



INADMISSIBILITY DECISION

Date of adoption: 27 May 2014

Case No. 2014-03

A.Z.

Against

EULEX

The Human Rights Review Panel sitting on 27 May 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 30 January 2014.

II. THE FACTS

2. The complainant's submissions may be summarised as follows.
3. On 11 May 1999, he was arrested by Serbian paramilitary forces. He was kept in detention until an unspecified later date, when a court in Niš, Serbia, found him guilty of terrorism and sentenced him to thirteen years' imprisonment. He was released from prison on 25 April 2001.
4. On an unspecified date in 2001, he was forced to sell his immovable property to X.G. and S.G. His family members convinced the buyers not to pay the complainant for the purchase. As the result, he received just forty percent of the agreed sum.
5. The complainant claims that his cousins have been involved in organised crime and human trafficking. He claims that sometime in 2004, they trafficked his then wife, B.Z., to work as a prostitute. He submits that later on, possibly in 2007, the same happened to the complainant's sister, C.Z. The complainant seems to imply that his former wife and sister are still held by the traffickers, but his submissions are unclear on this point.
6. The complainant also alleges that he has been repeatedly threatened by his family members.
7. He claims that he has reported all the offences against him, his wife and sister to the Kosovo Police. On 24 May 2007, the Human Trafficking Unit of the Kosovo Police notified the complainant that, having investigated the case and interviewed alleged victims, they found no evidence that they had been victims of human trafficking.
8. The complainant further submits that he complained to various international organisations, but to no avail. He allegedly contacted EULEX twice, in 2010 and in September 2013, but no action has been taken. He has provided no evidence in support of this claim.

III. COMPLAINTS

9. Without invoking any specific provisions of these instruments, the complainant submits that EULEX violated the Universal Declaration of Human Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment.

IV. THE LAW

10. As a matter of substantive law, the Panel is empowered to apply human rights instruments as reflected in the EULEX Accountability

Concept of 29 October 2009 on the establishment of the Human Rights Review Panel. Of particular importance to the work of the Panel are the European Convention on the Protection of Human Rights and Fundamental Freedoms (the Convention) and the International Covenant on Civil and Political Rights which set out minimum standards for the protection of human rights to be guaranteed by public authorities in all democratic legal systems.


11. Before considering the complaint on its merits, the Panel has to decide whether to accept the complaint, taking into account the admissibility criteria set out in Rule 29 of its Rules of Procedure.
12. According to Rule 25, paragraph 1, of the Rules of Procedure the Panel can examine complaints relating to the human rights violations by EULEX Kosovo in the conduct of its executive mandate in the justice, police and customs sectors.
13. The Panel considers that the allegations advanced by the complainant are unsubstantiated. The applicant has not submitted any evidence in support of his allegations.
14. The Panel further finds no indication that EULEX has been involved in the matters complained of in any capacity. The only documentary evidence submitted to the Panel relates to a police investigation, which was terminated in 2007, that is long before 9 December 2009, when EULEX became operational. There is no evidence that any other investigation has been carried out since or that EULEX has been asked to initiate one.

FOR THESE REASONS,

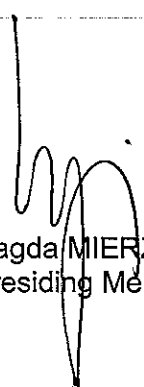
The Panel holds, unanimously, that the complaint is manifestly ill-founded within the meaning of Article 29 (e) of its Rules of Procedure, and

DECLARES THE COMPLAINT INADMISSIBLE.

For the Panel,


John J. RYAN
Senior Legal Officer




Magda MIERZEWSKA
Presiding Member