



DECISION

Date of adoption: 19 April 2010

Case No. 38/09

Gordana BULATOVIĆ

against

UNMIK

The Human Rights Advisory Panel on 19 April 2010,
with the following members present:

Mr Marek NOWICKI, Presiding Member
Mr Paul LEMMENS

Assisted by

Mr Rajesh TALWAR, 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 complainant is a former tenant of a flat in the “YU Program Building” in Prishtinë/Priština.
2. During the riots that erupted in Kosovo from 14 – 17 March 2004, the “YU Program Building” was heavily damaged and looted. The complainant was evacuated from the building on 17 March 2004. Her apartment was looted, with

all personal belongings and furniture either stolen or destroyed. Since then she has resided elsewhere.

3. Following the March 2004 riots, the Provisional Institutions of Self-Government (PISG) in Kosovo devised a reconstruction and compensation scheme for persons whose properties were damaged or destroyed during the riots. The plan called for the speedy reconstruction of homes and the provision of 2,000 euro to be provided for household goods to be replaced.
4. The complainant was not placed on the lists for compensation. As such, she addressed numerous local and international institutions seeking to be added to the list for compensation, without success.
5. On 8 March 2006, the complainant contacted the Ombudsperson's Institution in Kosovo regarding the lack of inclusion on the list and subsequent compensation.
6. The Ombudsperson's Institution considered that a violation of the complainant's right to property had occurred and contacted the Inter-Ministerial Commission for Reconstruction in Prishtinë/Priština and the Prime Minister of Kosovo beginning in 2006, seeking a resolution of the complainant's case.
7. The relevant institutions did not add the complainant to the list of eligible recipients of the funds in question.
8. The Ombudsperson's Institution also addressed UNMIK regarding the issue of inclusion on the list of those eligible to receive compensation. UNMIK was able to secure the complainant's placement on the list of those eligible for the 2,000 euro, although it is unclear whether these funds were ever paid.

II. COMPLAINTS

9. The complainant alleges that her right to peaceful enjoyment of her possessions guaranteed by Article 1 of Protocol No. 1 to the European Convention on Human Rights has been violated due to the failure of UNMIK to ensure that she received the 2,000 euro in compensation.

III. PROCEEDINGS BEFORE THE PANEL

10. The complaint was introduced on 13 March 2009 and registered on 18 March 2009.
11. On 3 June 2009, the Human Rights Advisory Panel communicated the complaint to the Special Representative of the Secretary-General (SRSG) for UNMIK's comments on the admissibility and the merits of the complaint.
12. On 3 July 2009, the SRSG provided UNMIK's comments on the admissibility and the merits of the complaint.
13. On 5 August 2009, the Panel sent UNMIK's comments to the complainant to obtain her response to UNMIK's comments.

14. The Secretariat of the Panel contacted the complainant by telephone in November 2009 to remind her that the deadline for response had passed and that she should file her response to the SRSG's comments. During that conversation, the complainant indicated that she no longer wished to pursue a complaint before the Panel. The Panel requested that the complainant submit a statement to that effect in writing. The complainant indicated that she would not submit such a statement.
15. To date, the Panel has not received any further communications from the complainant.

IV. THE LAW

16. During the course of examining the admissibility of the complaint, the complainant unequivocally stated that she no longer wished to pursue a complaint before the Panel and indicated that she was unwilling to submit such a statement in writing.
17. In the given circumstances the Panel considers that the complainant does not intend to pursue her application.
18. Accordingly, in accordance with Rule 29 of the Panel's Rules of Procedure, it is appropriate to strike the case out of the list.

FOR THESE REASONS,

The Panel, unanimously,

DECIDES TO STRIKE THE COMPLAINT OUT OF ITS LIST OF CASES.

Rajesh TALWAR
Executive Officer

Marek NOWICKI
Presiding Member