The Human Rights Advisory Panel
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OPINION

Date of adoption: 13 May 2011

Cases nos. 30/08 Danica LALIĆ; 66/08, Slobodan DRAGOJEVIĆ; 24/09 Sreten CAMOVIĆ; 25/09, Miljazim KRASNIĆI; 26/09 Petar BOJIĆ; 28/09 Bajram RAMA; 33/09 Boško ANTIĆ; 115/09 Dragoslav MLADENOVIĆ; 183/09 Luka ANĐELKOVIĆ; 186/09 Draginja VUJAČIĆ; 198/09 Plana FOLIĆ; 305/09 Jefka LJAKIĆ; 316/09 Ruza SIMIĆ; and 350/09 Malina AĐANČIĆ

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 complaints, 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, makes the following findings and recommendations:

I. PROCEEDINGS BEFORE THE PANEL

1. The complaint of Ms Danica Lalić (case no. 30/08) was lodged and registered on 18 July 2008; the complaint of Mr Slobodan Dragojević (case no. 66/08) was lodged and registered on 15 December 2008; the complaint of Mr Sreten Camović (case no. 24/09) was lodged and registered on 21 January 2009; the complaints of Mr Miljazim Krasnići (case no. 25/09) and Mr Petar Bojić (case no. 26/09) were lodged on 31 January 2009 and registered on 2 February 2009; the complaint of

Mr Bajram Rama (case no. 28/09) was lodged on 31 January 2009 and registered on 2 February 2009; the complaint of Mr Boško Antić (case no. 33/09) was lodged on 20 February 2009 and registered on 27 February 2009; the complaints of Mr Dragoslav Mladenović (case no. 115/09), Mr Luka Anđelković (case no. 183/09), Ms Draginja Vujačić (case no. 186/09), and Ms Plana Folić (case no. 198/09), were lodged and registered on 30 April 2009; the complaint of Ms Jefka Ljakić (case no. 305/09) was lodged on 28 April 2009 and registered on 10 July 2009; the complaint of Ms Ruza Simić (case no. 316/09) was lodged and registered on 11 November 2009; and the complaint of Ms Malina Ađančić (case no. 350/09) was lodged and registered on 18 December 2009.

2. In the proceedings before the Panel, Mr Rama, Mr Dragojević and Mr Antić were initially represented by the Danish Refugee Council (DRC). However, the DRC withdrew from participation in the proceedings before the Panel in December 2009.

3. By decision of 21 January 2011 the Panel declared the complaint in the case of Ms Simić (case no. 316/09) admissible in part.

4. On 15 March 2011 the SRSG submitted a response to the Panel's decision of 21 January 2011.

5. By decision of 23 February 2011 the Panel joined the thirteen other complaints in Lalić and Others (cases nos 30/08 and others) and declared them admissible in part.

6. On 21 April 2011 the SRSG submitted a response to the Panel's decision of 23 February 2011.

II. THE FACTS

7. All the complainants are residents of Kosovo currently living as displaced persons in Serbia. They were owners of real property in Kosovo. They lived there until 1999 when they left Kosovo. Subsequently, they became aware that their property had been damaged or destroyed during the second half of 1999.

8. All complainants lodged claims seeking compensation for the damage caused to their property with the competent courts against UNMIK, KFOR, the Kosovo Provisional Institutions of Self-Government (PISG) and the relevant municipalities, with the exception of Ms Vujačić and Mr Dragojević who directed their claims only against the municipality and the PISG. Their claims were lodged in the second half of 2004, with the exception of Mr Rama, who submitted his claim in 2005.

9. By the end of 2008, the courts had not contacted the complainants, and no hearings had been scheduled.

10. Approximately 17,000 compensation claims were lodged in 2004 before Kosovo courts, the vast majority of which by ethnic Serbs who because of the hostilities had left their homes in Kosovo in 1999 and whose property was later damaged or destroyed. With a view to meeting the statutory five-year time-limit for submitting civil compensation claims, these claimants lodged their claims around the same

time in 2004. The claims were directed against some combination of UNMIK, KFOR, the PISG and the relevant municipality (see Human Rights Advisory Panel (HRAP), *Milogorić and Others*, cases nos. 38/08, 58/08, 61/08, 63/08 and 69/08, opinion of 24 March 2010, at § 1; for the legal basis upon which the claimants based their claim, see the same opinion, at § 5).

