



The Human Rights Advisory Panel

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DECISION

Date of adoption: 27 September 2012

Case No. 10/10

Dane TRBOVIĆ

against

UNMIK

The Human Rights Advisory Panel on 27 September 2012,
with the following taking part:

Mr Marek NOWICKI, Presiding Member
Ms Christine CHINKIN

Assisted by
Mr Andrey ANTONOV, Executive Officer

Having considered the request for revision of the decision of 21 January 2011, introduced pursuant to Rule 46 of the Rules of Procedure,

Having deliberated, including through electronic means, in accordance with Rule 13 § 2 of its Rules of Procedure, makes the following findings and recommendations:

I. PROCEEDINGS BEFORE THE PANEL

1. The complaint was lodged with the Panel on 3 March 2010 and registered on 11 March 2010.
2. On 20 January 2012, the Panel declared the complaint inadmissible.
3. The complainant was notified of the decision by letter dated 15 February 2012.
4. On 16 March 2012, the Panel received a letter from the complainant, requesting revision of the Panel's decision on admissibility.

II. THE FACTS

5. The Panel refers to its decision of 20 January 2012 for a description of the relevant facts. The case relates to property that was allegedly usurped and illegally occupied.

III. EXAMINATION OF THE REQUEST FOR REVISION

6. According to Rule 46 § 1 of the Rules of Procedure, “a party may, in the event of the discovery of a fact which might by its nature have a decisive influence and which, when the decision or the opinion was delivered, was unknown to the Panel and could not reasonably have been known to that party, request the Panel... to revise the decision or opinion”.
7. In its decision of 20 January 2012, the Panel found that the complainant’s property was being legally occupied by its co-owner, as specified in the reconsideration decision of the Housing and Property Claims Commission (HPCC) of the Housing and Property Directorate, dated 11 December 2006. The Panel found that the complaint was introduced on 3 March 2010, approximately twenty-two months after the HPCC issued its certificate of 7 May 2008 informing the complainant that no further proceedings were possible with respect to this property. Accordingly, the Panel concluded that the complaint fell outside of the six-month time limit set by Section 3.1 of the UNMIK Regulation No. 2006/12.
8. In his request for revision, the complainant argues that he never received the HPCC certificate of 7 May 2008 and thus this date cannot be relevant to him for the calculation of the six-month time-limit set by Section 3.1 of the UNMIK Regulation No. 2006/12.
9. The Panel notes that the complainant does not refer to any new fact, *i.e.* a fact that was unknown to the Panel at the moment of its decision and which, moreover, could not reasonably have been known by the complainant himself. In its decision of 20 January 2012, the Panel notes that the HPCC issued a reconsideration decision against the complainant on 11 December 2006. That decision states that it is final and not appealable. The complainant accepts that he received this decision.
10. The complainant therefore does not show that his request fulfils one of the conditions set out in Rule 46 § 1 of the Rules of Procedure (see Human Rights Advisory Panel, *Patrnogić*, no. 294/09, decision on a request for revision, 12 May 2011). Specifically, the complainant has not provided a fact which might by its nature have a decisive influence on the decision and which was unknown to the Panel at the time of its decision.
11. The Panel considers that there is no reason to reconsider its decision of 20 January 2012.

FOR THESE REASONS,

The Panel, unanimously,

REJECTS THE REQUEST FOR REVISION.

Andrey ANTONOV
Executive Officer

Marek NOWICKI
Presiding Member