

THE DISTRICT COURT OF GJILAN/GNJILANE

Through a panel composed of EULEX Civil Judge ROSITZA BUZOVA as Presiding Judge, Kosovo Judge MUHAMET REXHA and Kosovo Judge ABDULLAH AHMETI, as panel members,

In the civil case of the claimant ISA SALIHU from village LIVOC I POSHTEM, the Municipality of GJILAN/GNJILANE, represented by SHEMSEDIN PIRAJ, Lawyer from GJILAN/GNJILANE, against the respondents JOVAN FILIPOVIC from village LIVOC I POSHTEM, currently with unknown address, with temporary representative TOMISLAV JOVANOVIC, Lawyer from GJILAN/GNJILANE, SMIJKA SAVIC from village BUDRIGE e ULET, the Municipality of GJILAN/GNJILANE, DIVNA STAMENKOVIC from SMEDEREVE, Serbia, represented by EKREM PIRA, Lawyer from VITI/VITINA, SHABAN, VEHBI, FIDAN, FATON, RUHAN and SEBAHATE SALIHU, all from village LIVOC I POSHTEM, the Municipality of GJILAN/GNJILANE, all currently with unknown addresses abroad, represented by ABDYLAZIS SADIKU, Lawyer from GJILAN/GNJILANE,

Upon a claim for confirmation of ownership right with legal basis Article 254, paragraph 1 in conjunction with Article 532, paragraph 1 of the Law No. 03/L-006 on Contested Procedure (Published in the Official Gazette of the Republic of Kosovo No. 38/2008) (hereinafter "LCP") with value of the contest in the amount of 20 000 Euros,

Having adjudicated the appeals of ISA SALIHU and DIVNA STAMENKOVIC against ruling C.nr.705/2004 of the Municipal Court (MC) of GJILAN/GNJILANE, dated 23rd July 2010 in the second instance proceedings under Article 206 – 211 LCP,

After deliberation and voting on these appeals in a panel session under Article 190, paragraph 1, first hypothesis in conjunction with Article 208 LCP held on 20th April 2011

Hereby pursuant to Article 209, item b) LCP renders the following

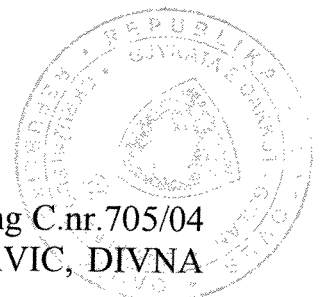
R U L I N G

The appeal of ISA SALIHU from village LIVOC I POSHTEM, the Municipality of GJILAN/GNJILANE, represented by Lawyer SHEMSEDIN PIRAJ from GJILAN /GNJILANE and the appeal of DIVNA STAMENKOVIC from SMEDEREVE, Serbia, represented by Lawyer EKREM PIRA from VITI/VITINA, are **REJECTED** as non-based and it is **CONFIRMED** ruling C.nr.705/2004 of the Municipal Court of GJILAN/GNJILANE, dated 23rd July 2010.

R E A S O N I N G

I. Procedural history of the second instance proceedings

1. On 23rd July 2010 the MC of GJILAN/GNJILANE rendered ruling C.nr.705/04 the claim of ISA SALIHU against JOVAN FILIPOVIC, SMIJKA SAVIC, DIVNA



STAMENKOVIC, SHABAN, VEHBİ, FIDAN, FATON, RUHAN and SEBAHATE SALIHU for confirmation of ownership to be considered withdrawn based on Article 423, paragraph 3 LCP. The remuneration for the temporary representative Lawyer TOMISLAV IVANOVIC for participation in two hearings in the amount of 202 Euros and for the temporary representative Lawyer ABDYLAZIS SADIKU for filing a reply to the claim in the amount of 280 Euros were ordered for payment from the means deposited by the claimant with return of the unused part of 78 Euros to him.

2. On 4th August 2010 the claimant ISA SALIHU through his representative SHEMSEDIN PIRAJ, Lawyer from GJILAN/GNJILANE, filed an appeal against ruling C.nr.705/2004 of the MC of GJILAN/GNJILANE, dated 23rd July 2010 on the grounds of *substantial violations of the provisions of the contested procedure* as per Article 181, paragraph 1, item a) in conjunction with Article 208 LCP, and *incomplete and erroneous determination of the factual situation* as per 181, paragraph 1, item b) in conjunction with Article 208 LCP. The request to the second instance court is to approve the appeal, to annul the ruling and to return the case to the first instance court for reconsideration.
3. On 10th August 2010 the respondent DIVNA STAMENKOVIC acting through her authorized representative EKREM PIRA, Lawyer from VITI/VITINA, also filed an appeal against ruling C.nr.705/2004 of the MC of GJILAN/GNJILANE, dated 23rd July 2010 *for substantial violations of provisions of the contested procedure* as per Article 181, paragraph 1, item a) in conjunction with Article 208 LCP. The request of this appellant is the second instance court to approve her appeal by amendment of the ruling with adjudication of the claim on the merits or by its annulment with remittal of the case to the first instance court for reconsideration.
4. Copies of the appeal of ISA SALIHU were duly served to the appellate parties by the MC of GJILAN/GNJILANE for reply according to Article 187, paragraph 2 in conjunction with Article 208 LCP.
5. On 1st September 2010 a written reply to the appeal of ISA SALIHU was filed to the case as signed by the respondent JOVAN FILIPOVIC in SMEDEREVE, Serbia on 30th September 2010. The latter is inadmissible. *At first place*, pursuant to Article 187, paragraph 3 in conjunction with Article 208 LCP it should not be examined as it has not been duly filed – though the residence of JOVAN FILIPOVIC evidenced in the case is in SMEDEREVE, Serbia, his signature on the reply is not officially verified as per its authenticity. Hence, there is no procedural guarantee that it originates from this litigant who for the 6-years duration of the case has never participated in its sessions and has never filed other submissions. *At second place*, the copy of the appeal of ISA SALIHU was received by the temporary representative of JOVAN FILIPOVIC – Lawyer TOMISLAV IVANOVIC on 18th August 2010, who as of that date according to Article 82, paragraph 2 LCP had all rights and obligations of a legal representative of this respondent, including the ones under Article 77, paragraph 1 and Article 107, paragraph 1 LCP to receive on his behalf documents sent by the court. Counted from 18th August 2010, the 7-days period under Article 187, paragraph 1 in conjunction with Article 208 LCP for this respondent to file a reply elapsed on 25th August 2010. The one in question was registered in the court on 1st September 2010 after its expiry

and should not be considered by the second instance court as belated pursuant to the imperative prohibition set up by Article 187, paragraph 4 in conjunction with Article 208 LCP.

6. As the procedure under Article 187, paragraph 2 in conjunction with Article 208 LCP had not been fulfilled by the first instance court with respect to the appeal of DIVNA STAMENKOVIC, its copies and/or translations were served to the appellate parties by the second instance court on 12th April 2011 for reply within 7 days-period from the receipt. Till 19th April 2011, when this deadline expired no replies were filed.

