The Human Rights Advisory Panel
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DECISION

Date of adoption: 26 October 2011

Case No. 59/10

DEPOSIT INSURANCE AGENCY

against

UNMIK

The Human Rights Advisory Panel, on 26 October 2011,
with the following members taking part:

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 30 March 2010 and registered on 1 April 2010. In the proceedings before the Panel, the complainant is represented by Mr Nikola Radosavović, a lawyer practising in Belgrade, Serbia.

II. THE FACTS

2. The complainant is the Deposit Insurance Agency, a public agency under the laws of the Republic of Serbia. It has its head office in Belgrade, Serbia.

3. The complainant alleges that a lawsuit against the socially owned enterprise Ferronikel and the Kosovo Trust Agency (KTA) was filed with the Special Chamber of the Supreme Court of Kosovo on Kosovo Trust Agency Related Matters (the Special Chamber) on 17 July 2006, seeking the payment of the debts that Ferronikel had towards the complainant as well as the payment of damages by the KTA.

4. The complainant states that, having learned that a procedure for the liquidation of Ferronikel had been initiated, it submitted its receivables records to the KTA on 12 September 2006.

5. The complainant alleges that the Special Chamber has failed to render any decision regarding the lawsuit submitted by the complainant.

III. THE COMPLAINT

6. The complainant complains about a violation of its right to a decision within a reasonable time, guaranteed by Article 6 § 1 of the European Convention on Human Rights.

IV. THE LAW

7. Before considering the case on the merits, the Panel must first decide whether to accept the case, considering the admissibility criteria set out in Sections 1, 2 and 3 of UNMIK Regulation No. 2006/12.

8. According to Section 1.2 of the Regulation the Panel has jurisdiction over complaints "from any person or group of individuals" claiming to be the victim of a human rights violation by UNMIK.

9. The Panel notes that the complainant has the status of a public agency according to the Law on the Deposit Insurance Agency of the Republic of Serbia (*Republic of Serbia Official Gazette*, No. 61/2005). The Panel is of the view that reference to complaints submitted from any person or group of individuals in Section 1.2 of the Regulation cannot be interpreted so as to include complaints submitted by a State or any of its agencies.

10. Therefore the Panel considers that the complaint is outside of its jurisdiction *ratione personae*.

FOR THESE REASONS,

The Panel, unanimously,

DECLARES THE COMPLAINT INADMISSIBLE.

Andrey ANTONOV
Executive Officer

Marek NOWICKI
Presiding Member