



# HOW CAN I PROTECT MY PROPERTY RIGHTS THROUGH THE INSTITUTIONS OF KOSOVO?

Kosovo has institutions mandated to protect your property rights.

Currently, the main bodies competent to adjudicate  
claims on private immovable property are the

**Kosovo Property Agency (KPA) and the Kosovo Courts.**

Awareness Campaign on Property Related Remedies.

October- November 2007

THIS LEAFLET HAS BEEN DESIGNED TO HELP YOU ACCESS THEIR SERVICES IN CASE YOU NEED THEM.

## I. CONFLICT-RELATED PROPERTY CLAIMS

The **Kosovo Property Agency (KPA)** was established on the 4 March 2006 under UNMIK Regulation 2006/10 amended by UNMIK Regulation 2006/50 on the Resolution of Claims Relating to Private Immovable Property, Including Agricultural and Commercial Property. The KPA is an independent administrative agency that has the competence to receive, register and resolve conflict related claims concerning private immovable property, including agricultural and commercial properties.

The KPA has also succeeded to all responsibilities of the former **Housing and Property Directorate – Housing and Property Claims Commission (HPD/HPCC)**. The KPA therefore shall implement all residential property claims pending with the HPD on 4 March 2006.

**The KPA claim intake process expires on the 3rd December 2007.**

### 1. CLAIMS ON OWNERSHIP AND/OR USER'S RIGHTS

#### WHAT CAN I DO IF I HAVE LOST MY PROPERTY AS A RESULT OF THE CONFLICT?

Conflict-related claims have been defined as claims involving circumstances directly related to or resulting from the armed conflict that occurred between 27 February 1998 and 20 June 1999. You have a conflict-related claim when for example:

- Property was/is occupied as a result of the owner's displacement;
- There was/is an illegal construction on agricultural land to which the displaced lawful owner had no access;
- There was/is illegal occupation of residence or business.

The KPA is competent to resolve all conflict-related claims involving **private ownership or property-use rights** where the claimant is not able to exercise those rights.

The KPA is competent to resolve all conflict-related property claims including:

- Claims over private residential property that have not been already examined and adjudicated under HPD/HPCC mandate;
- Claims over private agricultural and commercial property.

The KPA **is not competent** to resolve claims relating to:

- Loss of property or possession not arising from the conflict (such as nationalization by authorities of the Socialist Federative Republic of Yugoslavia);
- Compensation for damages that occurred during or after the conflict and filed against UNMIK, KFOR or/and Provisional Institution of Self Government including claims relating to houses destroyed or damaged during the 2004 March riots.

The KPA is also **not competent** to:

- Provide reconstruction assistance for your house if it was destroyed.

◇ Who can file a claim with the KPA?

Any natural or legal person individually or through a legal representative with a valid Power of Attorney may file a claim with the Executive Secretariat of KPA.

You may file a claim and act on behalf of the following members of your family, where that person is unable to make a claim, namely a spouse, child (born in or out of wedlock or

adopted), stepchildren and grandchildren without parents, parents (father and mother, step-father, stepmother and adopter) and any other persons whom you are obliged to support in accordance with the law.

**Note: the deadline for lodging claims is the 3rd December 2007.**

◇ Where can I file a claim?

You can submit your claim to the KPA at any one of the following offices in Kosovo:

#### **KPA Headquarters**

mailbox@kpaonline.org  
Nazim Gafurri 31, Priština/Prishtinë  
Telephone: :+381 (0)38 249-918  
Telefax: :+381 (0)38 249 919

#### **KPA Prishtinë/Priština**

2 Rexhep Luci/Goleska Str.2  
Telephone: :+381 (0)38 225 473  
Telefax: :+381 (0)38 244 854

#### **KPA Gračanica/Graçanicë**

Opposite to the Municipality Building

#### **KPA Gjilan/Gnjilane**

Rade Popovic Str.  
Telephone: :+381 (0)280 320 289  
Telefax: :+381 (0)280 324 067