II. Competence of the three-judge panel of the DC of GJILAN/GNJILANE

7. AC.nr.327/2010 of the DC of GJILAN/GNJILAN was selected pursuant to Article 5, paragraph 1, item c) of the Law No. 03/L-053 on the Jurisdiction, Case Selection and Case Allocation of EULEX Judges and Prosecutors in Kosovo ("Law No. 03/L-053") by ruling of EULEX Judge, dated 16th December 2010. Hearing under Article 5, paragraph 7, first sentence of the Law No. 03/L-053 was conducted on 22nd February 2011 by EULEX Judge - Delegate of the President of the Assembly of the EULEX Judges according to Decision ref.nr.JC/EJU/OPEJ/2230/mgc/11, dated 28th January 2011. By ruling of the latter, dated 24th February 2011 the case was assigned to a three - judge panel of the DC of GJILAN/GNJILAN under Article 5, paragraph 2 of the Law No. 03/L-053 with Presiding EULEX Judge and two Kosovo Judges – members, designated after derogation Decision ref.nr.JC/EJU/OPEJ/2298/mgc/11 of the President of the Assembly of the EULEX Judges, dated 3rd March 2011 under Article 5, paragraph 5 of the Law No. 03/L-053 by Decision Agj.nr.39/2011 of the President of the DC of GILAN/GNJILANE, dated 9th March 2011.

8. Being legally composed in conformity with the specific requirements of Article 5, paragraphs 1, 2, 4, 5 and 7 of the Law No. 03/L-053, this three-judge panel of the DC of GJILAN/GNJILANE is empowered to adjudicate AC.nr.327/2010 based on the general functional competence of a second instance court under Article 15, paragraph 2 and Article 176, paragraph 3 in conjunction with Article 208 LCP.

III. Admissibility of the appeals

9. No procedural impediments exist for the adjudication of the appeals against ruling C.nr.705/04 of the MC of GJILAN/GNJILANE, dated 23rd July 2010. *At first place*, their submission is not explicitly prohibited by LCP as required by its Article 206, paragraph 1. The ruling is for termination of the proceedings by withdrawal of the claim after the preliminary hearing—Article 390, paragraph 1, item e) LCP, as well as for procedural expenses due to temporary representatives – Article 466, paragraph 2 LCP. With this content, it is entirely appealable. *At second place*, the appeals are not belated under Article 186, paragraph 2 in conjunction with Article 208 LCP. Ruling C.nr.705/2004 of the MC of GJILAN/GNJILANE, dated 23rd July 2010 was served to the representative of ISA SALIHU - Lawyer SHEMSEDIN PIRAJ on 29th July 2010, and to the representative of DIVNA STAMENKOVIC Lawyer EKREM PIRA on 31st July 2010. Their appeals were filed on 4th and 6th August 2010, respectively within the 15-days period prescribed by Article 176, paragraph 1, first sentence in conjunction with Article 208 LCP. *At third place*, none of the two appeals is impermissible under

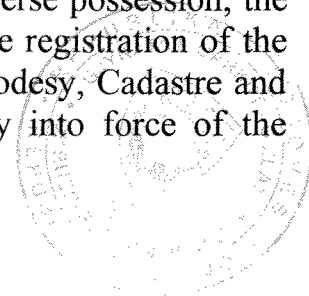
Article 186, paragraph 3 in conjunction with Article 208 LCP. They were lodged on behalf of parties in the case with right and legal interest to submit them – Article 176, paragraph 1 in conjunction with Article 208 LCP, not renounced or withdrawn them. The first is signed for ISA SALIHU by Lawyer SHEMSEDIN PIRAJ authorized by power of attorney, dated 4th August 2004 to represent him in the court proceedings at all phases. The second is signed for DIVNA STAMENKOVIC by Lawyer EKREM PIRA with power of attorney submitted to the case on 3rd June 2010 which as general in its scope of authorization includes the right to use all legal remedies – Article 90, paragraph 2 LCP. *At fourth place*, there is also no incompleteness under Article 179, paragraph 1 in conjunction with Article 208 LCP - each appeal has the form and the mandatory content envisaged in Article 178, items a) – d) in conjunction with Article 208 LCP. In sum, there are no legal grounds excluding the admissibility of the appeals and this second instance procedure under Article 206 – 211 LCP.

IV. Findings on the first instance proceedings related to the appellate review

10. The claim in C.nr.705/2004 of the MC of GJILAN/GNJILANE was filed on 3rd August 2004 by ISA SALIHU from village LIVOC I POSHTEM, the Municipality of GJILAN/GNJILANE through his representative Lawyer SHEMSEDIN PIRAJ against VACKO FILIPOVIC, currently residing in SMEDEREVO, Serbia with unknown address there.

11. According to the allegations in the factual part of the claim ISA SALIHU in the middle 1979 by verbal contract with VACKO FILIPOVIC bought cadastral parcel nr.993 at the place called “RID”, with culture – first class field, in the surface of 0.37.98 ha, evidenced in Possession List nr.258, Cadastral Zone nr.70403020-LIVOC I POSHTEM in the name of the now deceased DUSAN (VLADIMIR) FILIPOVIC for the price of 40 000 DEM. As agreed, this amount was paid in two installments – the first one of 20 000 DEM at the moment when the contract was concluded and the second one of 20 000 DEM - 6 months later. After the full payment of the price, the parties went to the site, identified the purchased real estate and it was handed over from the seller to the buyer. Since both of them had performed their obligations under their verbal contract, it should be considered valid according to Article 73 of the Law on Contract and Torts (Published in the Official Gazette of the SFRY No. 29/1978, amendments in Nos. 39/1985, 45/1989, 57/1989, final amendment in the Official Gazette of the FRY No.31/1993). ISA SALIHU acquired the ownership also based on reverse possession - Article 28, paragraph 4 of the Law on Basic Property Relations (Published in the Official Gazette of the SFRY No. 6/1980) since he had been using the contested parcel as owner with trust continuously ever since 1979 without being disturbed either by the respondent, or by someone else.

12. The statement is that the court shall confirm the ownership of the claimant on the cadastral parcel above, based on the 1979 transaction and reverse possession, the respondent shall be obliged to recognize this right and endure the registration of the real estate in the name of the claimant by the Directorate for Geodesy, Cadastre and Property – GJILAN/GNJILANE within 15-days from the entry into force of the judgment.



13. The legal qualification of this claim is for confirmation of ownership right by declaratory judgment pursuant to Article 187, paragraph 1 of the Law on Contentious Procedure (Published in the Official Gazette of the SFRY No.4/76 with amendments in Nos.36/1977, 36/1980, 69/1982, 54/1984, and 74/1987) (after 6th October 2008 corresponding to Article 254, paragraph 1 LCP). Its value was initially determined by the claimant in the amount of 1 050 Euros.

