



The Human Rights Advisory Panel

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DECISION

Date of adoption: 21 December 2011

Case No. 78/10

Blagica SAVIĆ

against

UNMIK

The Human Rights Advisory Panel, on 21 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, including through electronic means, in accordance with Rule 13 § 2 of its Rules of Procedure, decides as follows:

I. PROCEEDINGS BEFORE THE PANEL

1. The complaint was introduced on 31 March 2010 and registered on 20 April 2010.

II. THE FACTS

2. The complainant is a resident of Kosovo. She states that she was employed by the socially-owned enterprise “NSH Fabrika e Veglave” / “DP Fabrika alata i elektricni aparata” in Ferizaj/Uroševac, from 11 October 1993 presumably until June 1999. As the enterprise was privatised, the Privatisation Agency of Kosovo (PAK) on 21 May 2009 published the final list of workers considered to be eligible for receiving 20% of the privatisation proceeds. The complainant was not included in the list.
3. The decision of the PAK was appealed to the Special Chamber of the Supreme Court of Kosovo on the Kosovo Trust Agency Related Matters (Special Chamber) by a number of individuals, including the complainant, who filed her appeal on 13 June 2009. The proceedings before the Special Chamber are still pending.

III. THE COMPLAINT

4. The complainant complains about the fact that she has not been included in the final list of workers eligible for receiving a part of the proceeds of the privatisation of the company for which she had worked.

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. According to Section 1.2 of the Regulation, the Panel has jurisdiction over complaints relating to alleged violations of human rights by UNMIK.
7. The Panel notes that the list of workers considered to be eligible for receiving a part of the privatisation proceeds was adopted by the PAK, an institution set up by the Kosovo authorities. The PAK took over the functions previously exercised by the Kosovo Trust Agency (see report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo, 24 November 2008, S/2008/692, § 20).
8. The final decision on the issue is to be taken by the Special Chamber. In this respect it should be noted that on 9 December 2008, UNMIK’s responsibility with regard to police and justice 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. It follows that already on 13 June 2009, when the complainant filed her complaint with the Special Chamber, UNMIK was no longer exercising executive authority over the Kosovo judiciary and had no responsibility for any violation of human rights allegedly committed by

them (see Human Rights Advisory Panel, *Islami*, no. 13/10, decision of 16 September 2011, § 20).

9. The complaint therefore is outside of the Panel's jurisdiction *ratione personae*.

FOR THESE REASONS,

The Panel, unanimously,

DECLARES THE COMPLAINT INADMISSIBLE.

Andrey ANTONOV
Executive Officer

Marek NOWICKI
Presiding Member