



The Human Rights Advisory Panel

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DECISION

Date of adoption: 21 November 2012

Case No. 25/10

Dušanka DODIĆ

against

UNMIK

The Human Rights Advisory Panel, sitting on 21 November 2012,
with the following members present:

Mr Marek NOWICKI, Presiding Member
Ms Christine CHINKIN
Ms Françoise TULKENS

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 24 March 2010 and registered on 25 March 2010.
2. On 26 May 2010, the Panel requested the complainant to provide additional information. The complainant's response was received on 28 June 2010.
3. On 18 September 2012, the Panel submitted a request for information in relation to the complaint to the Special Chamber of the Supreme Court for Kosovo Trust Agency Related Matters (the Special Chamber) and the Privatisation Agency of Kosovo (PAK), the successor-in-interest to the Kosovo Trust Agency (KTA). The former responded on 24 September 2012. The latter responded on 3 October 2012.

II. THE FACTS

4. The complainant is a former resident of Kosovo, currently living in Serbia proper.
5. The complainant states that she worked for the socially-owned enterprise “Vinex” in Viti/Vitina from 1992 until 1999, when she left Kosovo for security reasons.
6. The complainant states that the business premises of “Vinex” were subsequently privatised. However, she did not receive any money in relation to the privatisation.
7. The complainant states that, on an unspecified date, she lodged a complaint regarding her exclusion from receipt of a share of 20% of the proceeds of privatisation of “Vinex” with the Special Chamber and the KTA. However, she has never received any information about the status of the complaint.

III. THE COMPLAINT

8. The complainant complains about the lack of action by the PAK and the Special Chamber with regard to her claim for a share of the proceeds of the privatisation of “Vinex”.

IV. THE LAW

9. 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.
10. 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.
11. The complainant in her complaint refers to applications to the KTA and the Special Chamber of the Supreme Court. However, the Panel can find no evidence that such claims were ever filed by the complainant.
12. The Panel therefore 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