14. On 22nd November 2004 a submission was filed by Lawyer SHEMSEDIN PIRAJ for correction of the claim as per the personal name of the respondent from "VACKO" to "JOVAN", whereas his surname "FILIPOVIC" remained unchanged. Thus, the claim should be considered corrected retroactively from its first registration in the court (Article 109, paragraph 2 of the Law on Contentious Procedure).

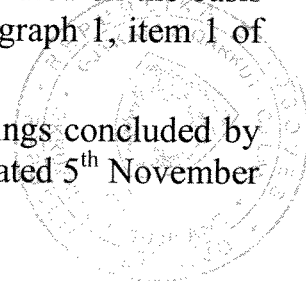
15. As the address of the respondent JOVAN FILIPOVIC was unknown for the claimant and not indicated in the claim, the court *ex officio* undertook measures to identify it by sending on 29th May 2007 on 7th February 2008 information requests to the Kosovo Police Service, the Center for Social Work and the Registry for Civil Status. According to the responses received by the Center for Social Work on 4th June 2007 and by the Kosovo Police Service on 8th April 2008, the residence and address of JOVAN FILIPOVIC could not be verified except that he lives in Serbia.

16. In view of these official findings and the lack of authorized representative of the respondent to the case, by ruling C. nr.705/04 of the MC of GJILAN/GNJILANE, dated 16th July 2008 pursuant to Article 84, paragraph 2, item 5 in conjunction with Article 278 of the Law on Contentious Procedure Lawyer TOMISLAV JOVANOVIC was appointed as his temporary representative with all rights and obligations of a legal representative until the appearance of this litigant in the court or the assignment of a guardian to him by the competent guardianship authority.

17. Meanwhile, by judgment C.nr.166/2007 of the MC of GJILAN/GNJILANE, dated 5th November 2007, the claim of NAZIM SALIHU (brother of ISA SALIHU) filed against DUSAN FILIPOVIC (father of JOVAN FILIPOVIC) was approved by confirmation of the ownership of this claimant on cadastral parcel nr.P-704030320-00993-0 at the place called "RID", in surface of 3 798 m², registered in Certificate nr.258, Cadastral Zone LIVOC I POSHTEM. This judgment was not appealed and according to the final court stamp on it entered into force on 30th November 2007.

18. By ruling C.nr.705/2004 of the MC of GJILAN/GNJILANE, dated 7th August 2008 this contested procedure was suspended till final decision in the one pending for annulment of judgment C.nr.166/2007 of the MC of GJILAN/GNJILANE, dated 5th November 2007. In the reasoning the outcome of the other case was found prejudicial since it was decided by final judgment for approval of a claim for confirmation of ownership between different parties for the same cadastral parcel nr.993. Hence, the suspension of C.nr.705/04 of the MC of GJILAN/GNJILANE was ruled on the basis of Article 12 in conjunction with Article 278 and Article 213, paragraph 1, item 1 of the Law on Contentious Procedure.

19. The proposal of ISA SALIHU for repetition of the proceedings concluded by final judgment C.nr.166/2007 of the MC of GJILAN/GNJILANE, dated 5th November



2007, was dismissed by ruling C.nr.166/2007 of the MC of GJILAN/GNJILANE, dated 25th May 2009, appealed by him and confirmed by ruling AC.nr.205/2009 of the DC of GJILAN/GNJILANE, dated 13th October 2009. Both instances accepted that as a *third person* to the proceedings in C.nr.166/2007, ISA SALIHU was not entitled to initiate this extraordinary legal remedy procedure.

20. Consequently, by ruling C.nr.705/2004 of the MC of GJILAN/GNJILANE, dated 19th November 2009 was approved the proposal of the representative of the claimant Lawyer SHEMSEDIN PIRAJ for continuation of this suspended case based on Article 280, paragraph 3 in conjunction with Article 532, paragraph 1 LCP.

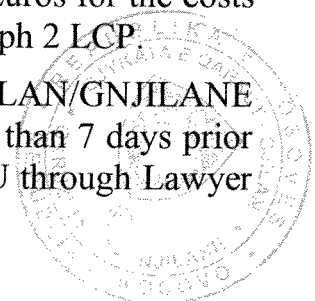
21. On 30th November 2009 the same representative filed submission for precision of the claim as per its objective and subjective scope. *At first place*, by constituting as respondents of JOVAN FILIPOVIC, SMILJKA SAVIC, DIVNA STAMENKOVIC - successors of the deceased DUSAN FILIPOVIC, as well as of SHABAN SALIHU, VEHI SALIHU, FATON SALIHU, FIDAN SALIHU, RUHAN SALIHU and SEBAHATE SALIHU - successors of the deceased NAZIM SALIHU. The addresses of some of the respondents were indicated in submission, while for the others only the countries of their current residence were mentioned. *At second place*, the initial value of the contest was increased up to 20 000 Euros. *At third place*, the statement of the claim was broadened with new request for dismissal of final judgment C.nr.166/07 of the MC of GJILAN/GNJILANE, dated 5th November 2007.

22. By ruling C.nr.705/04 of the MC of GJILAN/GNJILANE, dated 24th February 2010 in conformity with Article 102, paragraph 1 LCP the claimant was obliged in 15-days period from its service to correct the claim by indicating the exact addresses of the respondents SHABAN, VEHI, FATON SALIHU with residence in Great Britain and FIDAN, RUHAN and SEBAHATE SALIHUT - in Switzerland. Further, the claimant was warned that in case of non-compliance the claim will be dismissed according to Article 102, paragraph 3 LCP.

23. By submission of 5th March 2010, the representative of the claimant Lawyer SHEMSEDIN PIRAJ informed the court that the requested addresses of SHABAN, VEHI, FATON, FIDAN, RUHAN and SEBAHATE SALIHUT were unknown to his client as despite the efforts made he did not manage to provide them, and therefore proposed the appointment of their temporary representative.

24. By ruling C.nr.705/04 of the MC of GJILAN/GNJILANE, dated 2nd April 2010 Lawyer ABDYLAZIS SADIKU from GJILAN/GNJILANE was appointed temporary representative of SHABAN, VEHI, FATON, FIDAN, RUHAN and SEBAHATE SALIHUT pursuant to Article 79, paragraph 3 and Article 81, paragraph 1 LCP, with the rights and obligations of a legal representative until these respondents appear in the court or a guardian is assigned to them by the competent guardianship authority. The claimant was obliged in 15 days to deposit the amount of 280 Euros for the costs of this temporary representative, as previewed by Article 81, paragraph 2 LCP.

