



INADMISSIBILITY DECISION

Date of adoption: 15 June 2015

Case No. 2014-38

Slavica Mikić

Against

EULEX

The Human Rights Review Panel sitting on 15 June 2015 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

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 September 2014.

II. THE FACTS

2. On 3 December 2010, in Gjakovë/Đakovica, the complainant's son, A.B. was shot by A.K., a Kosovo Police officer. A.B. received medical treatment in a hospital in Belgrade, but died of his injuries there on 27 December 2010.
3. On 5 December 2010, an EULEX prosecutor from the EULEX Prosecutor's Office in Pejë/Peć initiated an investigation against A.K. on suspicion of murder of the complainant's son.
4. On 3 June 2011, the EULEX prosecutor terminated the investigation. He found that A.K. acted in self-defence, as A.B. had threatened to kill him while pointing a pistol at him.

III. COMPLAINTS

5. Without invoking any provisions of international documents for human rights protection, the complainant submits that the circumstances of her son's death have not been properly investigated and the perpetrator has not been brought to justice.

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 accept the complaint, taking into account the admissibility criteria set out in Rule 29 of its Rules of Procedure.
8. In accordance with Rule 25, paragraph 3, of the Rules of Procedure, complaints must be submitted within six months from the date of the alleged violation.
9. The Panel notes that the complainant's grievance concerns the termination of criminal proceedings against the person who killed her son. The final decision in those proceedings was given on 3 June 2011, when the EULEX Prosecutor terminated the investigation in the case. The complaint to the Panel was lodged on 30 September 2014, therefore outside the six-month time limit provided for in Rule 25 paragraph 3 of the Rules of Procedure. It follows that the complaint

does not satisfy the admissibility criteria set out in Rule 29 of the Panel's Rules of Procedure.

FOR THESE REASONS,

The Panel, unanimously, holds that the complaint must be rejected in accordance with Rule 29 (c), as it was introduced out of time and

DECLARES THE COMPLAINT INADMISSIBLE.

For the Panel,

John J. RYAN
Senior Legal Officer

Magda MIERZEWSKA
Presiding Member