11. With respect to these cases the Director of the UNMIK Department of Justice (DOJ) sent a letter to all municipal and district court presidents and to the President of the Supreme Court of Kosovo on 26 August 2004. In the letter, the Director of DOJ mentioned that "over 14,000" such claims had been lodged. He referred to "the problems that such a huge influx of claims will pose for the courts", and asked that "no [such] case be scheduled until such time as we have jointly determined how best to effect the processing of these cases" (for the full text of the letter, see the *Milogorić and Others* opinion, cited in § 10 above, at § 6).

12. On 15 November 2005, the DOJ called on the courts to begin processing claims for damages caused by identified natural persons and for damages caused after October 2000, considering that the "obstacles to the efficient processing of these cases" did not exist any longer. Claims related to events arising before October 2000, were not affected by this letter.

13. On 28 September 2008 the Director of DOJ advised the courts that cases which had not been scheduled according to the 26 August 2004 request should now be processed.

14. On 9 December 2008, UNMIK's responsibility with regard to the judiciary in Kosovo ended with the European Union Rule of Law Mission in Kosovo (EULEX) assuming full operational control in the area of the rule of law, following the Statement made by the President of the United Nations Security Council on 26 November 2008 (S/PRST/2008/44), welcoming the continued engagement of the European Union in Kosovo.

15. The circumstances of the individual cases at issue are outlined in the annex to this opinion.

III. THE COMPLAINTS

16. Insofar as the complaints have been declared admissible, the complainants in substance allege that the proceedings concerning their claims for damages for destroyed property were stayed, thus making it impossible for them to obtain the determination of their claims, in breach of their right of access to a court under Article 6 § 1 of the European Convention on Human Rights (ECHR). They also complain that, as a result of the stay, the proceedings have not been concluded within a reasonable time, in breach of Article 6 § 1 of the ECHR. Finally, they allege that for the same reason their right to an effective remedy under Article 13 of the ECHR has been violated as well.

IV. JOINDER OF THE COMPLAINTS

17. The Panel decides, pursuant to Rule 20 of its Rules of Procedure, to join the complaint in the case of Ruza Simić (case no. 316/09) to the other thirteen already joined complaints in the cases of Lalić and Others (cases nos. 30/08 and others).

V. THE LAW

Alleged violations of Article 6 § 1 of the ECHR

18. The Panel notes that the cases of the complainants raise an issue the substance of which has already been submitted to the Panel by other complainants. The Panel recalls that in, for instance, the joined cases of *Milogorić and Others* (cited in § 10 above), it examined complaints by five complainants who were also owners of real property in Kosovo. In 1999, fearing hostilities, they too left their homes in Kosovo. Their property was damaged or destroyed during the second half of 1999, after the entry into Kosovo of UNMIK and KFOR. These complainants also filed claims in 2004 before the competent municipal courts against UNMIK, KFOR, the PISG and the relevant municipalities, seeking compensation for the damage caused to their property. They too had not been contacted by the courts and no hearing had been scheduled, due to the above mentioned intervention by the DOJ which halted the judicial proceedings from August 2004 to September 2008.

19. In *Milogorić* the Panel found that "the fact that, for a long period of time, the complainants were prevented from having their compensation claims determined by the courts as a consequence of the interference by the DOJ, constituted a violation of Article 6 § 1 of the ECHR", more specifically of their right of access to a court (HRAP, *Milogorić and Others*, cited above, § 46). The Panel further found that "it [was] not necessary to examine separately the issue of the length of the proceedings" (same opinion, at § 48).

20. In his responses the SRSG provided detailed arguments, based on the jurisprudence of the European Court of Human Rights (ECtHR). The SRSG argues among other things that UNMIK's request that the proceedings be stayed must be considered to have had a legitimate aim, and that in the circumstances of post-conflict Kosovo and its burgeoning judicial system, the temporary stay was the only way for UNMIK to deal with the exceptional situation with which the Kosovo judicial system was faced, caused by the influx of compensation claims. The SRSG also argues that there was a reasonable proportionality between the means employed and the aim sought to be achieved, because a fair balance was struck between the demands of the general interest of society and the requirements for the protection of the individuals' fundamental rights. According to the SRSG, the reasonableness of the length of proceedings is to be assessed in the light of the particular circumstances of the case, and the ECtHR applies three criteria in particular: the conduct of the judicial authorities, the complexity of the case, and the conduct of the applicant. Only delays attributable to the State cause a violation of the reasonable time requirement. The SRSG then analyses in detail the application of the above three criteria in the context of Kosovo and as they relate to the complainants.