25. The preliminary hearing in C.nr.705/2004 of the MC of GJILAN/GNJILANE was scheduled for 14th July 2010. All parties were summoned more than 7 days prior its date (Article 402, paragraph 2 LCP) – the claimant ISA SALIHU through Lawyer

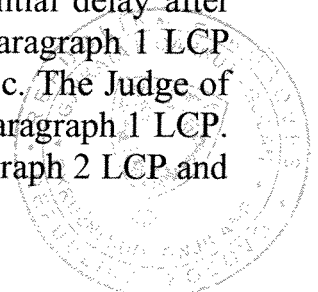


SHEMSEDIN PIRAJ on 8th June 2010 (Article 107, paragraph 1 LCP), the respondent JOVAN FILIPOVIC through Lawyer TOMISLAV JOVANOVIĆ on 7th June 2010 (Article 107, paragraph 1 and Article 82, paragraph 1 LCP), the respondent SMILJKA SAVIC in person on 12th June 2010 (Article 110, paragraph 1, first sentence LCP), the respondent DIVNA STAMENKOVIĆ through Lawyer EKREM PIRA on 8th June 2010 (Article 107, paragraph 1 LCP) and the respondents SHABAN, VEHBI, FATON, FIDAN, RUHAN and SEBAHATE SALIHU through Lawyer ABDYLAZIS SADIKU on 8th June 2010 (Article 107, paragraph 1 and Article 82, paragraph 1 LCP).

26. At the preliminary hearing on 14th July 2010 the claimant ISA SALIHU was present with Lawyer SHEMSEDIN PIRAJ, for the respondents JOVAN FILIPOVIC present was Lawyer TOMISLAV JOVANOVIĆ, SMILJKA SAVIC appeared in person, DIVNA STAMENKOVIĆ was represented by Lawyer EKREM PIRA, and SHABAN, VEHBI, FATON, FIDAN, RUHAN and SEBAHATE SALIHU were all represented by Lawyer ABDYLAZIS SADIKU. No objections were made by any of the participants in the preliminary hearing to its regularity and conduct. In its course Lawyer SHEMSEDIN PIRAJ on behalf of the claimant presented the claim; after that the respondents in person or through their representatives replied thereto – Article 403, paragraph 1 LCP. There were no procedural impediments identified *ex officio* or by objections of the parties to be decided in the preliminary hearing - Article 404, paragraphs 1 and 2 LCP. The proposals of the parties for the facts to be proved and the evidence to be collected in the trial were discussed - Article 405 LCP.

27. In the end of the preliminary hearing the MC of GJILAN/GNJILANE rendered a ruling under Article 420, paragraph 1, items a)–d) LCP to schedule the main hearing for 23rd July 2010 at 10.00, to determine the matters to be discussed with the evidence to be collected in its course, as well as to identify the persons to be summoned for it. The court ordered summoning of SHABAN, VEHBI, FATON, FIDAN, RUHAN and SEBAHATE SALIHU based on the information of Lawyer ABDYLAZIS SADIKU that being at that time in village LIVOC I POSHTEM for their summer vacation, they could be heard according to Articles 373 LCP. As per the authorized representative of the claimant Lawyer SHEMSEDIN PIRAJ, the temporary representative of the respondent JOVAN FILIPOVIC Lawyer TOMISLAV IVANOVIĆ, the respondent SMILJKA SAVIC herself, the authorized representative of the respondent DIVNA STAMENKOVIĆ – Lawyer EKREM PIRA and the temporary representative of the other respondents Lawyer ABDYLAZIS SADIKU, all of them as being present in the preliminary hearing were informed in it about the main hearing and therefore the court ordered not to be summoned for it according to Article 421, paragraph 1 LCP.

28. The main hearing in C.nr.705/2004 of the MC of GJILAN/GNJILANE was held at the date determined by the ruling under Article 420, paragraph 1, item a) LCP - 23rd July 2010. The session commenced at 10:25, with non-substantial delay after the appointed beginning at 10:00. The publicity under Article 444, paragraph 1 LCP was not excluded neither for the participants in the trial, nor for public. The Judge of the case announced its opening and the subject matter – Article 423, paragraph 1 LCP. Afterwards, he checked the presence of the parties - Article 423, paragraph 2 LCP and



determined that the claimant ISA SALIHU and his authorized representative Lawyer SHEMSEDIN PIRAJ were absent without any justifiable reason. For the respondents JOVAN FILIPOVIC present was Lawyer TOMISLAV IVANOVIC, for SAVIC SMILKA and DIVNA STAMENKOVIC there was no one, SHABAN, VEHBİ and FIDAN SALIHU were in person, as well as Lawyer ABDYLAZIS SADIKU as their temporary representative and such of FATON, RUHAN and SEBAHATE SALIHU. None of these participants in the main hearing requested its conduct in the absence of the claimant. On the contrary, all of them unanimously declared that they had no legal interest in the further adjudication of this case and proposed to the court pursuant to Article 423, paragraph 3 LCP to consider the claim withdrawn since the claimant and his representative Lawyer SHEMSEDIN PIRAJ were regularly notified and did not justify their absence in the main hearing.

29. On 23rd July 2010 the MC of GJILAN/GNJILANE rendered the challenged ruling C.nr.705/2004 the claim of the claimant ISA SALIHU against the respondents JOVAN FILIPOVIC, SMIJKA SAVIC, DIVNA STAMENKOVIC, SHABAN, VEHBİ, FIDAN, FATON, RUHAN and SEBAHATE SALIHU on confirmation of ownership to be considered withdrawn based on Article 423, paragraph 3 LCP. In the second part of the enacting clause it was ruled the remuneration for the temporary representative Lawyer TOMISLAV IVANOVIC for participation in two hearings in the amount of 202 Euros and for the temporary representative Lawyer ABDYLAZIS SADIKU for filing reply to the claim in the amount of 280 Euros to be paid from the deposit of the claimant, whereas the unused part of 78 Euros to be returned to him.

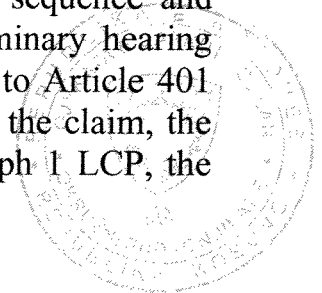
VI. Appellate review under Article 194 in conjunction with Article 208 LCP

Substantial violations of the provisions of the contested procedure - Article 182 LCP

30. The *first* ground in the appeals of ISA SALIHU and DIVNA STAMENKOVIC is under Article 181, paragraph 1, item a) in conjunction with Article 208 LCP for a substantial violation of the provisions of the contested procedure as per Article 182, paragraph 1 LCP because of erroneous application of Article 423, paragraph 3 LCP in the issuance of ruling C.nr.705/04 of the MC of GJILAN/GNJILANE, dated 23rd July 2010.

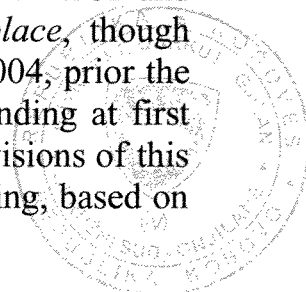
31. According to Article 423, paragraph 3 LCP if the duly summoned claimant fails to appear at the main hearing, it shall be assumed that he or she has withdrawn the claim except where the respondent requests that the proceedings be conducted in the absence of the claimant. All conditions under this provision were fulfilled in the instant case.

