



The Human Rights Advisory Panel

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DECISION

Date of adoption: 15 September 2011

Case No. 49/10

Milorad SEKULIĆ

against

UNMIK

The Human Rights Advisory Panel, sitting on 15 September 2011, with the following members present:

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

Assisted by
Mr Andrey ANTONOV, 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 the same date.
2. On 27 April 2011 the Panel sent a letter requesting additional information from the complainant. On 8 May 2011 the complainant sent his response.

II. THE FACTS

3. The complainant is a former resident of Kosovo, currently residing in Serbia. He states that in June 1999 he had to leave Kosovo due to hostilities. Following his departure, he was dismissed from his workplace at the “JKP Vodovod i Kanalizacija” (Water Supply and Sewerage System) in Prishtinë/Priština.

III. THE COMPLAINT

4. The complainant complains about the fact that since his dismissal he has not received any financial or other type of compensation. He also complains that he was left without income.

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 the dismissal from work is an instantaneous act, which does not give rise to any possible continuous situation (see Human Rights Advisory Panel, *Novokmet*, no. 51/10, decision of 13 April 2011, § 6).
8. The Panel notes that the dismissal allegedly occurred in June 1999.
9. It follows that the complaint lies outside the Panel’s jurisdiction *ratione temporis*.

FOR THESE REASONS,

The Panel, unanimously,

DECLARES THE COMPLAINT INADMISSIBLE.

Andrey ANTONOV
Executive Officer

Marek NOWICKI
Presiding Member