21. As regards the conduct of the complainants, the SRSG argues that the majority of them have not presented any evidence to show that they in any way ever enquired

as to the progress of their cases, or complained that their cases were not progressing and should progress within either the local courts in Kosovo, the DOJ or any other UNMIK or PISG organ, including the Court Liaison Offices. Nor have the complainants complained to EULEX subsequent to its deployment in Kosovo in December 2008. The SRSG also argues that some of the complainants have not shown that they took any steps to repossess their property following the decisions of the Housing and Property Claims Commission (HPCC) made between June 2003 and October 2008.

22. The Panel recalls that it already considered and rejected most of these arguments in *Milogorić and Others* (cited in § 10 above) and in *Berisha and Others* (HRAP, cases nos. 27/08 and others, opinion of 23 February 2011, § 24). It found that it is true that UNMIK's interim character and related difficulties must be duly taken into account with regard to a number of situations, but under no circumstances could these elements be taken as a justification for diminishing standards of respect for human rights, which were duly incorporated into UNMIK's mandate (*Milogorić and Others,* § 44; *Berisha and Others,* § 25).

23. The Panel sees no reason to depart from its findings in the cases of *Milogorić and Others* and *Berisha and Others*.

24. The SRSG's arguments relating to the alleged inactivity of the complainants are new, in the sense that they were not addressed by the Panel in the cases of *Milogorić and Others* and *Berisha and Others*.

25. Regarding the alleged failure of the complainants to enquire with the relevant court about the progress of their cases, the Panel notes that once the complainants had filed their claims they could reasonably expect that a date for a hearing would be set. They were not obliged to take any further steps. Moreover, the suspension of the examination of their cases was not due to reasons relating to the functioning of the relevant court but was the consequence of a general letter sent by the Director of the DOJ to the courts. In these circumstances, enquiring with the relevant court about the state of the proceedings in a given case could not have had any effect on the actual progress of that case. The Panel therefore finds that the complainants cannot be blamed for not having enquired as to the progress of their cases.

26. As to the argument that the complainants did not enquire with EULEX about the progress of their cases, subsequent to EULEX's deployment in December 2008, the Panel finds that this issue is irrelevant for the examination of the complaints, as the complaints relate to a situation that lasted until September 2008 (see § 13). Moreover, the situation after December 2008 falls in any event outside UNMIK's responsibility (see § 14).

27. Finally, insofar as the SRSG argues that some of the complainants did not show that they took steps to repossess their property following a decision taken in their favour by the HPCC between June 2003 and October 2008, the Panel also finds this argument irrelevant. The complainants' claims with the HPCC concerned the recognition of their property rights, while their claims with the courts concerned compensation for damage to their property. These two sorts of claim are different in nature. The decisions taken by the HPCC could not have any bearing on the processing of the compensation claims by the courts.

28. In the light of the foregoing, the Panel finds that there has been a violation of Article 6 § 1 of the ECHR in respect of the inability of the complainants to have their claims determined by the courts, and that it is not necessary to examine separately the issue of the length of the proceedings.

Alleged violation of Article 13 of the ECHR

29. The Panel finds that the complaints under Article 13 of the ECHR (right to an effective remedy) concern essentially the same issues as those discussed under Article 6 § 1. In these circumstances, it finds that no separate issues arise under Article 13 of the ECHR (HRAP, *Milogorić and Others*, cited above, § 49).

VI. RECOMMENDATIONS

30. In light of the Panel's findings in this case, the Panel is of the opinion that some form of reparation is necessary.

31. It would normally be for UNMIK to take the appropriate measures in order to put an end to the violation noted and to redress as far as possible the effects thereof. However, as the Panel noted above, UNMIK's responsibility with regard to the judiciary in Kosovo ended on 9 December 2008, with EULEX assuming full operational control in the area of rule of law. UNMIK therefore is no longer in a position to take measures that will have a direct impact on proceedings pending before the municipal courts.

