

DHOMA E POSAÇME E  
GJYKATËS SUPREME TË  
KOSOVËS PËR ÇËSHTJE QË  
LIDHEN ME AGJENCINË  
KOSOVARE TË  
PRIVATIZIMIT

SPECIAL CHAMBER OF THE  
SUPREME COURT OF KOSOVO  
ON PRIVATIZATION AGENCY  
OF KOSOVO RELATED  
MATTERS

POSEBNA KOMORA  
VRHOVNOG SUDA  
KOSOVA ZA PITANJA  
KOJA SE ODNOSE NA  
KOSOVSKU AGENCIJU ZA  
PRIVATIZACIJU

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**AC-I.-14-0171**

In the appeal of

*Complainants/Appellants*

**A0001 L.B**

Suharekë/Suva Reka

**A0002 D.B**

Suharekë/Suva Reka

**A0003 I.F.R**

Prizren/Prizren

**A0004 E.G**

Suharekë/Suva Reka

**A0005 M.S**

Suharekë/Suva Reka

**A0006 S.K**

Suharekë/Suva Reka

**A0007 I.H**

Suharekë/Suva Reka

**A0008 H.B.K**

Suharekë/Suva Reka

**A0009 N.K, on behalf of her deceased husband Q.K,**

Suharekë/Suva Reka

**A0010 J.S**

Suharekë/Suva Reka

**A0012 R.J**

Suharekë/Suva Reka

**A0013 H.G**

Suharekë/Suva Reka

**A0014 S.S**

Požarevac

**A0015 F.Sh**

Skopje

**A0016 H.M on behalf of his deceased father S.M**

Prishtinë/Priština

**A0017 Z.J, M.J, D.K, S.M, Z.J**

Represented by lawyer M.D.

**A0018 E.S**

Suharekë/Suva Reka

**A0019 L.(M).I**

Belgrade

**A0020 R.K**

Malishevë/Mališevo

**A0021 H.Sh**

Prizren/Prizren

**A0022 I.Z**

Suharekë/Suva Reka

**A0023 E.H**

Suharekë/Suva Reka

**A0024 H.K**

Suharekë/Suva Reka

**A0025 L.P**

Serbia

Vs.

*Respondent/Appellant*

**A0011 Privatization Agency of Kosovo**

Ilir Konushevci Street, No.8, Prishtinë/Priština

The Appellate Panel of the Special Chamber of the Supreme Court of Kosovo on Privatization Agency of Kosovo Related Matters (SCSC), composed of Mr.sc. Sahit Sylejmani, the Presiding Judge, Ondrej Pridal, Gertraud Marx-Leitenberger, Ilmi Bajrami and Sabri Halili, Judges, on the appeals of the Appellants against the judgments of the Specialized Panel of the SCSC, C-II.-13-0419-C-0001-C-0249 of 5 May 2014 and C-II.-13-0419-C-0254-C-0259 of 25 June 2014, after deliberations, held on 10 February 2017, by majority votes, issues the following:

**J U D G M E N T**

- 1. Appeal of Appellants A0003 I.F, A0016 H.M on behalf of his deceased father S.M, A0017 S.M, Z.J, A0022 I.Z and A0025 L.P are dismissed as inadmissible.**
- 2. The “appeals” of the Appellants A0017 Z.J, M.J and D.K are to be registered by the Registry as the complaints and adjudicated by the respective Specialized Panel.**
- 3. Appeals of the Appellants A0001 L.B, A0002 D.B, A0004 E.G, A0005 M.S, A0006 S.K A0009 N.K, A0010 J.S, A0012 R.J,A0013 H.G, A0014 S.S, A0015 F.K, A0018 E(B)S, A0020 R.K, A0021 H.Sh, A0023 E.H, A0024 H.K are rejected as ungrounded.**

**4. Appeals of the Appellants A0007 I.H, A0008 H.B.K dhe A0019 L. (M) I, are grounded and regarding these Appellants, point II of the enacting clause of the judgment C-II.-13-0419-C-0001-C-0249 of the Specialized Panel of the SCSC dated 5 May 2014 is amended and these Appellants are included on the final list of eligible employees for 20% of the shares from the privatization of the SOE "B"- in Suharekë/Suva Reka.**

**5. Appeal of the Appellant A0011 Privatization Agency of Kosovo regarding the following Complainants C0001 R.B, C0002 Q.K, C0003 Sh.(S)P, C0004 M.B, C0005 H.K, C0015 S.Z, C0019 Ž.J, C0020 M.L, C0021 S.L, C0022 -V.S, C0023 D.M, C0024 J.L, C0026 I.F.R, C0027 S.A.B, C0028 E.(A)Z, C0029 I.(A)Z, C0030 V.K, C0033 D.K, C0035 R.G, C0036 R.L, C0037 R.(R) B, C0040 B. A, C0041 D.Đ, C0043 S.J, C0044 L.Z, C0047 P.L, C0048 V.L, C0057 S.S, C0059 D.K, C0061 D.Sh, C0063 V.M, C0064 S.S, C0066 R.G, C0067 R.Xh, C0070 M.S, C0071 D.Š, C0073 M.H, C0075 Xh.A, C0077 S.M.1, C0078 Đ.P, C0079 R.L, C0080 S.K, C0081 Z.M, C0082 B.J, C0083 S.M.2, C0084 D.P, C0085 Z.J, C0086 S.P, C0087 M.K, C0088 N.K, C0089 S.M.3, C0090 S.M.4, C0091 M.K, C0092 P.S, C0093 Đ.S, C0094 D.R, C0095 M.S, C0096 D.M, C0097 Ž.B, C0098 J.L, C0099 N.L, C0100 I.J, C0101 D. U, C0102 O.Đ, C0103 S.S, C0104 A.A, C0105 N.Ž, C0106 D.T, C0107 B.P, C0108 S.J, C0109 S.R, C0110 Z.Š, C0112 S.M.5, C0113 D.Đ, C0114 V.C, C0115 S.S, C0116 D.J, C0117 R.N, C0118 R.M, C0119 V.K, C0120 Đ.M, C0121 Z.M, C0122 S.M.6, C0123 V.Ž, C0124 R.T, C0125 D.P, C0126 Z.A, C0127 M.J, C0128 M.Đ, C0129 I. S, C0130 R.I, C0131 Z.I, C0133 M.P, C0134 D.M, C0135 G.S, C0136 S.T, C0137 M.T, C0138 S.S, C0139 D.M, C0140 S.M.7, C0141 Z.M, C0142 Đ.C, C0143 M.C, C0144 S.J, C0145 S.M.8, C0146 Č.K, C0147 B.C, C0148 O.J, C0149 R.L, C0150 J.J,**

**C0151 D.J, C0152 S.J, C0153 D.J, C0154 J.J, C0155 S.K, C0156 B.S, C0157 S. S, C0158 B.K, C0159 I.B, C0160 S.K, C0161 V.L, C0162 V.(M)R, C0163 S.I, C0164 S.S, C0165 J.C, C0166 Ž.Đ, C0167 S.R, C0168 D.M, C0169 V.R, C0170 S.Ž, C0171 J.Ž, C0172 L.S,C0173 Z.T, C0174 P.C, C0175 J.C, C0176 S.(S)J, C0177 S.(R)J, C0178 Z.U, C0179 M.U, C0180 Z.M, C0182 V.R, C0183 K.J, C0184 M.M, C0185 N.N, C0186 J.I, C0187 N.P, C0188 D.I, C0189 J.S, C0190 V.J, C0191 D.J, C0192 S.M.9, C0193 V.R, C0194 B.P, C0196 R.A, C0197 V.(A).S, C0198 D(V)S, Complainant C0199 G.R, Complainant C0201 J.D, C0202 M.C, C0203 D(Č)R, C0204 N(M)S, C0205 S(Č)S, C0206 V.(M).C, C0208 N.A, C0209 H.V, C0211 Z.J, C0212 T.K, C0213 I.K, C0214 L.K, C0215 Ž.K, C0216 M.K, C0217 B.I, C0219 L.M, C0220 N.D, C0221 S.M, C0222 S.K, C0223 (C0229) V.A, C0224 B.A, C0228 R. G, C0230 S.S, C0231 M.K, C0233 Z.J, C0234 S.M.10, C0235 V.G, C0242 J.Ž, is rejected as ungrounded and they remain on the list of eligible employees for 20% of the shares from the privatization of the SOE "B"- in Suharekë/Suva Reka.**

**6. Appeal of Appellant A0011 Privatization Agency of Kosovo regarding the following Complainants C0007 G.Z, C0008 I.Z, C0011 –S(I)P, C0014 J.B, C0018 A.R.K, C0045 H.B, C0046 M.K, C0053 R.K, C0065 H.B, C0068 M.Xh, C0069 S.A, C0076 V.Sh, C0132 S.M, C0210 N.B, is approved as grounded and they are removed from the list of eligible employees for 20% of the shares from the privatization of the SOE B- in Suharekë/Suva Reka.**

**7. The appeal of PAK against judgment of Specialized Panel no. C-II.-13-0419–C-0001-C-0249, dated 5 May 2014 with regards to**

**complainant D.G (C-0062) is separated from the proceedings and is to be assigned with new file number.**

**8. Court fees for the appeals proceedings are not to be imposed.**

### **Procedural and factual background**

The Socially Owned Enterprise (SOE)-"B" in Suharekë/Suva Reka was privatized by Privatization Agency of Kosovo (PAK) on 22 July 2005.

Initially the final list of eligible employees for 20% share from privatization of the SOE -"B" in Suharekë/Suva Reka was published by PAK on 7, 8, 9 and 10 May 2009. Because the Review Committee staff responsible for the list published in May 2009 was not in composition in accordance with the requirements of Article 24.1 and 24.2 of the Law on Privatization Agency of Kosovo, the Specialized Panel of the SCSC with decision SCEL-09-0002 of 1 March 2013 declared null and with no legal effect the list mentioned above. The PAK was ordered to publish a new list of eligible employees in accordance with law. Also the PAK was ordered to notify on the new publication all persons who were included in the published list on dated mentioned above, than all persons who were included in the non-published list approved by Board of PAK on 28 May 2010 and all persons who have filed a complaint against the published list. According to this decision all interested parties will have a new 20 days deadline, from the day of publication or the day of notification, whichever comes in second, to file complaint with the SCSC. With the decision of the Appellate Panel AC-I.-13-0036 of 12 September 2013, deciding on the appeals against decision SCEL-09-0002 of 1 March 2013, the points 3 and 4 are amended. After point 2 of the enacting clause of the decision SCEL-09-0002 of 1 March 2013, was added the following point "each Complainant who is not satisfied with the

non-inclusion in the final list and who has already filed complaint with the SCSC for this matter, it is not required to file a new complaint”.

Then the final list of eligible employees entitled to 20% of the proceeds from the privatization of the SOE -“B” in Suharekë/Suva Reka was published by PAK on 5 October 2013. The deadline for filing a complaint with the SCSC was 28 October 2013, as the first working day after 26 October 2013.

Against final list published by PAK were filed 259 complaints. The Complainants requested the SCSC to approve their complaints and to include them in the final list of eligible employees entitled to 20% of the proceeds from the privatization of the SOE -“B” in Suharekë/Suva Reka.

*Judgment C-II.-13-0419 – C-0001 - C-0249 of 5 May 2014*

On 5 May 2014 the Specialized Panel of the SCSC issued judgment regarding the complaint from C-0001 to C-0249 whereby:

I. The complaints of the Complainants : C-0010 N.K, C-0049 V.S, C-0050 Sh.V.K, C-0051 S.H, C-0052 D.B.B, C-0054 E.G, C-0055 Z.G, C-0056 G.K, C-0058 N.K, C-0244 R.J, C-0245 L.P, C-0246 V.J, C-0247 M.G, C-0248 R.G and C-0249 L.V, are dismissed as inadmissible.

II. The complaints of the following Complainants are accepted and the PAK is ordered to include them in the final list of employees eligible to a share of the privatization proceeds of SOE -“B” Suharekë/Suva Reka:

C-0001 R.B, C-0002 Q.K, C-0003 Sh.(S)P, C-0004 M.B, C-0005 H.K, C-0007 G.Z, C-0008 I.Z, C-0011 S.(I)P, C-0014 J.B, C-0015 S.Z, C-0018 A.R.K, C-0019 Ž.J, C-0020 M.L, C-0021 S.L, C-0022 V.S, C-0023 D.M, C-0024 J.L, C-0026 I.F.R, C-0027 S.A.B, C-0028 E.(A)Z, C-0029 I.(A)Z, C-0030 V.K, C-0033 D.K, C-0035 R.G, C-0036 R.L, C-0037 R.(R)B, C-0040 B.A, C-0041 D.Đ, C-0043 S.J, C-0044 L.Z, C-0045 H.B, C-0046 M.K, C-0047 P.L, C-0048 V.L, C-

0053 R.K, C-0057 S.S, C-0059 D.K, C-0061 D.Sh, C-0062 D.G, C-0063 V. M, C-0064 S.S, C-0065 H.B, C-0066 R.G, C-0067 R.Xh, C-0068 M.Xh, C-0069 S. A, C-0070 M.S, C-0071 Đ.Š, C-0073 M.H, C-0075 Xh.A, C-0076 V. Sh, C-0077 S.M.1, C-0078 Đ.P, C-0079 R.L, C-0080 S.K, C-0081 Z.M, C-0082 B.J, C-0083 S. M.2, C-0084 D.P, C-0085 Z.J, C-0086 S.P, C-0087 M.K, C-0088 N.K, C-0089 S.M.3, C-0090 S.M.4, C-0091 M.K, C-0092 P.S, C-0093 Đ.S, C-0094 D.R, C-0095 M.S, C-0096 D.M, C-0097 Ž.B, C-0098 J.L, C-0099 N.L, C-0100 I.J, C-0101 D. U, C-0102 O.Đ, C-0103 S.S, C-0104 A.A, C-0105 N.Ž, C-0106 D.T, C-0107 B. P, C-0108 S.J, C-0109 S.R, C-0110 Z.Š, C-0112 S.M.5, C-0113 D.Đ, C-0114 V.C, C-0115 S.S, C-0116 D.J, C-0117 R.N, C-0118 R.M, C-0119 V.K, C-0120 Đ.M, C-0121 Z.M, C-0122 S.M.6, C-0123 V.Ž, C-0124 R.T, C-0125 D.P, C-0126 Z.A, C-0127 M.J, C-0128 M.D, C-0129 I.S, C-0130 R.I, C-0131 Z.I, C-0132 S.M, C-0133 M.P, C-0134 D.M, C-0135 G.S, C-0136 S.T, C-0137 M.T, C-0138 S.S, C-0139 D.M, C-0140 S.M.7, C-0141 Z.M, C-0142 Đ.C, C-0143 M.C, C-0144 S.J, C-0145 S.M.8, C-0146 Č.K, C-0147 B.C, C-0148 O.J, C-0149 R.L, C-0150 J.J, C-0151 D.J, C-0152 S.J, C-0153 D.J, C-0154 J.J, C-0155 S.K, C-0156 B.S, C-0157 S.S, C-0158 B.K, C-0159 I.B, C-0160 S.K, C-0161 V.L, C-0162 V. (M) R, C-0163 S.I, C-0164 S.S, C-0165 J.C, C-0166 Ž.Đ, C-0167 S.R, C-0168 D. M, C-0169 V.R, C-0170 S.Ž, C-0171 J.Ž, C-0172 L.S, C-0173 Z.T, C-0174 P.C, C-0175 J.C, C-0176 S.(S).J, C-0177 S.(R)J, C-0178 Z.U, C-0179 M.U, C-0180 Z.M, C-0182 V.R, C-0183 K.J, C-0184 M.M, C-0185 N.N, C-0186 J.I, C-0187 N. P, C-0188 D.I, C-0189 J.S, C-0190 V.J, C-0191 D.J, C-0192 S.M.9, C-0193 V.R, acting on behalf of his late father M.(R).R.C-0194 B.P, acting on behalf of his late father J.P, C-0196 R.A, C-0197 V.S, C-0198 D.S, C-0199 G.R, C-0201 J. D, C-0202 M.C, C-0203 D.R, C-0204 N.S, C-0205 S.S, C-0206 V.C, C-0208 N. A, C-0209 H.V, C-0210 N.B,C-0211 Z.J, C-0212 T.K, C-0213 I.K, C-0214 L. K, C-0215 Ž.K, C-0216 M.K, C-0217 B.I, C-0219 L.M, C-0220 N.D, C-0221 S.M, C-0222 S.K, C-0223 V.A, C-0224 B.A, C-0228 R.G, C-0229 V.A, C-0230 S. S, C-0231 M.K, C-0233 J.Z, C-0234 S.M.10, C-0235 V(F) G, C-0242 J(D) Ž.