#### **KPA Mitrovicë/Mitrovica**

Main Office:  
UNMIK Regional HQ (Yugobanka)  
Telephone: :+381 (0)28 530 136/7  
Telefax: :+381 (0)28 530 139  
Visitors Offices: South: Mbretresha Teuta' Str. (opposite to Yugobanka)  
North: KTA Building, Room No.18, UNMIK North Station Compound

#### **KPA Pejë/Peć**

Main Office:  
85, "Mbretresha Teuta" Street  
Telephone: :+381 (0)39 431 668  
Telefax: :+381 (0)39 432 970

#### **KPA Prizren**

Main Office:  
UNMIK Regional HQ  
Tel/Fax: (029) 631-469  
Tel: (038) 504604 ext. 8046/8024  
Visitors Office: Jeronim De Rada"/ "Zef Llush Marku"/ "Metohijska" no. 63  
Tel: :+381 (0)29 631-429

You may also call KPA hotline 038 249 936 to get in touch with one of KPA offices.

◇ Do I have to pay to start a procedure at KPA?

The procedure is free of charge.

◇ Where do I file a claim if I am currently displaced out of Kosovo?

You can submit your claim to the KPA at any of the following offices in Serbia proper, Montenegro and Former Yugoslav Republic of Macedonia (FYROM):

**SERBIA PROPER:**

**KPA Belgrade**

Kosovska 49/8

Telephone: + 381 (0)11 334 5513

Telefax: +381 (0)11 334 5314 | 011/334-4452

**KPA Kragujevac**

9, "Lole Ribara" Str., 3rd Floor

Telephone: : +381 (0)34 330-234; 330-784

**KPA Kraljevo**

Cara Dusana 21

Telephone: +381 (0)36 234-781

**KPA Kruševac**

Trg Kosovskih junaka Dom Sindikata, 3rd floor IDP Association' Voice of Kosovo and Metohija'

Telephone: 037/443-147

**KPA Niš**

"Dusanov Bazar" (Dusanova) Str.,

3rd Floor, Office No. 308

Telephone: +381 (0)18 515-727; 515-728

**MONTENEGRO:**

**KPA Podgorica**

Crnogorskih Serdara

Telephone: + 382 (0) 81 624 216 / (0)81 623-744

**FYROM:**

**KPA Skopje**

Vinichka Street No. 10 (CDRIM-building), first floor

Telephone/Mob: +389 (0)71 886 564

In addition, several mobile teams are operational in Serbia and Montenegro. You may call KPA Belgrade office +381 (0) 11 334 5513 to get information about KPA offices and mobile teams in Serbia proper and Montenegro.

In addition, on the KPA website: [www.kpaonline.org](http://www.kpaonline.org) you can find more information on filing a claim with the KPA, its mandate and the law applicable to the processing and resolution of claims.

◇ What happens with my claim once received by KPA?

The Executive Secretariat of KPA shall **receive, register your claim** and **notify** and send a copy of the claim to any other person who may have a legal interest in the property.

Within thirty (30) days of receiving copy of the claim, the receiving person may submit to the Executive Secretariat a reply to the claim.

◇ Who will adjudicate my claim?

The **Property Claim Commission (PCC)** is the competent body within KPA.

PCC will either dismiss, or accept or reject your claim

If your claim falls out of the scope of jurisdiction of KPA or you fail to file a complete claim the PCC may dismiss it.

If your claim is in the jurisdiction of KPA and is complete PCC shall investigate your case and verify documents submitted in support of the claim.

The PCC shall reach a legally binding decision that confirms or rejects your claim.

◇ Can I appeal the decision of the PCC?

Yes you can file an appeal against PCC decision in the Supreme Court of Kosovo. Appeal can be lodged against any decision of PCC including the dismissal decision.

◇ How will I know about the decision of the PCC?

The Executive Secretariat will notify you about the decision of the PCC.

◇ How many days do I have to appeal a decision?

You or the other party may file an appeal within thirty days (30) of the notification by KPA of a decision of the PCC.

◇ What shall I do if I want to file an appeal?