32. The Panel considers that this factual situation does not relieve UNMIK from its obligation to redress as far as possible the effects of the violations for which it is responsible. In line with the case law of the ECtHR on situations of reduced State jurisdiction, the Panel is of the opinion that UNMIK must endeavour, with all the diplomatic means available to it *vis-à-vis* the Kosovo authorities, to obtain assurances that the cases filed by the complainants will be duly processed (see HRAP, *Milogorić and Others*, cited above, § 49, and compare ECtHR (Grand Chamber), *Ilaşcu and Others v. Moldova and Russia*, no. 48787/99, judgment of 8 July 2004, *ECHR*, 2004-VII, § 333; ECtHR, *Al-Saadoon and Mfudhi v. United Kingdom*, no. 61498/08, judgment of 2 March 2010, § 171).

33. The Panel further considers that UNMIK should take appropriate steps towards adequate compensation for each of the complainants for non-pecuniary damage suffered as a result of the prolonged stay of the proceedings instituted by them.

FOR THESE REASONS,

The Panel, unanimously,

1. FINDS THAT THERE HAS BEEN A VIOLATION OF ARTICLE 6 § 1 OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS IN RESPECT OF THE INABILITY OF THE COMPLAINANTS TO HAVE THEIR CLAIMS DETERMINED BY THE COURTS;

2. FINDS THAT THERE IS NO NEED TO EXAMINE THE COMPLAINTS UNDER ARTICLE 6 § 1 OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS AS TO THE LENGTH OF THE PROCEEDINGS;

3. FINDS THAT THERE IS NO NEED TO EXAMINE THE COMPLAINTS UNDER ARTICLE 13 OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS;

4. RECOMMENDS THAT UNMIK:

a. URGE THE COMPETENT AUTHORITIES IN KOSOVO TO TAKE ALL POSSIBLE STEPS IN ORDER TO ASSURE THAT THE COMPLAINANTS' CASES WILL BE DECIDED WITHOUT ANY FURTHER DELAY;

b. TAKE APPROPRIATE STEPS TOWARDS ADEQUATE COMPENSATION FOR EACH OF THE COMPLAINANTS FOR NON-PECUNIARY DAMAGE;

c. TAKE IMMEDIATE AND EFFECTIVE MEASURES TO IMPLEMENT THE RECOMMENDATIONS OF THE PANEL AND INFORM THE COMPLAINANTS AND THE PANEL ABOUT FURTHER DEVELOPMENTS IN THIS CASE.

Anita PREMTI
Acting Executive Officer

Marek NOWICKI
Presiding Member

Annex

Case no. 30/08, Danica LALIĆ

1. The complainant is a resident of Kosovo currently living as a displaced person in Serbia.

2. She is the owner of two residential houses, auxiliary buildings, and land, located in Lipjan/Lipljan, where she lived until 1999. She was informed by her friends that her property had been destroyed during the second half of 1999.

3. On 24 May 2004 the complainant lodged a compensation lawsuit before the Municipal Court of Lipjan/Lipljan against the Municipality of Lipjan/Lipljan, the PISG, UNMIK and KFOR seeking compensation for the destruction of her property. She claims 331,000 euros in compensation for this damage.

4. By the end of 2008, the Municipal Court had not contacted the complainant and no hearing had been scheduled.

Case no. 66/08, Slobodan DRAGOJEVIĆ

5. The complainant is a resident of Kosovo currently living as a displaced person in Serbia.

6. The complainant is the owner of a residential house, auxiliary buildings and land located in the Municipality of Ferizaj/Uroševac, where he lived until June 1999. He was informed by his neighbours that his property had been destroyed during the second half of 1999.

7. On 26 October 2004 the complainant lodged a compensation lawsuit before the Municipal Court of Ferizaj/Uroševac against the Municipality of Ferizaj/Uroševac and the PISG, seeking compensation for the destruction of his property. He claims 85,000 euros in compensation for this damage.