III. The complaints of the following Complainants are rejected as ungrounded:

C-0006 H.G, C-0009 E.H, C-0012 H.B.K, C-0013 S.U, C-0016 S.Z.L, C-0017 L.B, C-0025 B.K, C-0031 Rr.Z, C-0032 S.M, C-0034 Sh.(Z)B, C-0038 I.S.K, C-0039 D.(Đ)D, C-0042 Đ.Đ, C-0060 M.S, C-0072 Z.G, C-0074 I.H, C-0111 O.P, C-0181 V.J, C-0195 S.S, C-0200 F.M, C-0207 D.T, C-0218 L.I, C-0225 F. K, C-0227 J.S, C-0232 H.Z, C-0236 R.(H)K, C-0237 H.M, C-0238 E.S, C-0239 Sh.S, C-0240 S.K and C-0241 M.S.

IV. The complaint number C-0226 R.S, is transferred for a separate adjudication under a new reference number;

V. The complaint number C-0243 F.B, is transferred for a separate adjudication under a new reference number.

*Judgment C-II.-13-0419 – C-0254-C-0259 of 25 June 2014*

On 25 June 2014 the Specialized Panel of the SCSC issued another judgment in case C-II.-13-0419 regarding the complaint from C-0254 to C-0259 whereby: the complaints of the following Complainants are dismissed are inadmissible:

C-0254 I.S, C-0255 R.K, C-0256 H.K, C-0257 A.(B)S, C-0258 L.V, C-0259 H.Sh (remaining complaints C-0250 – C-0253 were adjudicated by Judgment C-II-13-0419-C-0250-C-0254 of 20 May 2014).

Against these two judgments are filed 25 appeals.

**A0001 Appellant L.B**, on 19 May 2014 filed an appeal against the judgment C-II.-13-0419 of 5 May 2014, requesting the Appellate Panel to approve her appeal as grounded and to oblige the Respondent to include her in the list of eligible employees entitled to 20% of the proceeds from the privatization of the SOE -“B” in Suharekë/Suva Reka. The Appellant stated that the Specialized Panel with the appealed judgment rejected her complaint because of her age. She further stated that the age cannot be considered as decisive factor for rejecting of the request/complaint.

With the order of 27 May 2016, the appeal of the Appellant was served to the Respondent for the response to the appeal. The Respondent received the order on 9 June 2016. No response to the appeal was filed.

**A0002 Appellant D.B,** on 22 May 2014 filed an appeal against the judgment C-II.-13-0419 of 5 May 2014, due to violation of the applicable legal provision and discrimination committed against the Complainant as a former employee with the contract. The Appellant further stated that his complaint was incorrectly dismissed as untimely because he was not informed about this and that he could not buy the newspaper every day. Regarding the continuation of the employment after the war, the Appellant refers to workbook.

With the order of 27 May 2016, the appeal of the Appellant was served to the Respondent for the response to the appeal. The Respondent received the order on 9 June 2016. No response to the appeal was filed.

**A0003 Appellant I.F.R,** on 22 May 2014 filed an appeal against the judgment C-II.-13-0419 of 5 May 2014, requesting the Appellate Panel to amend and supplement the appealed judgment to include her in the list of eligible employees entitled to 20%.

With the order of 27 May 2016, the appeal of the Appellant was served to the Respondent for the response to the appeal. The Respondent received the order on 9 June 2016. No response to the appeal was filed.

**A0004 Appellant E.G,** on 23 May 2016 filed an appeal against the judgment C-II.-13-0419 of 5 May 2014, requesting the Appellate Panel to recognize her right to be included in the list of eligible employees entitled to 20%. The Appellant stated that she worked with the SOE for 12 years, 11 months and 18 days which can be confirmed by her workbook. She further stated that she failed to file the complaint within deadline because her father passed away and provided copy of the death certificate of her father from which can be seen that he passed away on 4 October 2013.

The appeal of the Appellant was served to the Respondent on 9 June 2016. No response to the appeal was filed.

With the order of 27 May 2016 from the Appellant was requested to submit the appeal signed by the Appellant, since appeal filed with the SCSC on 23 May 2014 is not signed. The order returned back with the note of post officer "displaced". The Registry officer called the Complainant by phone informing her about the order and asking her to provide the SCSC with the appeal signed by the Appellant. The Appellant comply with the order and provided the signed appeal.

**A0005 Appellant M.S,** on 21 May 2014 filed an appeal against the judgment C-II.-13-0419 of 5 May 2014, requesting the Appellate Panel to approve his appeal as grounded and to oblige the Respondent to include him in the list of eligible employees entitled to 20% of the proceeds from the privatization. The Appellant emphasize that in the appealed judgment was stated that he is not qualified pursuant to criteria set forth in Section 10.4 of UNMIK Regulation 2003/13 to be included in the list of eligible employees because he retired in April 2005, and this argument was taken to not include him in the list of eligible employee. The Appellant added that the Court did not provide explanation and arguments on that which is the decision to which the Court refers.

With the order of 27 May 2016, the appeal of the Appellant was served to the Respondent for the response to the appeal. The Respondent received the order on 9 June 2016. No response to the appeal was filed.

**A0006 Appellant S.K,** on 22 May 2014 filed an appeal against the judgment C-II.-13-0419 of 5 May 2014, requesting the Appellate Panel to approve his appeal as grounded and to oblige the Respondent to include him in the list of eligible employees entitled to 20% of the proceeds from the privatization. The Appellant stated that among evidences that certify the fact being eligible is

also the decision no.PRZ014-0042/1335 rendered by the Liquidation Authority of PAK by which decision the request of the Appellant for compensation of unpaid salaries and for the income tax was approved. He further stated that after the war he was interested to return to his workplace but he did not receive any response from his superiors.

With the order of 27 May 2016, the appeal of the Appellant was served to the Respondent for the response to the appeal. The Respondent received the order on 9 June 2016. No response to the appeal was filed.

**A0007 Appellant I.H**, on 24 May 2014, filed an appeal against the judgment C-II.-13-0419 of 5 May 2014, requesting the Appellate Panel to approve his appeal as grounded and to oblige the Respondent to include him in the list of eligible employees entitled to 20% of the proceeds from the privatization. The Appellant stated that his complaint was rejected without legal base because he worked with the SOE from 13 March 1985 until 14 September 1990 when he was dismissed by the interim measures.

With the order of 27 May 2016, the appeal of the Appellant was served to the Respondent for the response to the appeal. The Respondent received the order on 9 June 2016. No response to the appeal was filed.

**A0008 Appellant H.B.K** on 22 May 2014 filed an appeal against the judgment C-II.-13-0419 of 5 May 2014, requesting the Appellate Panel to approve her appeal as grounded and to oblige the Respondent to include her in the list of eligible employees entitled to 20% of the proceeds from the privatization. The Appellant stated that by recognizing her work experience with this SOE, legally she should have not been excluded from her right to 20%.

With the order of 27 May 2016, the appeal of the Appellant was served to the Respondent for the response to the appeal. The Respondent received the order on 9 June 2016. No response to the appeal was filed.

**A0009 Appellant N.K**, on 28 May 2014 filed an appeal against the judgment C-II.-13-0419 of 5 May 2014, requesting the Appellate Panel to approve her appeal as grounded and to oblige the Respondent to include her, on behalf of her deceased husband Q.K, in the list of eligible employees entitled to 20% of the proceeds from the privatization. The Appellant stated that from the evidences in the case file was verified the fact that the late Q.K,was the employee of the SOE but in illegally manner he was not included in the list. She further stated that according to Confirmation issued by PAK of 20 December 2013 her husband has working experience 24 years, 1 month and 25 days.

With the order of 27 May 2016, the appeal of the Appellant was served to the Respondent for the response to the appeal. The Respondent received the order on 9 June 2016. No response to the appeal was filed.

**A0010 Appellant J.S**, on 28 May 2014 filed an appeal against the judgment C-II.-13-0419 of 5 May 2014, requesting the Appellate Panel to approve his appeal as grounded and to oblige the Respondent to include him in the list of eligible employees entitled to 20% of the proceeds from the privatization. The Appellant among others stated that he was abroad and on 2000 he returned in Kosovo and he requested to return into his work place but he did not receive any response form the management of the SOE.

With the order of 27 May 2016, the appeal of the Appellant was served to the Respondent for the response to the appeal. The Respondent received the order on 9 June 2016. No response to the appeal was filed.

**A0011 Appellant Privatization Agency of Kosovo (PAK)**, on 29 May 2014 filed an appeal against the judgment C-II.-13-0419 of 5 May 2014, respectively against point II of enacting clause of this judgment due to erroneous verification of factual situation and erroneous application of material law. PAK requested the Appellate Panel to approve the appeal and to quash

the appealed judgment in the appealed part. The PAK stated that it consider that the appealed judgment is inconsistent, un-argued based on applicable law and does not contain the crucial facts and in arbitrary manner interprets the applicable law. The Appellant objected that some other Complainants their complaints were approved based on the fact that they were discriminated without any relevant evidence or facts provided by the Complainants from which can be presumed direct or indirect discrimination. The PAK further stated that the Complainant must provide facts and evidence based on which direct or indirect discrimination can be presumed and only if these facts and evidence are provided, the Respondent must provide counter arguments and evidence that it did not had a discriminatory approach. PAK also added that it is not contested that there was discrimination, in both sides, however it consider that discrimination is an individual act, and it must be proved in every concrete case, because in the context of protection against the discrimination it is very difficult to prove with certainty that the inequality in approach is motivated by any of the prohibited discriminatory acts.

With the order of 27 May 2016, the appeal of the PAK was served to the Complainants included in point II of the enacting clause, except to those who already submitted the response to the appeal of PAK. Some of the Complainants submitted the response to the appeal of PAK requesting the Appellate Panel to reject the appeal as ungrounded and to uphold the appealed judgment respectively point II of the enacting clause of the appealed judgment.

For some of the Complainants included in point II of the enacting clause of the appealed judgment service of the appeal of PAK was not successful, as the orders were returned back with the notes as: "unknown"; "displaced"; "unclaimed". For these Complainants on 18 August 2016 was issued an order to the Registry to publish in the Notice Board of the Court the orders which were not received by the Complainants. Based on an Official Note of the

Registry the order was posted on the Notice Board of the Court from 18 August 2016 until 30 August 2016.

**A0012 Appellant R.J**, on 28 May 2014 filed an appeal against the judgment C-II.-13-0419-C-0001-C-0249 of 5 May 2014, requesting the Appellate Panel to approve his appeal as grounded and to oblige the Respondent to include him in the list of eligible employees entitled to 20% of the proceeds from the privatization. The Appellant stated that his complaint is dismissed without legal base and that as the oldest employee of the SOE he was discriminated. He further stated that after the war he requested to return into his work place.

With the order of 27 May 2016, the appeal of the Appellant was served to the Respondent for the response to the appeal. The Respondent received the order on 9 June 2016. No response to the appeal was filed.

**A0013 Appellant H.G**, on 28 May 2014 filed an appeal against the judgment C-II.-13-0419-C-0001-C-0249 of 5 May 2014 and requested the Appellate Panel to approve his appeal as grounded and to oblige the Respondent to include him in the list of eligible employees entitled to 20% of the proceeds from the privatization. The Appellant stated that his complaint was rejected without any legal base discriminating his right as the employee with experience. Also stated that he requested to continue the employment but he did not receive any response from the management of the SOE.

With the order of 27 May 2016, the appeal of the Appellant was served to the Respondent for the response to the appeal. The Respondent received the order on 9 June 2016. No response to the appeal was filed.

**A0014 Appellant S.S**, on 23 May 2014 filed an appeal against the judgment C-II.-13-0419-C-0001-C-0249 of 5 May 2014, requesting the Appellate Panel to approve his appeal as grounded and to oblige the Respondent to include him in the list of eligible employees entitled to 20% of the proceeds from the

privatization. The Appellant stated that he worked with the SOE from 19 February 1990 until 9 June 1999, when due to well-known reasons he was forced to leave the workplace and Kosovo and went to live in Serbia. He further stated that he was not able to submit with the first instance any evidence since he came across to them later on, because he left Kosovo without any document including his workbook. He presented to Appellate Panel with the appeal the copy of the workbook as well as the certificate of 15 October 2003 verifying that he was the employee of the SOE.

With the order of 27 May 2016, the appeal of the Appellant was served to the Respondent for the response to the appeal. The Respondent received the order on 9 June 2016. No response to the appeal was filed.

**A0015 Appellant F.K**, on 29 May 2014 filed an appeal against the judgment C-II.-13-0419 of 5 May 2014, requesting the Appellate Panel to approve her appeal as grounded and to oblige the Respondent to include her in the list of eligible employees entitled to 20% of the proceeds from the privatization. The Appellant stated that she worked with the SOE from 1977 until 1990. Challenging the findings in the appealed judgment that she did not have the evidence on employment relation with the SOE, the Appellant submitted copy of the workbook, which shows that she worked with the SOE from 6 December 1976 until 10 September 1990 and then her workbook was open with other enterprise.

