



Non-governmental Organisation “Emancipimi Civil Ma Ndryshe”
EC MA NDRYSHE

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PRESS RELEASE

To end the practice of public investments in disputed properties

Within the monitoring of activities of Prizren Municipality’s executive branch, EC Ma Ndryshe, during September, was engaged in the review of joint investments implemented in partnership between central and local government. During research conducting, EC Ma Ndryshe has encountered a disturbing case due to the investment of public money in a land area which continues to be subject of property dispute, currently under the scrutiny of the Supreme Court of Kosovo.

It is the project – Creating Conditions for Tourism Development and Environmental Protection through the construction of an outing/picnic area in Prizren municipality – in which the signatory parties are the Ministry of Local Government Administration and the Municipality of Prizren. This project begun being implemented at a place called “Brioni”, notwithstanding the fact that both Municipal and the District Court of Prizren have considered that the estate, where the works have started, is a property of Dehiri-Hapçiu families.

In the Agreement of Understanding between the MLGA and Prizren Municipality it is said that for the construction of these outing/picnic spaces in Prizren, Dragash/Dragas and Mamushë/Mamusa, the MLGA shall invest 89,850 EUR. MLGA has signed a contract with two economic operators for the construction of these spaces. Municipality of Prizren, namely the Directorate of Cadastre has issued the Certificate on the Propriety Rights under which the property holder is the Municipality of Prizren. The Directorate of Urban Planning has notified that this area is within the Urban Development Plan of Prizren, but there has no Urban Regulatory Plan designed for this zone.

However, the Municipal Court in 2008 had deliberated that the estate at “Brioni” belongs to Dehiri-Hapçiu families, which has been also confirmed by the Judgment of the District Court of Prizren, on 11 September 2009. In the Judgment of the District Court states, “The Court has found that the judgment from the first instance court is based and established upon the law.”

“The first instance court has established beyond any doubt that the real estate in question was in ownership of the claimants’ ancestors and their property, devoid of any judicial act or administrative procedures except by partial registration, was recorded as a socially-owned property. There is no legal act or decision in the cadastral registers which would validate this registration,” says in this Judgment, which also requires adherence to the provisions of the Law on Property Relations, European Council’s Convention and the Universal Declaration on Human Rights. The District Court deliberated clearly that “...the registration on the possession-sheet bears no proof on the possession” and that in its core, “...the Municipality appears as the appropriator of a property belonging to others.”

However, in November 2009, the public lawyer of the Municipality has sought the revision of this ruling in the Supreme Court of Kosovo by confronting in the entirety the Judgments of the District Court of Prizren and the Municipal Court. Both court decisions have been opposed by the State Prosecutor’s Office as well, which has stated that the responsible agency for the management of socially-owned property is

KTA (now KPA).

On the other hand, Supreme Court so far has not presented any judgment, which indicates that the issue of ownership at “Brioni” is still pending. Regardless of this, the municipality of Prizren, in summer, has started with the construction of the outing/picnic place with the MLGA funds, whereas on 1 August 2012, the Municipal Court, by a decision, has ordered a provisional measure on halting the works. Such decision was not observed by the Municipality of Prizren, so the works continued.

Taking into account all the above facts EC Ma Ndryshe considers that both local government of Prizren and the Government of Kosovo (MLGA) must follow the decisions of the judiciary, in order to build the rule of law. EC Ma Ndryshe hereby considers that prior commencing with the construction of the outing/picnic place, Prizren Municipality should have reached an agreement with Dehiri-Hapçiu families, in order to avoid the risk of losing the investment from public money.

EC Ma Ndryshe also points out that local government should have exhausted all legal possibilities prior to placing public money in the area subject to property dispute. It is also essential for this case to serve as an example to ward off the recurrence of such practices in future, which at the end may result in the loss of money from the public funds, as well as in quaking of trust in the institutions of local government and the judiciary.

The project of EC Ma Ndryshe for the transparency oversight of the executive branch shall continue on publicizing the monitoring findings by regular press releases and project’s website, where the findings shall be posted directly by the monitors. By now, all the findings from the monitoring, including regular press releases and other information relative to local government of Prizren, are published on regular basis on the project’s website: www.online-transparency.org.

Thank you for your cooperation,

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