

Stolen Homes: Kosovo Struggles with Wartime Property Seizures

Almost two decades after the Kosovo war, many thousands of people whose houses or land was seized during or after the conflict have still not been able to get their property back.

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At midnight on June 19, 1999, Nusret Ajdezi was woken up by a loud knocking on his door. Four armed people entered his home in a central Pristina neighbourhood and said that he and his family had until morning to flee the house or be killed.

"They were armed civilians. They said that they were [Kosovo Liberation Army] commanders. My wife, children and I did not sleep that night at all. We didn't know where to go," Ajdezi recalls.

The next morning, Ajdezi talked with his Roma fellow neighbours and found that they had experienced the same thing. Within three days, the majority of Pristina's Roma inhabitants had fled to Serbia.

At the end of 2001, Ajdezi came back to his home but found that it had been turned into a brothel. Someone there told him that he had bought the house, and drove him away by hitting him with an iron bar.

Like Ajdezi, thousands of Albanians, Serbs, Roma and others whose homes have been unlawfully occupied have not been able to get them back since the war ended in Kosovo in June 1999.

This has had a negative impact on inter-ethnic relations in the country and made the return of refugees and people displaced by the war more difficult.

"Property issues, especially usurpations, have curbed the return of displaced persons," Narasimha Rao, the head of the UN Refugee Agency, UNHCR office in Kosovo, told BIRN.

For almost two decades now, Ajdezi has been living in a refugee camp in the northern Serbian town of Novi Sad, locked in a permanent battle with poverty and his ever-worsening health.

"I built that house with my work for 27 years at a butcher's that was owned by

an Albanian, and they snatched it only because I am Roma,” he said.

During his time in the refugee camp, he has appealed to UN Habitat, a United Nations agency dealing with human settlements, calling on it to address the home seizures and other property-related issues that emerged after the conflict.

Up to 2007, the former Kosovo Property Agency, which has now been renamed the Agency for Comparison and Verification of Property, AKKVP, had registered 42,749 seized properties in Kosovo.

Year by year, the number of seized properties has decreased because some of them have been sold, often under pressure, while others have been returned to their original owners.

“Currently there are 12,823 properties under AKKVP administration. Most of them are agricultural land, then business and residential properties,” said AKKVP spokesperson Arian Krasniqi.

The figure does not include forest land, which remains unregistered.

The majority of properties that were seized belong to Serbs and Roma who fled Kosovo just after the war in June 1999.

“96.84 per cent or 41,399 of usurped properties belonged to Serbs,” Krasniqi said.

Fake documents



Ajdezi's (image on the right) legal battle to get back his property has been long and complicated.

“The usurper Isa Hamiti says that he bought the house from another person. But documents are fake,” he insisted.

According to court documents, the person who occupied Ajdezi's house said he bought it from a person named Bekim Ramadani, who was not the owner, but was authorised by a woman called Sanije Deri. However, her name does not appear as the owner in the cadastral registry of properties in Kosovo.

At the time of the contract which said that she authorised the selling of the house, in the year 2000, she had already been dead for 30 years, according to the civil registry.

Meanwhile the seller, Bekim Ramadani from the southern Serbian town of Medvedja, is in prison in Serbia for other offences.

In 2016, the Kosovo government approved a national strategy on property rights. According to the strategy, property transactions like this which involve go-betweens raise concerns over human rights, because in a post-conflict environment, sometimes the properties are

not sold willingly.

The court has not ruled yet on Ajdezi's case, but his house now exists only in photographs and in its former inhabitants' memories. A huge residential building has been erected where it once stood; the constructor compensated the seller of the house with two apartments.

Court rulings ignored



Image on the left: Ljubinko Todorovic.

Slavica Djordjevic never planned to leave Kosovo until the day that she, her husband and six of her neighbours were kidnapped by a group of armed men in the southern town of Prizren in June 1999.

They were rescued by a patrol of German soldiers from the NATO peacekeeping force, KFOR, which was deployed in Kosovo following the Western military alliance's 78-day air campaign which resulted in the withdrawal of Serbian forces from Kosovo.