**Upon request**, the executive Secretariat of KPA shall provide you information and guidance on the procedure to follow in the preparation of an appeal.

Within (30) days of receipt of a copy of the appeal, the other party shall submit a written response to the Supreme Court of Kosovo through the Secretariat of the KPA.

◇ Who at the Supreme Court will assess my appeal?

The Supreme Court of Kosovo shall decide on appeals in a panel of three (3) judges, of whom two shall be international.

◇ What is the competence of the Supreme Court ?

The Supreme Court has the competence to request the PCC further clarification on the decision.

The Supreme Court can examine **new facts and evidences** if it is demonstrated that the party could not reasonably know those facts and evidences at the time of the claim.

The KPA through the Executive Secretariat shall serve the decision on the appeal to the parties.

◇ Can I file an appeal against the Decision issued by the Supreme Court?

Decisions of the Supreme Court are final and enforceable and cannot be challenged.

◇ Can I repossess my property immediately after the decision of PCC has been adopted?

If no appeal has been made to the Supreme Court of Kosovo the decision of the PCC shall become executable fifteen days (15) following the date of notification of the decision to the parties.

In case of appeal of the decision of the PCC the decision of Supreme Court of Kosovo will become executable also within fifteen (15) days following the date of notification of the decision to the parties. The decision of the Supreme Court **ascertains property title**.

The decision may be enforced through different mechanisms that include but are not limited to:

- eviction;
  - placing the property under administration;
  - a lease agreement;
  - seizure;
  - demolition of unlawful structures, and
  - auction.
- ◇ Can I file an appeal against the Housing and Property Claims Commission (HPCC) decisions through the PCC?  
Yes, but after a reconsideration by the HPCC, the decisions are final.
- ◇ Can I register my title once confirmed by the PCC?  
Yes, you can register your confirmed title in the Kosovo Immovable Property Rights Register.

**For further information and guidance consult with the KPA website: [www.kpaonline.org](http://www.kpaonline.org)**

## **2. KPA RENTAL SCHEME**

### **HOW CAN I COLLECT RENT IF MY PROPERTY IS ADMINISTERED BY KPA?**

The KPA has the authority to administer residential properties either upon request of the displaced property right/occupancy right holders or at its own initiative for those properties whose lawful property right holders have not been identified or are not reachable. In September 2006 the KPA introduced a **RENTAL SCHEME**.

Upon explicit request from the owner - when applicable - KPA is authorized to require the payment of rent from the occupant(s). If the occupant(s) agree(s), KPA collects the rent and sends it to the displaced property right holder. In case the occupant refuses to pay the rent, an eviction order is served to the occupant and is enforced within 30 days.

**All displaced property right holders whose property is under KPA administration may request to be part of the RENTAL SCHEME.** If you have changed your address you may also enquire about the status of your property and request to join the benefits of the rental scheme.

Get in contact with any KPA Office or visit the KPA web site: [www.kpaonline.org](http://www.kpaonline.org)

## **II. RECONSTRUCTION ASSISTANCE**

### **WHAT CAN I DO IF I AM DISPLACED AND I NEED HOUSING AND/OR RECONSTRUCTION ASSISTANCE?**

The Municipal Working Groups on Returns are responsible for co-coordinating the develop-

ment and implementation of projects that provide displaced persons with housing and/or reconstruction assistance, as well as other services (employment, health, education).

If you are displaced and need housing and/or reconstruction assistance, you should contact the Municipal Returns Officer in your municipality of origin.

### III. PROPERTY CLAIMS THAT ARE NOT RELATED TO THE CONFLICT

In principle all civil property related claims **not arising out of the conflict**, such as but not limited to: disputes related to sales after the conflict and non-payment of leases, shall be brought before the Municipal Courts in Kosovo.

All decisions on property related disputes taken by Municipal Courts are subject to appeal:

- In second instance in front of the District Court, and
- In third instance in front of the Supreme Court.

Be advised that if you have a property related dispute and you want to raise it in front of a Kosovo Court, strict deadlines are provided by law.

