



# *The Human Rights Advisory Panel*

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## **DECISION**

**Date of adoption: 11 May 2012**

**Case No. 187/09**

**Radmila MARKOVIĆ**

**against**

**UNMIK**

The Human Rights Advisory Panel, sitting on 11 May 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 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 30 April 2009.
2. On 17 June 2009 and 10 August 2011 the Panel requested additional information from the complainant. No response was received.

### **II. THE FACTS**

3. The complainant is a former resident of Kosovo, currently living in Serbia.

4. Although the complainant did not specify this in her communication, it appears from the documents that accompanied her complaint that her property in Pejë/Peć was usurped.
5. The complainant filed a claim with the Housing and Property Directorate (HPD) requesting that the Housing and Property Claims Commission (HPCC) issue a decision granting her the right to repossess the property. On 13 February 2004, the HPCC issued a decision confirming her right to repossession.
6. On 24 August 2005, the complainant filed a request with the HPD seeking an eviction based on the above-mentioned HPCC decision. The complainant did not provide any information concerning the outcome of that request, but the Panel notes that on 8 May 2008, the HPCC issued a certificate confirming that its original decision of 13 February 2004, which gave the complainant the right to repossess her property, was final and not subject to further review.

### **III. THE COMPLAINT**

7. The complainant does not invoke any specific violation of her human rights.

### **IV. THE LAW**

8. 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 of 23 March 2006.
9. 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.
10. The complaint lacks any specific details or information which would allow the Panel to assess whether a human rights violation attributable to UNMIK may have occurred.
11. 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