



The Human Rights Advisory Panel

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DECISION

Date of adoption: 7 June 2013

Case No. 191/09

Verica TOMANOVIĆ

against

UNMIK

The Human Rights Advisory Panel on 7 June 2013,
with the following members present:

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 6December 2012, introduced pursuant to Rule 46 of the Rules of Procedure,

Having deliberated makes the following findings and recommendations:

I. PROCEEDINGS BEFORE THE PANEL

1. The complaint was introduced on 12 April 2009 and registered on 30 April 2009.
2. On 6December 2012, the Panel declared the complaint inadmissible.
3. The complainant was notified of the decision by letter dated 3January 2013.
4. On 30May 2013, 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 6December 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 6December 2012, the Panel found that the complainant had never filed an application to the Housing and Property Directorate or its successor, the KPA with respect to administration of this specific property. In addition, the issue of unlawful occupation of the property had been remedied through its subsequent sale in April/May 2010.
8. In her request for revision, the complainant argues that she had addressed UNMIK in Belgrade regarding the unlawful occupation of the property and her attempts to retain lawful possession.
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 herself.
10. The complainant therefore does not show that her 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 6December 2012.

FOR THESE REASONS,

The Panel, unanimously,

REJECTS THE REQUEST FOR REVISION.

Andrey ANTONOV
Executive Officer

Marek NOWICKI
Presiding Member