



The Human Rights Advisory Panel

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DECISION

Date of adoption: 16 December 2010

Case No. 208/09

Jagodinka ĐOKIĆ

against

UNMIK

The Human Rights Advisory Panel, sitting on 16 December 2010,
with the following members present:

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

Assisted by
Mr Rajesh TALWAR, 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 lodged with the Panel on 30 April 2009 and registered on the same date.
2. By letters dated 10 June 2009 and 17 June 2009, the Panel requested from the complainant further information and documents regarding the complaint. A response was received on 28 June 2009.

II. THE FACTS

3. The complainant is a resident of Kosovo currently living as a displaced person in Serbia.
4. Her late husband was the owner of a flat located in Prishtinë/Priština, in which he lived until he was kidnapped on 18 June 1999. In July 1999, her husband's brother entered into a contract with Mr A.G. from Prishtinë/Priština, giving him the flat in use for an undefined period of time. From then on, Mr A.G. claimed that he had purchased the flat from the complainant's late husband in 1998. This claim is denied by the complainant.
5. The Housing and Property Claims Commission (HPCC) gave the complainant possession of the flat by a decision dated 18 June 2004. The reconsideration request by Mr A.G. was rejected by the HPCC by a decision dated 31 March 2006.
6. According to the complainant she later reached an agreement with Mr A.G. to sell him the flat for 20,000 euros. Mr A.G. paid a deposit of 5,000 euros, but he never paid the remaining 15,000 euros.

III. THE COMPLAINT

7. The complainant complains about the fact that she never received the full amount due to her from the sale of her flat to Mr A.G.

IV. THE LAW

8. 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.
9. According to Section 1.2 of UNMIK Regulation No. 2006/12, the Panel shall examine complaints from any person or group of individuals claiming to be the victim of a violation by UNMIK of the human rights, as set forth in one or more of the instruments listed in that section.
10. The complainant is in fact complaining about an unfulfilled financial obligation by another private party, Mr A.G. The complaint thus concerns a dispute of a purely private nature. The complainant does not specify how the responsibility of UNMIK for any violation of her human rights is involved in this case.
11. Since no responsibility of UNMIK appears to be involved, the complaint lies outside the Panel's jurisdiction, and must therefore be declared inadmissible.

FOR THESE REASONS,

The Panel, unanimously,

DECLARES THE COMPLAINT INADMISSIBLE.

Rajesh TALWAR
Executive Officer

Marek NOWICKI
Presiding Member