



The Human Rights Advisory Panel

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DECISION

Date of adoption: 21 November 2012

Case No. 195/09

Biljana KUZMANOVIĆ

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 6 April 2009 and registered on 30 April 2009.
2. On 8 June 2009, the Panel requested further information from the complainant. On 23 September 2009, the Panel received additional documents from the complainant.
3. On 29 November 2011 and 3 October 2012, the Panel requested further information from the complainant. No response was received.

II. FACTS

4. The complainant is a former resident of Kosovo currently residing in Serbia proper.

5. It appears that the complainant had a property interest in a residential building in Gjakovë/Đakovica that was usurped from her relative. On 16 April 2004, her relative received a decision granting her the possessory rights from the Housing and Property Claims Commission of the Housing and Property Directorate. However, no further facts have been submitted to the Panel.

III. THE COMPLAINT

6. The Panel deems that the complainant does not invoke any specific human rights violation. In essence, she complains that her property rights have been violated.

IV. THE LAW

7. 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.
8. 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.
9. The complaint lacks any specific details or information which would allow the Panel to determine whether a human rights violation may have occurred.
10. In these circumstances the Panel 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