



# The Human Rights Advisory Panel

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## PRESS RELEASE

### **Opinion in the joint cases of Milogorić and others (Cases Nos. 38/08, 58/08, 61/08, 63/08 and 69/08)**

The Human Rights Advisory Panel adopted its opinion in the case of Milogorić and others on 24 March 2010.

The case concerned five complainants who are owners of real properties in Kosovo, where they lived until the outbreak of hostilities. In 1999, fearing hostilities, they left their homes in Kosovo. Their property was damaged or destroyed during the second half of 1999, after the entry into Kosovo of NATO forces. All complainants lodged lawsuits in 2004 before the competent municipal courts against the relevant municipalities and the Kosovo Provisional Institutions of Self-Government (PISG) seeking compensation for the damage caused to their property. They have not been contacted by the courts and no hearings have been set, due to an intervention by the UNMIK Department of Justice which halted judicial proceedings from August 2004 to September 2008 in the complainants' cases and in some 17,000 other cases relating to similar claims, all lodged in 2004.

In its opinion the Panel has, in particular, found that as a result of UNMIK's intervention the complainants were prevented from having their compensation claims determined by the municipal courts in breach of the right of access to a court, guaranteed by Article 6 § 1 of the European Convention on Human Rights.

The Panel has recommended that UNMIK take the following measures:

- a. urge the competent authorities in Kosovo to take all possible steps in order to assure that the complainants' cases will be decided without any further delay;
- b. award adequate compensation to each of the complainants for non-pecuniary damage;
- c. take immediate and effective measures to implement the recommendations of the Panel and inform the complainants and the Panel about further developments in this case.

Pursuant to Section 17.3 of UNMIK Regulation No. 2006/12 on the Establishment of the Human Rights Advisory Panel, the Special Representative of the Secretary General (SRSG) has exclusive authority and discretion to decide whether to act on the findings of the Panel. Pursuant to Section 17.4 of the same Regulation, the decisions of the SRSG shall be published promptly in a manner that ensures broad dissemination and accessibility.