



The Human Rights Advisory Panel

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DECISION

Date of adoption: 22 August 2012

Case No. 274/09

Mira BULATOVIĆ

against

UNMIK

The Human Rights Advisory Panel, sitting on 22 August 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 with the Panel on 30 April 2009 and registered on the same date.
2. On 8 June 2009, the Panel requested additional information from the complainant. The Panel received the complainant's response on 23 September 2009.
3. On 4 June 2012, the Panel requested information from the Kosovo Property Agency (KPA). The KPA sent its response on 5 June 2012.
4. On 15 August 2012, the Panel requested further information from the Kosovo Property Agency (KPA). The KPA sent its response on 17 August 2012.

II. THE FACTS

5. The complainant is a former resident of Kosovo, currently living in Serbia proper.
6. According to the complainant, on 8 September 1998 the Municipal Assembly of Pejë/Peć decided to grant her and her family a flat as recognition of her husband's service to the Serbian Ministry of Internal Affairs during the conflict in Kosovo. Her husband had been abducted earlier in 1998. By decision of the President of the Municipal Assembly of 17 November 1998 a given flat in Pejë/Peć was allocated to the family.
7. The complainant alleges that on 12 June 1999, she and her family were forced to flee from Kosovo due to security reasons. She states that from 2002 the house has been illegally occupied by Mr H.H.
8. On 28 December 2001, the complainant submitted a claim with the Housing and Property Directorate (HPD), for an order of repossession in respect of the aforementioned property. Her claim was contested by Mr H.H. On 30 April 2005, the Housing and Property Claims Commission (HPCC) of the HPD issued a decision finding that the complainant failed to satisfy the requirements for an order of repossession of the property. That decision was certified by the Registrar of the HPCC on 27 July 2005. On 2 December 2005, the complainant filed a reconsideration request, and on 15 July 2006 the HPCC upheld its previous decision denying the claimant's right to repossession of the property.
9. On 13 September 2006, the complainant's son received a copy of the abovementioned reconsideration decision on behalf of his mother, the claimant.

III. THE COMPLAINT

10. The complainant generally complains about the fact that her property has been usurped and illegally occupied.

IV. THE LAW

11. Before considering the case on its merits the Panel has to decide whether to accept the case, taking into consideration the admissibility criteria set out in Sections 1, 2 and 3 of UNMIK Regulation No. 2006/12 on the Establishment of the Human Rights Advisory Panel.
12. Pursuant to Section 3.1 of UNMIK Regulation No. 2006/12, the Panel may only deal with a matter within six months from the date on which the final decision was taken. The primary purpose of the six-month rule is to maintain legal certainty and to ensure that cases within a reasonable time raising issues under UNMIK Regulation No. 2006/12 are dealt with (compare, with respect to the corresponding rule in the European Convention on Human Rights, European Court of Human Rights (ECtHR) (Grand Chamber), *Sabri Güneş v. Turkey*, no. 27396/06, judgment of 29 June 2012, § 39).
13. Where a complainant or his representative has been served with a written copy of the final decision, the object and purpose of the six-month requirement is best achieved by counting the six-month period as running from the date of service of that written decision


(ECtHR, *Worm v. Austria*, judgment of 29 August 1997, *Reports of Judgments and Decisions*, 1997-V, p. 1547, § 33; ECtHR (Grand Chamber), *Sabri Güneş v. Turkey*, mentioned above, § 53; see also Human Rights Advisory Panel, *Krstić*, nos 49/08 and 50/08, decision of 9 June 2012, § 20).

14. Based on documents received by the Panel, the six-month period commenced on 13 September 2006 when the complainant's son received a written copy of the HPCC reconsideration decision.
15. The Panel notes that the complaint was introduced on 30 April 2009, approximately thirty months after the "final decision" was notified to the complainant.
16. Accordingly, the complaint falls outside the six-month time limit set by Section 3.1 of UNMIK Regulation No. 2006/12.

FOR THESE REASONS,

The Panel, unanimously,

DECLARES THE COMPLAINT INADMISSIBLE.



Andrey ANTONOV
Executive Officer



Marek NOWICKI
Presiding Member