

CLAIM

What is a claim?

- A claim is the right of a claimant to request from the court to decide on a dispute between him and the respondent.

Who can file a claim?

- A claim can be filed by individuals and legal entities or their authorized representatives.

What should the claim contain?

- The claim should contain:
 1. The request;
 2. Facts on which the claim is based;
 3. Evidence to support facts;
 4. Value of the contest;
 5. Legal basis of the request;
 6. Other information that each of submission must contain.
- The claim must be complete and grounded, otherwise the court will reject it as unfounded claim.

What documents do I need to attach to my claim?

- Claim in three (3) copies. Two (2) copies for the court and one (1) copy for the respondent.
- Evidence in three (3) copies.
- Court fees, based on the Administrative direction for the unification of court fees. No. 2008/02.

How will I know that a claim is filed against me?

- The court will send you a copy of the claim that has been filed against you.
- The court will inform you of the steps to be taken, including the possibility to submit a response.

RESPONSE TO A CLAIM

What is a response to claim?

- A response to a claim is the right and possibility of a respondent to accept or dispute facts, evidence and statements in the claim thereby rejecting or accepting it.

Can I file a response to a claim?

- Yes, if you are the respondent of the claim and are unhappy about it.

Why is it important to file a response to a claim?

- If you do not file a response, the court will consider that the facts are not contested and proceed with the main hearing.

What should the response to the claim contain?

- The response to the claim must be in writing, complete, and grounded.

What documents do I need to attach to my response?

- Response to the claim in three (3) copies. Two (2) copies for the court and one (1) copy for the claimant.
- Evidence in three (3) copies.

Is there a deadline to file a response to a claim?

- Yes, there is a deadline.
 1. In regular courts, the response must be filed within 15 days of the day when you received the claim.
 2. In economic disputes before the commercial court, the response must be filed within 7 days of the day when you received the claim.

What happens if I do not respect the legal deadline for responding to the claim?

- If you do not respect these deadlines you lose the right to submit a response to the claim.

COUNTERCLAIM

What is a counterclaim?

- With the counterclaim the defendant objects to the claim of the plaintiff.
- The counterclaim must be related to the claim.

Can I file a counterclaim?

- Yes. The respondent can submit a counterclaim against the claimant.

What should the counterclaim contain?

- The counterclaim must be in writing, complete, and grounded.

What documents do I need to attach to my counterclaim?

- Counterclaim in three (3) copies. Two (2) copies for the court and one (1) copy for the claimant.
- Evidence in three (3) copies.
- Court fees, based on the Administrative direction for the unification of court fees. No. 2008/02.

Is there a deadline to submit the counterclaim?

- Yes, there is a deadline.
- You can file a counterclaim until the end of the preliminary hearing.
- If the preliminary hearing is over or the main hearing was closed, you may still submit a counterclaim but only with the approval of the claimant.

What is a submission?

- A submission is a document in writing which is submitted to the court. Under the Law on Contested Procedures, submissions are: the claim, the response to the claim, legal remedies (appeals), statements and any written communication.

What are the contents of a submission?

- A submission must contain:
 1. The name of the court,
 2. The names of the parties,
 3. The location (address) of the parties,
 4. The object of the dispute,
 5. The request,
 6. The statement and signature of the person filing the submission.

How should the submission be?

- The submission must be complete and understandable.
- It is important for you to submit a complete and understandable submission in order not to create delays in the judicial procedure.

How many copies of the submission must I submit?

- Three (3) or four (4) copies, depending on the type of submission.
- For more information on how many copies must be submitted please refer to the brochure corresponding to the specific request you are filing.

What happens if my submission is incomplete or in insufficient copies?

- If a submission is not understandable or incomplete, the court will order you to correct or complete it.
- Within a delay of 3 days you must make corrections, additions requested by the courts and submit sufficient copies.
- If you do not make the corrections, improvements or submit the number of requested copies, the court will not accept the submission.

Goal of this brochure

This Brochure was developed by the Model Courts Program, supported by the USAID Kosovo Justice Support Program. The goal of this brochure is to provide information to the public with regards to filing a claim, a response to a claim or a counterclaim.

This brochure is not legal advice. This brochure contains general guidelines for information purposes. For legal advice, please consult an attorney or contact the legal aid services.

“Law on Contested Procedure”

For more information on the contested civil procedures can be found in the Law on Contested Procedure (Law No. 03/L-006), adopted by the Kosovo Assembly on July 30, 2008, which entered into force on October 6, 2008. The law can be accessed at www.kuvendikosoves.org.

Attention:

The brochure is presented in the form of question and answer. Questions appear first, followed by answers.



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