While preparing to leave, Djordjevic saw her house, which was not yet fully built, seized by an Albanian neighbour.

"He continued construction where we left off. They used it for storage, as a shop and office space," she told BIRN.

While she was moving from one refugee shelter to another in Serbia, a Prizren court ruled in 2011 that her property should be returned to her in the state in which she left it.

"But he did not want to obey the verdict," Djordjevic explained. "To this day, the usurper of my property does not wish to return it. Instead, they threatened to kill us in the courtroom."

In the end, the judge decided that she must pay 19,500 euros for the verdict to be implemented if she wants her property back.

When she complained to the Court of Appeals, the judges ruled again that the property should be returned. But then the Supreme Court also ruled that Djordjevic should pay 19,500 euros. Now she has filed a complaint to Kosovo's Constitutional Court.



Now 66, Djordjevic (image on the right) said she cannot afford to pay for the restitution of her property.

"I am retired, my husband too. We are struggling to survive," she said.

Kosovo Serbs find it particularly hard to get back property in villages in which the ethnic Albanian population were subjected to killings and gruesome massacres by Serbian forces.

Marko Vukotic left his house in the village of Lubeniq/Ljubenica in the Peje/Pec area, where in May 1999, Serbian forces killed more than 80 Albanian civilians. Two years later, Vukotic returned and sold the house. But he did not get his agricultural land back.

“I see that they [Albanians] are working the land, harvesting their fruit, and I can do nothing,” Vukotic told BIRN.

In 2016, the Peje/Pec court ruled that his property should be released. But the man who now uses the land, Asllan Zenelaj, insisted that it has always belonged to his family.

“This land was expropriated. Then during the Milosevic regime [in the 1990s] there were some discriminatory laws about Albanians’ properties. I am collecting documents which prove my right to the property,” Zenelaj told BIRN.

The ownership status of many properties that were traded between Serbs and Albanians in the 1990s remains unresolved in the cadastral register, further complicating the situation.

The Agency for Comparison and Verification of Property is responsible for restitution of property when it is illegally occupied or illegally occupied for a second time, as sometimes happens. But if it is illegally occupied for a third time, the Agency is legally powerless to intervene.

Kosovo Ombudsperson Hilmi Jashari, has requested legal changes which would make the Agency responsible for acting after every seizure.

“Some provisions of the law violate the property rights of displaced persons,” Jashari told BIRN.

He also said that the law is “in contradiction with UN rules for the restitution of property for displaced persons”, known as the Phinerio Principles.

Lawyer Ljubinko Todorovic, who served as Kosovo’s Deputy Ombudsperson from 2003 to 2006, is among those whose houses have been seized. He blames the former UN administration mission, UNMIK, for being incapable of stopping the seizures.

“It was the time when fear prevailed. The usurper of my apartment came to my office at the Ombudsperson’s HQ and told me that he will never vacate it,” Todorovic told BIRN.

In his current office in the central Kosovo town of Gračanica, Todorovic is dealing with a backlog of cases of property usurpations involving Serbs and Roma which are waiting for court verdicts. Each of the plaintiffs has been waiting for more than a decade for their problem to be dealt with.

‘No rule of law’



Agim Voca (image on the left) remembers how, one sunny October day in 1998, he left his

apartment in Kosovo northern town of Zvecane/Zvecan, and moved to live with some relatives in the neighbouring town of Mitrovica.

He and his family did not take many things with them, believing that they would return soon. But the conflict erupted more quickly than he expected and other Albanians were also displaced from Zvecane/Zvecan. Some of them were never able to return home again.

Nineteen years later, Voca is still waiting for the day when he can go back. His apartment in central Zvecan/Zvecane was occupied by a Serb family, and Voca and his family now live in a Serb's house in the southern part of the ethnically-divided town of Mitrovica.

"When the war ended, a new war started for me. I lost a job, I lost an apartment. I had taken refuge near my town. There was no place for Albanians beyond the bridge, nor for Serbs in this side," he said, referring to Ibar bridge in Mitrovica which divides the town and has been the scene of several inter-ethnic clashes since the war.

