



DECISION

Date of adoption: 17 January 2009

Case No. 22/08

Servete KUSARI

against

UNMIK

The Human Rights Advisory Panel sitting on 17 January 2009,
with the following members present:

Mr. Marek NOWICKI, Presiding Member
Mr. Paul LEMMENS
Ms. Snezhana BOTUSHAROVA

Mr. John J. 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 complainant lodged a claim with the Special Chamber of the Supreme Court of Kosovo on Kosovo Trust Agency Related Matters (Special Chamber) on 8 May 2006.
2. No information or documentation concerning the nature of the complainant's case before the Special Chamber, including copies of the claim lodged or documents from the Special Chamber have been provided in support of the complaint.

II. PROCEEDINGS BEFORE THE PANEL

3. The complaint was introduced by post and registered by the Panel on 3 July 2008.
4. On 6 October 2008 the Panel wrote to the complainant requesting further information in relation to the complaint by 7 November 2008.
5. As no response was received to the Panel's request, the Panel wrote again to the complainant on 17 November 2008 requesting the information by 8 December 2008 in order to proceed with its consideration of the complaint. The Panel advised that if no response was received by the deadline, the Panel may consider that the complainant did not intend to pursue the complaint and may consequently strike out or dismiss the complaint. No response has been received from the complainant.

III. THE LAW

6. The documents filed by the complainant fail to allege that he is, or has been, a victim of a human rights violation by UNMIK. Asked twice for a clarification by the Panel, the complainant has failed to respond.
7. In the given circumstances the Panel considers that the complainant does not intend to pursue his application.
8. 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

John J. RYAN
Executive Officer

Marek NOWICKI
Presiding Member