



INADMISSIBILITY DECISION

Date of adoption: 5 June 2026

Case no. 2025-02

Magbule Kelmendi

Against

EULEX

The Human Rights Review Panel ("the Panel"), sitting on 5 June 2026 with the following members present:

Ms Marina MANCINI, Acting Presiding Member
Mr Petko PETKOV, Member

Assisted by
Ms Pia HOLM, Legal Officer

Having considered the aforementioned complaint, introduced pursuant to Council Joint Action 2008/124/CFSP of 4 February 2008, the EULEX Kosovo 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 2 June 2026,

Having deliberated, decides as follows:

I. PROCEEDINGS BEFORE THE PANEL

1. The complaint was submitted by email on 31 July 2025 and registered on the same day.
2. By letter of 31 July 2025, the Panel informed the Head of Mission ("HoM") of EULEX Kosovo ("the Mission") that this case had been registered.
3. On 31 July 2025 and again on 18 September 2025, the Panel requested via email additional information from the complainant regarding the documents listed but not attached to the complaint.

4. On 19 September 2025, the complainant submitted additional documents by email.
5. On 26 January 2026, the Panel transmitted the Statement of Claims to the HoM, inviting the Mission to submit observations no later than 27 February 2026.
6. On 27 February 2026, the HoM submitted his observations on the case.
7. On 4 March 2026, the HoM's letter was transmitted to the complainant for information.

II. FACTS

8. The complainant enrolled in the 60-credit/ECTS Master Programme in General International Management at Globus College in the academic year 2012/2013 and obtained the Master's degree on 1 November 2014.
9. Afterwards, the complainant applied for a PhD programme at the Faculty of Economics of the University of Sarajevo and was enrolled, subject to the recognition of her Master's diploma. On 4 February 2019, she was informed that recognition had been refused and that she could therefore not continue her doctoral studies.
10. The reason for the refusal to recognise the Master's diploma was the absence of the apostille stamp certifying its authenticity. On 19 January 2022, the complainant was informed by the Deputy Minister of Education of the Republic of Kosovo that the apostille stamp could not be provided because the Master Programme had not received the required accreditation.
11. According to the complainant, an organised criminal group exists, committing fraud by issuing fake diplomas, including her Master's diploma, and using corruption and favouritism towards various officials in Kosovo institutions, including the police, the prosecution service and the Ministry of Education, to cover up their crimes. The members of that group, as well as the involved officials, are named in the complaint.
12. The complainant states that the case was investigated by the Kosovo prosecution authorities and that, upon her request, EULEX decided to monitor it. However, the case was subsequently closed by a new prosecutor assigned to it, whom the complainant believes is one of the officials mentioned above. Following the prosecutor's decision, the complainant was informed that EULEX had terminated the monitoring process.

III. COMPLAINT

13. The complainant claims that, because of the non-recognition of her Master's diploma, which was found to have been issued by an institution (the Globus College) not authorised to offer 60-credit/ECTS Master Programmes, she lost

the opportunity to pursue doctoral studies abroad and to be employed as a university lecturer. This caused her financial and emotional damage.

14. The complainant claims that the alleged conduct of the individuals mentioned in para. 12, including the prosecutor who closed the case, violated her human rights, in particular the right to higher education (Article 26(1) UDHR), the right to a fair trial (Article 6 ECHR) and the right to an effective remedy (Article 13 ECHR).
15. She complains that EULEX terminated monitoring of the case after the prosecutor decided to close it, without ever meeting with her.
16. The complainant raises the suspicion that “even within EULEX there may be individuals holding such diplomas, which may have contributed to the deliberate silence of investigations”, referring to the diplomas issued by the Globus College, like hers.
17. The complainant urges the creation of a special task force to oversee and hold accountable Kosovo prosecutors and police officers involved in criminal activities.

IV. THE MISSION’S SUBMISSIONS

18. In his submissions, the HoM indicates that the Panel’s competence to review alleged human rights violations by EULEX Kosovo does not cover all its tasks, but is limited only to executive tasks, as clearly reflected in the Rules of Procedure. He also highlights that the reading of Articles 2 and 3 of Council Joint Action 2008/124/CFSP (as amended) indisputably shows that monitoring, mentoring, and advising tasks are clearly distinct from executive tasks.
19. In light of the above, the HoM deems that the complaint should be declared inadmissible, as it does not pertain to the Mission’s executive tasks.

V. THE PANEL’S ASSESSMENT

20. As a matter of substantive law, the Panel is empowered to apply human rights instruments as reflected in the EULEX Kosovo 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 Human Rights (ECHR) and the International Covenant on Civil and Political Rights (ICCPR), which set out minimum standards for the protection of human rights to be guaranteed by public authorities in all democratic legal systems.
21. Before considering the complaint on its merits, the Panel has to decide whether to admit the complaint, taking into account Rule 29 of its Rules of Procedure. This provision states that the Panel may declare a complaint inadmissible in summary proceedings, *inter alia*, if the complaint falls outside the Panel’s jurisdiction.

22. According to Rule 25(1) of the Rules of Procedure, the Panel can examine complaints relating to alleged human rights violations by EULEX Kosovo in the conduct of its executive mandate. The Mission's executive mandate is established in Articles 3 and 3a of the EU Council Joint Action 2008/124/CFSP, as amended by the EU Council Decision (CFSP) 2018/856.
23. The Panel notes that the subject matter of the complaint is the Mission's termination of monitoring of the case concerning the complainant, without meeting with her.
24. The Panel also notes that the Mission's task of monitoring selected cases and trials in Kosovo's criminal and civil justice institutions does not fall within the Mission's executive mandate (see 2019-02, *Driton Hajdari and Teuta Bici-Hajdari against EULEX*, 7 July 2022, para. 46).
25. The complainant does not mention the basis on which she suggests that case monitoring could be said to form part of the Mission's executive mandate, nor has she pointed to or submitted evidence of a culpable failure attributable to EULEX.

FOR THESE REASONS,

The Panel holds, unanimously, that the complaint does not fall within the scope of its jurisdiction within the meaning of Rules 25(1) and 29(1)(d) of its Rules of Procedure, and

DECLARES THE COMPLAINT INADMISSIBLE.



Marina MANCINI
Acting Presiding Member



Petko PETKOV
Member