Voca, now 65, used to work at Trepca, a huge mining complex which has never recovered since the war. As a consequence, he was unemployed when he reached retirement age.

As he was homeless for year while seeking the restitution of his property, the Kosovo Property Agency settled him in an apartment which belonged to a Serb whose family fled Mitrovica in June 1999.

"I was born and grew up in Zvecan/Zvecani, in a good neighbourly relationship with local Serbs. But the time came when everything was upended and now we live in each others' usurped apartments," he said.

His apartment is being occupied by a Serb family, whose house in the village of Runik in the Skenderaj/Srbica municipality was destroyed after the war.

Voca once met the Serb owner of the house in which he is living, Aca Milutinovic, who paid a visit with his wife to see their home, escorted by UN police. The place is now in a poor state and the roof is leaky.

"They saw their house destroyed over the years by different families who lived here. In that time, the walls have been covered with hate graffiti," said Selvete Voca, Agim's wife.

Over the years, the AKVVM has put some of the seized properties under its administration and is trying to oblige their occupiers to pay rent.

"In cases when users do not pay rent, we evict them," the Agency spokesperson Krasniqi said.

But the obligation to pay rent often does not work in practice because the families who live in these properties are so poor.

Voca said he has never been paid rent from his apartment, nor paid anything for the house

he lives in.

“Besides threats, I have never received anything. And nobody has asked me to pay rent for this house,” he explained.

Naim Osmani from Civil Rights Programme in Kosovo, which has default with property restitution problems, said that in most cases, owners hesitate to take legal action against unlawful occupiers because they know that they “cannot solve the problems” through the courts.

“We have seen the fear of those who ask for their property back through the courts. This is a reflection of the lack of rule of law,” he added.

Attempted arson

Image on the right: Marko Vucotic



Beshir Islami, head of the Appeals College of the Kosovo Supreme Court, a mechanism that deals with complaints to the Kosovo Commission for Property Claims, said resolving property issues remains a challenge.

“However, allegations that sides are taken based on ethnic motivations in resolving property issues have no basis,” Islami insisted.

The Kosovo prosecution has initiated 422 property usurpation cases. But properties are often illegally occupied several times, leaving the Agency powerless to intervene.

One home-owner became so infuriated with the situation that he decided to take retribution. Alush Alushi from Mitrovica, who lost two sons during the war, said that he tried to set his home in the Serb-dominated north of Mitrovica on fire twice. A Serb family has lived in the house since the end of the war.

Alushi’s attempt to torch his own house failed, however.

“I couldn’t set the fire from outside,” he told BIRN.

In 2017, he staged another radical intervention. Armed with a gun and two hand grenades, he went to a police station and threatened to “blow the house into the air” if authorities did not act.

“It was very hard for me when I imagined how I lost two sons during the war and the house after the war ended,” he said.

His property was eventually returned to him, but he said it had been damaged, and he plans to sell it because he says he would not feel safe living there anymore.

Slavica Djordjevic said that she feels that nothing can compensate her for what she has experienced during these years in which she has been forced to live so far from her home.

“It’s too much for one lifetime. There is no money, no means to give us back the 20 years of life that we have spent here in Novi Sad,” she said.

Many people fear that they could lose their properties because of the amount of time that has now passed, but judge Beshir Islami said this is not possible because “the legal right to immovable property has no statutory limitation”.

In 2011, under EU mediation, Kosovo and Serbia signed an agreement on the return of copies of scanned cadastral registries which were taken away by the Belgrade-run administration when it fled Kosovo in June 1999.

The agreement – which has still to be implemented – provides for the return of over 4.1 million copies of private property documents. It’s believed that they would clarify many of the property issues that have arisen since the war.

Meanwhile, Marko Vukotic and Agim Voca are still hoping that they will get their homes back again – although Aca Milutinovic and his wife died in Serbia recently without ever getting the satisfaction of having their house returned to them.

Ajdezi expects the property documents that are due to be returned from Belgrade to prove that his house really belongs to him, even though the building itself has been razed to the ground.

“I spent my entire life working to have a house. I don’t want to feel like a homeless person any more. I wouldn’t like to die in a shelter,” he said.

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