



INADMISSIBILITY DECISION

Date of adoption: 10 November 2014

Case No. 2014-28

Selatin Fazliu

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 16 April 2014.

II. THE FACTS

2. The complainant submits that since 1951 several hectares of land belonging to his family in different locations all over Kosovo, including Pristina, have been misappropriated.
3. The complainant submits that his family has been discriminated against by Yugoslav authorities and that his *“family has been killed by this regime and that my properties and family’s properties have been taken and given to Montenegrins, in order to populate this country with non-Albanians”*.
4. The complainant also submits a reply letter from the Office of the Chief of Staff of EULEX Kosovo dated 5 September 2012, informing him that since he does not ask for a particular action to be taken, EULEX is unable to take measures in response to his e-mail.

III. COMPLAINTS

5. The complainant requests to have his case resolved and to have his properties returned to him by the Panel.

IV. THE LAW

6. 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 which must be guaranteed by public authorities in all democratic legal systems.
7. Before considering the complaint on its merit, 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.
8. 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.
9. The Panel concludes from the information received that the complainant’s case relates to the alleged usurpation of property in the 1950s.
10. The Panel finds no indication that EULEX has been involved in the matters complained of (compare also *Shaip Gashi v. EULEX*, 2013-

20, 25 November 2013 at par. 9), nor is there any evidence before the Panel that EULEX has violated the rights of the complainant.

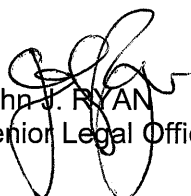
11. Also, EULEX's reply letter referred to in par. 4 above did not trigger the Panel's jurisdiction to examine the case as EULEX did not thereby exercise its executive mandate within the meaning of the EULEX Accountability Concept of 29 October 2009 on the establishment of the Human Rights Review Panel (see also *Kadriu against EULEX*, 2013-27, 27 May 2014 at par. 18). Nor, in any case, is there any indication that EULEX thereby violated the complainant's rights.

FOR THESE REASONS,

The Panel, unanimously, holds that it lacks competence to examine the complaint, finds the complaint 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