2000. The Claimant subsequently acknowledged the sale of the house to the Respondent, however she stated that she wished to include another parcel into the claim that was not sold to the Respondent. The Commission notes that the legal deadline to lodge a claim with the KPA expired on 3 December 2007 and accordingly no fresh claims can be admitted after this deadline.

37. In Claim No. 56665 the Claimant submitted the claim in his capacity as family household member of the alleged property right holder, namely his father. The Claimant asserts to have lost possession as result of the conflict in 1999. The Respondent alleges that he purchased the claimed property from the alleged property right holder in 2005 and submitted a purchase contract concluded on 5 September 2005 as evidence. The Executive Secretariat has verified the certified purchase contract as being genuine. The Claimant denies having sold the claimed property, alleging that the evidence provided by the Respondent is falsified. However, the Claimant failed to provide any evidence in support of his allegation and was not willing to cooperate with the Executive Secretariat.

4. *Res judicata*

38. In Claim No. 38377 the Claimant filed the claim in his capacity as the property right holder. The Commission notes that the Claimant had previously filed a category C claim with regard to the same property with the Housing and Property Directorate ("HPD") under Claim No. DS200882, and that the Respondent to the present claim had previously submitted a category A claim for the same property with the HPD under Claim No. DS005305. The Housing and Property Claims Commission ("HPCC") subsequently by decision No. HPCC/D/210/2005/A&C dated 20 August 2005 granted the Respondent's Claim No. DS005305, restoring the Respondent's property right to the claimed property, whereas the Claimant was granted compensation in lieu of repossession.

39. In Claim No. 44455 the Claimant filed the claim in his capacity as the property right holder. The Commission notes that the Claimant previously filed a category C claim for the same property with the HPD under Claim No. DS600858, and that the Respondent to the present claim had submitted a category A claim for the same property with the HPD under Claim No. DS606382. The HPCC subsequently by decision No. HPCC/D/222/2005/A&C dated 22 October 2005 dismissed the Claimant's claim No. DS600858 and granted the Respondent's Claim No. DS606382, restoring the Respondent's property right to the claimed property.

40. In Claim No. 48778 the Claimant filed the claim in his capacity as the property right holder. The Commission notes that the Claimant previously filed a category C claim for the same property with the HPD under Claim No. DS305610. The HPCC subsequently by decision No. HPCC/D/262/2006/A&C dated 10 September 2006 dismissed the Claimant's claim. The dispute was subsequently brought before the Municipal Court of Viti/Vitina in 2004. The Municipal Court issued a judgement on

10 March 2006 confirming the Respondent's ownership right over the claimed property. The judgement became powerful in 30 of March 2006.

41. 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. The Commission notes that pursuant to section 2.7 of UNMIK Regulation 1999/23 final decisions of the HPCC are binding and enforceable and are not subject to review by any other judicial or administrative authority in Kosovo. Accordingly, the previous HPCC decisions in these cases constitute *res judicata*.

42. 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*

43. 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.

44. 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 immoveable 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).

45. Claim No. 14101 was submitted by the Claimant in her capacity as the property right holder of the claimed property. The Claimant alleges that she purchased the claimed property in 1989 and used it until 1999, when she lost possession as a result of the conflict. The Claimant failed to submit any documents in support of her claim. The Commission notes that the Respondent asserts that he is using the claimed property with permission of the municipality, but also failed to produce any evidence in support of his allegation. In the absence of any evidence to support the Claimant's claim, it stands to be refused.

46. In Claim No. 08306 the Claimant filed the claim in his capacity as the property right holder. The Claimant states that he lost the possession of the claimed property in 1999 as a result of the conflict. In support of his claim the Claimant submitted a possession list, however, the Commission notes that this does not relate to the claimed

property. The Respondent alleges that he inherited the claimed property from his father in 1941. In support of his allegation he produced a possession list and a certificate of immovable property rights, both listing the Respondent as the property right holder. Both documents were positively verified by the Executive Secretariat. Accordingly the claim stands to be refused.