32. It is acknowledged by each one of the appellants and is not contested by any of the opposing parties that the court session on 23rd July 2010 was scheduled as *main hearing* under Article 12, item b) LCP in the proceedings of C.nr.705/2004 of the MC of GJILAN/GNJILANE. It has these characteristics considering the sequence and content of the prior trial stages. Namely, on 14th July 2010 a preliminary hearing under Article 12, item a) LCP for its preparation was held according to Article 401 LCP, at which the representative of the claimant made a statement of the claim, the respondents present or represented replied to it - Article 403, paragraph 1 LCP, the



proposals of the parties were then discussed - Article 405 LCP as per the facts to be proven and the evidence to be adduced in the case, the object of examination in the *main hearing* and the evidence to be collected during its conduct were decided by the court - Article 406, paragraph 1 LCP by a ruling under Article 420, paragraph 1, items a) – d) LCP. By the latter the session on 23rd July 2010 was explicitly qualified by the first instance court as *main hearing* in the case. Accordingly the announcement of the Judge in the beginning of the session on 23rd July 2010 in compliance with Article 423, paragraph 1 LCP was for its opening as *main hearing*, i.e. one at which the parties were supposed to present the facts in support of their proposals, to adduce evidence, to make statements on the motions of the opposing parties - Article 428 LCP and to express their legal opinion on the subject matter under adjudication, including through final statements – Article 429 LCP. Or, considering the structure of the trial in C.nr.705/2004 of the MC of GJILAN/GNJILANE till 23rd July 2010, the court session at that date met all criteria for being *main hearing* in the first instance proceedings under Article 12, item b) LCP. Therefore the failure of the claimant and his representative to appear at it has the legal consequences foreseen by Article 423, paragraph 3 LCP.

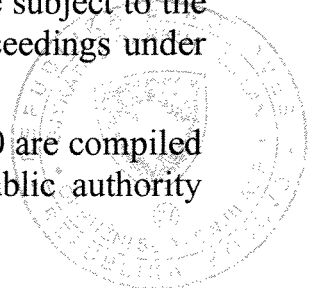
33. The main hearing at stake was *duly appointed*. *At first place*, it was convoked by ruling of the first instance court which determined its date and time – Article 420, paragraph 1, item a) LCP, the matters to be examined and discussed in its course – Article 420, paragraph 1, item b) LCP, the evidence to be collected – Article 420, paragraph 1, item e) LCP and the persons to be summoned – Article 420, paragraph 1, item d) LCP. So, this main hearing had been convoked by *a valid judicial act* with the legally demanded content. *At second place*, the 30-days period for the conduct of the main hearing after the conclusion of the preliminary hearing prescribed by Article 420, paragraph 2 LCP is instructive since Article 420, paragraph 3 LCP authorizes the court to decide that the main hearing is conducted *immediately* after the preliminary hearing. Therefore the time interval between the court sessions on 14th and 23rd July 2010 was admissible since its duration exceeded the minimum 8-days period under Article 367 LCP. *At third place*, as long as all parties were present in the preliminary hearing or represented at it, all of them were informed for the ruling under Article 420, paragraph 1 LCP while it was rendered. Hence, it was not to be subsequently served to none of the litigants according to Article 421, paragraph LCP. Pursuant to the same provision they were not to be summoned for the main hearing since all were notified for its date and time while it was scheduled in the preliminary hearing. *At fourth place*, in compliance with Article 421, paragraph 2 LCP the first instance court informed the claimant who was present in the preliminary hearing for his obligation to attend the main hearing and for the procedural consequences of his failure to appear at it. Similar instructions were not needed for the respondents since their absence at the main hearing could not legally hinder its conduct – Article 423, paragraph 4 LCP and could not have any negative procedural impact for them. *At fifth place*, though C.nr.705/04 of the MC of GJILAN/GNJILANE started on 3rd August 2004, prior the entrance into force of LCP on 6th October 2008, its proceedings as pending at first instance level after that date had to continue in accordance with the provisions of this new law, including the ones applicable for the conduct of the main hearing, based on



the general transitional rule of its Article 532, paragraph 1. Since in the instant case, neither the preliminary hearing, nor the main one was held prior 6th October 2008, when the new LCP became effective, the specific transitional rules of Article 532, paragraphs 2 or 3 LCP were not applicable. Summarizing, as long as all requirements of the new LCP for the regular scheduling of the main hearing were fulfilled by the first instance court, its conduct being legally valid could produce all procedural effects assigned to this stage of the trial, including the ones under Article 423, paragraph 3 LCP for presumed withdrawal of the claim.

34. The main hearing was appointed for 23rd July 2010 at 10.00. This date and time were determined by the ruling rendered in the preliminary hearing held on 14th July 2010 according to Article 420, paragraph 1, item a) LCP. Whatever proposals might have been by the parties as per the possible date of the main hearing and discussions on that issue, they are procedurally irrelevant and *vice versa* procedurally relevant is only the final decision of the court to conduct it on 23rd July 2010 at 10:00. The latter could not be subject to appeal pursuant to Article 387, paragraph 2 LCP and thus produced legal effect immediately after its issuance, including as per the date and time of the main hearing. It is duly recorded in the minutes from the preliminary hearing on 14th July 2010, kept according to Article 134, paragraph 1 LCP, in the written form and with the content prescribed by Article 134, paragraph 3 and Article 135 LCP. Nothing is deleted, added or amended, no sections are crossed and the text is wholly legible as required by Article 136 LCP. In particular, there are no corrections as per of the date of the main hearing – in the respective paragraph on the second page it is *clearly written as appointed for 23rd July 2010*. In conformity with Article 139, paragraph 1 LCP the minutes are signed by the Judge assigned to C.nr.705/2004 and the recording clerk, as well as by all parties and representatives present on 14th July 2010. There is no note under Article 139, paragraph 4 LCP for non-signing or refusal to sign by any participant in the trial. ISA SALIHU and his representative Lawyer SHEMSEDIN PIRAJ, as well as Lawyer EKREM PIRA as representative of DIVNA STAMENKOVIC signed the minutes of 14th July 2010 without any objections under Article 137, paragraph 2 LCP pertaining to the content in general and/or the recorded date of the main hearing – 23rd July 2010. Hence, no changes, corrections or additions related them were noted in the text - Article 137, paragraph 3 LCP. As each one of the appellants read the minutes of the preliminary hearing on 14th July 2010 after its completion and signed it without objections under Article 137, paragraph 2 LCP, they lost the right to use this *specific* legal remedy against inaccuracies in the recorded text and could not subsequently exercise it through other *general* legal remedy, including the appeals under Article 206 LCP. Thus all arguments of the appellants for wrongly recorded date of the main hearing in the minutes from the preliminary hearing as invoked after the deadline prescribed by Article 137, paragraph 2 LCP are belated. They are also impermissible, since could be accepted or not by the first instance court according to Article 137, paragraph 2 LCP, and *vice versa* could not be subject to the appellate review for approval by the second instance court in the proceedings under Article 208 – 211 LCP.

