



The Human Rights Advisory Panel

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DECISION

Date of adoption: 17 August 2012

Case No. 185/09

Dragomir JELIĆ

against

UNMIK

The Human Rights Advisory Panel, sitting on 17 August 2012,
with the following members present:

Mr Marek NOWICKI, Presiding Member

Mr Paul LEMMENS

Ms Christine CHINKIN

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 10 and 17 June 2009, the Panel requested the complainant to submit additional information. After the Panel was able to establish contact with the complainant, it received on 27 January 2011 the complainant's response.
3. On 15 May 2012, the Panel obtained further information from the complainant by telephone.

II. THE FACTS

4. The complainant is a former resident of Kosovo, currently residing in Serbia proper. He is the owner of a property located in Rahovec/Orahovac. In August 1999 the

complainant permitted a family to reside in the property subject to them maintaining it to a fit and proper standard. Due to the deterioration of security in Kosovo the complainant subsequently left and moved to Serbia proper.

5. The complainant thereafter filed a claim for repossession of the property with the Housing and Property Directorate (HPD). On 13 February 2004, the Housing and Property Claims Commission of the HPD granted the claim. The property was subsequently placed under the administration of the HPD.
6. The complainant later became aware of the fact that the property was damaged by those whom he had allowed to stay there and that many of the fixtures and fittings were removed. The complainant states that he did not file any formal claim or complaint with respect to this damage.

III. THE COMPLAINT

7. The complainant does not invoke any specific violation of human rights. The Panel considers, however, that he can be deemed to invoke a violation of his right to property.

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.
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 complainant describes the damage inflicted to his property by named private individuals. However, the complaint lacks any specific details or information which would allow the Panel to assess whether a human rights violation by UNMIK has 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