



## **INADMISSIBILITY DECISION**

**Date of adoption: 2 February 2015**

**Case No. 2014-27**

**Qerim Begolli**

**Against**

**EULEX**

The Human Rights Review Panel sitting on 2 February 2015 with the following members present:

Ms Magda MIERZEWSKA, Presiding Member  
Mr Guénaél METTRAUX, Member  
Ms Katja DOMINIK, Member

Assisted by  
Ms Joanna MARSZALIK, 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 16 April 2014.

### **II. THE FACTS**

2. The facts, as submitted by the complainant, can be summarised as follows.

3. On 3 September 1990, the complainant was involved and allegedly injured in a road traffic accident in Basel, Switzerland. He now resides in Pristina.
4. The Swiss National Accident Insurance Fund (SUVA), a public sector insurer, refused the complainant's insurance claim on an unspecified date in 1998.
5. On 29 October 2006, the complainant lodged an appeal against SUVA's decision with the Insurance Court of the Canton of Zurich. It would appear that his appeal was unsuccessful.
6. On 15 February 2013, the complainant applied for a Swiss visa at the Embassy of Switzerland in Kosovo, in order to return to Switzerland and receive medical treatment there. His request was denied on 20 February 2013.

### **III. COMPLAINTS**

7. It would appear that the complainant asks to be allowed to return to Switzerland and to receive medical treatment there.

### **IV. THE LAW**

8. 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.
9. 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.
10. 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 in the justice, police and customs sectors.
11. The Panel notes that the complainant's grievance appears to pertain to an insurance dispute with a Swiss insurance company and the Swiss authorities. It also seemingly pertains to the complainant's inability to access medical treatment in Switzerland. It has not been shown that EULEX was involved in any capacity in this matter.

12. It follows that the present complaint falls outside the ambit of the executive mandate of EULEX Kosovo and, consequently, outside of the competence of the Panel, as formulated in Rule 25 of its Rules of Procedure and the OPLAN of EULEX Kosovo (see *Shaip Gashi against EULEX*, 2013-20, 26 November 2013, § 9, *Mensur Fezaj against EULEX*, no. 2014-20, 26 August 2014, §§ 9-10).

**FOR THESE REASONS,**

The Panel holds, unanimously, that the complaint is manifestly ill-founded within the meaning of Article 29 (e) of its Rules of Procedure, and

**DECLARES THE COMPLAINT INADMISSIBLE.**

For the Panel,

Joanna MARSZALIK  
Legal Officer

Magda MIERZEWSKA  
Presiding Member