



INADMISSIBILITY DECISION

Date of adoption: 07 December 2011

Case No. 2010-14

Mr. Lulzim Gashi

Against

EULEX

The Human Rights Review Panel sitting on 08 December 2010 with the following members present:

Mr. Antonio BALSAMO, Presiding Member

Ms. Magda MIERZEWSKA, member

Mr. Francesco FLORIT, 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 complainant first contacted the Panel on 7 July 2010 by e-mail. He was informed that the examination of the hiring procedures of EULEX Kosovo is not within the mandate of the HRRP and he was advised to contact EULEX Human Resources.
2. On 20 September 2010 the complainant contacted the Panel again and as instructed, his complaint was received and registered on 27 September 2010.

II. THE FACTS

3. The complainant applied for a position with EULEX Kosovo in 2008. He was neither selected nor shortlisted for an interview pursuant to his application. He subsequently contacted EULEX Kosovo, the European Ombudsman and UNMIK who either did not have a mandate to examine such a complaint or did not consider his claims substantiated enough for an investigation.

III. COMPLAINTS

4. The complainant claims that the recruitment procedure of EULEX is corrupt and unfair. He submits that, allegedly, less qualified persons than him have been hired as a result of personal relationships or various agreements between the personnel in charge of recruitment and the individuals applying for EULEX posts.

IV. THE LAW

5. Before considering the complaint on its merits the Panel has to decide whether to accept it, 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 examine complaints relating to the human rights violations by EULEX Kosovo in the conduct of its executive mandate.
7. The issue raised in the present complaint relates to the recruitment procedures in EULEX Kosovo and therefore it does 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 Officer

Antonio BALSAMO
Presiding Member