



## DECISION

**Date of adoption: 26 November 2011**

**Case No. 280/09**

**Nedeljko IVKOVIĆ**

**against**

**UNMIK**

The Human Rights Advisory Panel sitting on 26 November 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 2 April 2009 and registered on 30 April 2009.

2. On 8 June 2009 and 24 November 2010, the Panel requested the complainant to submit additional information. On 6 September 2011, in a follow-up telephone conversation from the Panel, the complainant informed that he had received the Panel's request of 24 November 2010 and that he intended to submit a response. No response has been received since then.

## **II. THE FACTS**

3. The complainant is a Kosovo resident currently residing in Serbia. Although the complainant did not include any specific details in his application to the Panel, it can be surmised through the supplementary documentation that accompanied the application that the complainant filed a property claim with the Kosovo Property Agency (KPA) on 4 March 2008. This KPA claim alleges that the complainant was the heir to several properties of his late aunt, consisting of buildings, meadows and forests in the village of Qerim/Ćerim, Municipality of Gjakovë/Đakovica.
4. The complainant further alleges that he fled Kosovo after KFOR's deployment in June 1999 and heard through friends in December 2003 that the above-mentioned properties had been usurped and destroyed.

## **III. THE COMPLAINT**

5. The complainant complains in general terms that his human right to the peaceful enjoyment of his property has been violated.

## **IV. THE LAW**

6. 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.
7. Pursuant to Section 3.3 of the Regulation the Panel shall declare inadmissible any complaint which it considers incompatible with the human rights set out in the human rights instruments within the Panel's jurisdiction, or which it considers manifestly ill-founded.
8. The complaint does not provide any specific details or information which would allow the Panel to assess whether a human rights violation may have occurred.
9. In these circumstances the Panel holds the complaint to be unsubstantiated and therefore manifestly ill-founded.

**FOR THESE REASONS,**

The Panel, unanimously,

**DECLARES THE COMPLAINT INADMISSIBLE.**

Andrey ANTONOV  
Executive Officer

Marek NOWICKI  
Presiding Member