35. Since the minutes from the preliminary hearing on 14th July 2010 are compiled in the appropriate form by the MC of GJILAN/GNJILANE as a public authority



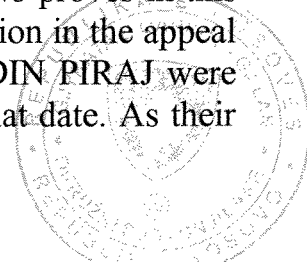
within its competences, they represent *official document* which according to Article 329, paragraph 1 LCP *proves the truthfulness of what is stated or determined therein*. Having regard to this *binding evidentiary effect*, this court of second instance is to accept that the content of the preliminary hearing *orally* conducted on 14th July 2010 as previewed by Article 427 in conjunction with Article 410 LCP *corresponds* to the one *written* in its minutes. Therefore all procedural actions undertaken in the session on 14th July 2010 should be considered *exactly* included in the minutes according to Article 135, paragraph 2 LCP. This is also valid for the ruling of the court rendered in the preliminary hearing pursuant to Article 420, paragraph 1 LCP – based on the mandatory evidentiary effect of the minutes under Article 329, paragraph 1 LCP it is to be assumed that *the date orally pronounced by the Judge assigned to C.nr.705/04 while convoking the main hearing coincides with the one recorded - 23rd July 2010*. There are no discrepancies between them, including ones excluding the regularity of this session or justifying the absence of the claimant and his representative during its conduct. The presumption under Article 329, paragraph 1 LCP for truthfulness of what is stated in minutes of 14th July 2011 is not confuted in this case according to Article 329, paragraph 3 LCP. *At first place*, the statements of the appellants that the date of the main hearing orally pronounced by the Judge was 23rd August 2010 do not represent confession under Article 321, paragraph 1 LCP of facts disadvantageous to them, but allegations of facts favorable to them, with no evidentiary effect. *At second place*, by signing the minutes of 14th July 2010 without any objections the appellants acknowledged as previewed by Article 139, paragraph 1 LCP their accuracy, *inter alia*, the exactness of the recorded date of the main hearing - 23rd July 2010. *At third place*, Lawyer SHEMSEDIN PIRAJ could not be summoned to declare “*the exact date agreed for the conduct of the main hearing*”, as proposed in the appeal of ISA SALIHU. According to Article 208 *in fine* LCP in the present proceedings the direct hearing of the case by the second instance court is explicitly prohibited. Therefore, no witnesses are permitted, including the authorized representatives of the parties - Article 342, paragraph 1, item a) LCP, since they could testify only orally according to the explicit Article 347, paragraph 1 LCP while answering to questions posed by the parties and the court in the course of interrogation under Article 348 LCP held in a public session. Therefore the testimonies of Lawyer SHEMSEDIN PIRAJ could not be now collected as evidence – he cannot be summoned by this instance to testify in accordance with Article 339, paragraph 1 LCP since no witnesses could be heard in this appeal procedure because of the imperative prohibition for direct examination of the case in a hearing under Article 190, paragraphs 2 – 4 LCP set up by Article 208 *in fine* LCP, on one hand. On the other hand, the written testimonies of this, as well as of any other witness are in principle inadmissible - Article 347, paragraph 1 LCP. As per the declarations of the same authorized representative of the claimant, incorporated in the appeal, these are allegations on behalf of a litigant in the case, lacking legal force. As per DIVNA STAMENKOVIC, no evidence whatsoever is proposed in her appeal in compliance with Article 180, paragraph 1 in conjunction with Article 208 LCP. Since it has not been established by the appellants pursuant to their burden of proof under Article 329, paragraph 3 LCP that the content of the minutes from 14th July 2010 is inaccurate in any of its elements under Article 135 LCP or are complied in an improper manner, they have the evidentiary effect of a public document recognized

by Article 329, paragraph 1 LCP. Based on it, this instance is bound to accept that the minutes of the preliminary hearing on 14th July 2010 prove the truthfulness of the date scheduled for the main hearing – 23rd July 2010, as recorded therein.

36. There were no reasons for adjournment of the session on 23rd July 2010 since all legal conditions for its initiation had been fulfilled - Article 437, paragraph 1 LCP. *At first place*, the parties were duly notified for it in the preliminary hearing on 14th July 2010 according to Article 421, paragraph 1 LCP. *At second place*, the absence of SAVIC SMILKA and DIVNA STAMENKOVIC and their representatives could not impede the conduct of the main hearing on 23rd July 2010 since as pointed above these respondents were also regularly notified for it in the previous session on 14th July 2010. *At third place*, there was neither individual proposal of a party to postpone the main hearing on the grounds envisaged in Article 428, paragraph 1, item a) LCP, nor a common one of all parties pursuant to Article 428, paragraph 1, item b) LCP. Since all procedural requirements for initiation of the main hearing on 23rd July 2010 were fulfilled and there were no legal grounds for its postponement by rescheduling, the absence of the claimant in the respective session was lawfully equalized by the first instance court to withdrawal of the claim based on Article 423, paragraph 3 LCP.

37. The claimant ISA SALIHU was *duly summoned* for the main hearing on 23rd July 2010 as required by Article 423, paragraph 3 LCP. *At first place*, he himself and his authorized representative Lawyer SHEMSEDIN PIRAJ were present in the preliminary hearing and in its course both of them were informed of the ruling under Article 420, paragraph 1 LCP, including its first part under item a) for scheduling its date and time. Hence, following the explicit rule of Article 421, paragraph 1 LCP the claimant was not to be served this ruling and/or summon to the main hearing since he was informed for them. *At second place*, in compliance with Article 421, paragraph 2 LCP he was obliged by the first instance court to be present at the main hearing in order to be heard as a party, as well as was informed of the procedural consequences of his failure to appear. *At third place*, since no discrepancies have been established according to Article 329, paragraph 3 LCP between the date of the main hearing, orally said by the Judge in the preliminary hearing, and the one recoded in writing its minutes, this second instance based on their evidentiary effect as official document - Article 329, paragraph 1 LCP should conclude that the claimant was regularly notified according to Article 421, paragraph 1 LCP for the main hearing on 23rd July 2010 and *vice versa* not for one on 23rd August 2010, as alleged in his appeal.

