



DECISION

Date of adoption: 19 April 2010

Case No. 102/09

Slavi MITIĆ

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 the son of Mr Stanislav Mitić and Ms Jovanka Mitić.
2. Mr Stanislav Mitić and Ms Jovanka Mitić were allegedly abducted in June 1999 from their home in the village of Mushtisht/Mušutište, Suharekë/Suva Reka Municipality. Their whereabouts remain unknown to date.

II. COMPLAINTS

3. The complainant claims that UNMIK's failure to properly investigate the abduction of his parents constitutes a violation of the right to life, protected by Article 2 of the European Convention on Human Rights (ECHR) and that the mental pain and suffering caused by this situation resulted in a violation of Article 3 of the ECHR, the right to be free from inhuman or degrading treatment.

III. PROCEEDINGS BEFORE THE PANEL

4. The complaint was introduced on 30 April 2009 and registered on the same date and concerned the disappearances of both Mr Stanislav Mitić and Ms Jovanka Mitić.
5. The complainant also introduced two other complaints concerning the disappearance of his parents individually, Case no. 65/09 concerning Ms Jovanka Mitić and Case no. 66/09 concerning Mr Stanislav Mitić. Those complaints were both introduced on 30 April 2009 and registered on the same date.
6. A separate complainant introduced two complaints concerning the disappearance and death of Ms Jovanka Mitić (Case no. 63/09) and Mr Stanislav Mitić (Case no. 64/09) as well. Those complaints were both introduced on 30 April 2009 and registered on the same date.
7. On 30 October 2009, the Panel decided to join cases 63/09, 64/09, 65/09 and 66/09 pursuant to Rule 20 of the Panel's Rules of Procedure.

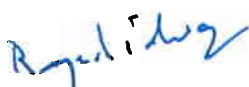
IV. THE LAW

8. During the course of examining the admissibility of the complaint, the Panel determined that Case nos. 65/09 and 66/09 and Case no. 102/09 were filed by the same complainant and concerned the same incident and the same victims.
9. In the given circumstances the Panel considers that the complaint in Case no. 102/09 is the same as Case nos. 65/09 and 66/09.
10. As such, in accordance with Rule 29 of the Panel's Rules of Procedure, it is appropriate to strike Case no. 102/09 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