



## **DECISION TO STRIKE OUT A COMPLAINT**

**Date of adoption: 10 November 2014**

**Case No. 2014-21**

**Shefki Hyseni**

**Against**

**EULEX**

The Human Rights Review Panel sitting on 10 November 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 registered on 21 March 2014.
2. On 24 September 2014, the Secretariat of the Panel sent a letter to the complainant asking him to give additional information on the case,

in particular to provide any documents thought to be relevant to the complaint. Mr Hyseni failed to do so.

3. On 15 October 2014, the Panel once again asked the complainant to provide the requested documents and notified him that, were he not to reply to the letter, the Panel might consider that he did not intend to pursue his complaint and might strike it out of the list of cases.
4. The complainant 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, may be summarized as follows:
6. The complainant maintains that he has been kept in detention on remand for ten months, without any legal basis or justification.
7. It appears that criminal proceedings against him are pending before the Basic Court of Mitrovica.
8. However, the complainant has not submitted any evidence in support of his allegations.

## **III. COMPLAINTS**

9. Without invoking any provisions instrument for human rights protection, the complainant submits that his rights have been violated. He appears to complain about unlawfulness of his detention and about lack of proper healthcare in a detention centre.

## **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 has not replied to the Panel's repeated requests for information, it appears that he 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