



INADMISSIBILITY DECISION

Date of adoption: 29 February 2016

Case No. 2015-03

Dekart Shkololli

Against

EULEX

The Human Rights Review Panel sitting on 29 February 2016 with the following members present:

Ms Magda MIERZEWSKA, Presiding Member
Mr Guénaël METTRAUX, Member
Ms Katja DOMINIK, Member

Assisted by
Ms Joanna MARSZALIK, Legal Officer
Mr Paul LANDERS, 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 20 April 2015.

II. THE FACTS

2. The facts, as submitted by the complainant, can be summarised as follows.
3. The complainant was convicted and sentenced to imprisonment in Germany although he provides no details about the nature of his conviction or punishment.
4. The complainant has a son, born in 1997, apparently living in Germany. He has been separated from him since 2004.

III. COMPLAINTS

5. The complainant submits that he was unfairly convicted and imprisoned. He also appears to complain that he has been separated from his son and asks to be reunited with him. He requests compensation for the injustice which he said he has suffered.

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 to 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. 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 notes that the complainant's grievance appears to pertain to criminal proceedings before the courts in Germany and his detention there. It also seemingly pertains to the custody over his son. It has not been argued, let alone shown, that EULEX was involved in any capacity in these matters.
10. It follows that the present complaint falls outside the ambit of the executive mandate of EULEX Kosovo and, consequently, outside of the competence of the Panel, as formulated in Rule 25 of its Rules of


Procedure and the OPLAN of EULEX Kosovo (see [Qerim Begolli against EULEX](#), 2014-27, 2 February 2015, § 12, [Mensur Fezaj against EULEX](#), no. 2014-20, 26 August 2014, §§ 9-10).

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,


Joanna MARSZALIK
Legal Officer




Magda MIERZEWSKA
Presiding Member