



The Human Rights Advisory Panel

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DECISION

Date of adoption: 11 August 2011

Case No. 206/09

Vekoslav RISTIĆ

against

UNMIK

The Human Rights Advisory Panel, sitting on 11 August 2011,
with the following members taking part:

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

Assisted by
Mr Andrey ANTONOV, 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 8 April 2009 and registered on 30 April 2009.
2. By letters dated 10 June 2009 and 17 June 2009, the Panel requested additional information from the complainant. The Panel received the complainant's response on 23 September 2009.

3. On 26 January 2011, the Panel requested further information from the complainant. The Panel received the complainant's response on 23 February 2011.

II. THE FACTS

4. The complainant is a former resident of Kosovo, currently residing in Serbia. According to the complainant, his parents, Mr Mirko Ristić and Mrs Milena Ristić, were the owners of two houses and an annex building located in the Dvorani/Dvorane village, Suharekë/Suva Reka municipality. The complainant and his family previously resided in one of the aforementioned houses.
5. The complainant states that on 10 June 1999, fearing for his life, he left his house and the village with part of his family. After his departure, the family's properties were allegedly destroyed and the land illegally occupied by unknown persons.
6. On 20 November 2002, the complainant submitted a claim with the Housing and Property Directorate, for an order of repossession in respect of the aforementioned properties. On 24 February 2005, the Housing and Property Claims Commission (HPCC) found that the residential properties in respect of which the claim was lodged by the complainant were destroyed after the complainant lost possession of them and that the land parcels were then vacant. It nevertheless held that as at the date of the destruction of the properties the complainant satisfied the requirements for an order of repossession of these properties.

III. THE COMPLAINT

7. The complainant generally complains about the fact that his property has been damaged and illegally occupied.

IV. THE LAW

8. Before considering the case on its merits the Panel has to decide whether to accept the case, taking into consideration the admissibility criteria set out in Sections 1, 2 and 3 of UNMIK Regulation No. 2006/12 on the Establishment of the Human Rights Advisory Panel.
9. 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".
10. The complainant's property was destroyed before 23 April 2005, presumably at some time after 10 June 1999. The Panel considers that the destruction of property is an instantaneous act, which does not give rise to a continuing violation (see Human Rights Advisory Panel, *Lajović*, no. 09/08, decision of 16 July 2008, § 7). It follows that in this respect the complaint lies outside the Panel's jurisdiction *ratione temporis*.
11. Insofar as the complainant complains about an illegal occupation of his property, the Panel notes that he does not substantiate his complaint.

FOR THESE REASONS,

The Panel, unanimously,

DECLARES THE COMPLAINT INADMISSIBLE.

Andrey ANTONOV
Executive Officer

Marek NOWICKI
Presiding Member