



DECISION

Date of adoption: 9 June 2011

Case No. 138/09

Mihill Abazi

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
Ms 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 30 April 2009 and registered on the same date.
2. By letters dated 8 June 2009 and 17 February 2010, the Panel requested further information from the complainant. However, no response was received.

II. THE FACTS

3. The complainant is a resident of Kosovo currently living as a displaced person in Serbia.

4. The complainant alleges that he was the owner of a residential house, auxiliary buildings and land located in the Municipality of Gjakovë/Đakovica, where he lived until June 1999. He was informed that some of the buildings had been destroyed or damaged, his movable property stolen and some of the property usurped, all during the second half of 1999.

III. THE COMPLAINT

5. The complainant generally complains about the fact that his property has been damaged. He claims 620,000 euros in compensation for this damage.

IV. THE LAW

6. 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.
7. 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”.
8. 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).
9. The damage and destruction to the complainant’s property allegedly occurred during the second half of 1999.
10. 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