HRRP
Human Rights Review Panel

INADMISSIBILITY DECISION

Date of adoption: 2 February 2015

Case No. 2014-29

Shemsi Musa

Against

EULEX

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

Ms Magda MIERZEWSKA, Presiding Member
Mr Guénaël 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 22 April 2014.

II. THE FACTS

2. From September 2001 to June 2002, the complainant rented his flat in Pristina to two international police officers working for UNMIK. He

later found that they had left the flat without paying their telephone bill which amounted to EUR 2.176,50 (two thousand one hundred seventy six euro and fifty cents).

3. On 13 June 2003, the Post and Telecommunications of Kosovo (PTK) company lodged a claim against the complainant before the Municipal court of Pristina, seeking payment of the outstanding telephone bill.

4. On 22 December 2008, the Municipal Court dismissed the claim. PTK appealed against that judgment on 17 March 2009.

5. On 7 March 2014, the Kosovo Court of Appeal, sitting as a panel of three Kosovo judges, allowed the appeal, amended the first-instance judgment and ordered that the complainant pays the contested bill.

III. COMPLAINTS

6. Without invoking any particular provisions of the international documents for the protection of human rights, the complainant submits that his economic rights have been violated.

IV. THE LAW

7. 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.

8. 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.

9. 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.

10. The Panel observes that it has not been argued, let alone shown, that EULEX was in any way involved in the alleged violations of the complainant's rights.

11. It follows that the issues raised by the complainant do not fall within the ambit of the executive mandate of EULEX Kosovo. Consequently, they are outside of the Panel's competence, as formulated in Rule 25

of its Rules of Procedure and the OPLAN of EULEX Kosovo (compare *Shaip Gashi* v. EULEX, 2013-20, 26 November 2013 § 9; *Jovanka, Dragan and Milan Vuković* against EULEX, no. 2013-18, 7 April 2014, §§ 11-12).

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,

Joanna MARSZALIK
Legal Officer

Human Rights Review Panel
HRRP

Magda MIERZEWSKA
Presiding Member