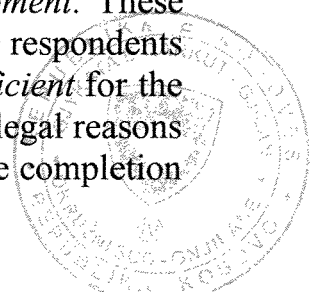
38. Both ISA SALIHU and his representative Lawyer SHEMSEDIN PIRAJ were *absent in the main hearing on 23rd July 2010*, which fact had been confessed in the appeal of this appellant and had been recorded in the minutes from this session. No reasonable grounds whatsoever existed for their failure to appear which could not be foreseen or avoided. The first instance court was not informed for any such *objective* circumstances hindering the personal participation of the claimant and/or his representation in the main hearing, prior its conduct or afterwards. No proves in this regard were ever presented. On the contrary, according to the confession in the appeal of ISA SALIHU, both he and his representative Lawyer SHEMSEDIN PIRAJ were not busy on 23rd July 2010 and were able to attend the session on that date. As their



absence according to the legal criteria set up by Article 129, paragraph 1 LCP was non-justified, no petition of the claimant based on that provision for a return to the *status quo ante* at the main hearing was filed to the MC of GJILAN/GNJILANE according to Article 130, paragraph 1 LCP in the 7-days time period under Article 130, paragraph 2 LCP. Hence, no ruling allowing a return to the *status quo ante* was issued pursuant to Article 133, paragraph 3 LCP. This excludes the annulment of the appealed ruling pursuant to Article 129, paragraph 2 LCP since the consequences of the *absence* of the claimant in the main hearing envisaged in Article 423, paragraph 3 LCP are not revoked through this applicable legal instrument. They are not obliterated by his presence at all other sessions in the trial and his written submissions for urgent adjudication of the case, as written in the appeal. Because the application of Article 423, paragraph 3 LCP depends exclusively and only on the absence of the claimant in the main hearing, and not on any of his previous procedural actions in the case.

39. All respondents without exception were present or regularly represented in the preliminary hearing and hence notified in it according to Article 421, paragraph 1 LCP for the ruling convoking the main hearing pursuant to Article 420, paragraph 1 LCP. Thus all of them were given by the first instance court the right recognized by Article 423, paragraph 3 LCP to request the main hearing to be conducted in the absence of the claimant. This is also valid for the appellant DIVNA STAMENKOVIC – in the session on 14th July 2010 present was her authorized representative Lawyer EKREM PIRA, so, she was duly informed through him for next one on 23rd July 2010 in conformity with Article 421, paragraph 1 and Article 107, paragraph 1 LCP. Since his power of attorney is signed by DIVNA STAMENKOVIC with a general scope of authorization (Article 90, paragraph 2 LCP), the notification of this representative has the same legal effect as if undertaken with respect to this party - Article 86, paragraph 2 LCP. Irrelevant is the statement of Lawyer EKREM PIRA made in the end of the preliminary hearing that for the sake of economizing the procedure in view to the acknowledgement of the claim by his client DIVNA STAMENKOVIC, they would not appear in the next session. The non-summoning of this respondent for the main hearing was ordered by the court because of her notification for it in the preliminary hearing under Article 421, paragraph 1 LCP, not because of this declaration of her authorized representative for non-appearance in the next session.

40. Being regularly notified for the main hearing, none of the respondents present or represented in its session on 23rd July 2010 *requested the proceedings to be conducted in the absence of the claimant*. On the contrary, all unanimously proposed to the court to apply Article 423, paragraph 3 LCP and on its basis to consider the claim withdrawn. In conformity with Article 135 LCP the presence/absence of each one of the respondents and their temporary or authorized representatives are duly recorded in the minutes of the session, as well as their proposals as per Article 423, paragraph 3 LCP. The provision *does not require the existence of legal interest* for the validity of these statements, *nor their justification in any form or moment*. These arguments in the first appeal are ungrounded – the lack of requests of the respondents for continuation of the proceedings in the absence of the claimant is *sufficient* for the application of Article 423, paragraph 3 LCP, regardless of the factual or legal reasons for this position or the form of its expression. On the other hand, with the completion

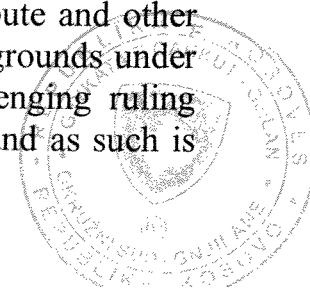


of the main hearing on 23rd July 2010, the preclusive deadline for such statements elapsed terminating the respondents' right subsequently to revoke them. For that reason, the request of JOVAN FILIPOVIC for continuation of the case in his reply of 1st September 2010 is without legal effect – *at first place*, the authenticity of the reply is not officially legalized according to the provisions applicable for documents signed by foreign persons; *at second place*, the statement should have been made till the end of the main hearing on 23rd July 2010 as preclusive deadline for procedural action of this kind; *at third place*, it is incorporated in reply under Article 187, paragraph 1 in conjunction with Article 208 LCP submitted after the expiry of the prescribed 7-days period for its filing which pursuant to the imperative rule of Article 187, paragraph 4 in conjunction with Article 208 LCP should not be considered by the second instance.

41. The conclusion to be reached after the analysis of the grounds under Article 181, paragraph 1, item a) in conjunction with Article 208 invoked in the appeals is that ruling C.nr.705/04 of the MC of GJILAN/GNJILANE, dated 23rd July 2010 is rendered without a substantial violation of the provisions of the contested procedure under Article 182, paragraph 1 in conjunction with Article 208 LCP – Article 423, paragraph 3 LCP as its legal basis was non-erroneously applied by the first instance court in the presence of all conditions foreseen in its hypothesis for termination of the proceedings by presumed withdrawal of the claim.

42. The challenged ruling could not be annulled also because of incomprehensible content pursuant to Article 182, paragraph 2, item n) LCP, as requested in the appeal of ISA SALIHU. It includes all the mandatory elements envisaged in Article 160, paragraph 1 in conjunction with Article 175 LCP – introductory part, enacting clause, reasoning and instructions as per the right to appeal. Namely, the introductory part is drafted with all the requisites enumerated in Article 160, paragraph 2 in conjunction with Article 175 LCP - the court, the first name and surname of the Judge, the first names and surnames, places of residence of the parties, their representatives, a brief description of the subject-matter in dispute and its value, and the day of rendering the ruling. As per the residence of SHABAN, VEHBI, FIDAN, FATON, RUHAN and SEBAHATE SALIHU, it was indicated as last verified in the session on 23rd July 2010 – for the first, second and the third was written their *permanent* residence in village LIVOC I POSHTEM, the Municipality of GJILAN/GNJILANE, whereas for the fourth, fifth and the sixth – their *temporary* residence in Switzerland, alternative explicitly permitted by Article 160, paragraph 2 in conjunction with Article 175 LCP. Therefore there are no inaccuracies in the individualization of the parties which make the challenged ruling incomprehensible. Moreover, this deficiency could be a ground under Article 182, paragraph 2, item n) LCP if it affects the reasoning or the enacting clause, not the introductory part of the judicial act. As a whole, the attacked ruling is rendered with form and content corresponding to the ones legally demanded.

