



The Human Rights Advisory Panel

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DECISION

Date of adoption: 15 August 2011

Case No. 67/10

Haxhi HASANAJ

against

UNMIK

The Human Rights Advisory Panel, sitting on 15 August 2011,
with the following members present:

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, including through electronic means in accordance with Rule 13 § 2 of its Rules of Procedure, decides as follows:

I. PROCEEDINGS BEFORE THE PANEL

1. The complaint was introduced on 13 April 2010 and registered on 15 April 2010.

II. THE FACTS

2. The complainant, born in 1936, is a resident of Reqan/Rečane village, Suharekë/Suva Reka municipality.

3. He states that he received a disability pension from the Fund for Pension and Disability Insurance of Workers, based in Belgrade, from 1991, but that this pension was discontinued in 1999.
4. According to the complainant, he sent on 11 December 2007 a written claim to the pension fund for the continuation of his pension. He reiterated this claim on 8 October 2009 but the pension fund has not taken any action on his claim.

III. THE COMPLAINT

5. The complainant seeks the Panel's advice or help on further action against the Fund for Pension and Disability Insurance of Workers, in order to obtain retroactive payment of the pension for the period since it was stopped in 1999.

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. According to Section 1.2 of the Regulation, the Panel has jurisdiction over complaints relating to alleged violations of human rights by UNMIK.
8. In the present case the complainant complains about the denial of the continuation of his disability pension, allegedly decided by the Fund for Pension and Disability Insurance of Workers of the Republic of Serbia.
9. The object of the present complaint is a decision that is exclusively imputable to the authorities of the Republic of Serbia. The matter complained of does in no way engage the responsibility of UNMIK (in the same sense, with respect to a complaint relating to a disability pension that falls under the responsibility of the Kosovo authorities, Human Rights Advisory Panel, *N.G.*, no. 45/10, decision of 13 April 2011).
10. It follows that the complaint lies outside the jurisdiction *ratione personae* of the Panel.

FOR THESE REASONS,

The Panel, unanimously,

DECLARES THE COMPLAINT INADMISSIBLE.

Andrey ANTONOV
Executive Officer

Marek NOWICKI
Presiding Member