8. By the end of 2008, the Municipal Court had not contacted the complainant and no hearing had been scheduled.

Case no. 24/09, Sreten CAMOVIĆ

9. The complainant is a resident of Kosovo currently living as a displaced person in Serbia.

10. The complainant is the owner of three residential houses, auxiliary buildings and land located in the Municipality of Gjakovë/Đakovica, where he lived until June 1999. He was informed by his neighbours that his property had been destroyed during the second half of 1999.

11. On 19 May 2004 the complainant lodged a compensation lawsuit before the District Court of Prishtinë/Priština against the Municipality of Gjakovë/Đakovica, the PISG, UNMIK and KFOR seeking compensation for the destruction of his property. He claims 945,000 euros in compensation for this damage.

12. By the end of 2008, the District Court had not contacted the complainant and no hearing had been scheduled.

Case no. 25/09, Miljazim KRASNIĆI

13. The complainant is a resident of Kosovo currently living as a displaced person in Serbia.

14. The complainant is the owner of a residential house, auxiliary buildings and land located in the Municipality of Gjakovë/Đakovica, where he lived until June 1999. He was informed by his friend that his property had been destroyed during the second half of 1999.

15. On 12 August 2004 the complainant lodged a compensation lawsuit before the Municipal Court of Gjakovë/Đakovica against the Municipality of Gjakovë/Đakovica, the PISG, UNMIK and KFOR seeking compensation for the destruction of his property. He claims 134,000 euros in compensation for this damage.

16. By the end of 2008, the Municipal Court had not contacted the complainant and no hearing had been scheduled.

Case no. 26/09, Petar BOJIĆ

17. The complainant is a resident of Kosovo currently living as a displaced person in Serbia.

18. The complainant is the owner of a residential house, auxiliary buildings and land located in the Municipality of Istog/Istok, where he lived until June 1999. He was informed by his neighbours that his property had been destroyed during the second half of 1999.

19. On 20 May 2004 the complainant lodged a compensation lawsuit before the District Court of Peja/Peć against the Municipality of Istog/Istok, the PISG, UNMIK and KFOR seeking compensation for the destruction of his property. He claims 174,000 euros in compensation for this damage.

20. By the end of 2008, the District Court had not contacted the complainant and no hearing had been scheduled.

Case no. 28/09, Bajram RAMA

21. The complainant is a resident of Kosovo currently living as a displaced person in Serbia.

22. The complainant is the owner of two residential houses, auxiliary buildings and land located in the Municipality of Prishtinë/Priština, where he lived until June 1999. He found out by an HPD decision taken in his case that his property had been destroyed during the second half of 1999.

23. On 8 August 2005 the complainant lodged a compensation lawsuit before the District Court of Prishtina/Priština against the Municipality of Prishtina/Priština,

the PISG, UNMIK and KFOR seeking compensation for the destruction of his property. He claims 135,400 euros in compensation for this damage.

24. By the end of 2008, the District Court had not contacted the complainant and no hearing had been scheduled.

Case no. 33/09, Boško ANTIĆ

25. The complainant is a resident of Kosovo currently living as a displaced person in Serbia.

26. The complainant is the owner of a residential house, auxiliary buildings and land located in the Municipality of Vushtrri/Vučitrn, where he lived until June 1999. He was informed by his neighbours that his property had been destroyed during the second half of 1999.

27. On 28 May 2004 the complainant lodged a compensation lawsuit before the Municipal Court of Vushtrri/Vučitrn against the Municipality of Vushtrri/Vučitrn, the PISG, UNMIK and KFOR seeking compensation for the destruction of his property. He claims 268,000 euros in compensation for this damage.

28. By the end of 2008, the Municipal Court had not contacted the complainant and no hearing had been scheduled.

Case no. 115/09, Dragoslav MLADENOVIĆ

29. The complainant is a resident of Kosovo currently living as a displaced person in Serbia.

30. He is the owner of a residential house, and land located in the Municipality of Vushtrri/Vučitrn, where he lived until June 1999. He was informed by his neighbours that his property had been destroyed during the second half of 1999.

31. In 2004 the complainant lodged a compensation lawsuit before the District Court of Prishtina/Priština against the Municipality of Vushtrri/Vučitrn, the PISG, UNMIK and KFOR seeking compensation for the destruction of his property. He claims 167,000 euros in compensation for this damage.