#### WHAT CAN I DO IF MY RESIDENTIAL PROPERTY IS ILLEGALLY RE-OCCUPIED OR DAMAGED?

If your rights have been **already verified** by the Housing and Property Claims Commission or a competent court and the unlawful occupant has been evicted, but after that he or someone else re-occupies the property, the Kosovo Police Service shall re-evict the unlawful occupant (a new eviction order is not necessary). In such cases seek advice from a lawyer or contact the Court liaison Office

Entering into someone else's property and/or occupying property without the owner's consent is a criminal offence. You are entitled to file a criminal complaint to the Kosovo Police Service or directly to the Municipal Prosecutors Office (the Prosecutors' Offices are located in the premises of the Municipal Courts). This motion can be based on the alleged illegal occupation, and/or unlawful entry or damage to your property. Police and prosecutors will investigate and act accordingly.

#### Court Liaison Offices

You may file your claim through a Court Liaison Office (CLO) located in the following settlements:

Gračanica/Gračanicë, Novo Brdo/Novobërdë, Goraždevac/Gorazhdevc, Vrbovac/ Vërbovc, Velika Hoča/Hoca e Madhe, Priluzhje/Priluzhë, Silovo/Shillovë, Mitrovicë/Mitrovica, Novak/Novake, Babljak/Bablak. The CLO staff from Goraždevac/Gorazhdevc extend its services to Osojane/Osojan where they are present every Wednesday from 8 AM to 4 PM

Court Liaison Offices provide communities with services such as:

- Transportation of the parties to attend court proceedings;
- Assistance with lodging civil and criminal claims;
- Assistance with finding old claims from court archives;
- Providing legal information on issues affecting refugees and internally displaced persons;

- Facilitation of contract certification;
- Referral and liaison with non-governmental organisations and general support during the legal process.

### See contact details in Annex 1

You can also seek advice from NGOs such as PRAXIS, PRAVNI CENTAR, Civil Rights Project /Kosovo (CRP/K) or Movement for Peace –Movimiento por la Paz (MPDL) that are providing free legal aid. Contact details:

#### Contact details:

##### Praxis Belgrade

Alekse Nenadovica 7  
Tel: + 381 (0)11 3444486,  
+ 381 (0)11 3444496  
Fax: + 381 (0)11 34 44 483

##### Praxis Kraljevo

Heroja Maricica 70  
Tel: + 381 (0)36 312658  
+ 381 (0)36 312659  
*E-mail: kvoffice@praxis.org.yu*

##### Pravni Centar Podgorica

Ul.13 jul br.7  
+382/69388237.

##### CRP/K Pris(h)tina/HQ

“Bell Popova” Str. # 10  
Peyton city  
Tel/fax: + 381 (0)38 243 610/611  
**Sub office in Gracanica**  
Mercy Corps Building  
*E-mail: crp.pr@crpkosovo.org*

##### CRP/K Peja/Peć

“Nëna Terezë” Str. # 31  
Tel/fax: + 381 (0)39 32 669  
*E-mail: crp.pe@crpkosovo.org*

##### CRP/K Gjilan/Gnjilane

Lidhja e Prizrenit Str. # 32  
Tel/fax: +381 (0)38 280 25 500  
*E-mail:crp.gl@crpkosovo.org*

##### CRP/K Prizren

“Jeronim De Rada” Str. # 63  
Tel. + 381(0)29 622 552  
*E-mail:*  
*crp.pz@crpkosovo.org.com*

##### CRP/K Mitrovicë/a

“Kemajl Atatürk” Str. # 31-32  
Tel: +381 (0)28 39 458  
*E-mail:*  
*crp.mi@crpkosovo.org*

##### Sub office in Zvecan:

Kralj Petar Prvi, UNHCR Building

##### MPDL

Head of Office  
Luan Haradinaj 9-A-1  
Tel/Fax: +381 (0) 38 228 372  
Mob.+377 44 421 147  
*E-mail:*  
*pristina@mpdl-balkan.org*  
*legal.pristina@mpdl-balkan.org*