With the order of 27 May 2016, the appeal of the Appellant was served to the Respondent for the response to the appeal. The Respondent received the order on 9 June 2016. No response to the appeal was filed.

**A0016 Appellant H.M on behalf of his deceased father S.M**, on 3 June 2014 filed an appeal against the judgment C-II.-13-0419 of 5 May 2014, requesting the Appellate Panel to quash the appealed judgment and to send the case back for retrial to the first instance or to amend the appealed

judgment and to include the late S.M in the list of eligible employees entitled to 20% of the proceeds from the privatization. The Appellant stated that the late S.M was dismissed by interim measures on 24 September 1990. He further stated that the witnesses especially Hamit Gashi is the ocular witness that the late S.M continued his work with the SOE also after the war in its department in Prishtinë/Priština and that he together with few other employees fixed the roof of the plant in Prishtinë/Priština. He added that after the war nobody could be engaged to work, neither the deceased S.M nor other employees due to the fact that the facility was leased.

With the order of 27 May 2016 from the Appellant was requested to submit the appeal signed by the Appellant, since appeal filed with the SCSC on 23 May 2014 is not signed. He was warned that if he fails to comply with the order within 14 days from the date of the service of the order his appeal will be dismissed as inadmissible. The order was served on the Appellant on 27 June 2016. Up to the date he did not comply with the order.

On 9 June 2016 the Respondent received the appeal of the Appellant. No response to the appeal was filed.

**A0017 Appellants Z.J.1, M.J, D.K, S.M, Z.J.2,** through their representative on 2 June 2016 filed an appeal against judgment C-II.-13-0419 of 5 May 2014, requesting the Appellate Panel to amend the appealed judgment and to approve their complaints or to quash the appealed judgment and to send the case back for retrial. The representative provided the Appellate Panel with the supporting evidence for all Appellants.

With the order of 27 May 2016, the appeal of the Appellant was served to the Respondent for the response to the appeal. The Respondent received the order on 9 June 2016. No response to the appeal was filed.

**A0018 Appellant E(B)S,** on 19 May 2014 filed an appeal against the judgment C-II.-13-0419 of 5 May 2014, requesting the Appellate Panel to

approve her appeal as grounded and to oblige the Respondent to include her in the list of eligible employees entitled to 20% of the proceeds from the privatization and to compensate the amount of 5300 euro on behalf of unpaid salaries. The Appellant among others stated that she worked with the SOE from 22 July 1976 until 17 February 1983 when she was dismissed as technological surplus, and that she should be in the final list of the eligible employees for 20%.

With the order of 27 May 2016, the appeal of the Appellant was served to the Respondent for the response to the appeal. The Respondent received the order on 9 June 2016. No response to the appeal was filed.

**A0019 Appellant L(M)I**, on 3 June 2014 filed an appeal against the judgment C-II.-13-0419 of 5 May 2014, due to erroneous verification of factual situation and erroneous application of substantive law, and requested the Appellate Panel to approve her appeal. The Appellant stated that she started working with the SOE from 7 October 1996 until June 1999, when she was forced to leave her work place due to war events, discrimination and fear for her life. She provide copy of her workbook showing that it is still open; decision of 7 October 1996 on establishment of working relation; health ID and Certificate on working experience in the SOE.

With the order of 27 May 2016, the appeal of the Appellant was served to the Respondent for the response to the appeal. The Respondent received the order on 9 June 2016. No response to the appeal was filed.

**A0020 Appellant R.K**, on 4 July 2014 filed an appeal against judgment C-II.-13-0419 of 25 June 2014, requesting the Appellate Panel to amend the appealed judgment and to oblige the Respondent to include him in the list of eligible employees entitled to 20% of the proceeds from the privatization and to compensate the amount of 5300 euro on behalf of unpaid salaries. The Appellant among others stated that he worked with the SOE from 22 July

1976 until 17 February 1983 when he was dismissed as technological surplus, and that he should be in the final list of the eligible employees for 20%.

With the order of 27 May 2016, the appeal of the Appellant was served to the Respondent for the response to the appeal. The Respondent received the order on 9 June 2016. No response to the appeal was filed.

**A0021 Appellant H.Sh**, on 3 July 2014 filed an appeal against the judgment C-II.-13-0419 of 25 June 2015, requesting the Appellate Panel to amend the appealed judgment and to allow him the payment of 20% of the proceeds from the privatization. The Appellant stated that he is included in the final list and that he did not file the complaint against the final list but against unilateral ban for payment of 20% made by PAK without any decision or order but only with oral notification.

With the order of 27 May 2016, the appeal of the Appellant was served to the Respondent for the response to the appeal. The Respondent received the order on 9 June 2016. No response to the appeal was filed.

**A0022 Appellant I.Z**, on 17 July 2014 filed an appeal against judgment C-II.-13-0419 of 5 May 2014, requesting the Appellate Panel approve his appeal and to include him in the list of eligible employees for 20%. The Appellant stated that the SCSC with the appealed judgment approved his complaint, as according to the evidences provided to the Court he fulfils the requirements of the Section 10.4 of UNMIK Regulation 2003/13. With this appeal he reconfirms his complaint for 20% and unpaid salaries be approved by the Court.

The appeal of the Appellant was received by Respondent on 9 June 2016. No response to the appeal was filed.

With the order of 27 May 2016, the Appellant was requested to submit within 14 (fourteen) days from the receipt of the order a submission declaring on

which date the appealed judgment was served to him. The Appellant response to this order stating that this case is being processed for a long time so there is no judgment or acknowledge of receipt to response to the order.

**A0023 Appellant E.H**, on 17 July 2014 filed an appeal against judgment C-II.-13-0419 of 5 May 2014, requesting the Appellate Panel approve his appeal and to include him in the list of eligible employees for 20%. The Appellant stated that he was the employee of the SOE and the fact that he did not work with the SOE after the war does not have effect to his right for 20%. He stated that he came from abroad to complete the necessary documentation for 20%.

The appeal of the Appellant was received by Respondent on 9 June 2016. No response to the appeal was filed.

With the order of 27 May 2016, the Appellant was requested to submit within 14 (fourteen) days from the receipt of the order a submission declaring on which date the appealed judgment was served to him. The order was received by the Appellant on 27 July 2016. Appellant did not respond to this order.

**A0024 Appellant H.K**, on 19 July 2014 filed an appeal against judgment C-II.-13-0419 of 25 June 2014, requesting the Appellate Panel to quash the appealed judgment and to send the case back for retrial. He stated that is correct that he filed the complaint after the time limit but this is not reason for dismissing the complaint as inadmissible. He further stated that he live abroad, in Switzerland, and was not able to follow public announcements, and that he was not informed by anybody for publication of the list, therefore he did not know and could not know on losing the time limit for filling the complaint.

With the order of 27 May 2016, the appeal of the Appellant was served to the Respondent for the response to the appeal. The Respondent received the order on 9 June 2016. No response to the appeal was filed.

**A0025 Appellant L.P**, on 3 November 2014 filed an appeal against judgment C-II.-13-0419 of 5 May 2014, requesting to be included in the final list of eligible employees for 20%. The Appellant stated that he worked with the SOE from 15 August 1988 until June 1999 when unwillingly he left Kosovo. He stated that he was included by PAK in the final list which was published in newspaper Blic on 8 May 2009 and that with the appealed judgment his complaint was not approved.

The appeal of the Appellant was not served to the Respondent because it is inadmissible as it is filed after deadline.

### **Legal Reasoning:**

Based on Article 64.1 of the Annex of the Law No. 04/L-033 on the Special Chamber of the Supreme Court of Kosovo on Privatization Agency of Kosovo Related Matters (Annex), the Appellate Panel decided to dispense with the oral part of the proceedings.

### **Merits of the appeals and assessment of the Appellate Panel**

#### **Discrimination**

In order to prevent discrimination, promote and enter into force the principle of equal treatment of all citizens of Kosovo, the Kosovo Assembly on 30 July 2004 adopted the Anti-Discrimination Law no.2004/3 (promulgated by UNMIK Regulation 2004/32), which is also currently a lawful and legally binding document.

Related to burden of proof, the Article 8 of Anti-Discrimination Law reads as follows:

*8.1 When persons who consider themselves wronged because the principle of equal treatment has not been applied to the establish, before a court or other competent authority, facts from which it may be presumed that there has been direct or indirect discrimination, it shall be for the respondent to prove that there has been no breach of the principle of equal treatment.*

According to the foregoing interpretation, when an Complainants intends to prove that was discriminated, he/she will be required only to allege the specific facts from which it may be presumed that there has been discrimination (direct or indirect) and it shall be for the Respondent to prove otherwise, namely, that there has been no breach of the principle of equal treatment.

Referring to the precedent right of the SCSC (ASC-11-0069; AC-I.-12-0012, etc.), to have been discriminated may be considered as follows:

a) employees of Albanian ethnicity, or belonging to another minorities who were terminated from their employments because of discrimination applied to them during the so called "Serbian interim measures" (a period from 1989 until 1999), or who were discriminated in other periods of time because of their ethnicity, political affiliation, religion etc.;

b) employees of the Serbian ethnicity, which, due to well-known circumstances after the war in Kosovo, after 1999, did not return at their work places and as such are not in the final list of eligible employees.

In particular, considering the time aspect related to discrimination suffered by the aforementioned category of employees, the following shall be mentioned:

a) On 26 July 1990, the Serbian Government promulgated the "Law on Labor Relations in Special Circumstances" (Official Gazette of Republic of Serbia no.40/90), whereby, as a consequence, thousand employees of Albanian

ethnicity were dismissed from their workplaces (see in this point, the ICTY Judgment of 30 November 2005, of the case no.IT-03-66, page 16, paragraph 39, which reads" *"In 1990, the Assembly of Kosovo and the Provincial Government were abolished. In March 1990, the Assembly of Serbia adopted numerous a series of measures which led to the dismissal of Kosovo Albanians from political and economic institutions and from large business establishments..."*).

In 90's, several resolutions were adopted by the General Assembly and the Security Council of the United Nations, among which the Resolution of the General Assembly no.48/153 of 20 December 1993, which recognize the existence of (and condemns) – among others: *"...the measures and practices of discrimination and the violations of human rights of the ethnic Albanians of Kosovo, as well as the large-scale repression committed by the Serbian authorities, including:... b. The discriminatory removal of ethnic Albanian officials, especially from police and judiciary, the mass dismissal of ethnic Albanians from professional, administrative and other skilled positions in State-owned enterprises and public institutions, including teachers from the Serb-run school system..."*.

A consequence of the so-called "Interim Measures" imposed on the SOEs, was also that the Management of Albanian ethnicity was removed and substituted by Serbian Management (see: "Law on Interim Measures for the Social Protection of Self-Management Rights and of the Social Property", published in the Official Gazette of the Socialist Republic of Serbia no.49, dated 28 October 1989, which is not applicable law pursuant to UNMIK Regulation 1999/24).

b) In the other hand, a certain number of employees of the Kosovo Serbs minority, have worked during the period of Serbian interim measures (1989-1999), but were not able to return at their working places after the war, being discriminated against by new management. As stated hereupon, when

a Complainant alleges specific discriminatory facts, the Respondent shall prove that the Complainant was not discriminated. The same rule of "restitution of the burden of proof" applied at employees of the Albanian ethnicity (and other minorities) alleging discrimination related to their employment termination during Serbian interim measures, shall also apply for this group of employees.

Due to all legal reasons stated hereupon, the complaint is admitted as grounded when the Complainant proves that has worked with the SOE minimum three years and is registered as a SOE employee at the time of privatization, or when he/she has submitted evidence that was not able to work being discriminated (namely he/she would have been registered as an employee if he/she was not discriminated). Otherwise, the complaint shall be rejected as ungrounded when the facts and circumstances stated hereupon are not proven by the Complainant.

The Appellate Panel, after having examined the appeals of the Appellants filed against the Judgments of the Specialized Panel of the SCSC, C-II.-13-0419 of 4 May 2014 and of 25 June 2014, decided as follows:

**Appellant A0001 L.B**–Appeal of the Appellant is ungrounded. The Appellant at the time of the privatization of the SOE was retired as she was over 67. Her date of birth is 1 September 1938. Therefore Appellate Panel holds that the Specialized Panel decided correctly when it rejected the complaint of the Appellant as ungrounded as she did not fulfil the requirements laid down in Section 10.4 of UNMIK Regulation 2003/13 as amended. Therefore, the Appellate Panel rejects the appeal of the Appellant as ungrounded and upholds point III of the enacting clause of the appealed judgment.

**Appellant A0002 D.B**– Appeal of the Appellant is ungrounded. Appellant filed the complaint against final list on 8 November 2013, while the final date

for filling the complaint was 28 October 2013, so the complaint was filed after the deadline. In his complaint the Appellant, explain that he filed the complaint on behalf of his deceased father who passed away in 2001, who was the employee of the SOE. He further stated that he and his family were not aware about the deadline for filing the complaint and that this is the reason for filling late complaint. This explanation of the Appellant cannot be considered as the reason for filling late complaint. The Appellate Panel assessed that the Specialized Panel correctly decided when it dismissed the complaint of the Appellant as inadmissible. Therefore, the Appellate Panel rejects the appeal of the Appellant as ungrounded and upholds point I of the enacting clause of the appealed judgment.

**Appellant A0003 I.F.R**–Appeal of the Appellant is inadmissible. The Specialized Panel with the appealed judgment approve the complaint of the Appellant and ordered the PAK to include her in the final list of employees eligible to a share of the proceeds from the privatization of the SOE. Therefore the Appellate Panel dismissed the appeal as inadmissible because there is no legal interest for filing the appeal. The request for compensation of the salaries until privatization of the SOE cannot be filed with the appeal against the judgment C-II.-13-0419 but has to be filed the new claim for compensation of the salaries with the respective Specialized Panel.

**Appellant A0004 E.G**–The appeal of the Appellant is ungrounded. Appellant filed the complaint against final list on 3 December 2013, while the final date for filling the complaint was 28 October 2013, so the complaint was filed after the deadline. The Appellant did not provide any explanation for filling the complaint after deadline. The Appellate Panel assessed that the Specialized Panel correctly decided when it dismissed the complaint of the Appellant as inadmissible. Therefore, the Appellate Panel rejects the appeal of the Appellant as ungrounded and upholds point I of the enacting clause of the appealed judgment.

**Appellant A0005 M.S**–The appeal of the Appellant is ungrounded. The Appellant at the time of the privatization of the SOE was retired as he was over 65. His date of birth is 1 April 1940, while the SOE was privatized on 22 July 2005. Therefore Appellate Panel holds that the Specialized Panel decided correctly when it rejected the complaint of the Appellant as ungrounded as he did not fulfil the requirements laid down in Section 10.4 of UNMIK Regulation 2003/13 as amended. The Redundancy letter of the KTA is issued after he is retired. Furthermore the Appellant himself stated that he was not employed with the SOE at the time of privatization. Therefore, the Appellate Panel rejects the appeal of the Appellant as ungrounded and upholds point III of the enacting clause of the appealed judgment.

