



# *The Human Rights Advisory Panel*

Building D, UNMIK HQ Prishtinë/Priština, Kosovo | E-mail: [hrap-unmik@un.org](mailto:hrap-unmik@un.org) | Tel: +381 (0)38 504-604, ext. 5182

## **DECISION**

**Date of adoption: 9 June 2012**

**Case No. 275/09**

**Mira BULATOVIĆ**

**against**

**UNMIK**

The Human Rights Advisory Panel, sitting on 9 June 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 on 1 April 2009 and registered on 30 April 2009.
2. On 23 December 2009, the Panel requested the complainant to provide additional information. On 29 December 2010, the Panel repeated its request. The complainant has not responded to these requests.
3. On 26 March 2012, the complaint was communicated to the Special Representative of the Secretary-General (SRSG), for UNMIK's comments on admissibility. On 30 April 2012, the Panel received UNMIK's response.

## **II. THE FACTS**

4. The complainant is the wife of Mr Ivan Bulatović. At the relevant time both worked for the Serbian Ministry of Internal Affairs (MUP), police station in Glogovac/Glogovac.
5. The complainant states that she was present when Mr Bulatović was abducted on 23 May 1998 by members of Kosovo Liberation Army (KLA) from a passenger train of the Pejë/Peć - Fushë Kosovë/Kosovo Polje regular line, when the train stopped in a station at Bajincë/Banjica village, Glogovac/Glogovac municipality. She witnessed him being hit with a rifle butt, pushed into a vehicle, and driven away. Since that time her husband's whereabouts have remained unknown.
6. The complainant states that the abduction was immediately reported to the MUP police station in Glogovac/Glogovac, and later to the International Committee of the Red Cross (ICRC), the Yugoslav Red Cross, and other organisations. On 26 May 1998, the ICRC opened a tracing request for Mr Ivan Bulatović, and it remains open. Likewise, his name appears in a list of missing persons, communicated by the ICRC to UNMIK Police on 12 October 2001, and in the database compiled by the UNMIK Office on Missing Persons and Forensics.
7. 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. Between 9 December 2008 and 30 March 2009, all criminal case files held by the UNMIK Department of Justice and UNMIK Police were handed over to their EULEX counterparts.

## **III. THE COMPLAINT**

8. The complainant complains about UNMIK's alleged failure to properly investigate the abduction and probable killing of her husband. The complainant in essence also complains about the fear, pain and anguish suffered by her because of this situation.
9. The Panel considers that the complainant may be deemed to invoke, respectively, a violation of the right to life of Mr Bulatović, guaranteed by Article 2 of the European Convention on Human Rights (ECHR), and a violation of her own right to be free from inhuman or degrading treatment, guaranteed by Article 3 of the ECHR.

## **IV. THE LAW**

10. Before considering the case on its merits, the Panel must first decide whether to accept the case, considering the admissibility criteria set out in Sections 1, 2 and 3 of UNMIK Regulation No. 2006/12.
11. The complainant alleges the lack of an adequate criminal investigation into the abduction of her husband and mental pain and suffering caused to her by the situation surrounding his abduction.
12. In his comments, the SRSG raises no objection to the admissibility of the complaint.

13. The Panel considers that the complaint raises serious issues of fact and law, the determination of which should depend on an examination of the merits. The Panel concludes therefore that this part of the complaint is not manifestly ill-founded within the meaning of Section 3.3 of UNMIK Regulation No. 2006/12.

14. No other ground for declaring the complaint inadmissible has been established.

**FOR THESE REASONS,**

The Panel, unanimously,

**DECLARES THE COMPLAINT ADMISSIBLE.**

Andrey ANTONOV  
Executive Officer

Marek NOWICKI  
Presiding Member