



# *The Human Rights Advisory Panel*

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## **DECISION**

**Date of adoption: 16 December 2011**

**Case No. 65/10**

**Todor VESELINOVIĆ**

**against**

**UNMIK**

The Human Rights Advisory Panel, sitting on 16 December 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 8 April 2010.

### **II. THE FACTS**

2. The complainant is a former employee of the company “NIS (Naftna Industrija Srbije) Jugopetrol” in Smederevo, Serbia. He states that his employment with the

company was illegally terminated by decision of the company dated 15 February 1993.

3. The complainant states that on 2 February 2005, he lodged a lawsuit with the Municipal Court of Smederevo against "NIS Jugopetrol" requesting the reinstatement in his workplace and the payment of arrears of salary and pension contributions. It seems that the Municipal Court of Smederevo issued a decision, which was later annulled by the District Court of Smederevo.
4. Related to this civil case are various criminal complaints filed by the complainant against the former director and other senior employees of "NIS Jugopetrol", relating to evidence submitted in the civil proceedings in favour of the company. According to the complainant, the trials before the Municipal Court of Smederevo, relating to the criminal complaints, have been postponed several times.
5. Because of the postponement of the criminal trials, there is also no further action in the civil case. That case is still pending before the Municipal Court of Smederevo.

### **III. THE COMPLAINT**

6. The complainant complains about the conduct of the judicial authorities in the civil and criminal proceedings brought by him.

### **IV. THE LAW**

7. 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.
8. According to Section 1.2 of the Regulation, the Panel has jurisdiction over complaints relating to alleged violations of human rights by UNMIK.
9. In the present case the complainant complains about the fact that the Municipal Court of Smederevo did not properly address the claims and complaints he filed against his former employer and senior employees.
10. The Panel finds that the object of the present complaint concerns decisions or actions exclusively imputable to the judicial authorities of the Republic of Serbia. The matter complained of in no way engages the responsibility of UNMIK.
11. It follows that the complaint lies outside the jurisdiction *ratione personae* of the Panel.

**FOR THESE REASONS,**

The Panel, unanimously,

**DECLARES THE COMPLAINT INADMISSIBLE.**

Andrey ANTONOV  
Executive Officer

Marek NOWICKI  
Presiding Member