



DECISION TO STRIKE OUT A COMPLAINT

Date of adoption: 4 February 2014

Case No. 2012-23

Predrag Blagić

Against

EULEX

The Human Rights Review Panel sitting on 3 and 4 February 2014 with the following members present:

Ms Magda MIERZEWSKA, Presiding Member
Mr Guénaël 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 lodged by the complainant's brother, Dragan Blagić. It was registered on 26 December 2012.

2. On 1 August 2013, the Secretariat of the Panel sent a letter to Mr Dragan Blagić asking him to provide a letter of authority, authorising him to represent his brother in the proceedings before the Panel, as well as other documents relevant to the case. Mr Blagić failed to do so.
3. On 9 January 2013, the Panel once again asked the complainant's brother to provide the requested documents and notified him that, were he not to reply to the letter, the Panel might consider that the complainant did not intend to pursue his complaint and strike it out of the list of cases.
4. The complainant and his representative failed to react to the Panel's requests and to contact the Panel within the set time limit.

II. THE FACTS

5. The facts of the case, as submitted by the complainant's brother, may be summarized as follows:
6. On 24 October 2012, the complainant arrived from Serbia at the administrative boundary in Jarinje. He submits that he was stopped by the EULEX Border Police. Several hours later, he claims that he was handed over to the Kosovo Police and transported to the police station in Mitrovica/Mitrovicë South.
7. After two more hours, the complainant was informed that he had been charged with misuse of an official position. By virtue of a decision of the pre-trial judge of the District Court, he was detained on remand for thirty days. He was released on bail after eight days in detention.
8. It is not clear whether any criminal proceedings against the complainant are currently pending.

III. COMPLAINTS

9. The complainant alleges that he was unlawfully arrested and detained on remand; he further alleges that his arrest and detention were politically motivated.

IV. THE LAW

10. According to Rule 29 *bis*, paragraph 1 of the its Rules of Procedure 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.

11. As the complainant's representative has not replied to the Panel's repeated requests for information, it seems that the complainant has lost interest in pursuing his complaint. Therefore, and in the absence of an indication of a serious human rights violation (see, Rule 29 *bis*, paragraph 2 of the Rules of Procedure), the Panel has concluded that it would not be justified in the continuation of the examination of this complaint.

FOR THESE REASONS, The Panel, unanimously,

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

For the Panel,

John J. RYAN
Senior Legal Officer

Magda MIERZEWSKA
Presiding Member