



INADMISSIBILITY DECISION

Date of adoption: 10 November 2014

Case No. 2014-25

Nuha Beka

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 3 April 2014.

II. THE FACTS

2. The complainant was employed by EULEX as a local staff member on 12 September 2008. He worked, among others, as a warehouse assistant. On 14 June 2012, his contract was terminated.

III. COMPLAINTS

3. The complainant submits that EULEX violated his employment rights as he was unfairly dismissed from work.

IV. THE LAW

4. As a matter of substantive law, the Panel is empowered to apply human rights instruments as reflected in the EULEX Accountability Concept of 29 October 2009 on the establishment of the Human Rights Review Panel. Of particular importance to the work of the Panel are the European Convention on the Protection of Human Rights and Fundamental Freedoms (the Convention) and the International Covenant on Civil and Political Rights which set out minimum standards for the protection of human rights to be guaranteed by public authorities in all democratic legal systems.
5. 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.
6. According to Rule 25, paragraph 1, of the Rules of Procedure the Panel can only examine complaints made by persons other than EULEX Kosovo personnel. This disqualifies the complainant's case from examination (see *An EULEX Employee against EULEX*, 2010-13, 14 September 2010, § 5). Based on that provision, the Panel has no jurisdiction over this complaint and is not competent to deal with its merits.

FOR THESE REASONS,

The Panel, unanimously, holds that it lacks competence to examine the complaint, as it falls outside its jurisdiction 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




Magda MIERZEWSKA
Presiding Member