



DECISION ON REQUEST FOR RE-EXAMINATION

Date of adoption: 10 November 2014

Case No. 2013-27

Shaban Kadriu

Against

EULEX

The Human Rights Review Panel sitting on 10 November 2014 with the following members present:

Ms Magda MIERZEWSKA, Presiding Member
Mr Guénaél METTRAUX, Member
Ms Katja DOMINIK, Member

Assisted by
Mr John J. RYAN, Senior Legal Officer
Ms Joanna MARSZALIK, Legal Officer
Mr Florian RAZESBERGER, Legal Officer

Having considered the aforementioned complaint, introduced pursuant to Council Joint Action 2008/124/CFSP of 4 February 2008, the EULEX Accountability Concept of 29 October 2009 on the establishment of the Human Rights Review Panel and the Rules of Procedure of the Panel as last amended on 15 January 2013,

Having deliberated, decides as follows:

I. PROCEEDINGS BEFORE THE PANEL

1. The complaint was registered on 27 December 2013.

2. On 27 May 2014, the Panel found the complaint inadmissible. It found that it lacked competence to examine the complaint, as it cannot, in principle, review judicial proceedings before the courts of Kosovo. It has no jurisdiction in respect of either administrative or judicial aspects of the work of Kosovo courts. Therefore the complaint fell outside its jurisdiction within the meaning of Article 29 (d) of its Rules of Procedure.
3. On 1 October 2014, the complainant requested the re-examination of his complaint within the meaning of Rule 42 of the Panel's Rules of Procedure.

IV. THE LAW

Request for re-examination

4. The complainant asked the Panel for a re-examination of its decision of 27 May 2014.
5. In addition to arguments made previously, the complainant submits that he received a decision declaring his request inadmissible only after he approached the EULEX office, which rendered him a copy.
6. Therefore, the complainant requests that "*this case is reviewed once again*".
7. From the information submitted the Panel concludes that the complainant has failed to point to any new fact relevant to Rule 42 of the Panel's Rules of Procedure. It follows that the complainant has failed to establish that the conditions for a re-examination of the Panel's 27 May 2014 inadmissibility decision were met in this case.

FOR THESE REASONS, THE PANEL, UNANIMOUSLY

Rejects the complainant's request for re-examination.

For the Panel,


John J. RYAN
Senior Legal Officer




Magda MIERZEWSKA
Presiding Member