



The Human Rights Advisory Panel

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DECISION

Date of adoption: 23 February 2011

Case no. 54/08

Vezire SHENARI and Sevdije SHENARI

against

UNMIK

The Human Rights Advisory Panel on 23 February 2011,
with the following members present:

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

Assisted by
Ms Anila PREMTI, Acting 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 introduced on 27 November 2008 and registered on 10 December 2008. The complainants were represented before the Panel by Mr Teki Bokshi, a lawyer from Gjakovë/Dakovica.
2. On 25 November 2009, the Human Rights Advisory Panel requested copies of relevant files from UNMIK in relation to the complaint. On 4 December 2009, UNMIK provided its response.

3. On 13 January 2010, the Panel sent a letter to the complainants' lawyer, requesting further information. On 24 January 2010, the complainants' lawyer provided a partial response, indicating that he was not able to communicate with his clients prior to the Panel's deadline for response. He requested a two week extension of the deadline so that he could clarify certain matters with his clients. The Secretariat to the Panel informed the complainant that the two week extension was granted.
4. On 2 March 2010, staff from the Secretariat to the Panel visited the UNMIK Office of Legal Affairs in order to obtain documents from UNMIK's archives.
5. On 5 May 2010, the Panel again sent a letter to the lawyer for the complainants, requesting a full response to its 13 January 2010 letter.
6. On 9 August 2010 and again on 20 January 2011, the Secretariat to the Panel contacted the lawyer by phone and requested a response to its previous letters.
7. On 15 February 2011, the Secretariat to the Panel again contacted the lawyer by phone to request a response. At that time, the lawyer indicated that his clients no longer want to pursue their complaint before the Panel.

II. THE FACTS

8. The complainant Vezire Shenari is the wife of the late Halil Shenari and the complainant Sevdije Shenari is the wife of the late Haxhi Shenari. All of the complainants belong to the Egyptian ethnic minority in Kosovo.
9. Halil and Haxhi Shenari were both killed in a traffic accident on 2 December 2001 when returning home from work. At the time, both were employed at the Socially Owned Enterprise KNI "Dukagjini" OTHPB-BP IMN Tjegulltorja (IMN), an industrial materials factory in Gjakovë/Đakovica.
10. Following their deaths, IMN provided the complainants with the full salaries for the deceased for a period of one year. After that, the complainants received 50% of their husbands' former salaries until IMN was privatised on 31 July 2006.
11. Following the cessation of payments, the complainants filed a number of complaints and appeals against the non-inclusion of their late husbands in the list of employees eligible for their share of 20% of the proceeds of privatisation of the company before the Kosovo Trust Agency and the Special Chamber of the Supreme Court of Kosovo for Kosovo Trust Agency Related Matters, claiming they were discriminated against during the privatisation process because their husbands had died.
12. The complainants were not successful in their claims.

III. COMPLAINTS

13. The complainants allege that they were discriminated against during the privatisation of IMN, claiming that their husbands would have been eligible for a share of the proceeds had they not died in the course of their work.

IV. THE LAW

14. During the course of examining the admissibility of the complaint, the complainants indicated through their lawyer that they no longer wished to pursue their complaint before the Panel.

15. 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.



Anila PREMTI
Acting Executive Officer



Marek NOWICKI
Presiding Member