32. By the end of 2008, the District Court had not contacted the complainant and no hearing had been scheduled.

Case no. 183/09, Luka ANĐELKOVIĆ

33. The complainant is a resident of Kosovo currently living as a displaced person in Serbia.

34. The complainant is the owner of a residential house, auxiliary buildings and land located in the Municipality of Prizren, where he lived until June 1999. He was informed by his neighbours that his property had been destroyed during the second half of 1999.

35. On 13 September 2004 the complainant lodged a compensation lawsuit before the Municipal Court of Prizren against the Municipality of Prizren, the PISG, UNMIK

and KFOR seeking compensation for the destruction of his property. He claims 226,000 euros in compensation for this damage.

36. By the end of 2008, the Municipal Court had not contacted the complainant and no hearing had been scheduled.

Case no. 186/09 Draginja VUJAČIĆ

37. The complainant is a resident of Kosovo currently living as a displaced person in Serbia.

38. She is the owner of two residential houses, auxiliary buildings and land located in the Municipality of Istog/Istok where she lived until June 1999. She was informed by her friends that her property had been destroyed during the second half of 1999.

39. On 1 December 2004 the complainant lodged a compensation lawsuit before the Municipal Court of Istog/Istok against the Municipality of Istog/Istok, and the PISG, seeking compensation for the destruction of his property. She claims 60,000 euros in compensation for this damage.

40. By the end of 2008, the Municipal Court had not contacted the complainant and no hearing had been scheduled.

Case no. 198/09 Plana FOLIĆ

41. The complainant is a resident of Kosovo currently living as a displaced person in Serbia.

42. She is the owner of one residential house, auxiliary buildings and land located in the Municipality of Gjakovë/Đakovica where she lived until June 1999. She was informed by her friends that her property had been destroyed during the second half of 1999. She also complains about the destruction of her family car Ford model.

43. On 9 July 2004 the complainant lodged a compensation lawsuit before the Municipal Court of Gjakovë/Đakovica against the Municipality of Gjakovë/Đakovica, the PISG, UNMIK and KFOR seeking compensation for the destruction of her property. She claims 210,000 euros in compensation for this damage.

44. By the end of 2008, the Municipal Court had not contacted the complainant and no hearing had been scheduled.

Case no. 305/09 Ms Jefka LJAKIĆ

45. The complainant is a resident of Kosovo currently living as a displaced person in Serbia.

46. She is the owner of one residential house, and land located in the Municipality of Prizren where she lived until June 1999. She was informed by her friends that her property had been destroyed during the second half of 1999.

47. On 13 September 2004 the complainant lodged a compensation lawsuit before the Municipal Court of Prizren against the Municipality of Prizren, the PISG, UNMIK and KFOR seeking compensation for the destruction of her property. She claims 195,000 euros in compensation for this damage.

48. By the end of 2008, the Municipal Court had not contacted the complainant and no hearing had been scheduled.

Case no. 316/09, Ruza SIMIĆ

49. The complainant is a resident of Kosovo currently living as a displaced person in Serbia.

50. She is the owner of a flat located in Rahovec/Orahovac. She lived there with her family until October 1999 when they left Kosovo. Later on, in 2003, the complainant became aware that her flat was occupied and the movable property in it was destroyed.

51. In July 2004, the complainant lodged a compensation lawsuit before the Municipal Court of Rahovec/Orahovac against UNMIK, KFOR, the PISG, and the Municipality of Rahovec/Orahovac seeking compensation for the damage caused to her flat. She claims 72,000 euros in compensation for this damage.

52. By the end of 2008, the Municipal Court had not contacted the complainant and no hearing had been scheduled.

Case no. 350/09 Malina AĐANČIĆ

53. The complainant is a resident of Kosovo currently living as a displaced person in Serbia.

54. She is the owner of a residential house, auxiliary buildings and land located in the Municipality of Obiliq/Obilić where she lived until June 1999. She was informed by her friends that her property had been destroyed during the second half of 1999.

55. On 15 July 2004 the complainant lodged a compensation lawsuit before the Municipal Court of Prishtinë/Priština against the Municipality of Obiliq/Obilić, the PISG, UNMIK and KFOR seeking compensation for the destruction of her property. She claims 200,000 euros in compensation for this damage.

56. By the end of 2008, the Municipal Court had not contacted the complainant and no hearing had been scheduled.