



The Human Rights Advisory Panel

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DECISION

Date of adoption: 26 November 2011

Case No. 21/10

Slavica GRUBIĆ-MILUTINOVIĆ

against

UNMIK

The Human Rights Advisory Panel, sitting on 26 November 2011,
with the following members present:

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, decides as follows:

I. PROCEEDINGS BEFORE THE PANEL

1. The complaint was introduced on 22 March 2010 and registered on 24 March 2010.

II. THE FACTS

2. The complainant states that her father, Mr Milorad Grubić, was the owner of a residential property and a forest area, both located in Gjakovë/Đakovica. Mr Grubić passed away on 27 January 2000.
3. The complainant states that as a result of the military action by NATO in 1999, her family had to leave Kosovo. As a result, an unknown third person unlawfully took possession of her father's properties.

III. THE COMPLAINT

4. The complainant complains about the military action undertaken by NATO, resulting in the usurpation of her father's properties. She requests that compensation is paid by the NATO to herself and the other heirs to her father's estate.

IV. THE LAW

5. 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.
6. According to Section 1.2 of the Regulation, the Panel has jurisdiction over complaints relating to alleged violations of human rights by UNMIK. According to Section 2 of the Regulation, the Panel has jurisdiction over complaints relating to alleged violations of human rights that occurred not earlier than 23 April 2005, or arising from facts which occurred prior to this date where these facts give rise to a continuing violation of human rights.
7. Insofar as the complaint concerns acts allegedly committed by NATO States, it is outside the Panel's jurisdiction *ratione personae* (compare, with respect to KFOR, Human Rights Advisory Panel, *Sahiti*, no. 03/08, decision of 10 April 2008).
8. Moreover, the acts complained of occurred during the military campaign of 1999 and therefore are also outside the Panel's jurisdiction *ratione temporis*.
9. The Panel further notes that, insofar as the complaint could be deemed to relate to the occupation of the properties of the complainant's father by an usurper, the complaint is not sufficiently substantiated in order to discern any responsibility of UNMIK.
10. The above mentioned reasons suffice to declare the complaint inadmissible.

FOR THESE REASONS,

The Panel, unanimously,

DECLARES THE COMPLAINT INADMISSIBLE.

Andrey ANTONOV
Executive Officer

Marek NOWICKI
Presiding Member