##### Legal Team Podgorica

Tel/fax: 381 (0) 81 634 846  
*E-mail:*  
*legal.podgorica@mpdl-balkan.org*

##### Legal team Belgrade

Tel :381 (0) 11 324 1188  
*E-mail:*  
*legal.nis@mpdl-balkan.org*

##### MPDL Serbia - Belgrade Office

Mob. 381 (0) 63 442 555  
*E-mail:*  
*belgrade@mpdl-balkan.org*  
*nis@mpdl-balkan.org*

##### Legal Team Nis

Tel: 381 (0) 18 254 995  
*E-mail:*  
*legal.nis@mpdl-balkan.org*

##### MPDL Montenegro - Podgorica

Head of Office  
Mob: 381 (0) 69 316 641  
*E-mail:*  
*podgorica@mpdl-balkan.org*

## IV. CLAIMS AGAINST POSSIBLE IRREGULAR EXPROPRIATIONS

### WHAT CAN I DO IF A MUNICIPALITY OR OTHER PUBLIC BODY HAS EXPROPRIATED MY PROPERTY AND I DO NOT AGREE WITH THE COMPENSATION TERMS?

Expropriation means that the public authorities deprived you of your right to own/or to use



your property and decided to affect its use for public purposes (construction of public premises, infrastructures, etc).

If your property has been expropriated, you have the right to compensation in any case – the municipal authorities have the obligation to compensate you

If you are in Kosovo and you have been informed by municipal authorities that your property is subject to an expropriation decision:

- You have the right to file **an appeal** against the decision in front of the Chief Executive Officer of the Municipality;
- You have the right to **negotiate the compensation** with municipal authorities. Such a compensation shall be calculated on the base of the market value of the real estate.
- In case of disagreement on the amount of the compensation between the Municipality and yourself, the **Municipal Court** shall decide.

2. If you were not in position to know about the situation because of your displacement or due to any other reason and you found out that your property has been subject to expropriation decision - you also have the right to an adequate compensation. You should:

- Contact the Municipal Community Office in the municipality where your property is located. This office should be able to confirm the expropriation and to inform you about the current works ongoing on the property;
- Contact the municipality to find out at which stage expropriation procedure is at;
- If a temporary representative was designated by the Municipality on your behalf contact him/her to figure out if any decision affecting your property was adopted. If a temporary representative was not designated by the Municipality on your behalf contact the local authorities.

In any case, from the moment you find out about the expropriation, you have 30 days to file an appeal against the expropriation decision. Do not waste time. If you agree with the decision ask for an adequate compensation.

**You can also seek advice from NGOs such as PRAXIS PRAVNI CENTAR, Civil Rights Project/Kosovo (CRP/K) or Movement for Peace –Movimiento por la Paz (MPDL) that are providing free legal aid. Contacts details provided above.**

If you otherwise wish to confirm your ownership or property use rights that you are not able to enjoy as a consequence of the conflict you may file a claim through the KPA.

**(See: 1. Claims on ownership and/or user's rights)**

## **V. WHAT I CAN DO IF SOMEONE FALSIFIED DOCUMENTS TO USE/SELL MY PROPERTY**

Falsifying documents and fraud are criminal offences. You should file a complaint with the Municipal Public Prosecutor in the municipality where your property is located. You could also file a motion for prosecution with the Municipal Public Prosecutor in the municipality where the falsification occurred if this is different from where the property is located.

**See Annex 1 for contact details of Court Liaison Offices inside Kosovo.**

## VI. CLAIMS AGAINST EXCLUSION FROM THE PRIVATISATION BENEFITS

### WHAT HAPPENS IF I HAVE BEEN EXCLUDED FROM A LIST OF EMPLOYEES WHO ARE ENTITLED TO DISTRIBUTION OF PRIVATISATION BENEFITS?

