



The Human Rights Advisory Panel

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DECISION

Date of adoption: 26 September 2012

Case No. 298/09

N.L.

against

UNMIK

The Human Rights Advisory Panel, sitting on 26 September 2012, with the following members present:

Mr Marek NOWICKI, Presiding Member
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 7 March 2009 and registered on 2 July 2009.
2. On 24 November 2010, 27 December 2011 and 2 February 2012, the Panel requested further information from the complainant. No response was received.

II. FACTS

3. The complainant is a Kosovo resident currently residing in Serbia proper.
4. The complainant alleges that a house owned by his family in Podujevë/Podujevo was usurped by another individual in 1999. He states that he informed the Kosovo Property

Agency (KPA) about the situation, but received no assistance. He also states that he has not been able to sell his property due to its usurpation. However, the complainant did not include any documentation related to these issues in his application to the Panel.

III. THE COMPLAINT

5. The complainant alleges that his property rights have been violated because his property has been usurped and is thus unable to be sold.

IV. THE LAW

6. 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. Section 3.1 of UNMIK Regulation No. 2006/12 states that the Panel may only deal with a matter after all other available avenues have been pursued.
7. The complainant complains about the the usurpation of his property in Podujevë/Podujevo.
8. The Panel notes that the complainant has not provided the Panel with any evidence that he filed a claim relating to his property rights with the Housing and Property Directorate (HPD) or its successor, the KPA.
9. The Panel must conclude that the complainant fails to demonstrate that he has properly addressed the matter to the HPD or the KPA, the bodies having competence to decide over property disputes.
10. The Panel therefore considers that the complainant did not exhaust the available avenues for review, as is required 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