



The Human Rights Advisory Panel

UNMIK HQ, East Wing, 10000 Pristina, Kosovo

DECISION

Date of adoption: 4 June 2008

Case No. 08/08

Qerim BEGOLLI

against

UNMIK

The Human Rights Advisory Panel sitting on 4 June 2008
with the following members present:

Mr. Marek NOWICKI, Presiding member

Mr. Paul LEMMENS

Ms. Snezhana BOTUSHAROVA-DOICHEVA

Mr. John RYAN, 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. THE FACTS

1. The facts of the case as submitted by the complainant can be summarised as follows: In 1990 the complainant, while he was working in Switzerland, had an occupational accident which left him 100 per cent incapacitated. He underwent medical treatment in Switzerland and returned to Kosovo on an unspecified later date.

2. Apparently he received a decision of a Swiss authority, certifying his status as a disabled person, but no copy of this document has been submitted.

II. COMPLAINTS

3. The complainant requests UNMIK's assistance in obtaining a Swiss visa which would enable him to travel and to receive medical treatment in Switzerland.

III. THE LAW

4. The complainant requests UNMIK's assistance in obtaining a Swiss visa.

The Panel first notes that the complainant has failed to specify which of his rights guaranteed by the international human rights instruments listed in Section 1.2 of the UNMIK Regulation No. 2006/12 of 23 March 2006 on the establishment of the Human Rights Advisory Panel were breached.

5. However, the Panel observes that as a matter of well-established international law a State has the right to control the entry of non-nationals into its territory. The Panel further recalls that none of the human rights instruments referred to above guarantee as such any right to enter or to reside in a contracting State to persons who are not its nationals (see, among many other authorities, ECtHR, *Ilić v. Croatia* (dec.), no. 42389/98). Nor do they guarantee a right to obtain any assistance of public authorities in obtaining a right to enter any given country.

6. Taking all these circumstances together, the Panel concludes that complaint about the alleged breach of the complainant's human rights is incompatible with the human rights set forth in one or more of the instruments referred to in section 1.2 of the UNMIK Regulation No. 2006/12 of 23 March 2006, and must be rejected pursuant to section 3.3 of that Regulation.

FOR THESE REASONS,

The Panel, [unanimously],

DECLARES THE COMPLAINT INADMISSIBLE.

John J. RYAN
Executive Officer

Marek NOWICKI
Presiding member

