DECISION

Date of adoption: 19 April 2010

Case No. 39/09

Milenko BULATOVIĆ and Snežana BULATOVIĆ

against

UNMIK

The Human Rights Advisory Panel on 19 April 2010,
with the following members present:

Mr Marek NOWICKI, Presiding Member
Mr Paul LEMMENS

Assisted by

Mr Rajesh TALWAR, Executive Officer

Having considered the aforementioned complaint, introduced pursuant to Section 1.2 of UNMIK Regulation No. 2006/12 of 23 March 2006 on the Establishment of the Human Rights Advisory Panel,

Having deliberated, decides as follows:

I. THE FACTS

1. The complainants are the owners of a flat in the "YU Program Building" in Prishtinë/Priština.

2. During the riots that erupted in Kosovo from 14 – 17 March 2004, the "YU Program Building" was heavily damaged and looted. The complainants were evacuated from the building on 17 March 2004. Their apartment was looted, with all personal belongings and furniture either stolen or destroyed. Their minivan,

which was parked in front of the building, was also destroyed during the riots. Since then they have resided elsewhere.

3. Following the March 2004 riots, the Provisional Institutions of Self-Government (PISG) in Kosovo devised a reconstruction and compensation scheme for persons whose properties were damaged or destroyed during the riots. The plan called for the speedy reconstruction of homes and the provision of 2,000 euro to be provided for household goods to be replaced.

4. The complainants were not placed on the lists for compensation, their flat was not renovated and they were not compensated for the loss of the minivan. As such, they addressed numerous local and international institutions seeking to resolve their complaints, without success.

5. On 8 March 2006, the complainants contacted the Ombudsperson's Institution in Kosovo regarding the issues above.

6. The Ombudsperson's Institution considered that a violation of the complainants' right to property had occurred and contacted the Inter-Ministerial Commission for Reconstruction in Prishtinë/Priština and the Prime Minister of Kosovo beginning in 2006, seeking a resolution of the complainants' case.

7. The relevant institutions did not add the complainants to the list of eligible recipients of the funds in question. According to the complainants, these institutions did not assist them in the reconstruction of their flat, and did not provide compensation for the minivan.

8. The Ombudsperson's Institution also addressed UNMIK regarding the issues above. UNMIK was able to secure the complainants' placement on the list of those eligible for the 2,000 euro, although it is unclear whether the funds were ever paid.

II. COMPLAINTS

9. The complainants allege that their right to peaceful enjoyment of their possessions guaranteed by Article 1 of Protocol No. 1 to the European Convention on Human Rights has been violated since UNMIK failed to ensure that their apartment was renovated, failed to ensure that they received the 2,000 euro in compensation, and failed to ensure that they received adequate compensation for the destruction of the minivan.

III. PROCEEDINGS BEFORE THE PANEL

10. The complaint was introduced on 13 March 2009 and registered on 18 March 2009.

11. On 3 June 2009, the Human Rights Advisory Panel communicated the complaint to the Special Representative of the Secretary-General (SRSG) for UNMIK's comments on the admissibility and the merits of the complaint.

12. On 3 July 2009, the SRSG provided UNMIK's comments on the admissibility and the merits of the complaint.

13. On 5 August 2009, the Panel sent UNMIK's comments to the complainants to obtain their response to UNMIK's comments.

14. The Secretariat of the Panel attempted to contact the complainants by telephone in November 2009 to remind them that the deadline for response had passed and that they should file their response to the SRSG's comments. The Secretariat of the Panel was unable to speak directly to the complainants, but left messages with family members who indicated that the complainants did not intend to take any further action regarding the complaint.

15. To date, the Panel has not received any further communications from the complainants.

IV. THE LAW

16. The Panel has not received any further communications from the complainants, despite the passing of approximately eights months since the expiration of the deadline for response and five months since the telephone conversation with the complainants' family.

17. In the given circumstances the Panel considers that the complainants do not intend to pursue their application.

18. Accordingly, in accordance with Rule 29 of the Panel's Rules of Procedure, it is appropriate to strike the case out of the list.

FOR THESE REASONS,

The Panel, unanimously,

DECIDES TO STRIKE THE COMPLAINT OUT OF ITS LIST OF CASES.

Rajesh TALWAR
Executive Officer

Marek NOWICKI
Presiding Member