The Human Rights Advisory Panel
Building D, UNMIK HQ Prishtinë/Priština, Kosovo | E-mail: hrap-unmik@un.org | Tel: +381 (0)38 504-604, ext. 5182

DECISION

Date of adoption: 06 April 2012

Case No. 84/10

Dragan KALABA

against

UNMIK

The Human Rights Advisory Panel, sitting on 06 April 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, 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 20 March 2010 and registered on 22 April 2010.

II. THE FACTS

2. The complainant is a resident of Northern Kosovo formerly employed with the company "EPS INKOS - Termoelektrane" in Obiliq/Obilić. The complainant states

that as of March 1999 he could not travel from Northern Kosovo and go to work due to security reasons. He states that his employment was terminated by the Kosovo Energy Company "KEK" as the successor to "EPS INKOS" in 2001.

III. THE COMPLAINT

3. The complainant complains about the fact that since his dismissal he has not received any financial or other type of compensation.

IV. THE LAW

4. 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.

5. The Panel recalls that, according to Section 2 of UNMIK Regulation No. 2006/12, it has jurisdiction only over "complaints relating to alleged violations of human rights that had occurred not earlier than 23 April 2005 or arising from facts which occurred prior to this date where these facts give rise to a continuing violation of human rights".

6. The Panel considers that the complainant's dismissal from work was an instantaneous act, which does not give rise to any possible continuous situation (see European Court of Human Rights, *Jovanović*, no. 59109/00, decision of 28 February 2002; Human Rights Advisory Panel, *Novokmet*, no. 51/10, decision of 13 April 2011, § 6).

7. The Panel notes that the dismissal allegedly occurred in 2001. There were no further proceedings in relation to it.

8. It follows that the complaint lies outside the Panel's jurisdiction *ratione temporis*.

FOR THESE REASONS,

The Panel, unanimously,

DECLARES THE COMPLAINT INADMISSIBLE.

Andrey ANTONOV	Marek NOWICKI
Executive Officer	Presiding Member