



DECISION TO STRIKE OUT A COMPLAINT

Date of adoption: 25 August 2014

Case No. 2014-01

Nexhat Qubreli

Against

EULEX

The Human Rights Review Panel sitting on 25 August 2014 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
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 son, Besart Qubreli, who provided a letter of authority signed by his father. The case was registered on 8 January 2014.

2. On 2 July 2014, the Secretariat of the Panel sent a letter to the complainant's representative asking him to give additional information on the case, in particular to provide any document thought to be relevant to the complaint. Mr Qubreli failed to do so.
3. On 1 August 2014, the Panel once again asked the complainant's son 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 might strike it out of the list of cases.
4. The complainant and his representative failed to react to the Panel's requests or to contact the Panel within the suggested timeframe.

II. THE FACTS

5. The facts of the case, as submitted by the complainant's son, may be summarized as follows:
6. The complainant was under pressure from EULEX prosecutor to provide information concerning a mass grave revealed in Rashka. The complainant refused to give required information as he feared for his safety.
7. In alleged retaliation for his refusal, the EULEX prosecutor charged the complainant with war crimes. The complainant was also placed in detention on remand.

III. COMPLAINTS

8. The complainant alleges that the prosecutor's actions are contrary to international standards of human rights, in particular the European Convention on Human Rights.

IV. THE LAW

9. 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.
10. As the complainant's representative has not replied to the Panel's repeated requests for information, it appears 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 circumstances to continue with 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