43. The appeal of ISA SALIHU describes in details the preliminary hearing on 14th July 2010 as per the statements of the parties on the merits of the dispute and other procedural actions undertaken in its course. In that part it contains no grounds under Article 178, item c) in conjunction with Article 208 LCP for challenging ruling C.nr.705/04 of the MC of GJILAN/GNJILANE, dated 23rd July 2010 and as such is

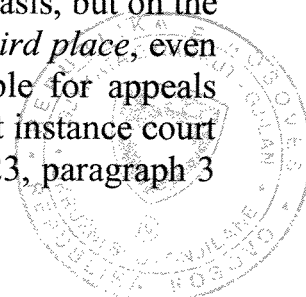


not to be considered in the appellate review. *At first place*, after any withdrawal of the claim, including the presumed one under Article 423, paragraph 3 LCP, it should be assumed as never filed with court – Article 261, paragraph 5 LCP, which excludes its adjudication in the same contested procedure at any level. *At second place*, in this appeal phase the second instance is not authorized by Article 209, items a) – d) LCP to resolve the dispute on the merits since being withdrawn, the claim could neither be approved, nor rejected – Article 2, paragraph 1 LCP. Therefore, the considerations in the appeal of ISA SALIHU which reproduce the allegations in his claim as per the ownership of the contested real estate shall not be analyzed or decided - since they do not constitute grounds under Article 178, item c) in conjunction with Article 208 LCP for challenging ruling C.nr.705/2004 of the MC of GJILAN/GNJILANE, dated 23rd July 2010, they do not fall within the scope of the appellate review, and moreover, the erroneous application of the substantive law could not be *ex officio* controlled by this second instance upon appeal under Article 206 LCP which is not against judgment, but against ruling.

44. No violations of the contested procedure under Article 182, paragraph 2, items b), g), j), k) and m) in conjunction with Article 208 LCP which the court of second instance is obliged to examine *ex officio* have been determined. This is in particular valid for the second part of the challenged ruling as per the remunerations of the temporary representatives since no arguments are invoked by the appellants for it. As their appointment was because of unknown addresses of the respondents - Article 79, paragraph 3 LCP (till 6th October 2008 corresponding to Article 84, paragraph 2, item 5 of the Law on Contentious Procedure), the MC of GJILAN/GNJILANE ruled in compliance with Article 81, paragraph 2 LCP that their costs should be covered by the means deposited by the claimant. The decision was taken upon special request of the temporary representatives made in the main hearing, by the ruling concluding the proceedings before the first instance court in conformity with Article 463, paragraphs 1, 3 and 4 LCP. The payment of the respective amounts of money and the return of the unused part of the means deposited by the claimant was ruled also in compliance with Articles 7, 8 and 9 of the Circular of the Department for Judicial Administration nr.09/77.03, dated 21st March 2005, Articles 389, paragraph 1, point 2 and Article 390, paragraph 1 of the Rules on Internal Activities of the Courts.

Erroneous and incomplete determination of the factual situation - Article 183 LCP

45. The ground under Article 181, paragraph 1, item b) LCP invoked only in the first appeal could not justify its approval. *At first place*, its formulation is more than blank - the text of the provision is literally quoted without concretization based on the content of the challenged ruling. *At second place*, as long as this ground according to its definition in Article 183 LCP exists only when the court determines a *material fact* incorrectly or fails to establish it, it is non - applicable for appeals against rulings by which the court does not decide on the claim, including on its factual basis, but on the issues related to the proceedings – Article 142, paragraph 5 LCP. *At third place*, even if the Article 181, paragraph 1, item b) LCP is considered applicable for appeals under Article 206 LCP, in the instant case as pointed out above the first instance court determined correctly all facts relevant for the application of Article 423, paragraph 3



LCP – the scheduling of the main hearing for 23rd July 2010, the absence of the duly summoned claimant and his authorized representative in it, and the lack of requests of the respondents for continuation of the proceedings. There is no fact within the scope of Article 423, paragraph 3 LCP which the first instance court determined incorrectly or failed to establish, hence no erroneous or incomplete determination of the factual situation as per Article 181, paragraph 1, item b) in conjunction with Article 183 and Article 208 LCP exists.

VII. Conclusion

46. No legal grounds under Article 181, paragraph 1, items a) and b) in conjunction with Article 208 LCP have been established after the appellate review under Article 194 in conjunction with Article 208 LCP. The challenged ruling C.nr.705/04 of the MC of GJILAN/GNJILANE, dated 23rd July 2010 is rendered in the presence of all conditions under Article 423, paragraph 3 LCP, in compliance with the procedure for its issuance established by Article 170 LCP, with the form and content prescribed by Article 160, paragraph 1 in conjunction with Article 175 LCP. Therefore the appeals are to be rejected and the challenged ruling as lawfully rendered is to be confirmed by the second instance court pursuant to Article 209, item b) LCP.

In view of the aforementioned reasoning it is decided as in the enacting clause.

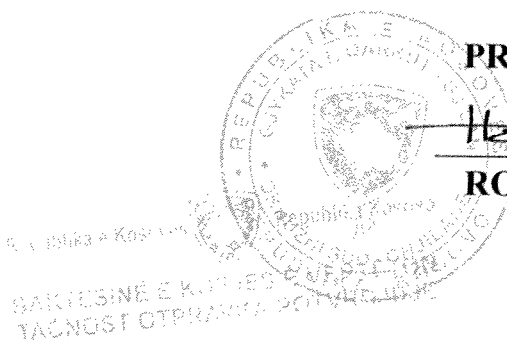
LEGAL REMEDY: No appeal is allowed against this ruling.

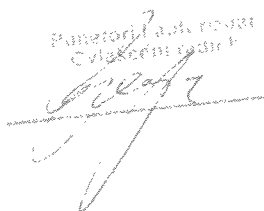
THE DISTRICT COURT OF GJILAN/GNJILANE
AC. nr.327/2010 on 20.04.2011

PRESIDING JUDGE



ROSITZA BUZOVA



Panelori i ish. rektor
Evlozetim Gashi


NOTE OF VOTING AND DELIBERATION

THE DISTRICT COURT OF GJILAN/GNJILANE in a panel composed of EULEX Civil Judge ROSITZA BUZOVA, as Presiding and Reporting Judge, Kosovo Judge MUHAMET REXHA and Kosovo Judge ABDULLAH AHMETI as panel members, on **20th April 2011** deliberated and voted unanimously as in the enacting clause of this ruling.

The present note is added to ruling of the District Court of GJILAN/GJILANE AC. nr. 327/2010, dated 20th April 2011 in accordance with Article 140, paragraph 1, second sentence in conjunction with Article 208 LCP.

THE DISTRICT COURT OF GJILAN/GNJILANE

AC. nr.327/2010 on 20.04.2011



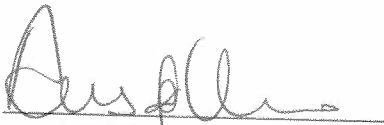
ROSITZA BUZOVA
PRESIDING JUDGE



MUHAMET REXHA
PANEL MEMBER



ABDULLAH AHMETI
PANEL MEMBER



ANDRES MORENO
EULEX LEGAL OFFICER



MEJREME YMERI
INTERPRETER/TRANSLATOR (ENGLISH/ALBANIAN)

Prepared in English as an official language according to Article 17 of the Law No. 03/L-053 on the Jurisdiction, Case Selection and Case Allocation of EULEX Judges and Prosecutors in Kosovo and signed by the Kosovo Judges after translation by the above referred interpreter/translator.