



The Human Rights Advisory Panel

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DECISION

Date of adoption: 17 February 2012

Cases Nos. 26/10, Slaviša DOBROSAVLJEVIĆ; 39/10, Zorica DEJIĆ; 83/10, Živojin PERIĆ;

against

UNMIK

The Human Rights Advisory Panel, on 17 February 2012,
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 complaints, 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 of Mr Slaviša Dobrosavljević (case no. 26/10) was introduced and registered on 29 March 2010, the complaint of Mrs Zorica Dejić (case no. 39/10) was introduced on 29 March 2010 and registered on 30 March 2010, and the complaint of Mr Živojin Perić (case no. 83/10) was introduced on 29 March 2010 and registered on 1 April 2010.

II. THE FACTS

2. The complainants are all residents of Kosovo. They state that they were employed by various socially-owned enterprises in Kosovo until 1999; specifically, Mr Dobrosavljević was employed with “Boško Cakić/Mustafa Rexhepi” in Ferizaj/Uroševac, Mrs Dejić was employed with “Farmed” in Prishtinë/Priština, and Mr Perić was employed with “Klokot Banja/Banja e Kllokotit” in Viti/Vitina. The complainants allege that after UNMIK deployed in June 1999 they were forced to leave their places of employment for security reasons.
3. Upon learning that her socially-owned enterprises was being privatised, Mrs Dejić filed a claim with the Kosovo Trust Agency (KTA) to be included among the workers considered to be eligible for receiving a share of 20% of the privatisation proceeds. The other two complainants did not file claims with the KTA, despite the fact that the enterprises where they were formerly employed were also privatised. When the KTA published its final lists of workers eligible for receiving 20% of the privatisation proceeds regarding these enterprises, none of the complainants were included in the respective lists.
4. The complainants appealed the KTA’s decisions to the Special Chamber of the Supreme Court of Kosovo on the Kosovo Trust Agency Related Matters (Special Chamber). On 31 January 2007, the Special Chamber issued a judgment rejecting Mr Dobrosavljević’s appeal for being ungrounded, as he had not established facts showing that his dismissal from the socially-owned enterprise where he had formerly worked had been for discriminatory reasons, and thus he was not eligible to obtain a share in the privatisation proceeds. On 31 January 2007, the Special Chamber issued a judgment rejecting Mr Perić’s appeal as inadmissible because it had been submitted outside of the legal deadline. On 28 February 2007, the Special Chamber issued a judgment rejecting Mrs Dejić’s appeal as inadmissible because it had been submitted outside of the legal deadline.

III. THE COMPLAINTS

5. The complainants complain about the fact that they have 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 they had worked.

IV. JOINDER OF THE COMPLAINTS

6. The Panel decides, pursuant to Rule 20 of its Rules of Procedure, to join the three complaints.

IV. THE LAW

7. Before considering a 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. Pursuant to Section 3.1 of UNMIK Regulation No. 2006/12, the Panel may only deal with a matter within six months from the date on which the final decision was taken. The purpose of the six-month rule is to promote legal certainty and to ensure that cases raising issues under UNMIK Regulation No. 2006/12 are dealt with within a reasonable time (see, for example, European Court of Human Rights (ECtHR), *Opuz v. Turkey*, no. 33401/02, judgment of 9 June 2009, § 110).
9. Where a complainant or his representative has been served with a written copy of the final decision, the object and purpose of the six-month requirement is best achieved by counting the six-month period as running from the date of service of that written decision (ECtHR, *Worm v. Austria*, judgment of 29 August 1997, *Reports of Judgments and Decisions*, 1997-V, p. 1547, § 33).
10. Although it is not clear from the complainants' submissions to the Panel when they or their representatives were served with written copies of the above-mentioned Special Chamber decisions, the last of which was issued on 28 February 2007, it is plausible to conclude that they were received within a reasonable time from the date on which they were issued.
11. The Panel notes that the complaints were introduced on 29 March 2010, more than three years after the issuance of the above-mentioned Special Chamber decisions.
12. Accordingly, the complaints fall outside the six-month time limit set by Section 3.1 of UNMIK Regulation No. 2006/12.

FOR THESE REASONS,

The Panel, unanimously,

DECLARES THE COMPLAINTS INADMISSIBLE.

Andrey ANTONOV
Executive Officer

Marek NOWICKI
Presiding Member