#### The Special Chamber of the Supreme Court on Kosovo Trust Agency related matters

Pursuant to UNMIK Regulation 2003/13 employees of former socially-owned enterprises (SOE) are eligible on a priority basis to receive 20% of the proceeds from the sale of shares from the privatisation of such enterprises. Employees shall be registered on the **list of eligible workers**. However, if you have not been included in the list:

- You may file an appeal in front of the Special Chamber of the Supreme Court on Kosovo Trust Agency related matters for your non inclusion in the list of eligible employees, within 20 days after the final publication in the media of the list of eligible employees;
- If you used to work for the SOE before 1999 but due to **discriminatory practices** you are no longer an employee at the time of the privatization, your appeal may be grounded on discriminatory practices. Kosovo Trust Agency will have to prove that there was no discrimination

As a constant practice of the Special Chamber of the Supreme Court on Kosovo Trust Agency related matters, complaints against exclusion from the list of eligible employees can be filed also with UNMIK/EU Office in Belgrade (the relevant date of filing is the date of filing in Belgrade) at the following address:

#### **EU PILLAR BELGRADE Office**

Tolstojeva#47-49  
11000 Belgrade, Serbia  
TEL: + 381 11 367 4003 or  
+ 381 11 367 4006  
FAX: + 381 11 367 4001

For further information you may contact the Special Chamber of the Supreme Court of KTA related matters at the following address:

Prishtinë /Priština  
Radovan Zogovic #5  
Pejton City,  
TEL: + 381 (0) 38 200 180 48

**You can also seek advice from relevant NGOs such as PRAXIS, PRAVNI CENTAR, Civil Rights Project/Kosovo (CRP/K) or Movement for Peace –Movimiento por la Paz (MPDL) that are providing free legal aid. Contacts details provided above.**

## Annex 1: Contact details of Court Liaison Officers

<b>JIS Gračanica/Gračanice Court Liaison Office (CLO)</b>			
Trifun	Jovanovic	Head Court Liaison Officer	044 310-807 063 732-8055
Tamara	Nicic	Admin Assistant	038 64 248
Sonja	Jokic	Court Liaison Officer	063 848-6362 044 402-132
Ivan	Subaric	Court Liaison Officer	044 418-641
Boban	Živic	Court Liaison Officer	063 884-1149 044 402-133
<b>JIS Gorazdevac/Gorazhdevc CLO Sub-Office</b>			
Gorica	Dacic	Court Liaison Officer	063 821-2855
Slavko	Dacic	Court Liaison Officer	044 418-635
<b>JIS Mitrovicë/Mitrovica CLO Sub-Office</b>			
Bojana	Bojovic	Court Liaison Officer	063 850-9507
Nysret	Hoxha	Court Liaison Officer	
Tijana	Simic	Court Liaison Officer	063 787-4689
<b>JIS Novo Brdo/Novobërdë CLO Sub-Office</b>			
Boban	Stankovic	Minority Affairs Officer	044 163-717
Zoran	Sumakovic	Court Liaison Officer	044 408-224
Dragan	Vasic	Court Liaison Officer	063 821-2634 044 418-645
<b>JIS Priluzje/Priluzhë CLO Sub-Office</b>			
Slavisa	Jovanovic	Court Liaison Officer	064 127-3688
Tanja	Vasic	Court Liaison Officer	044 425-648
<b>JIS Silovo/Shillovë CLO Sub-Office</b>			
Bojan	Petrovic	Court Liaison Officer	063 732-4066
Slavica	Trajkovic	Court Liaison Office	063 742-2644
<b>JIS Velika Hoča/ Hoca e Madhe CLO Sub-office</b>			
Darko	Antic	Court Liaison Officer	044 418-643 029 77879
Katarina	Mikic	Court Liaison Officer	044 418-644 029 77879
<b>JIS Vrbovac/ Vërbovc CLO Sub-Office</b>			
Vladan	Stoimenkovic	Court Liaison Officer	044 418-642
Aleksandar	Stoiljkovic	Court Liaison Officer	044 418-638
<b>JIS Novak/Novake CLO Sub-Office</b>			
Nikolic	Bogoljub	Court Liaison Officer	
Karandza	Rashet	Court Liaison Officer	