**Appellant A0006 S.K**–The appeal of the Appellant is ungrounded. The Appellant at the time of the privatization of the SOE was retired as he was over 69. His date of birth is 28 May 1936. Therefore Appellate Panel holds that the Specialized Panel decided correctly when it rejected the complaint of the Appellant as ungrounded as he did not fulfil the requirements laid down in Section 10.4 of UNMIK Regulation 2003/13 as amended. Therefore, the Appellate Panel rejects the appeal of the Appellant as ungrounded and upholds point III of the enacting clause of the appealed judgment.

**Appellant A0007 I.H –**

The appeal of the Appellant is grounded. The Appellant in his complaint filed against the final list stated that he worked with the SOE from 13 March 1985 until 14 September 1990 when he was dismissed by interim measures. The Appellant submitted the decision of the Worker’s council of 20 August 2001, No. 872 from which is proven that he was interested to work even after the war. The Appellate Panel assessed that the Appellant meet requirements laid down in Section 10.4 of UNMIK Regulation 2003/13 as amended, for inclusion in the final list of eligible employees for 20%. Therefore the appeal of the Appellant is approved as grounded and point II of the enacting clause

of the appealed judgment with regard to this Appellant is amended. The Respondent is obliged to include him in the final list of eligible employees for 20% proceeds from the privatization of the SOE.

**Appellant A0008 H.B.K**–The appeal of the Appellant is grounded. The Appellant in her complaint stated that after the war she continue to work with the SOE when was necessary, respectively when she was invited by the management of the SOE. Furthermore among documents attached to the complaint is the verified copy of the Redundancy letter issued by Kosovo Trust Agency (KTA) on 22 July 2005, by which she was informed that her working relation with SOE is terminated as result of the sale of the assets of SOE. From this can be concluded that the Appellant was evidenced as employee of the SOE at the time of privatization. The Respondent did not contest this evidence. The Appellate Panel assessed that the Appellant meet requirements laid down in Section 10.4 of UNMIK Regulation 2003/13 as amended, for inclusion in the final list of eligible employees for 20%. Therefore the appeal of the Appellant is approved as grounded and point III of the enacting clause of the appealed judgment with regard to this Appellant is amended. The Respondent is obliged to include her in the final list of eligible employees for 20% proceeds from the privatization of the SOE.

**Appellant A0009 N.K**–The appeal of the Appellant is ungrounded. The Appellant on behalf of her deceased husband, Q.K, filed the complaint against final list on 28 October 2013, which means that it was filed within the time limit. However, the complaint was ungrounded because, according to the death certificate, the Appellant’s husband passed away on 16 February 2003, so before the privatization of the SOE on 22 July 2005. The husband of the Appellant did not meet the requirements laid down in Section 10.4 of UNMIK Regulation 2003/13 as amended, for inclusion in the final list of eligible employees for 20%. Therefore the Appellate Panel rejects the appeal

of the Appellant and amends the reasoning of the appealed judgment. The complaint was not untimely and inadmissible, as was concluded by the Specialized Panel, but was ungrounded because of the death of the Complainant's husband before the privatization of the SOE.

**Appellant A0010 J.S-** The appeal of the Appellant is ungrounded. The Appellant at the time of the privatization of the SOE was retired as he was 72 years old. His date of birth is 21 August 1933. Therefore Appellate Panel holds that the Appellant did not meet the requirements laid down in Section 10.4 of UNMIK Regulation 2003/13 as amended. Therefore, the Appellate Panel rejects the appeal of the Appellant as ungrounded and upholds point III of the enacting clause of the appealed judgment.

**Appellant A0011 Privatization Agency of Kosovo (PAK)** – The appeal of the Appellant is partially grounded. Following the examination of the appeal of PAK by which objected inclusion of the employees in the final list, the Appellate Panel by handing individually every contested Complainant, came to the conclusion as follows:

*Complainant C0001-R.B-* in his complaint filed against the final list stated that he worked with the SOE from 12 August 1974 until 14 September 1990 when he was dismissed by interim measures, which can be seen also in his workbook. He further stated that after the war he started working with the SOE from 17 June 1999 and worked there for several days, but because there was no enough work he was not engaged. Those allegations of the Complainant were not contested by PAK. From this can be concluded that the Complainant was in the waiting list. He further stated that for some reasons he was not included in the list, while in the list were included some persons that even before the war have gone abroad and did not return at work, some persons that worked very short time with the SOE, some of persons that did not work after the war, as well some that are not alive. The Appellate Panel considers that this Complainant should remain in the final list because he was

interested to continue his working relation with the SOE but due to of lack of work he was not engaged. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0002-Q.K*—in his complaint filed against the final list among others stated that he worked with the SOE based on the decision issued by the competent body of the SOE together with other employees that are included in the final list. He further stated that he was discriminated by the management of the SOE with not inclusion in the list. According to the workbook attached to the complaint he worked with the SOE from 13 September 1976 until 14 September 1990. To his complaint, the Complainant attached the decision on allocation of personal incomes, issued by the SOE no.1171 of 1 March 2003, which shows that he worked with the SOE also after the war. The Appellate Panel considers that this Complainant was discriminated by the SOE management by not inclusion in the final list and he should remain in the final list. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0003-Sh.(S).P*—in his complaint filed against the final list stated that he was discriminated by not inclusion in the final list. According to the workbook attached to the complaint he worked with the SOE from 6 January 1984 until 10 April 1984 and from 21 June 1985 until 24 September 1990. To his complaint, the Complainant attached the decision on allocation of personal incomes, issued by the SOE no.2400 of 1 March 2000, which shows that he worked with the SOE also after the war. The Appellate Panel considers that this Complainant was discriminated by the SOE management by not inclusion in the final list and he should remain in the final list. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting

clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0004-M.B-* in his complaint filed against final list stated that he worked with the SOE from 13 March 1985 until the privatization of the SOE and asked to be included in the final list of eligible employees for 20%. He attached his workbook which shows that he worked with the SOE from 13 March 1985 until 13 September 1985 and from 21 October 1985 until 14 September 1990. He also attached a confirmation issued by PAK in which is stated that the Complainant worked with the SOE from 13 March 1985 until 14 September 1990 and from 21 July 1999 until 22 July 2005. The Appellate Panel considers that this Complainant was discriminated by the SOE management by not inclusion in the final list, because from the abovementioned confirmation can be concluded that he worked with the SOE until its privatization and he should remain in the final list. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0005-H.K-* in his complaint filed against the final list stated that he worked with the SOE for many years which can be proved from the workbook attached to the complaint. The workbook shows that he worked with the SOE from 5 January 1981 until 10 September 1990. To his complaint he attached the decision (the stamp is illegible) on allocation of personal incomes issued by the SOE no.1872 of 1 February 2000, which shows that he worked with the SOE also after the war. The Appellate Panel considers that this Complainant was discriminated by the SOE management by not inclusion in the final list and he should remain in the final list. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0007-G.Z-* in his complaint filed against the final list stated that he worked with the SOE for many years as can be seen in his workbook which is not attached to the complaint. To his complaint he attached the certificate issued by PAK on 11 October 2013 in which is stated that according to the Matrix book of SOE, under number 2473 the Complainant worked with the SOE from 15 March 1985 until 14 September 1990. The Complainant did not provide evidence that he worked or was interested to work with the SOE after the war respectively after 1999. The Complainant even did not state if he has alleged interest to work with the SOE after 1999 and if he in discriminatory manner was refused by its management. Based on these facts it is not correct the conclusion of the Specialized Panel that this Complainant was discriminated as the Complainant himself did not claim facts of discrimination. Therefore, the appeal of PAK regarding this Complainant is approved as grounded, the point II of the enacting clause of the appealed judgment is amended regarding this Complainant, his complaint is rejected as ungrounded and he is removed from the point II of the enacting clause of the appealed judgment.

*Complainant C0008-I.Z-* in his complaint filed against the final list stated that he worked with the SOE for many years until he was dismissed by interim measures, which is evidenced in his workbook. Even if in his complaint he stated that as evidence he provide the workbook, it was not attached to the complaint. The only evidence provided by the Complainant is the certificate issued by PAK on 10 October 2013 in which is stated that according to Matrix book of the SOE under number 1351, the Complainant worked with the SOE from 16 August 1977 until 17 March 1989, so his working relation was terminated before the interim measures. The Complainant did not provide any evidence that he worked with the SOE after this date. Also the Complainant did not allege that he was interested to return in his workplace in the SOE after the war, respectively after 1999. Therefore, the appeal of PAK regarding this Complainant is approved as grounded, the point II of the enacting clause

of the appealed judgment is amended regarding this Complainant, his complaint is rejected as ungrounded and he is removed from the point II of the enacting clause of the appealed judgment.

*Complainant C0011-S.(I).P*–filed the complaint of behalf of his deceased father I.P. In the complaint he stated that his father worked with the SOE for many years as can be seen in his workbook and employment decision which are attached to the complaint. He further stated that based on the attached documents he fulfil the requirements to be included in the final list of eligible employees for 20%. To his complaint he attached the certificate issued by PAK on 14 October 2013 in which is stated that according to Matrix book of the SOE under number 692, the Complainant worked with the SOE from 6 July 1973 until 4 September 1990, the workbook which is still open and his father birth certificate. Since in his complaint he did not state the date of death of his father, he was requested by order of the Appellate Panel of 3 August 2016 to provide the Court with death certificate. Order was served to the Complainant on 8 August 2016. The Complainant did not comply with the order and therefore he did not prove that he is inheritor of his father. The appeal of PAK regarding this Complainant is approved as grounded, the point II of the enacting clause of the appealed judgment is amended regarding this Complainant and he is removed from the list of eligible employees for 20% of the shares from the privatization of the SOE -“B” in Suharekë/Suva Reka.

*Complainant C0014 -J.B-* in his complaint filed against the final list stated that he worked with the SOE from 7 March 1974 until 10 September 1990, when his working relation was terminated by interim measures. He further stated that after the war he reported at work in June and July 1999, but because of his health condition – invalidity he could not continue working with SOE. He added that he is discriminated because he is not included in the final list. The only document provided by the Complainant is the confirmation issued by PAK

of 16 October 2013 in which is stated that according to Matrix book of the SOE under number 822, the Complainant worked with the SOE from 11 March 1973 until 10 September 1990. Based on these facts it is not correct the conclusion of the Specialized Panel that this Complainant fulfil the criteria of Section 10.4 of UNMIK Regulation 2003/13 as amended. Therefore, the appeal of PAK regarding this Complainant is approved as grounded, the point II of the enacting clause of the appealed judgment is amended regarding this Complainant, his complaint is rejected as ungrounded and he is removed from the point II of the enacting clause of the appealed judgment.

*Complainant C0015 -S.Z-* in his complaint filed against the final list stated that he worked with the SOE for the long time until he was dismissed by interim measures. He stated that after the war he could not work because the SOE did not work with full capacity and cannot employ all its employees. He also stated that he is discriminated with his not inclusion in the list. He provides his workbook which shows that he worked with the SOE from 21 January 1980 until 14 September 1990. The Appellate Panel considers that this Complainant was discriminated by the SOE management by not inclusion in the final list and he should remain in the final list. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0018 -A.R.K-* in his complaint filed against the final list stated that he worked with the SOE from 24 September 1976 until 10 September 1990, when he was dismissed by interim measures, with an interruption from 13 December 1979 until 27 April 1980. He stated that his name unfairly is not included in the list of eligible employees for 20%. The Complainant did not provide evidence that he worked or was interested to work with the SOE after the war respectively after 1999. The Complainant even did not state if he has alleged interest to work with the SOE after 1999 and if he in discriminatory

manner was refused by its management. Based on these facts it is not correct the conclusion of the Specialized Panel that this Complainant was discriminated as the Complainant himself did not claim facts of discrimination. Therefore, the appeal of PAK regarding this Complainant is approved as grounded, the point II of the enacting clause of the appealed judgment is amended regarding this Complainant, his complaint is rejected as ungrounded and he is removed from the point II of the enacting clause of the appealed judgment.

*Complainant C0019 –Ž-J–* in his complaint filed against the final list stated that he worked with the SOE from 1 October 1990 until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0020 –M-L–* in his complaint filed against the final list stated that he worked with the SOE from 19 December 1990 until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons

the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0021 -S-L-* in his complaint filed against the final list stated that he worked with the SOE from 7 September 1990 until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0022-V-S-* in her complaint filed against the final list stated that she worked with the SOE from 12 June 1991 until June 1999, when due to situation after the war she felt unsafe to return at her workplace. She further stated that she was discriminated because is not included in the final list. She provided her workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if she had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0023-D.M-* in his complaint filed against the final list stated that he worked with the SOE from 19 April 1984 until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that

the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0024 -J-L-* in her complaint filed against the final list stated that she worked with the SOE from 3 October 1990 until June 1999, when due to situation after the war she felt unsafe to return at her workplace. She further stated that she was discriminated because is not included in the final list. She provided her workbook which is still open but the stamp is illegible respectively not seen any stamp of the SOE. PAK did not challenge the fact that the Complainant was the employee of the SOE. Furthermore PAK stated that according to the Matrix Book under number 3047 her employment contract was terminated willingly on 15 August 1999, which shows that she was registered as an employee of the SOE. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if she had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0026 -I.F.R-* in her complaint filed against the final list stated that she worked with the SOE from 10 December 1990 until the end of the war. She further stated that after the war she reported at work but was told by the director that she will be invited when there will be work for her. However this has not happened. Among documents she provided her workbook which is still open. From this can be concluded that the Complainant was in the waiting list. The Appellate Panel considers that this Complainant

should remain in the final list because she was interested to continue her working relation with the SOE but due to of lack of work she was not engaged. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0027-S.A.B-* in his complaint filed against the final list stated that he worked with the SOE from 25 October 1984 until 4 September 1990 when he was dismissed by interim measures. After the war he reported at work but was told that there is no work but when it needed they will invite him to work. He mentioned names of some of his colleagues with whom he worked and which are in the final list and which did not work at the time of privatization. He provided a certificate issued by the SOE of 3 June 2010, which confirms that he worked with the SOE from 25 October 1984 until 27 September 1990. The Appellate Panel considers that this Complainant was discriminated by the SOE management by not inclusion in the final list and he should remain in the final list. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0028 -E.(A).Z-* in his complaint filed against the final list stated that he worked with the SOE from 13 August 1974 until 10 September 1990 when he was dismissed by interim measures. He stated that after the war he reported at work. He mentioned names of some of his colleagues with whom he worked and which are in the final list and which did not work at the time of privatization. He provided the copy of workbook which was open on 13 August 1974 and closed on 10 September 1990. The Appellate Panel considers that this Complainant was discriminated by the SOE management by not inclusion in the final list and he should remain in the final list. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting

clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0029 -I.(A).Z-* in his complaint filed against the final list stated that he worked with the SOE from 16 January 1981 until 4 September 1990 when he was dismissed by interim measures. After the war he reported at work but he was told that there is no work but when it needed they will invite him to work. He mentioned names of some of his colleagues with whom he worked and which are in the final list and which did not work at the time of privatization. He provided a copy of workbook which was open with SOE on 16 January 1981 and closed on 4 September 1990. The Appellate Panel considers that this Complainant was discriminated by the SOE management by not inclusion in the final list and he should remain in the final list. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0030-V.K-* in his complaint filed against the final list stated that he worked with the SOE from 24 July 1974 until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0033-D.K-* in his complaint filed against the final list stated that he worked with the SOE until he was dismissed by interim measures. He further stated that he worked based on the decision as worked also other

employees that are included in the final list. He added that he is discriminated by not inclusion in the final list. He provided a certificate issued by the SOE on 17 September 1999, in which is stated that he is employee of the SOE from 19 October 1970, meaning that he is still employee of the SOE. The Appellate Panel considers that this Complainant was discriminated by the SOE management by not inclusion in the final list and he should remain in the final list. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0035-R.G-* in his complaint filed against the final list stated that he worked with the SOE from 20 October 1985 until August 1990, when he was dismissed by interim measures. He further stated that after the war he reported at work but because there were not enough work he wait to be invited. He added that he receive redundancy letter by which his employment was terminated from 22 July 2005. Among documents provided by Complainant is the redundancy letter issued by Kosovo Trust Agency on 22 July 2005, informing the Complainant that his employment is terminated due to sale of assets of the SOE. From this can be concluded that the Complainant was evidenced as employee of the SOE at the time of privatization. The Respondent did not contest this evidence. The Appellate Panel considers that this Complainant was discriminated by the SOE management by not inclusion in the final list and he should remain in the final list. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0036-R-L-* in his complaint filed against the final list stated that he worked with the SOE from 1 November 1993 until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He

provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0037-R-(R).B-*

– in his complaint filed against the final list he stated that he worked with the SOE until he was dismissed by interim measures on 9 August 1990. He submitted the decision of the Worker's council of 20 August 2001, No. 872 from which is proven that he was interested to work even after the war. The Appellate Panel considers that this Complainant should remain in the final list as he was interested to continue his working relation with the SOE. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0040-B.A-* in her complaint respectively in her statement stated that she worked with the SOE from 13 April 1992 until March 1999, when the bombing started. She stated that her workbook is still with the SOE. It is clear that she did not report at the work during the bombing, but she left her workbook with the SOE probably with the intention that after ending of such situation to come back in workplace and continue working. In support of this, is the fact that, her working relation is not terminated by SOE and her workbook is still opened. Further stated that she was discriminated because is not included in the final list. The PAK in its written observation stated that according to the matrix book no.3482 her working relation is terminated on 15 August 1999. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainants are correct.

The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if she had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0041-D.D-* in her complaint filed against final list stated that she worked with the SOE from 19 November 1984 until June 1999, when due to situation after the war she felt unsafe to return at her workplace. She further stated that she was discriminated because is not included in the final list. She provided her workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if she had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0043-S.J-* in her complaint filed against the final list stated that she worked with the SOE from 13 August 1974 until June 1999, when due to situation after the war she felt unsafe to return at her workplace. She further stated that she was discriminated because is not included in the final list. She provided her workbook which is still open. The stamp of SOE in her workbook is illegible, but PAK in his written observation stated that she was registered in the Matrix Book under number 945. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if she had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0044-L.Z-* in his complaint filed against the final list stated that he worked with the SOE until he was dismissed by interim measures. Among documents provided by Complainant is the workbook which was open with the SOE on 26 January 1981 and closed on 10 September 1990, also the redundancy letter issued by Kosovo Trust Agency on 22 July 2005, informing the Complainant that his employment is terminated due to sale of assets of the SOE. After remark of the Respondent that the copy of this redundancy letter is not verified, the Complainant on 24 December 2013 submitted verified copies of all submitted evidences, as well as of the redundancy letter. From this can be concluded that the Complainant was evidenced as employee of the SOE at the time of privatization. The Appellate Panel considers that this Complainant was discriminated by the SOE management by not inclusion in the final list and he should remain in the final list. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0045-H.B-* in his complaint filed against the final list stated that he worked with the SOE until he was dismissed by interim measures. To his complaint he attached his workbook closed on 10 September 1990. The Complainant did not provide evidence that he worked or was interested to work with the SOE after the war respectively after 1999. The Complainant even did not state if he has alleged interest to work with the SOE after 1999 and if he in discriminatory manner was refused by its management. Based on these facts it is not correct the conclusion of the Specialized Panel that this Complainant fulfils requirements of the Section 10.4 of UNMIK Regulation 2003/13 as amended. Therefore, the appeal of PAK regarding this Complainant is approved as grounded, the point II of the enacting clause of the appealed judgment is amended regarding this Complainant, his complaint is rejected as ungrounded and he is removed from the point II of the enacting clause of the appealed judgment

*Complainant C0046-M.K-* in her complaint filed against the final list stated that she worked with the SOE from 29 August 1977 until June 1999, when due to situation after the war she felt unsafe and leave her workplace and Suharekë/Suva Reka. She further stated that she was not treated equally as other employees of non-Serbian nationality which are included in the final list. However, the Complainant did not provide any document to show that she worked with the SOE. The only evidence which she attached to her complaint is the copy of ID and the Card of displaced person. None of these documents can be considered as proof that the Complainant was employee of the SOE. Therefore, the appeal of PAK regarding this Complainant is approved as grounded, the point II of the enacting clause of the appealed judgment is amended regarding this Complainant, her complaint is rejected as ungrounded and she is removed from the point II of the enacting clause of the appealed judgment.

*Complainant C0047-P-L-* in his complaint filed against the final list stated that he worked with the SOE from 1985 until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0048 -V.L-* in her complaint filed against final list stated that she worked with the SOE from 7 October 1996 until June 1999, when due to situation after the war she felt unsafe to return at her workplace. She further stated that she was discriminated because is not included in the final list. She

provided her workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if she had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0053-R.K-* in his complaint filed against the final list stated that he worked with the SOE from 13 March 1984 until 14 September 1990 when he was dismissed by interim measures. He further stated that in the final list are included the employees which did not work after the war, meaning that his rights are violated. To his complaint he attached confirmation issued by PAK on 24 October 2013 confirming that he worked with the SOE from 13 March 1984 until 14 September 1990 and from 21 July 1999 until 21 July 2005, the Redundancy letter issued by Kosovo Trust Agency (KTA) on 22 July 2005, by which he was informed that his working relation with SOE is terminated as result of the sale of the assets of SOE. The Complainant his complaint against the final list filed with the SCSC on 23 November 2013, while deadline for filing complaint against the final list was 28 October 2013. Therefore, the appeal of PAK regarding this Complainant is approved as grounded, the point II of the enacting clause of the appealed judgment is amended regarding this Complainant, his complaint is dismissed as inadmissible, because is filed after deadline and he is removed from the point II of the enacting clause of the appealed judgment.

*Complainant C0057-S.S-* in complaint filed against final list stated that she worked with the SOE from 9 September 1991 until June 1999, when due to situation after the war she felt unsafe to return at her workplace. She further stated that she was discriminated because is not included in the final list. She provided her workbook which is still open. The Appellate Panel considers that

the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if she had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0059-D.K-* in his complaint filed against the final list stated that he worked with the SOE from 1973 until when he was dismissed by interim measures on 1990, while after the war he started working on 21 July 1999 and worked until the privatization of the SOE on 22 July 2005. The Complainant provided verified copy of the confirmation issued by SOE in which is stated that he worked with the SOE from 10 October 1973 until 14 September 1990 and from 21 July 1999 until 22 July 2005. The Respondent contested that this evidence it is issued 3 years after the privatization of the SOE. The Appellate Panel considers that this Complainant was discriminated by the SOE management by not inclusion in the final list and he should remain in the final list. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0061-D.Sh-* in his complaint filed against the final list stated that he worked with the SOE from 1974 until 1990, when he was dismissed by interim measures. He further stated that after the war he reported at work but from the management of the SOE for some unknown reasons was not given the opportunity to work. Among documents provided by Complainant is the redundancy letter issued by Kosovo Trust Agency on 22 July 2005, informing the Complainant that his employment is terminated due to sale of assets of the SOE. From this can be concluded that the Complainant was evidenced as employee of the SOE at the time of privatization. The Appellate Panel considers that this Complainant was discriminated by the SOE management by

not inclusion in the final list and he should remain in the final list. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0063 -V.M-* in complaint filed against final list stated that he worked with the SOE from 13 April 1992 and that his employment relation was not terminated. He further stated that he was discriminated because is not included in the final list. He added that after the war he reported at work but he was told that there is no work for him and that he will be invited if will be any work. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0064-S.S-* in his complaint filed against the final list stated that he worked with the SOE from 17 December 1987 until 14 September 1990, when he was dismissed by interim measures, while after the war he started working on 21 July 1999 and worked until the privatization of the SOE on 21 July 2005. The Complainant provided among others the decision issued by SOE number 2621 of 30 July 2001 on allocation of salary and verified copy of the confirmation issued by SOE on 15 May 2009 in which is stated that he worked with the SOE from 17 December 1987 until 14 September 1990 and from 21 July 1999 until 21 July 2005. The Respondent contested this evidence with the reason that it is issued 4 years after the privatization of the SOE. However, the Complainant submitted the mentioned decision of SOE of 2001 which shows that he worked with the SOE after the war. The Appellate Panel considers that this Complainant was discriminated by the SOE management by

not inclusion in the final list and he should remain in the final list. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0065-H.B-* in her complaint filed against the final list stated that she worked with the SOE from 10 November 1981 until 14 September 1990, when she was dismissed by interim measures. The Complainant did not provide any evidence if she continues working with the SOE after the war or if she alleged her interest to continue to work in her workplace in the SOE. Therefore, the appeal of PAK regarding this Complainant is approved as grounded, the point II of the enacting clause of the appealed judgment is amended regarding this Complainant, her complaint is rejected as ungrounded and she is removed from the point II of the enacting clause of the appealed judgment.

*Complainant C0066-R.G-* in his complaint filed against the final list stated that he worked with the SOE from 1973 until its privatization on 2005. Among documents provided by Complainant are the redundancy letter (where name of the Complainant is illegible) issued by Kosovo Trust Agency on 22 July 2005, informing the Complainant that his employment is terminated due to sale of assets of the SOE, and the decision issued by SOE on 1 March 2000 on allocation of salary. From this can be concluded that the Complainant was evidenced as employee of the SOE at the time of privatization. The Appellate Panel considers that this Complainant was discriminated by the SOE management by not inclusion in the final list and he should remain in the final list. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0067-R.Xh-* in his complaint filed against the final list stated that he worked with the SOE from 10 November 1970 until 22 July 1979 and

from 23 July 1979 until 4 September 1990, when he was dismissed by interim measures. He stated that after the war he regularly reported at work together with some other employees and they were signed in the list of the employees, so he considers that he was the employee of the SOE. The Appellate Panel considers that this Complainant was discriminated by the SOE management by not inclusion in the final list, because he was interested to work and he regularly reported at work but was not engaged by the SOE. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0068-M.Xh-* in his complaint filed against the final list stated that he worked with the SOE from 10 November 1970 until 22 July 1979 and from 23 July 1979 until 4 September 1990, when he was dismissed by interim measures. The Complainant did not provide any evidence if he continues working with the SOE after the war or if he alleged his interest to continue to work in his workplace in SOE. Therefore, the appeal of PAK regarding this Complainant is approved as grounded, the point II of the enacting clause of the appealed judgment is amended regarding this Complainant, his complaint is rejected as ungrounded and he is removed from the point II of the enacting clause of the appealed judgment.

*Complainant C0069-S.A-* in her complaint filed against the final list stated that she worked with the SOE from 1 October 1976 until 14 September 1990, when she was dismissed by interim measures. She provided her workbook which is closed with the SOE on 14 September 1990 and opened with another enterprise on 1 October 1997, the certificate issued by the SOE on 18 May 2009, in which is stated that she worked with the SOE from 1 October 1976 until 14 September 1990, while after the war she restarted working in the position on the Accounting Service and worked there until 30 September 2000. There is no explanation why she did not continue working after that date. The

Complainant did not state or provide any evidence if she continue to work with the SOE after this date. Therefore, the appeal of PAK regarding this Complainant is approved as grounded, the point II of the enacting clause of the appealed judgment is amended regarding this Complainant, his complaint is rejected as ungrounded and he is removed from the point II of the enacting clause of the appealed judgment.

*Complainant C0070 -M.S-* in his complaint filed against the final list stated that he worked with the SOE from 13 September 1976 until when he was dismissed by interim measures. The Complainant provided the verified copies of decision issued by SOE number 1166 of 1 March 2004 on allocation of salaries, the workbook which is open from 13 September 1976 until 19 April 1977, than from 3 May 1977 until 14 September 1990 and from 21 July 1999 and closed on 21 July 2005. From this can be concluded that the Complainant was evidenced as employee of the SOE at the time of privatization. The Appellate Panel considers that this Complainant was discriminated by the SOE management by not inclusion in the final list. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0071-D.Š-* in his complaint filed against the final list stated that he worked with the SOE from 27 December 1985 and that his employment relation was not terminated. He further stated that he was discriminated because is not included in the final list. He added that after the war he reported at work but was told that there is no work and that he will be invited if will be any work for him. He provided verified copy of his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination.

Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0073-M.H-* in his complaint filed against the final list stated that he worked with the SOE from 13 March 1985 until 14 September 1990, when he was dismissed by interim measures.

He submitted the decision of the Worker's council of 20 August 2001, No. 872 from which is proven that he was interested to work even after the war. The Appellate Panel considers that this Complainant should remain in the final list as he was interested to continue his working relation with the SOE. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0075-Xh.A-* in his complaint filed against the final list stated that he worked with the SOE from 15 March 1985. To his complaint he attached a request number 1523 dated 25 May 2009 addressed to PAK signed by director of the SOE, Chairman of the Workers Council and Chairman of the Trade Union. With this letter they requested by PAK to include the Complainant in the final list because during the compilation of the list of eligible employees an unintentional mistake was made and the name of this Complainant was not included. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0076-V.Sh-* in her complaint filed against the final list stated that she worked with the SOE from 1 January 1977 until 27 August 1990, when she was dismissed by interim measures. Among documents the

Complainant provided verified copy of her workbook which is closed on 27 August 1990. The Complainant did not provide any evidence if she continues working with the SOE after the war or if she alleged her interest to continue to work in her workplace in SOE. Therefore, the appeal of PAK regarding this Complainant is approved as grounded, the point II of the enacting clause of the appealed judgment is amended regarding this Complainant, her complaint is rejected as ungrounded and she is removed from the point II of the enacting clause of the appealed judgment.

