



INADMISSIBILITY DECISION

Date of adoption: 8 June 2011

Case No. 2011-17

Mr. Faik Azemi

Against

EULEX

The Human Rights Review Panel sitting on 8 June 2011
with the following members present:

Mr. Antonio BALSAMO, Presiding Member
Ms. Magda MIERZEWSKA, Member
Ms Anna BEDNAREK, Member

Assisted by
Mr. John J. RYAN, Senior Legal Officer
Ms. Leena LEIKAS, Legal Officer
Ms. Stephanie SELG, 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 5 May 2011.

II. THE FACTS

1. The complainant is employed as a secretary in a Secondary Agricultural School, "A. Frasheri", in Prishtinë/Priština. He signed his first contract of employment with the Municipal Directorate of Education in January, 2008. His contract was subsequently continually extended on an annual basis.
2. According to the complainant, and allegedly in breach of his contract of employment, he was advised by Director of Education that he could only perform tasks that were assigned to him by the Director. He further alleges that no tasks were assigned to him.
3. He alleges that he has been discriminated against, especially as he does not have an office of his own with his name and position displayed on the door. He filed complaints about his work related problems with several educational and community authorities, all to no avail.
4. In the beginning of 2011 he received at least two written warnings due to his irregular attendance at work. As a result, his salary was reduced by 10 per cent some time after 7 March 2011 when he had been notified of the second warning.

III. COMPLAINTS

5. The complainant claims, referring to the Constitution of the Republic of Kosovo and to international human rights declarations and conventions, that he has been discriminated against, and that his rights to a legal remedy and to a fair trial have been violated as well as his right to exercise his professional skills. He also complains that his dignity has been breached.

IV. THE LAW

1. 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.
2. According to Rule 25, paragraph 1 of the Rules of Procedure the Panel can examine complaints relating to human rights violations by EULEX Kosovo in the conduct of its executive mandate.
3. The complainant's case concerns an employment dispute between the complainant and his employer, the Municipal Directorate of Education, Prishtinë/Priština. Consequently, the issues raised by the complainant 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.


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 Adviser


Antonio BALSAMO
Presiding Member