



The Human Rights Advisory Panel

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DECISION

Date of adoption: 9 June 2011

Case No. 31/10

Tihomir Staletović

against

UNMIK

The Human Rights Advisory Panel sitting on 9 June 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 29 March 2010 and registered on the same date.

II. THE FACTS

2. According to the complainant, in June 1999 he was dismissed from his workplace at the enterprise for the transport of passengers “Polet” in Ferizaj/Uroševac.

III. THE COMPLAINT

3. The complainant complains about the fact that since his dismissal he does not receive any financial or other type of compensation. He complains that he was left without the necessary financial means to support his family and without a place to live.

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 dismissal from work is an instantaneous act, which does not give rise to any possible continuous situation (see European Court of Human Rights, *Jovanović*, no. 59109/00, decision of 28 February 2002).
7. The Panel notes that the dismissal of the complainant 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
Acting Executive Officer

Marek NOWICKI
Presiding Member