



The Human Rights Advisory Panel

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DECISION

Date of adoption: 12 September 2012

Case No. 15/10

Verica PEKIĆ

against

UNMIK

The Human Rights Advisory Panel, on 12 September 2012,
with the following members taking part:

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

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, including through electronic means, in accordance with Rule 13 § 2 of its Rules of Procedure, decides as follows:

I. PROCEEDINGS BEFORE THE PANEL

1. The complaint was introduced on 15 March 2010 and registered on 22 March 2010.
2. On 8 November 2011, the Panel communicated the case to the Special Representative of the Secretary-General (SRSG) for UNMIK's comments on admissibility.
3. On 25 January 2012, the SRSG provided UNMIK's response.

II. THE FACTS

4. The complainant is the wife of Mr Vidosav Pekić.

5. The complainant states that on 24 April 2001, her husband went from their home in Batočina, Serbia proper, to Viti/Vitina in order to conclude a contract. Mr Pekić spent the night at a friend's house in the village of Kllokot/Klokot, Viti/Vitina municipality. Since that time he has not been seen alive again.
6. The complainant states that within a few days after Mr Pekić had left his house in Serbia proper, she was called by the Kosovo Police Service and informed that her husband had been killed. Several days later, upon obtaining a KFOR escort, she travelled to the Gjilan/Gnjilane hospital and then to the morgue in Prishtinë/Priština in order to identify and receive her husband's body.
7. The complainant states that at the identification she found Mr Pekić's body to be seriously mutilated in different parts and covered with wounds. However, a morgue intake form dated 2 May 2001 states that there was only a wound on the neck of Mr Pekić suggesting death by hanging. Mr Pekić was buried in Batočina on 8 May 2001.
8. The complainant states that she was not provided with any other information by the competent authorities concerning the killing of her husband.
9. On 9 December 2008, UNMIK's responsibility with regard to police and justice in Kosovo ended with the European Union Rule of Law Mission in Kosovo (EULEX) assuming full operational control in the area of the rule of law, following the Statement made by the President of the United Nations Security Council on 26 November 2008 (S/PRST/2008/44), welcoming the continued engagement of the European Union in Kosovo. Between 9 December 2008 and 30 March 2009, all criminal case files held by the UNMIK Department of Justice and UNMIK Police were handed over to their EULEX counterparts.

III. THE COMPLAINT

10. The complainant complains about UNMIK's alleged failure to properly investigate the killing of her husband.
11. The Panel considers that the complainant may be deemed to invoke a violation of the right to life of her husband, guaranteed by Article 2 of the European Convention on Human Rights (ECHR).

IV. THE LAW

12. 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.
13. The complainant alleges in substance the lack of an adequate criminal investigation into the killing of her husband.
14. In his comments, the SRSG does not raise any objection to the admissibility of the complaint.

15. The Panel considers that the complaint raises serious issues of fact and law, the determination of which should depend on an examination of the merits. The Panel concludes therefore that the complaint is not manifestly ill-founded within the meaning of Section 3.3 of UNMIK Regulation No. 2006/12.

16. No other ground for declaring the complaint inadmissible has been established.

FOR THESE REASONS,

The Panel, unanimously,

DECLARES THE COMPLAINT ADMISSIBLE.

Andrey ANTONOV
Executive Officer

Marek NOWICKI
Presiding Member