



**Republika e Kosovës • Republika Kosovo • Republic of Kosovo
Institucioni i Avokatit të Popullit • Institucija Ombudsmana • Ombudsperson Institution**

Prishtina, 17 August 2026

Mr Imri Ahmeti, Mayor
Municipality of Lipjan
“Shqipëria” St., No. 28
14 000, Lipjan

RECOMMENDATION LETTER

R. no. 475/2026

Dear Mr Ahmeti,

Pursuant to Article 16, paragraph 1, of Law No. 05/L-019 on the Ombudsperson, on 16 March 2026, the Ombudsperson received a complaint from Mr Enver Llugiqi (hereinafter: the complainant), filed against the Municipality of Lipjan, concerning the failure to respond to his request No. 12-320/01-1606, dated 12 January 2026, regarding the material damage caused to his property as a result of the river overflowing its banks during atmospheric precipitation.

According to the complainant's allegations and the documentation submitted to the Ombudsperson Institution, it appears that, as a result of the precipitation, the river located in the village of Magure overflowed its banks and caused considerable damage to his property, affecting the livestock barn, agricultural feed and several agricultural machines used for processing feed. The complainant stated that, in connection with these floods, he notified the Municipality of Lipjan, the Kosovo Police and the Emergency Management Agency, as the competent authorities.

In order to obtain information concerning the actions undertaken by the municipality in relation to the complainant's request, on 23 April 2026, the Ombudsperson addressed a letter to the President of the Municipality of Lipjan.

On 8 May 2026, the Ombudsperson Institution received a response from the Municipality of Lipjan, informing it that, in relation to the atmospheric precipitation that occurred in the territory of the municipality, on 12 January 2026, the President of the Municipality established an ad hoc Commission for the Assessment of Damage Caused by Floods in the Agricultural Sector in the Municipality of Lipjan. The response was accompanied by the minutes of the Commission concerning the on-site inspection, dated 26 January 2026, regarding the complainant's case, which established that no damage had been identified on the ground.

In order to obtain additional information concerning the procedures carried out, representatives of the Ombudsperson held a meeting on 15 May 2026 with the chairperson and one member of the aforementioned *ad hoc* Commission. During the meeting, they were informed that the complainant had not been provided with any written response informing him of the rejection of his request for compensation for the damage. It was also emphasised that failure to provide responses in such cases constituted a practice followed by the Municipality of Lipjan. According to the representatives of the Commission, following approval by the Municipal Assembly, only the parties who are awarded compensation for damage caused by atmospheric precipitation are notified, while the list of beneficiaries is submitted to the Emergency Management Agency (EMA).

Based on the actions undertaken by the OI in relation to the Municipality of Lipjan and with a view to addressing the complaint submitted by the complainant, the Ombudsperson emphasises that Article 135, paragraph 3, of the Constitution of the Republic of Kosovo provides: *“The Ombudsperson is eligible to make recommendations and propose actions when violations of human rights and freedoms by the public administration and other state authorities are observed.”*

With reference to the Constitution, Article 53 should also be taken into consideration, which stipulates: *“Human rights and fundamental freedoms guaranteed by this Constitution shall be interpreted consistent with the court decisions of the European Court of Human Rights.”*

Pursuant to Article 18.1.2 of Law No. 05/L-019 on the Ombudsperson, the Ombudsperson has the responsibility: *“To draw attention to cases when the institutions violate human rights and to make a recommendation to stop such cases and when necessary to express his/her opinion on attitudes and reactions of the relevant institutions relating to such cases.”*

Based on the analysis of the facts and evidence obtained during the examination of the case, the Ombudsperson finds that the Municipality of Lipjan, despite its legal obligations as a public authority in conducting the administrative procedure, failed to fulfil its obligation to officially notify the party concerning the course and outcome of the administrative procedure. In particular, the failure to notify the complainant of the Commission’s finding that no damage caused by atmospheric precipitation had been identified on his property undermines the complainant’s right to exercise his right to use legal remedies.

The Ombudsperson notes that Article 11 of Law No. 05/L-031 on General Administrative Procedure clearly establishes the “Principle of information and active assistance”, which expressly sets out the obligation of the public authority to inform the party to the proceedings, as well as the procedures to be followed: *“Public organs shall, in particular, inform the parties of their rights and obligations in the administrative proceeding and indicate the legal consequences of their actions or inactions during the proceeding.”*

According to the case law of the European Court of Human Rights (ECtHR), matters concerning the failure to inform parties and the failure of administrative authorities to provide responses concerning actions undertaken within a reasonable time are addressed under Article 6 of the European Convention on Human Rights (ECHR) (Right to a fair hearing). Paragraph 1 of Article 6 establishes the obligation of authorities to act without undue delay:

“[...] everyone is entitled to a fair and public hearing within a reasonable time [...]”.¹ In certain cases concerning the conduct of proceedings and the taking of decisions or evidence by authorities or courts without the knowledge of the parties, and the impact thereof on the right to use legal remedies, the ECtHR has examined such matters under Article 13 (Right to an effective remedy) of the ECHR.²

Therefore, based on the facts and analysis of the case, the Ombudsperson finds that, in the complainant’s case, the Municipality of Lipjan, in its capacity as an administrative authority, failed to fulfil its constitutional and legal obligations to notify the party to the proceedings of its decision. Furthermore, the Ombudsperson emphasises that the decision was not communicated to the complainant in the form of an administrative act as prescribed by the Law on General Administrative Procedure, thereby preventing him from being informed in a timely manner and assessing the possibility of exercising legal remedies.

With a view to improving respect for the right to a fair hearing, as a constitutional and legal right, so that citizens may exercise this right as an effective means of realising their rights before higher instances, as well as with a view to improving the work of state authorities and increasing transparency and accountability, the Ombudsperson, pursuant to Article 135, paragraph 3, of the Constitution of the Republic of Kosovo,

RECOMMENDS

To the Municipality of Lipjan:

- To respond to the complainant’s request, in accordance with the Law on General Administrative Procedure.

In accordance with Article 132, paragraph 3, of the Constitution of the Republic of Kosovo (*“Every organ, institution or other authority exercising legitimate power of the Republic of Kosovo is bound to respond to the requests of the Ombudsperson and shall submit all requested documentation and information in conformity with the law.”*) and Article 28 of Law No. 05/L-019 on Ombudsperson (*“Authorities to which the Ombudsperson has addressed recommendation, request or proposal for undertaking concrete actions, [...], must respond within thirty (30) days. The answer should contain written reasoning regarding actions undertaken about the issue in question.”*), you are kindly requested information regarding the actions you will take in relation to this matter.

Respectfully,

Naim Qelaj

Ombudsperson

¹ *Morscher v. Austria*

² *Kudla v. Poland*