



The Human Rights Advisory Panel

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DECISION

Date of adoption: 12 May 2011

Case No. 118/09

Ivan VUJAČIĆ

against

UNMIK

The Human Rights Advisory Panel, sitting on 12 May 2011
with the following members present:

Mr Marek NOWICKI, Presiding Member
Mr Paul LEMMENS
Ms Christine CHINKIN

Assisted by
Ms Anila PREMTI, Acting 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 30 April 2009 and registered on the same date.
2. On 9 December 2009, the Panel requested further information from the complainant.
3. On 9 February 2010, the complainant provided a response.
4. On 30 November 2010, the Panel communicated the case to the Special Representative of the Secretary-General (SRSG) for UNMIK's comments on the admissibility of the case.

5. On 25 February 2011, UNMIK provided its response.

II. THE FACTS

6. The complainant states that on 14 August 1999 his father Mr Predrag Vujačić, disappeared from his family flat in Prishtinë/Priština. His father was alone in the flat at the time of his disappearance as his family had earlier fled Kosovo due to general insecurity.
7. His neighbour, now deceased, was the last person to see the complainant's father enter the flat on the day of his disappearance. They had agreed to have a cup of coffee together in 30 minutes at this neighbour's flat located on the same floor. When the complainant's father did not appear after about 40 minutes, the neighbour knocked on his door, which was opened by two male adults in KLA uniforms, who told him that the complainant's father had gone to Fushë Kosovë/Kosovo Polje. The neighbour returned to his flat and informed the complainant's family about this, implying that most likely a kidnapping had occurred. Since then the complainant's family has been trying to find out any credible information about Mr Vujačić's fate, but without any results.
8. The complainant states that the disappearance of Mr Vujačić was immediately reported to KFOR. On the same day KFOR personnel visited the flat, searched and sealed it, and interviewed the neighbour. The incident was also reported to UNMIK shortly after the disappearance and again later, but no information about any investigation conducted was ever received. The complainant indicates that the disappearance was also reported to the International Committee of the Red Cross, and to the Yugoslav Committee of the Red Cross. These organisations both opened tracing requests for Mr Vujačić on 28 September 2000 and 5 September 2001 respectively. The complainant's family also gave blood samples to the International Commission on Missing Persons and have been following the activities of the Association of Kidnapped and Missing Persons in Kosovo and Metohija.

III. THE COMPLAINT

9. The complainant complains about UNMIK's alleged failure to properly investigate the abduction of his father and about the mental pain and suffering allegedly caused by this situation.
10. The Panel considers that the complainant may be deemed to invoke, respectively, a violation of the right to life of his father, guaranteed by Article 2 of the European Convention on Human Rights (ECHR), and a violation of his own right to be free from inhuman or degrading treatment, guaranteed by Article 3 of the ECHR.

IV. THE LAW

11. Before considering the case on the merits, the Panel must first decide whether to accept the case, considering the admissibility criteria set out in Sections 1, 2 and 3 of UNMIK Regulation No. 2006/12.
12. In his comments, the SRSG does not raise any objection to the admissibility of the complaint.
13. The Panel considers that the complaints under Articles 2 and 3 of the ECHR raise serious issues of fact and law, the determination of which should depend on an examination of the

merits. The Panel concludes therefore that these complaints are not manifestly ill-founded within the meaning of Section 3.3 of UNMIK Regulation No. 2006/12.

14. The Panel does not see any other ground for declaring the complaint inadmissible.

FOR THESE REASONS,

The Panel, unanimously,

DECLARES THE COMPLAINT ADMISSIBLE.

Anila PREMTI
Acting Executive Officer

Marek NOWICKI
Presiding Member