47. In Claim No. 13247 the Claimant submitted the claim in her capacity as family household member of the alleged property right holder, namely her husband. The Claimant states that she lost possession in June 1999 when she left Kosovo due to security reasons. However, during the processing of the claim the Claimant acknowledged that she used the apartment from 1972 until 1990 when her husband was allocated a larger apartment, into which they then moved. She asserts that nevertheless, her husband purchased the claimed property in 1999 and submitted a purchase contract dated 9 February 1999 in respect of the claimed property. This contract could not be verified by the Executive Secretariat. The Claimant did not explain how her husband could have purchased a socially-owned property that was no longer allocated to him, as this was not possible under the applicable law. The Respondent alleges having a use right over the claimed property, confirmed by a judgement of the Municipal Court in Prishtinë/Pristina in 2006. In these circumstances the claim stands to be refused.

48. In Claim No. 08228 the Claimant filed the claim in his capacity as the property right holder and in Claim No. 91973 in his capacity as a family household member of the property right holder, namely his brother. Both claims are submitted for the same property, each seeking confirmation of ownership of the ideal part of $\frac{1}{2}$ of the property. The Respondent alleges that his father purchased the claimed property from the Claimant's father in 1976 and that his family has been in undisturbed possession of the claimed property since then. The Respondent failed to submit any evidence in support of his allegation stating that the relevant documents including the purchase contract were destroyed during the conflict. During its 25th session on 25 October 2011 the Commission appointed one of its members to hold an oral hearing pursuant to section 5.4 of Annex III of UNMIK/ADM/DIR/2007/5 as adopted by Law No. 03/L-079. The hearing was held on 7 February 2012 and was attended by a legal representative of the Respondent and a witness, Petrit Hajrazi, offered by the Claimant. The Claimant himself indicated that he was not able to attend, citing security reasons. The witness gave a comprehensive testimony on the property transaction between the Claimant's father and his brother, on the one hand, and the Respondent's father, on the other, confirming that the claimed property was sold by the Claimant's father to the Respondent's father in the 1970s. Based on the evidence before it, including the oral evidence which the Commission finds credible, the Commission concludes that the ownership over the claimed property was transferred from the Claimant's father to the father of the Respondent prior to the conflict. Accordingly the claim stands to be refused.

49. In Claim No. 24611 the Claimant submitted the claim in his capacity as a family household member of the alleged property right holder, namely his mother. The Claimant subsequently confirmed that he sold the claimed property in 1982 to the Respondent and that he would withdraw the claim, however, he failed to do so. Accordingly the claim stands to be refused.

50. In Claim No. 54791 the Claimant filed the claim in his capacity as the property right holder of the claimed property. While the Claimant initially stated that he lost possession of the claimed property in June 1999 as a result of the conflict, he subsequently confirmed that he sold the claimed property in 1986 to the Respondent. He asserts that the Respondent did not pay the full purchase price. The Respondent contests the Claimant's claim stating that he purchased the claimed property from the Claimant in 1986 and fulfilled all contractual obligations towards the Claimant. The Commission notes that it is undisputed between the parties that the Claimant did not have ownership rights over the claimed property at the time of the 1998-99 conflict. Accordingly the claim stands to be refused. As to the Claimant's assertion that the Respondent did not pay the full purchase price, the Commission notes that it has no jurisdiction over such claims.

D. Compensation claims

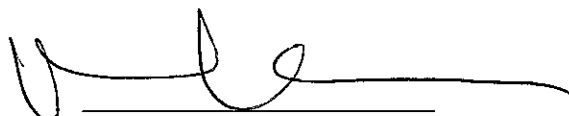
51. In Claim Nos. 14101, 22487, 24611, 40044, 43192, 49641 and 54791 the Claimant also seeks, in addition to ownership, compensation for physical damage to the claimed property. Under UNMIK/REG/2006/50 as adopted by Law No. 03/L-079 the Commission has no jurisdiction over such claims. Accordingly these claims for compensation are dismissed.

E. Concluding remarks

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

53. 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.

54. 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

KPA43191	KPA43192	KPA54480	KPA54498	KPA11654	KPA40044	KPA27581
KPA49641						

Spreadsheet /Lista /Prilog

Part B/Pjesa B/Deo B

KPA11751	KPA22487	KPA36889	KPA44455	KPA44653	KPA48778	KPA21890
KPA33512	KPA38377	KPA53112				

Spreadsheet /Lista /Prilog

Part C/Pjesa C/Deo C

KPA14101	KPA56665	KPA08306	KPA13247	KPA24611	KPA54791	KPA08228
KPA91973						