



INADMISSIBILITY DECISION

Date of adoption: 20 March 2012

Case No. 2011-25

Shaip Gashi

Against

EULEX

The Human Rights Review Panel sitting on 20 March 2012 with the following members present:

Mr. Antonio BALSAMO, Presiding Member
Ms. Magda MIERZEWSKA, Member
Ms. Verginia Micheva-RUSEVA, Member

Assisted by
Mr. John J. RYAN, Senior Legal Officer
Ms. Leena LEIKAS, 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 of 9 June 2010,

Having deliberated, decides as follows:

I. PROCEEDINGS BEFORE THE PANEL

1. The complaint was registered on 7 December 2011.

II. THE FACTS

2. The facts of the case, as submitted by the complainant, and as apparent from documents provided to the Panel, may be summarized as follows.

3. The complainant was injured during his employment in Germany in 1979, after which he was assigned some sick leave. His request for disability pension was filed in 1981. Since 2002 he claims to have been entitled to a disability pension from Germany. It seems that he has not received any payments, despite years of requests, appeals and other correspondence with the private and public pension institutions, other authorities and courts in Germany.
4. In addition, he has requested assistance from UNMIK, KFOR, Kosovo Ombudsperson and EULEX, none of which have been in position to assist him.

III. COMPLAINTS

5. The complainant requests that the Panel assist in the matter and ensures that he is paid what he perceives as his pension.

IV. THE LAW

6. 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.
7. 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.
8. The complainant's case relates to pension payments to him by a private pension insurance company in Germany and/or a German State Pension Institute.
9. The issues concerned in the present complaint do not fall within the ambit of the executive mandate of EULEX Kosovo, the latter being confined to certain matters pertaining to justice, police and customs.
10. The fact the complainant contacted EULEX Kosovo for advice does not bring the case within the ambit of EULEX Kosovo's executive mandate. Therefore, the issue does not fall within the ambit of the Panel's mandate, as formulated in Rule 25 of its Rules of Procedure and the OPLAN of EULEX Kosovo.

FOR THESE REASONS, THE PANEL UNANIMOUSLY

holds that it lacks competence to examine the complaint,

finds the complaint manifestly ill-founded within the meaning of Article 29 (d) of its Rules of Procedure, and

DECLARES THE COMPLAINT INADMISSIBLE.

For the Panel,

John J. RYAN
Senior Legal Officer

Antonio BALSAMO
Presiding Member