HRAP/PR/12
Date: Tuesday 23 October 2008

HUMAN RIGHTS ADVISORY PANEL

In a decision adopted on 17 October 2008 during its tenth session in Prishtinë / Priština from 13 to 17 October 2008, the Human Rights Advisory Panel (the Advisory Panel) declared the complaint of Agim BEHRAMI (on behalf of Gadaf BEHRAMI and Bekim BEHRAMI), inadmissible.

The complaint relates to the death of Gadaf Behrami, aged 12, and the injury of Bekim Behrami, aged 10, on 11 March 2000 through the accidental discharge of unexploded ordinance in the Mitrovicë /Mitrovica region. The complainants alleged that UNMIK were responsible for the death and injury on account of their failure to place danger signs around the area and/or defuse the undetonated cluster bombs in the area.

The complaint was filed with the Advisory Panel after an application relating to the same facts and lodged by the same complainant had been declared inadmissible by the European Court of Human Rights on 2 May 2007.

The European Court declared inadmissible the application as the complaints were incompatible *ratione personae* with the provisions of the European Convention on Human Rights, meaning that the actions were not attributable to a party to the Convention.

The complaint was, however, declared inadmissible by the Panel as well, *ratione temporis,* as the alleged violations occurred before 23 April 2005 and therefore were outside the timeframe of the Advisory Panel's temporal jurisdiction.

The next session of the Advisory Panel is scheduled to take place from 10 to 14 November 2007.

Complaints for the Advisory Panel should be sent to the Secretariat of the Human Rights Advisory Panel, Container D, Room 13, UNMIK Admin HQ, Pristina, Kosovo.

For further information, please contact Mr. John J. Ryan, Executive Officer of the Secretariat of the Human Rights Advisory Panel, Tel: + 381 (0) 38 504 604 Ext 5847, Email: ryanj@un.org. Interested persons are also referred to the website of the Advisory Panel, at http://www.unmikonline.org/human_rights/index.htm.