



# *The Human Rights Advisory Panel*

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## **DECISION**

**Date of adoption: 17 March 2011**

**Case No. 71/10**

**Ljubiša DENOVIĆ**

**against**

**UNMIK**

The Human Rights Advisory Panel sitting on 17 March 2011 with the following members present:

Mr Marek NOWICKI, Presiding member  
Mr Paul LEMMENS  
Ms Christine CHINKIN

Assisted by  
Ms Anila PREMTI, Acting 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. PROCEEDINGS BEFORE THE PANEL**

1. The complaint was lodged with the Panel on 31 March 2010 and registered on 15 April 2010.

### **II. THE FACTS**

2. The complainant states that on two occasions, namely on 22 July 2003 and 29 October 2003, he was a victim of theft. As a result he lost two cows, one calf and a tractor.

### **III. THE COMPLAINT**

3. The complainant seeks payment of compensation for the loss of his possessions as a result of the thefts.
4. The Panel considers that the complainant is invoking a violation of his right to the peaceful enjoyment of his property, as guaranteed by Article 1 of Protocol No. 1 to the European Convention on Human Rights.

### **IV. THE LAW**

5. Before considering the case on its merits the Panel has to decide whether to accept the case, taking into account the admissibility criteria set out in Sections 1, 2 and 3 of UNMIK Regulation No. 2006/12.
6. The Panel recalls that, according to Section 2 of UNMIK Regulation No. 2006/12, it has jurisdiction only over “complaints relating to alleged violations of human rights that had occurred not earlier than 23 April 2005 or arising from facts which occurred prior to this date where these facts give rise to a continuing violation of human rights”.
7. The Panel considers that thefts are instantaneous acts, which do not give rise to any possible continuous situation (see European Court of Human Rights, *Jovanović*, no. 59109/00, decision of 28 February 2002; HRAP, *Lajović*, no. 09/08, decision of 16 July 2008, § 7).
8. The Panel notes that according to the complainant the thefts occurred on 22 July 2003 and on 29 October 2003.
9. It follows that the complaint lies outside the Panel’s jurisdiction *ratione temporis*.

### **FOR THESE REASONS,**

The Panel, unanimously,

### **DECLARES THE COMPLAINT INADMISSIBLE.**

Anila PREMTI  
Acting Executive Officer

Marek NOWICKI  
Presiding Member