*Complainant C0077-S.M.1-* in her complaint filed against the final list stated that she worked with the SOE from 19 March 1997 until June 1999, when due to situation after the war she felt unsafe to return at her workplace. She further stated that she was discriminated because is not included in the final list. She provided her workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if she had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0078-D.P-* in his complaint filed against the final list stated that he worked with the SOE from 27 September 1977 until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the

appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0079-R.L-* in his complaint filed against the final list stated that he worked with the SOE from 1 October 1990 until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0080-S.K-* in his complaint filed against the final list stated that he worked with the SOE from 13 April 1992 until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0081-Z.M-* in his complaint filed against the final list stated that he worked with the SOE from 5 October 1990 until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that

the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0082-B.J-* in his complaint filed against the final list stated that he worked with the SOE from 19 May 1997 until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0083-S.M.2-* in his complaint filed against the final list stated that he worked with the SOE from 1 November 1993 until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0084-D.P-* in his complaint filed against the final list stated that he worked with the SOE from 1990 until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0085-Z.J-* in his complaint filed against the final list stated that he worked with the SOE from 22 September 1989 until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0086-S.P-* in her complaint filed against the final list stated that she worked with the SOE from 11 May 1987 until June 1999, when due to situation after the war she felt unsafe to return at her workplace. She further stated that she was discriminated because is not included in the final list. She provided her workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the

requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if she had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0087-M-K-* in his complaint filed against the final list stated that he worked with the SOE from 26 November 1990 until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0088-N.K-* in his complaint filed against the final list stated that he worked with the SOE from 1 October 1990 until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0089-S.M.3-* in her complaint filed against the final list stated that she worked with the SOE from 12 October 1990 until 1999, when due to situation after the war she felt unsafe to return at her workplace. She further

stated that she was discriminated because is not included in the final list. She provided her workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if she had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0090-S.M.4-* in his complaint filed against the final list stated that he worked with the SOE from 12 July 1977 until 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0091-M.K-* in his complaint filed against the final list stated that he worked with the SOE from 10 December 1990 (although the workbook shows 1 March 1994) until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be

rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0092-P.S-* in her complaint filed against the final list stated that she worked with the SOE from 20 April 1992 until June 1999, when due to situation after the war she felt unsafe to return at her workplace. She further stated that she was discriminated because is not included in the final list. She provided her workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if she had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0093-D.S-* in his complaint filed against the final list stated that he worked with the SOE from 9 February 1970 until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0094-D.R-* in his complaint filed against the final list stated that he worked with the SOE from 24 September 1990 until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that

the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0095-M-S-* in his complaint filed against the final list stated that he worked with the SOE from 31 May 1991 until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0096-D-M-* in her complaint filed against the final list stated that she worked with the SOE from 19 March 1997 until 1999, when due to situation after the war she felt unsafe to return at her workplace. She further stated that she was discriminated because is not included in the final list. She provided her workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if she had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0097-Ž-B-* in his complaint filed against the final list stated that he worked with the SOE from 1 October 1990 until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0098-J.L-* in his complaint filed against the final list stated that he worked with the SOE from 20 May 1991 until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0099-N.L-* in his complaint filed against the final list stated that he worked with the SOE from 11 October 1990 until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the

requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0100-I-J-* in his complaint filed against the final list stated that he worked with the SOE from 1 October 1990 until 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0101-D.U-* in his complaint filed against the final list stated that he worked with the SOE from 7 October 1996 (although the workbook shows 21 May 1997) until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0102-O.D-* in her complaint filed against the final list stated that she worked with the SOE from 11 October 1990 until June 1999, when

due to situation after the war she felt unsafe to return at her workplace. She further stated that she was discriminated because is not included in the final list. She provided her workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if she had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0103-S.S-* in his complaint filed against the final list stated that he worked with the SOE from 15 October 1990 until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0104-A.A-* in his complaint filed against the final list stated that he worked with the SOE from 15 October 1990 until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the

appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0105-N.Ž-* in his complaint filed against the final list stated that he worked with the SOE from 16 October 1990 until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0106-D.T-* in his complaint filed against the final list stated that he worked with the SOE from 18 October 1990 until 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0107-B.P-* in his complaint filed against the final list stated that he worked with the SOE from 19 April 1991 until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that

the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0108-S.J-* in his complaint filed against the final list stated that he worked with the SOE from 13 November 1984 (although the workbook shows 20 October 1985) until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0109-S.R-* in his complaint filed against the final list stated that he worked with the SOE from 7 September 1990 until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0110-Z.Š-* in her complaint filed against the final list stated that she worked with the SOE from 18 December 1990 until 1999, when due to situation after the war she felt unsafe to return at her workplace. She further stated that she was discriminated because is not included in the final list. She provided her workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if she had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0112-S.M.5-* in her complaint filed against the final list stated that she worked with the SOE from 27 May 1991 until 1999, when due to situation after the war she felt unsafe to return at her workplace. She further stated that she was discriminated because is not included in the final list. She provided her workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if she had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0113-D.Đ-* in his complaint filed against the final list stated that he worked with the SOE from 7 December 1987 until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the

requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0114-V.C-* in her complaint filed against the final list stated that she worked with the SOE from 11 November 1986 (although the workbook shows 3 November 1986) until June 1999, when due to situation after the war she felt unsafe to return at her workplace. She further stated that she was discriminated because is not included in the final list. She provided her workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if she had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0115-S.S-* in her complaint filed against the final list stated that she worked with the SOE from 7 October 1996 (although the workbook shows 21 May 1997) until June 1999, when due to situation after the war she felt unsafe to return at her workplace. She further stated that she was discriminated because is not included in the final list. She provided her workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if she had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0116-D.J-* in her complaint filed against the final list stated that she worked with the SOE from 19 March 1997 until 1999, when due to situation after the war she felt unsafe to return at her workplace. She further stated that she was discriminated because is not included in the final list. She provided her workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if she had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0117-R.N-* in his complaint filed against the final list stated that he worked with the SOE from 13 November 1984 (although the workbook shows 21 October 1995) until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0118-R.M-* in his complaint filed against the final list stated that he worked with the SOE from 17 October 1990 until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the

Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0119-V.K-* in her complaint filed against the final list stated that she worked with the SOE from 19 March 1997 until 1999, when due to situation after the war she felt unsafe to return at her workplace. She further stated that she was discriminated because is not included in the final list. She provided her workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if she had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0120-D.M-* in in his complaint filed against the final list stated that he worked with the SOE from 19 March 1997 until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0121-Z.M-* in her complaint filed against the final list stated that she worked with the SOE from 26 October 1998 until 1999, when due to

situation after the war she felt unsafe to return at her workplace. She further stated that she was discriminated because is not included in the final list. She provided her workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if she had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0122-S.M.6-* in his complaint filed against the final list stated that he worked with the SOE from 10 December 1990 (although the workbook shows 1 December 1990) until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0123-V.Ž-* in her complaint respectively in her statement stated that he worked with the SOE from 28 December 1994 (although the workbook shows 21 May 1997) until March 1999, when the bombing started. She stated that her workbook is still with the SOE. It is clear that she did not report at work during the bombing, but she left her workbook with the SOE probably with the intention that after ending of such situation to come back in workplace and continue working. In support of this, is the fact that, her working relation is not terminated by SOE and her workbook is still open. She

further stated that she was discriminated because is not included in the final list. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if she had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0124 -R.T-* in her complaint filed against the final list stated that she worked with the SOE from 11 October 1990 until June 1999, when due to situation after the war she felt unsafe to return at her workplace. She further stated that she was discriminated because is not included in the final list. She provided her workbook which is still open, but the stamp is illegible, respectively the stamp of the SOE in workbook cannot be seen. PAK did not challenge the fact that the Complainant was the employee of the SOE. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if she had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0125 -D.P-* in his complaint filed against the final list stated that he worked with the SOE from 10 September 1990 until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled

the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0126-Z.A-* in his complaint filed against the final list stated that he worked with the SOE from 1 October 1990 until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0127-M.J-* in his complaint filed against the final list stated that he worked with the SOE from 1 November 1994 (although the workbook shows 21 May 1997) until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0128-M.D-* in his complaint filed against the final list stated that he worked with the SOE from 6 May 1992 (although the workbook shows

6 December 1993) until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0129-I.S* – in his complaint filed against the final list stated that he worked with the SOE from 1 December 1994 (although the workbook shows 21 May 1997) until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0130-R.I-* in his complaint filed against the final list stated that he worked with the SOE from 9 July 1973 (although the workbook shows 8 December 1975) until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The

Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0131-Z.I-* in her complaint filed against the final list stated that she worked with the SOE from 1 April 1995 until June 1999, when due to situation after the war she felt unsafe to return at her workplace. She further stated that she was discriminated because is not included in the final list. She provided her workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if she had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0132-S.M-* in his complaint filed against the final list stated that he worked with the SOE from 1980 until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. However, the Complainant did not provide his workbook or any other document to show that he worked with the SOE. The only evidence which he attached to his complaint is the copy of the form of request for payment of pension contribution submitted by the Complainant on 11 January 2006 in Pension fund of Serbia. None of these documents can be considered as proof that the Complainant was employee of the SOE. Therefore, the appeal of PAK regarding this Complainant is approved as grounded, the point II of the enacting clause of the appealed judgment is amended regarding this Complainant, his complaint

is rejected as ungrounded and he is removed from the point II of the enacting clause of the appealed judgment.

*Complainant C0133-M.P-* in her complaint filed against the final list stated that she worked with the SOE from 13 April 1992 until June 1999, when due to situation after the war she felt unsafe to return at her workplace. She further stated that she was discriminated because is not included in the final list. She provided her workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if she had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0134 - D.M-* in his complaint filed against the final list stated that he worked with the SOE from 7 October 1996 (although the workbook shows 21 May 1997) until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0135-G.S-* in his complaint filed against the final list stated that he worked with the SOE from 20 April 1992 until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He

provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0136-S.T-* in his complaint filed against the final list stated that he worked with the SOE from 1973 (although the workbook shows 18 May 1976) until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0137-M.T-* in her complaint filed against the final list stated that she worked with the SOE from 1990 (although the workbook shows 10 June 1991) until June 1999, when due to situation after the war she felt unsafe to return at her workplace. She further stated that she was discriminated because is not included in the final list. She provided her workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if she had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be

rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0138 –S.S –* in his complaint filed against the final list stated that he worked with the SOE from 4 October 1990 until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The stamp of the SOE in workbook is illegible. However he provided also the decision of the SOE dated 1 October 1994 on his deployment in the post of forklift truck operator. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0139 –D.M–* in his complaint filed against the final list stated that he worked with the SOE from 10 December 1990 until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0140 –S.M.7–* in his complaint filed against the final list stated that he worked with the SOE from 4 October 1971 until June 1999, when due

to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The stamps of the SOE in the workbook are illegible. The PAK did not contest the fact that he was the employee of the SOE. PAK state that according to the Matrix book (under no.515) his employment contract was terminated willingly on 15 August 1999, which shows that he was registered as an employee of the SOE. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0141-Z.M-* in his complaint filed against the final list stated that he worked with the SOE from 23 August 1991 (although the workbook shows 5 October 1992) until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0142 -D.C-* in his complaint filed against the final list stated that he worked with the SOE from 22 November 1990 (although the workbook shows 2 January 1996) until June 1999, when due to situation after the war he

felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0143 -M.C-* in his complaint filed against the final list stated that he worked with the SOE from 27 May 1991 until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0144 -S.J-* in his complaint filed against the final list stated that he worked with the SOE from 1 October 1990 until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the

appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0145-S.M.8-* in his complaint filed against the final list stated that he worked with the SOE from 17 May 1966 (although the workbook shows 1 May 1969) until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0146 -Č.K-* in his complaint filed against the final list stated that he worked with the SOE from 1 January 1968 until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0147-B.C-* in his complaint filed against the final list stated that he worked with the SOE from 1 November 1994 (although the workbook shows 21 May 1997) until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was

discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0148 -O.J-* in her complaint filed against the final list stated that she worked with the SOE from 23 June 1997 until 1999, when due to situation after the war she felt unsafe to return at her workplace. She further stated that she was discriminated because is not included in the final list. She provided her workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if she had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0149 -R.L-* in his complaint filed against the final list stated that he worked with the SOE from 4 October 1990 until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the

appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0150-J.J-* in his complaint filed against the final list stated that he worked with the SOE from 1 July 1966 until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The stamp of the SOE in workbook is illegible; respectively the stamp of the SOE cannot be seen (only with hand written the name of the SOE). PAK did not challenge the fact that the Complainant was the employee of the SOE. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0151 -D.J-* in his complaint filed against the final list stated that he worked with the SOE from 1 October 1990 (although the workbook shows 18 March 1985) until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0152-S.J-* in her complaint filed against the final list stated that she worked with the SOE from 10 December 1990 until June 1999, when due to situation after the war she felt unsafe to return at her workplace. She further stated that she was discriminated because is not included in the final list. She provided her workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if she had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0153 -D.J-* in his complaint filed against the final list stated that he worked with the SOE from 1 October 1990 until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0154 -J.J-* in his complaint filed against the final list stated that he worked with the SOE from 6 January 1991 until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the

requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0155-S.K-* in his complaint filed against the final list stated that he worked with the SOE from 1 October 1990 until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0156 -B.S-* in her complaint filed against the final list stated that she worked with the SOE from 1990 (although the workbook shows 23 January 1996) until June 1999, when due to situation after the war she felt unsafe to return at her workplace. She further stated that she was discriminated because is not included in the final list. She provided her workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if she had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0157-S.S-* in his complaint filed against the final list stated that he worked with the SOE from 1990 (although the workbook shows 4 October

