DECISION

Date of adoption: 13 May 2011

Case No. 72/10

Radoje DENOVIĆ

against

UNMIK

The Human Rights Advisory Panel sitting on 13 May 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 introduced on 31 March 2010 and registered on 15 April 2010.

II. THE FACTS

2. According to the complainant, he was dismissed from his workplace in the Mitrovicë/Mitrovica branch office of the insurance company "Kosmet", in June 1999.

III. THE COMPLAINT

3. The complainant complains about his dismissal from work.

IV. THE LAW

4. 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.

5. 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".

6. The Panel considers that the dismissal from work was an instantaneous act, which does not give rise to any possible continuous situations (see European Court of Human Rights, *Jovanović*, no. 59109/00, decision of 28 February 2002).

7. The Panel notes that the dismissal allegedly occurred in June 1999.

8. 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   Marek NOWICKI
Acting Executive Officer   Presiding Member