



DECISION TO STRIKE OUT A COMPLAINT

Date of adoption: 13 June 2017

Case No. 2015-14

Miodrag Konić

Against

EULEX

The Human Rights Review Panel sitting on 13 June 2017 with the following members present:

Ms Magda MIERZEWSKA, Presiding Member
Mr Guénaël METTRAUX, Member
Ms Elka ERMENKOVA, Member

Assisted by
Mr John J. RYAN, Senior Legal Officer
Ms Noora AARNIO, 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 23 December 2015.
2. On 22 March 2017 the Secretariat of the Panel sent a letter to Mr Miodrag Konić asking him to provide further information about the involvement of EULEX. As Mr. Konić in his complaint had not

provided a detailed address but only the name of his village, a member of the Secretariat travelled to the village and tried to locate him. After a failed attempt to do so, the letter was left with the “administrator of the village” who promised to deliver it. The Secretariat attempted to contact Mr Konić by phone, also unsuccessfully.

II. THE FACTS

3. The complainant submits that he and his wife were attacked several times in 2014; their house was broken into and they were physically attacked. He reported the attacks to the Kosovo police. The police apparently conducted an investigation.
4. The complainant further states that he and his wife were, again, attacked on 18 May 2015. Again, police conducted an investigation. This time, the police arrested the perpetrators.

III. COMPLAINTS

5. The complainant submits that his and his wife’s right to life and freedom of movement, freedom of thought and freedom of expression have been violated. He requests the Panel to find the perpetrators, convict them, and by doing so, release the complainant from the stress of fear for their safety.

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 merits the Panel has to decide whether to proceed with 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. According to Rule 29 bis, paragraph 1, of its Rules the Panel may, at any stage of the proceedings, decide to strike a complaint out of its list

of cases where the circumstances lead to the conclusion that the complainant does not intend to pursue his or her complaint.

10. The complainant failed in the application form to provide the Panel with an address at which he could be contacted. As a result, the Panel was unable to obtain information from the complainant necessary to the fulfilment of its mandate and was thus unable to ascertain the complainant's continued interest in pursuing the matter (*Hajdari Against EULEX*, Case no. 2014-40, par 14; *Shefki Hyseni Against EULEX*, Case no. 2014-21, par 11). Therefore, and in the absence of a *prima facie* indication of a human rights violation attributable to EULEX (see, Rule 29 *bis*, paragraph 2 of the Rules of Procedure), the Panel has concluded that it would not be justified to continue the examination of this complaint.

FOR THESE REASONS,

11. The Panel, unanimously, decides to strike the application out of its list of cases, in accordance with Rule 29 *bis* paragraph 1(1) of its Rules of Procedure.

DECLARES THE COMPLAINT INADMISSIBLE.

For the Panel,

John J. RYAN
Senior Legal Officer

Magda MIERZEWSKA
Presiding Member