1990) until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0158-B.K-* in his complaint filed against the final list stated that he worked with the SOE from 16 March 1966 until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0159 -I.B-* in his complaint filed against the final list stated that he worked with the SOE from 1 April 1991 until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he

had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0160 –S.K–* in his complaint filed against the final list stated that he worked with the SOE from 4 February 1991 (although the workbook shows 23 September 1992) until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0161–V.L–* in his complaint filed against the final list stated that he worked with the SOE from 11 November 1979 until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0162–V.(M).R–* in his complaint filed against the final list stated that he worked with the SOE from 10 December 1990 until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He

further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0163-S.I-* in his complaint filed against the final list stated that he worked with the SOE from 1 November 1993 (although the workbook shows 21 May 1997) until 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0164-S.S-* in his complaint filed against the final list stated that he worked with the SOE from 1 October 1990 until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the

appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0165-J.C-* in his complaint filed against the final list stated that he worked with the SOE from 1 November 1983 until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0166-Ž.Đ-* in his complaint filed against the final list stated that he worked with the SOE from 27 May 1991 until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0167-S.R-* in his complaint filed against the final list stated that he worked with the SOE from 29 May 1991 until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that

the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0168-D.M-* in his complaint filed against the final list stated that he worked with the SOE from December 1990 until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The stamp in the workbook shows the stamp of the Balkanbelt in Belgrade. However PAK stated that according to Matrix Book no.3255 the employment relation of this complainant was willingly terminated on 15 August 1999. From this can be concluded that he was registered as the employee of the SOE. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0169 -V.R-* in his complaint filed against the final list stated that he worked with the SOE from 12 March 1984 until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he

had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0170-S.Ž*– in his complaint filed against the final list stated that he worked with the SOE from 28 May 1985 until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0171-J.Ž*– in her complaint filed against the final list stated that she worked with the SOE from 19 March 1997 until June 1999, when due to situation after the war she felt unsafe to return at her workplace. She further stated that she was discriminated because is not included in the final list. She provided her workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if she had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0172-L.S*– in his complaint filed against the final list stated that he worked with the SOE from 12 June 1989 until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He

provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0173-Z.T-* in her complaint filed against the final list stated that she worked with the SOE from 8 October 1990 until 1999, when due to situation after the war she felt unsafe to return at her workplace. She further stated that she was discriminated because is not included in the final list. She provided her workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if she had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0174-P.C-* in his complaint filed against the final list stated that he worked with the SOE from 16 November 1990 until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0175-J.C-* in her complaint filed against the final list stated that she worked with the SOE from 19 March 1997 until June 1999, when due to situation after the war she felt unsafe to return at her workplace. She further stated that she was discriminated because is not included in the final list. She provided her workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if she had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0176-S.(S).J-* in his complaint filed against the final list stated that he worked with the SOE from 10 December 1990 until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0177-S.(R).J-* in his complaint filed against the final list stated that he worked with the SOE from 11 October 1990 until 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the

requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0178-Z.U-* in his complaint filed against the final list stated that he worked with the SOE from 1 October 1990 until 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0179-M.U-* in his complaint filed against the final list stated that he worked with the SOE from 16 September 1996 until 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0180-Z.M-* in his complaint filed against the final list stated that he worked with the SOE from 10 June 1991 until 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that

he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0182 -V.R-* in her complaint filed against the final list stated that she worked with the SOE from 2 October 1995 (although the workbook shows 21 May 1997) until 1999, when due to situation after the war she felt unsafe to return at her workplace. She further stated that she was discriminated because is not included in the final list. She provided her workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if she had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0183 -K.J-* in his complaint filed against the final list stated that he worked with the SOE from 7 October 1996 (although the workbook shows 21 May 1997) until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination.

Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0184 -M.M-* in his complaint filed against the final list stated that he worked with the SOE from 20 April 1988 until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0185 -N.N-* in his complaint filed against the final list stated that he worked with the SOE from 17 January 1991 until 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0186-J.I-* in his complaint filed against the final list stated that he worked with the SOE from 15 January 1991 until 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He

provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0187-N.P-* in his complaint filed against the final list stated that he worked with the SOE from 21 August 1991 until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0188 -D.I-* in his complaint filed against the final list stated that he worked with the SOE from 2 October 1995 (although the workbook shows 14 July 1997) until 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the

enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0189-J.S-* in his complaint filed against the final list stated that he worked with the SOE from 11 October 1990 until 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0190-V.J-* in her complaint filed against the final list stated that she worked with the SOE from 19 May 1997 until June 1999, when due to situation after the war she felt unsafe to return at her workplace. She further stated that she was discriminated because is not included in the final list. She provided her workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if she had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0191-D.J -* in his complaint filed against the final list stated that he worked with the SOE from 5 May 1980 until 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons

provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0192-S.M.9-* in his complaint filed against the final list stated that he worked with the SOE from 2 October 1990 until 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0193 -V.R, acting on behalf of his late father M.(R).R-* in his complaint filed against the final list stated that his late father worked with the SOE from 1 November 1972 until 1999, when he was kidnapped by unknown persons. The PAK in its appeal stated that the Specialized Panel in the appealed judgment wrongly stated that PAK concluded that the Complainant have not been registered as employee at the time of privatization. While the PAK stated that this is an extreme case of discrimination and that the complaint should be approved as grounded. PAK attached its written observation in which among others stated that based on Court Practice and Procedure the employees who were killed, kidnapped or is registered in evidence of the missing persons under discriminated circumstances are considered as eligible to be entitled to a share of 20%. Therefore point II of

the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0194–B.P, acting on behalf of his late father J.P–* in his complaint filed against the final list stated that his late father worked with the SOE from 13 December 1982 (although the workbook shows 9 May 1983) until 24 June 1998, when he was kidnapped while performing official duty. The PAK in its appeal stated that the Specialized Panel in the appealed judgment wrongly stated that PAK concluded that the Complainant have not been registered as employee at the time of privatization. While the PAK stated that this is an extreme case of discrimination and the complaint should be approved as grounded. PAK attached its written observation in which among others stated that based on Court Practice and Procedure the employees who were killed, kidnapped or is registered in evidence of the missing persons under discriminated circumstances are considered as eligible to be entitled to a share of 20%. Therefore point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0196–R.A–* in his complaint filed against the final list stated that he worked with the SOE from 3 October 1990 until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0197 –V.(A).S–* in her complaint filed against the final list stated that she worked with the SOE from 1 April 1997 and onwards, requesting to be

included in the list of eligible employees for 20% of proceeds from privatization of the SOE. She did not claim that was discriminated but claims that her rights have been violated by not inclusion in the final list. She provided her workbook which is still open. Because of the security situation after the war the Complainant could not report at her workplace. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if she had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0198 -D.(V).S-* in her complaint filed against the final list stated that she worked with the SOE from 2 October 1995 and that from June 1999 due to situation after the war, she felt unsafe to return at her workplace. She further stated that she was discriminated because is not included in the final list. She provided her workbook which is still open. However, the workbook of the Complainant is closed with SOE "B"- in Suha Rekë/Suva Reka on 3 March 1998 and open on 4 March 1998 with Balkanbelt in Belgrade. Also the PAK in its written observation stated that according to Matrix Book under no.3609 her working relation was open from 2 October 1995 and closed on 3 March 1998 for unpaid leave. The Complainants was always saying that she worked with SOE and this was confirmed by statement of witnesses D.R and B. M who stated that the Complainant worked with the SOE from 2 October 1995 until June 1999. So the PAK is not right that the Complainant did not submit evidentiary evidence which confirm continuation of her employment after 4 March 1998. Furthermore, the unpaid leave doesn't mean the termination of the working relation. This situation corresponds with the workbook which is still open. The stamp of SOE -"B" in workbook doesn't change anything in this situation because in Status Determination Report (SDR) there is alternative

very same name of the SOE -"B" though in Suhareka. And even in case of other employee/Complainant C0168 Dragutin Mladenović PAK stated that according to Matrix Book no.3255 the employment relation of this complainant was willingly terminated on 15 August 1999, which means that he was an employee regardless of the stamp of the SOE -"B" in Belgrade. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if she had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0199-G.R-* in his complaint filed against the final list stated that he worked with the SOE from 21 May 1997 and onwards, requesting to be included in the list of eligible employees for 20% of proceeds from privatization of the SOE. He did not claim that was discriminated but claims that his rights have been violated by not inclusion in the final list. Because of the security situation after the war the Complainant could not report at his workplace. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0201 -J.D-* in his complaint filed against the final list stated that he worked with the SOE from 30 June 1977 and onwards, requesting to be included in the list of eligible employees for 20% of proceeds from privatization of the SOE. He did not claim that was discriminated but claims

that his rights have been violated by not inclusion in the final list. Because of the security situation after the war the Complainant could not report at his workplace. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0202 -M.C-* in his complaint filed against the final list stated that he worked with the SOE from 13 April 1992 and onwards, requesting to be included in the list of eligible employees for 20% of proceeds from privatization of the SOE. He did not claim that was discriminated but claims that his rights have been violated by not inclusion in the final list. Because of the security situation after the war the Complainant could not report at his workplace. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0203-D.(Č).R-* in her complaint filed against the final list stated that she worked with the SOE from 12 October 1990 and that after the June 1999 due to situation after the war she felt unsafe to return at her workplace. She further stated that she was discriminated because is not included in the final list. She provided her workbook which is still open (where the stamp of the SOE is illegible), but PAK in its written observation among others stated that she was registered in the Matrix Book under number 2949. So this shows

that she was an employee of the SOE. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if she had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0204 –N.(M).S–* in his complaint filed against the final list stated that he worked with the SOE from 1 February 1991 and onwards, requesting to be included in the list of eligible employees for 20% of proceeds from privatization of the SOE. He did not claim that was discriminated but claims that his rights have been violated by not inclusion in the final list. Because of the security situation after the war the Complainant could not report at his workplace. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0205–S.(Č).S–* in his complaint filed against the final list stated that he worked with the SOE from 1 October 1990 and that after the June 1999 due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons

the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0206-V.(M).C-* in her complaint filed against the final list stated that she worked with the SOE from 7 November 1990 and onwards, requesting to be included in the list of eligible employees for 20% of proceeds from privatization of the SOE. She did not claim that was discriminated but claims that her rights have been violated by not inclusion in the final list. Because of the security situation after the war the Complainant could not report at her workplace. She provided her workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0208-N.A-* in his complaint filed against the final list stated that he worked with the SOE from 1973 until 14 September 1990, when he was dismissed by interim measures. He further stated that after the war he restarted working with the SOE from 1 March 2001. He stated that he receive redundancy letter that his employment was terminated form 22 July 2005. Among documents provided by Complainant is the redundancy letter issued by Kosovo Trust Agency on 22 July 2005, informing the Complainant that his employment is terminated due to sale of assets of the SOE. From this can be concluded that the Complainant was evidenced as employee of the SOE at the time of privatization. The Respondent did not contest this evidence. The Appellate Panel considers that this Complainant was discriminated by the SOE management by not inclusion in the final list and he should remain in the final list. Therefore based on these reasons the appeal of PAK should be rejected

and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0209 -H.V-* in his complaint filed against the final list stated that he worked with the SOE from 25 January 1989 until 14 September 1990, when he was dismissed by interim measures. He further stated that after the war he reported at work on 21 July 1999, but he was told that because of the known business circumstances of the SOE he have to wait until the reactivation of the medical service. Among documents he provide the confirmation of the SOE in which was stated that after the war he reported at work but because the medical unit in the SOE was not operational he was in waiting list; decision of the SOE no.872 of 20 August 2001 by which was recognized the right from working relation for the period 8 August 1990 until 1 July 1999. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0210-N.B-* in his complaint filed against the final list stated that he worked with the SOE from 20 July 1981 until 10 September 1990. To his complaint he attached the copy of workbook which shows that he worked with the SOE from 20 July 1981 until 10 September 1990. The Complainant did not provide evidence that he worked or was interested to work with the SOE after the war respectively after 1999. The Complainant even did not state if he has alleged interest to work with the SOE after 1999 and if he in discriminatory manner was refused by the management of the SOE. Based on these facts it is not correct the conclusion of the Specialized Panel that this Complainant was discriminated as the Complainant himself did not claim facts of discrimination.

Therefore, the appeal of PAK regarding this Complainant is approved as grounded, the point II of the enacting clause of the appealed judgment is amended regarding this Complainant, his complaint is rejected as ungrounded and he is removed from the point II of the enacting clause of the appealed judgment.

*Complainant C0211 –Z.J–* in his complaint filed against the final list stated that he worked with the SOE from 27 May 1991 until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0212–T.K–* in her complaint filed against the final list stated that she worked with the SOE from 1 October 1990 until June 1999, when due to situation after the war she felt unsafe to return at her workplace. She further stated that she was discriminated because is not included in the final list. She provided her workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if she had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0213 –I.K–* in his complaint filed against the final list stated that he worked with the SOE from 26 December 1990 until June 1999, when due to

situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0214 -L.K-* in her complaint filed against the final list stated that she worked with the SOE from 9 September 1991 until June 1999, when due to situation after the war she felt unsafe to return at her workplace. She further stated that she was discriminated because is not included in the final list. She provided her workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if she had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0215 -Ž.K-* in his complaint filed against the final list stated that he worked with the SOE from 4 October 1990 until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the

appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0216–M.K–* in his complaint filed against the final list stated that he worked with the SOE from 21 August 1991 until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant. □

*Complainant C0217–B.I–* in his complaint filed against the final list stated that he worked with the SOE from 1990 (the workbook shows 1 October 1990) until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0219 –L.M–* in his complaint filed against the final list stated that he worked with the SOE from 23 June 1994 (although the workbook shows 21 May 1997) until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was

discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0220-N.D-* in his complaint filed against the final list stated that he is employee of the SOE and that he is eligible to be included in the final list. He further stated that he was discriminated because is not included in the final list. He provided his workbook which shows that he started working with the SOE from 13 April 1992 and is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0221-S.M-* in his complaint filed against the final list stated that he worked with the SOE from 23 January 1991 (although the workbook shows 11 October 1990) until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and

point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0222-S.K-* in his complaint filed against the final list stated that he worked with the SOE from 1 November 1994 (although the workbook shows 21 May 1997) until June 1999, when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0223 -V.A -* in his complaint filed against the final list stated that he worked with the SOE from 1 September 1995 and onwards. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0224 -B.A-* in his complaint filed against the final list stated that he worked with the SOE from 2 October 1990 and onwards. He further stated that he was discriminated because is not included in the final list. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the

Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0228 -R.G-* in his complaint filed against the final list stated that he worked with the SOE for 12 years. He further stated that after the war he reported at work on 12 September 2000 and on 8 December 2003 but there was no work for him. He added that on 1 April 2004 he started working for the SOE but only for 5 days when he was told by the management that should be given the opportunity to other employees to work. He provided his workbook which is open on 30 June 1977 and closed on 14 September 1990; decision on allocation of salary issued by the SOE no.1297 of 1 April 2004; confirmation of the SOE of 12 September 2000 confirming that due to economic situation of the SOE he is not working for the moment; the confirmation issued by the SOE of 8 December 2003 confirming that due to economic difficulties he was not engaged in the work. From this can be concluded that the Complainant was in the waiting list. The Appellate Panel considers that this Complainant should remain in the final list as he was interested to continue his working relation but he remain in waiting list. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0229-V.A-* through his representative filed another complaint (complaint no.223 is filed by Complainant himself) in which are stated almost the same allegations as in complaint no.223. The conclusion of the Appellate Panel is same as is mentioned above in Complainant C0223. As we are dealing with the mistake of the Registry, this complaint shall be kept together with C0223.

