



DECISION

Date of adoption: 13 April 2011

Case No. 51/10

Slavica NOVOKMET

against

UNMIK

The Human Rights Advisory Panel sitting on 13 April 2011,
with the following members taking part:

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, including through electronic means, in accordance with Rule 13 § 2 of its Rules of Procedure, decides as follows:

I. PROCEEDINGS BEFORE THE PANEL

1. The complaint was introduced on 31 March 2010 and registered on the same date.

II. THE FACTS

2. According to the complainant, she was expelled in June 1999 from her home and dismissed from her workplace in the kindergarten “Djurdjevak” in Prishtinë/Priština. In 1999 she left Kosovo and has been living as a displaced person in Serbia since then.

III. THE COMPLAINT

3. The complainant complains about the fact that she has been banished from her home and her workplace. She generally invokes the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights.

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 complainant’s expulsion from her home and her dismissal from work were instantaneous acts which do 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 expulsion as well as the dismissal allegedly occurred in 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
Acting Executive Officer

Marek NOWICKI
Presiding Member