



# *The Human Rights Advisory Panel*

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## **DECISION**

**Date of adoption: 16 March 2012**

**Case No. 346/09**

**Javorka MILIĆEVIĆ**

**against**

**UNMIK**

The Human Rights Advisory Panel, on 16 March 2012,  
with the following members taking part:

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 and registered on 15 December 2009.
2. On 9 January 2012, the Panel requested additional information from the Kosovo Property Agency. On 11 January 2012, the Panel received the requested information.
3. On 9 January 2012, the Panel requested additional information from the complainant. Despite assurances that such information would be forthcoming, no such information has been received.

## **II. THE FACTS**

4. The complainant is a former resident of Kosovo currently residing in Serbia. She states that in August 1999 she left her property in the Municipality of Gjilan/Gnjilane for security reasons.
5. Additionally, she states that she was threatened by an individual who had usurped her property in Gjilan/Gnjilane and forced to sell it to him at an unfavourably low price. She states that the usurper then forged the terms of a contract and subsequently reneged on paying her even the reduced value specified in the contract.
6. On 26 March 2002, the complainant filed a claim with the Housing and Property Directorate requesting repossession of the property in Gjilan/Gnjilane that she had vacated. On 30 April 2005, the Housing and Property Claims Commission noted that the complainant had sold her property, and in fact sought revision of the sale agreement. It dismissed her claim as being outside its jurisdiction, and referred the claim to the competent court.
7. The complainant's son alleges that he has filed a private claim with the competent court in Gjilan/Gnjilane concerning the usurpation of the complainant's property, but he has not provided documentary evidence of such to the Panel.

## **III. THE COMPLAINT**

8. The complainant asks the Panel to assist her in the restitution of her property rights, which she claims were violated when she sold her property under pressure.

## **IV. THE LAW**

9. 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.
10. 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.
11. The Panel notes that the complainant complains about acts or omissions attributable to the person with whom she entered into a sale agreement. By contrast, the complaint lacks the required specific details or information which would allow the Panel to assess whether a human rights violation attributable to UNMIK may have occurred.
12. 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