*Complainant C0230 –S.S-* in his complaint filed against the final list stated that he worked with the SOE until June 1999 when due to situation after the war he felt unsafe to return at his workplace. He further stated that he was discriminated because is not included in the final list. He provided his workbook open on 1 March 1993 and which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0231 –M.K-* in her complaint filed against the final list stated that she worked with the SOE from 1 February 1991 until June 1999, when due to situation after the war she felt unsafe to return at her workplace. She further stated that she was discriminated because is not included in the final list. She provided her workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if she had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0233 –Z.J-* in her complaint filed against the final list stated that she worked with the SOE from 17 April 1992 and requested to be included in final list of eligible employees for 20%. In her submission of 11 March 2010 she stated that on 27 May 2009 she submitted by registered mail, to the SCSC, her complaint against the final list, which is registered by post under no.3381500. She further stated that her complaint did not arrive in the given address. She provided a copy of the confirmation of receipt of delivery of the

post office of 27 May 2009, no.3381500 addressed to the SCSC. It is clear that the Complainant filed her complaint within deadline, but for unknown reasons the delivery did not arrive in the SCSC. She provided her workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if she had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0234 –S.M.10–* in his complaint filed against the final list stated that he worked with the SOE from 2 October 1995 (although the workbook shows 10 September 1998) and requested to be included in final list of eligible employees for 20%. In his submission of 11 March 2010 stated that on 27 May 2009 he submitted by registered mail, to the SCSC, his complaint against the final list, which delivery is registered by post under no.3381502. He further stated that his complaint did not arrive in the given address. He provided a copy of the confirmation of receipt of delivery of the post office of 27 May 2009, no.3381502 addressed to the SCSC. It is clear that the Complainant filed his complaint within deadline, but for unknown reasons the delivery did not arrive in the SCSC. He provided his workbook which is still open. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0235 – V.G* – in his complaint filed against the final list stated that he worked with the SOE from 1974 until 1990. He further stated that after the war he reported at work but there were no work for him. He requested to be included in the list of eligible employees for 20%. He provided his workbook which is open from 29 July 1974 to 29 July 1976, from 20 October 1977 to 10 September 1990 and from 22 July 1999 to 22 July 2005, showing that he was an employee of the SOE at the time of privatization. The Appellate Panel considers that this Complainant should remain in the final list as according to his workbook he was registered as an employee of the SOE until its privatization. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

*Complainant C0242 – J.Ž* – in his complaint filed against the final list stated that he worked with the SOE from 21 January 1991 until March 1999, when the bombing started. He stated that his workbook is still with the SOE. It is clear that he did not report at the work during the bombing, but he left his workbook with the SOE probably with the intention that after ending of such situation to come back in workplace and continue working. In support of this, is the fact that, his working relation is not terminated by SOE and his workbook is still open. Further he stated that he was discriminated because is not included in the final list. The PAK in its written observation stated that according to the matrix book no.3239 his working relation is terminated on 15 August 1999. The Appellate Panel considers that the reasons provided by the Specialized Panel to approve the complaint of the Complainant are correct. The Complainant would have fulfilled the requirements of Section 10.4 of UNMIK Regulation 2003/13 as amended, if he had not been subject of discrimination. Therefore based on these reasons the appeal of PAK should be rejected and point II of the enacting clause of the appealed judgment should be upheld in regard to this Complainant.

**A0012 Appellant R. J**– The appeal of the Appellant is ungrounded. Appellant filed the complaint against final list on 13 January 2014, while the final date for filling the complaint was 28 October 2013, so the complaint was filed after the deadline. The Appellant did not provide any explanation for filling the complaint after deadline. The Appellate Panel assessed that the Specialized Panel correctly decided when it dismissed the complaint of the Appellant as inadmissible. Therefore, the Appellate Panel rejects the appeal of the Appellant as ungrounded and upholds point I of the enacting clause of the appealed judgment.

**Appellant A0013 H.G** – The appeal of the Appellant is ungrounded. According to the workbook, the Appellant worked with the SOE from 18 August 1980 until 26 September 1987. This shows that his working relation was terminated before the interim measures. The Appellant did not provide any evidence to show that he continue working with the SOE after this date, that is to say after 26 September 1987. Even if the Appellant among other stated that requested to return to work, these allegations were not supported with any evidence. The Appellate Panel assessed that the Specialized Panel correctly decided when it rejected the complaint of the Appellant as ungrounded. Therefore, the Appellate Panel rejects the appeal of the Appellant as ungrounded and upholds point III of the enacting clause of the appealed judgment.

**Appellant A0014 S.S**–The appeal of the Appellant is rejected as ungrounded. To his complaint filed with the first instance, the Appellant did not attach any document to support his allegations. Whereas to his appeal filed with the Appellate Panel, the Appellant for the first time attached his workbook and a certificate. In his appeal among others he stated that he left Kosovo without any document and without the workbook, which he obtained later on.

Article 65 of the Annex reads:

*In exceptional circumstances and for good cause shown, the Appellate panel may permit a party to present to the Appellate Panel new evidence that was*

*not available to the party during the evidentiary portion of the first instance proceedings. A written application for such permission must first be submitted to the Appellate Panel and served on the other parties not less than fifteen (15) days before the date of the hearing where such evidence is proposed to be presented. The Appellate Panel may authorize the presentation of such new evidence if it considers it to be in the interests of justice.*

Necessary condition for admission new evidence in the Appellate proceedings is that new evidence was not available to the party during first instance proceedings. The Appellant did not prove this and furthermore is likely that he cannot obtain these documents in during first instance proceedings like he did during Appellate panel proceedings. Therefore these pieces of new evidence are not admissible.

That is why the Appellate Panel rejects the appeal of the Appellant as ungrounded and upholds point III of the enacting clause of the appealed judgment.

**Appellant A0015 F.K**– The appeal of the Appellant is ungrounded. Even if the Appellant based her complaint, on the copy of workbook and the decision on termination of her employment by interim measures, the mentioned evidences were not presented in first instance. To the appeal filed with the Appellate Panel, the Appellant attached copy of workbook, extract on personal incomes, decision on recognition of the rights form working relation for the period 8 August 1990 until 1 July 1999 no.872 of 20 August 2001, decision on change of the surname no.2182-10856/1-98 of 25 December 1998.

Article 65 of the Annex reads:

*In exceptional circumstances and for good cause shown, the Appellate panel may permit a party to present to the Appellate Panel new evidence that was not available to the party during the evidentiary portion of the first instance proceedings. A written application for such permission must first be submitted*

*to the Appellate Panel and served on the other parties not less than fifteen (15) days before the date of the hearing where such evidence is proposed to be presented. The Appellate Panel may authorize the presentation of such new evidence if it considers it to be in the interests of justice.*

Necessary condition for admission new evidence in the Appellate proceedings is that new evidence was not available to the party during first instance proceedings. The Appellant did not prove this and furthermore is likely that she can obtain these documents in during first instance proceedings like he did during Appellate panel proceedings. Therefore these pieces of new evidence are not admissible.

That is why the Appellate Panel rejects the appeal of the Appellant as ungrounded and upholds point III of the enacting clause of the appealed judgment.

**Appellant A0016 H.M on behalf of his deceased father S.M**– The appeal of the Appellant is inadmissible. The Appellant stated that his father was on waiting list, because there was no work for all employees and that the department in Prishtinë/Priština were rented. To verify this fact the Appellant proposed hearing of the witnesses names of which were mentioned in the appeal. The father of the Appellant, S.M passed away on 13 December 2005, after the privatization of the SOE. The Appellate Panel assessed that the Appellant did not comply with the order of 27 May 2016 and did not provide the appeal signed by Appellant even if he was warned that failure to comply with this order will result by dismissing the appeal as inadmissible. Therefore the appeal of the Appellant is dismissed as inadmissible.

**Appellants A0017 S.M, Z.J**– The appeal of the Appellants is inadmissible. With the appealed judgment the complaints of the Appellants Z.J and S.M are approved and PAK is ordered to include them in the final list of employees

eligible to a share of the privatization proceeds of the SOE, therefore there is no legal interest for them to file appeal against the judgment.

While, the "Appellants" Z.J, M.J and D.K did not file the complaint against the final list with the first instance, so there is no judgment related to their complaints to be appealed. Therefore their "appeals" should be registered by the Registry as complaint and be adjudicated by the respective Specialized Panel.

**Appellant A0018 E.(B).S**– The appeal of the Appellant is ungrounded. The Appellant stated that she worked with the SOE from 22 July 1976 until 17 February 1983, which can be seen also in her workbook. According to her workbook she started working with another SOE from 1 December 1983 and worked there until 27 September 1991. The Appellant did not allege and did not provide any evidence that she started working again with the SOE- "B" in Suharekë/Suva Reka. The Appellate Panel assessed that the Specialized Panel correctly decided when it rejected the complaint of the Appellant as ungrounded. Therefore, the Appellate Panel rejects the appeal of the Appellant as ungrounded and upholds point III of the enacting clause of the appealed judgment.

**Appellant A0019 L.(M).I**– The appeal of the Appellant is grounded. Appellant her complaint with the first instance submitted through fax and only the part (only one row) without data of the Appellant and other rows about the working experience of her workbook can be seen. In the case file is no any evidence showing that the Specialized Panel requested from the Complainant to submit complete copy of workbook. However together with the appeal, the Appellant provide the copy of workbook which shows that she started working with the SOE from 7 October 1996 and the workbook is still open. The Appellate Panel checks the serial number and registration number in both

copies (the one in the file of first instance and the one in the file of the appeal) and concludes that these numbers are the same. It is clear that the Appellant attached to the complaint also the workbook, but due to the fact that in fax was not printed the complete copy of workbook, the Specialized Panel rejected the complaint instead of asking the Appellant for the complete copy of the workbook. The Appellate Panel assessed that the Appellant meet requirements laid down in Section 10.4 of UNMIK Regulation 2003/13 as amended, for inclusion in the final list of eligible employees for 20%. Therefore the appeal of the Appellant is approved as grounded and point III of the enacting clause of the appealed judgment with regard to this Appellant is amended. The Respondent is obliged to include her in the final list of eligible employees for 20% proceeds from the privatization of the SOE.

**Appellant A0020 R.K** – The appeal of the Appellant is ungrounded. Appellant filed the complaint against final list on 25 April 2014, while the final date for filling the complaint was 28 October 2013, so the complaint was filed after the deadline. The Appellant did not provide any explanation for filling the complaint after deadline. The Appellate Panel assessed that the Specialized Panel correctly decided when it dismissed the complaint of the Appellant as inadmissible. Therefore, the Appellate Panel rejects the appeal of the Appellant as ungrounded and upholds point I of the enacting clause of the appealed judgment.

**Appellant A0021 H.Sh**– The appeal of the Appellant is ungrounded. The judgment of the Specialized Panel by which complaint of the Complainant was dismissed as inadmissible is correct. The complaint was filed on 5 June 2014 while deadline was 28 October 2013. Therefore, the Appellate Panel rejects the appeal of the Appellant as ungrounded and upholds point I of the enacting clause of the appealed judgment.

**Appellant A0022 I.Z**– Appeal of the Appellant is inadmissible. The Specialized Panel with the appealed judgment approve the complaint of the

Appellant and ordered the PAK to include her in the final list of employees eligible to a share of the privatization proceeds of the SOE. Therefore the Appellate Panel dismissed the appeal as inadmissible because there is no legal interest for filing the appeal.

**Appellant A0023 E.H**– The appeal of the Appellant is ungrounded. According to the Certificate issued by the SOE on 10 October 2013, the Appellant worked with the SOE from 25 July 1974 until 31 December 1981, so his working relation with the SOE was terminated before the interim measure. The Appellant did not provide any evidence that he worked with the SOE after this date. Also the Appellant in a way stated that he did not work with the SOE after the war saying that the fact that he did not work after the war does not contest the base for compensation of 20%. Therefore, the Appellate Panel rejects the appeal of the Appellant as ungrounded and upholds point III of the enacting clause of the appealed judgment.

**Appellant A0024 H.K**– The appeal of the Appellant is ungrounded. The deadline for filing the complaint against the final list was 28 October 2013, while the Appellant filed his complaint on 10 May 2014. The explanations given in the appeal for filling the complaint after the deadline, i.e. living in Switzerland and was not able to follow public announcement, cannot be accepted as reasonable grounds for filing late complaint. The Appellate Panel assessed that the Specialized Panel correctly decided when it dismissed the complaint of the Appellant as inadmissible. Therefore, the Appellate Panel rejects the appeal of the Appellant as ungrounded and upholds point I of the enacting clause of the appealed judgment.

**Appellant A0025 L.P**– The appeal of the Appellant is filed out of time and therefore is dismissed as inadmissible. Pursuant to Article 10.6 of Law No. 04/L-033 on the Special Chamber of the Supreme Court of Kosovo on Privatization Agency Related Matters (LSC) the appeal against the judgment

or decision of the Specialized Panel may be submitted to the Appellate Panel within 21 (twenty one) days from the receipt of the judgment or decision.

According to acknowledge of receipt the appealed judgment was served to the Appellant on 22 May 2014, while the appeal was filed on 3 November 2014, thus more than 5 (five) months after deadline. Therefore the appeal has to be dismissed as inadmissible.

**Complainant C-0062 D.G**– The PAK appealed Specialized Panel judgment no. C-II.-13-0419–C-0001-C-0249, dated 5 May 2014 in regards to several complainants including Complainant D.G (C-0062). During the appeal proceedings the Appellate Panel have been informed that complainant passes away on 15 March 2013. On 18 August 2016 SCSC requested family members of complainant to provide his death certificate and inheritance decision. On 2 September 2016 in response to order death certificate of complainant as well as birth certificates of his wife Sh.G and 6 children: N.K (G), D.B, G.G, L.G, L.G and S.G was filed. Family members of complainant informed court that due a fact that part of inheritors is living abroad inheritance decision is ongoing. On 11 January 2017 the court ordered family members of complainant to provide within 30 days inheritance decision confirming their inheritance rights adopted by court or public notary. Therefore the case of this complainant will be adjudicated later on with separate decision.

Based on Article 10, paragraph 10 of the LSC it is decided as in enacting clause of this judgment.

**Court fees / costs:**

No court fees are imposed for the appeals procedure for Appellants, as the approved plan on court fees for natural persons as Appellants in cases of workers lists of 20%, does not envisage court fees. Pursuant to Court`s order on payment of court fees, the Appellant PAK responded thereto and it already paid the court fee of 100 euros for the appeal filed in the appellate procedure, pursuant to KJC decision on the court fees, No.25, dated 24 September 2014.

Decided by the Appellate Panel of the SCSC on 10 February 2017.

Mr.Sc. Sahit Sylejmani, Presiding Judge

signed