



# *The Human Rights Advisory Panel*

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## **DECISION**

**Date of adoption: 23 August 2012**

**Cases Nos 224/09 and 225/09**

**Vekoslav RISTIĆ**

**against**

**UNMIK**

The Human Rights Advisory Panel, sitting on 23 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 complaints, 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 complaints were introduced on 8 April 2009 and registered on 30 April 2009.
2. On 18 August 2010 and 26 January 2011, the Panel requested the complainant to provide additional information. No response was received.
3. On 9 September 2010, the Panel decided to join the cases pursuant to Rule 20 of the Panel's Rules of Procedure.
4. On 29 March 2012, the complaint was communicated to the Special Representative of the Secretary-General (SRSG), for UNMIK's comments on the admissibility of the complaint. On 7 May 2012, the SRSG provided UNMIK's response.

## **II. THE FACTS**

5. The complainant is the son of Mrs Milevka Ristić (case no. 224/09) and Mr Mirko Ristić (case no. 225/09).
6. The complainant states that Mrs Milevka Ristić and Mr Mirko Ristić were abducted from their home in June 1999 from the village of Dvoran/Dvorane, municipality of Suharekë/Suva Reka. According to identification certificates issued by the UNMIK Office on Missing Persons and Forensics (OMPF) respectively on 5 October 2004 and on 6 February 2006, the mortal remains of Mrs Milevka Ristić and Mr Mirko Ristić were found in the municipality of Suharekë/Suva Reka on 26 August 1999.
7. The victims' names appear in the database compiled by the OMPF and also in a list of missing persons, communicated by the International Committee of the Red Cross to UNMIK Police on 12 October 2001.
8. On 7 April 2006, the mortal remains of both Mrs Milevka Ristić and Mr Mirko Ristić were handed over to the Ristić family by UNMIK Police.
9. 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 COMPLAINTS**

10. The complainant complains about UNMIK's alleged failure to properly investigate the abduction of his parents.
11. The Panel considers that the complainant may be deemed to invoke a violation of the right to life of Mrs Milevka Ristić and Mr Mirko Ristić, guaranteed by Article 2 of the European Convention on Human Rights (ECHR) respectively.

## **IV. THE LAW**

12. Before considering the cases on their merits, the Panel must first decide whether to accept the cases, considering the admissibility criteria set out in Sections 1, 2 and 3 of UNMIK Regulation No. 2006/12.
13. The complainant alleges the lack of an adequate criminal investigation into the abduction of his parents.
14. In his comments, the SRSG raises no objection to the admissibility of the complaints.
15. The Panel considers that the complaints under Article 2 of the ECHR raise serious issues of fact and law, the determination of which should depend on an examination of the

merits. The Panel concludes therefore that the complaints are not manifestly ill-founded within the meaning of Section 3.3 of UNMIK Regulation No. 2006/12.

16. No other ground for declaring the complaints inadmissible has been established.

**FOR THESE REASONS,**

The Panel, unanimously,

**DECLARES THE COMPLAINTS ADMISSIBLE.**

Andrey ANTONOV  
Executive Officer

Marek NOWICKI  
Presiding Member