



The Human Rights Advisory Panel

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DECISION

Date of adoption: 12 February 2014

Case No. 58/10

Jugobanka A.D. Under Receivership II

against

UNMIK

The Human Rights Advisory Panel, sitting on 12 February 2014,
with the following members present:

Marek Nowicki, Presiding Member
Christine Chinkin
Françoise Tulkens

Assisted by
Andrey Antonov, Executive Officer

Having considered the request for revision of the decision of 6 June 2013, introduced pursuant to Rule 46 of the Rules of Procedure,

Having deliberated makes the following findings and recommendations:

I. PROCEEDINGS BEFORE THE PANEL

1. The complaint was lodged with the Panel on 29 March 2010 and registered on 30 March 2010. The complainant is represented by Mr Nikola Radosavović.
2. On 6 June 2013, the Panel declared the complaint inadmissible.
3. The complainant was notified of the decision by letter dated 17 July 2013.
4. On 6 August 2013, the Panel received a letter from the complainant, requesting revision of the Panel's decision on admissibility.

5. On 13 November 2013, the Panel sent a copy of the request for revision to the Special Representative of the Secretary-General (SRSG) for UNMIK's comments regarding the request. On 10 January 2014, the SRSG provided UNMIK's response.

II. THE FACTS

6. The Panel refers to its decision of 6 June 2013 for a description of the relevant facts. The case relates to debts that the complainant has been trying to collect via various court proceedings in Kosovo since 1997, without success.

III. EXAMINATION OF THE REQUEST FOR REVISION

7. According to Rule 46 § 1 of the Rules of Procedure, "a party may, in the event of the discovery of a fact which might by its nature have a decisive influence and which, when the decision or the opinion was delivered, was unknown to the Panel and could not reasonably have been known to that party, request the Panel... to revise the decision or opinion".
8. In the request for revision, the complainant contests the decision on inadmissibility of 6 June 2013 and argues, in particular, that it did not have the possibility to respond to queries about the role of the Deposit Insurance Agency of Serbia *vis-à-vis* Jugobanka A.D.
9. The Panel notes that a request for revision is not equivalent to an appeal. According to Rule 46 § 1 of the Rules of Procedure, a revision is permitted in very limited circumstances, specifically where a party to a complaint discovers a fact which might, by its very nature, have had a decisive influence, and which was unknown to the Panel and could not have been known by the other party at the time the decision in this case was delivered. Here, the complainant does not refer to any decisive and influential new fact that was unknown to the Panel at the moment of its decision and which, moreover, could not reasonably have been known by the complainant.
10. The complainant therefore does not show that this request fulfils the conditions set out in Rule 46 § 1 of the Rules of Procedure (see Human Rights Advisory Panel, *Patrnogić*, no. 294/09, decision on a request for revision, 12 May 2011).
11. The Panel considers that there is no reason to reconsider its decision of 6 June 2013.

FOR THESE REASONS,

The Panel, unanimously,

REJECTS THE REQUEST FOR REVISION.

Andrey Antonov
Executive Officer

Marek Nowicki
Presiding Member