



# **The Human Rights Advisory Panel**

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## **DECISION<sup>[\*]</sup>**

**Date of adoption: 9 June 2011**

**Case No. 351/09**

**Olga AĐANČIĆ**

**against**

**UNMIK**

The Human Rights Advisory Panel sitting on 9 June 2011,  
with the following members present:

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

Assisted by  
Mr 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 17 April 2009 and registered on the same date.

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\* Editorially revised pursuant to Rule 47.2 of the Rules of Procedure, on 13 September 2011.

## **II. THE FACTS**

2. The complainant claims she suffered material damage on 11 August 1999 when the facility containing 700 bales of shamrock was burnt, her cow was stolen, and another secondary building was destroyed.

## **III. THE COMPLAINT**

3. The complainant complains about the fact that her property has been damaged, destroyed or stolen. She claims compensation for this damage.

## **IV. THE LAW**

4. Before considering the case on its merits the Panel has to decide whether to accept the case, taking into account the admissibility criteria set out in Sections 1, 2 and 3 of UNMIK Regulation No. 2006/12.
5. The Panel recalls that, according to Section 2 of UNMIK Regulation No. 2006/12, it has jurisdiction only over “complaints relating to alleged violations of human rights that had 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”.
6. The Panel considers that the damage and destruction of property are instantaneous acts, which do not give rise to a continuing violation (see Human Rights Advisory Panel, *Lajović*, no. 09/08, decision of 16 July 2008, § 7).
7. The damage and destruction to the complainant’s property allegedly occurred on 11 August 1999.
8. It follows that the complaint lies outside the Panel’s jurisdiction *ratione temporis*.

## **FOR THESE REASONS,**

The Panel, unanimously,

## **DECLARES THE COMPLAINT INADMISSIBLE.**

Anila PREMTI  
Acting Executive Officer

Marek NOWICKI  
Presiding Member