



## **INADMISSIBILITY DECISION**

**Date of adoption: 26 August 2014**

**Case No. 2014-08**

**C.X.**

**Against**

**EULEX**

The Human Rights Review Panel sitting on 26 August 2014 with the following members present:

Ms Magda MIERZEWSKA, Presiding Member  
Mr Guénaël 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 25 February 2014. The complainant requested not to have his identity disclosed.

## **II. THE FACTS**

2. The complainant submits that since 1992, a psychiatrist had treated him *“irresponsibly by using sophisticated equipment, while he reads my ideas in my brain and publishes them in the Kosovo media, such as television and radio”*.
3. The complainant states that he submitted several complaints to EULEX, asking EULEX to resolve his matter. The complainant submitted two copies of such letters to the Panel, dated 10 September 2011 as well as 7 May 2012.
4. The complainant also submitted three replies from EULEX to the Panel. In the first letter, dated 17 November 2011, EULEX makes reference to the complainant’s letter of 10 September 2011 in which he had requested to review a decision of the Municipal Public Prosecutor. EULEX further elaborated that it was in no position to review decisions of prosecutorial and judicial bodies which could only be challenged through judicial and legal remedies.
5. In another letter dated 15 October 2012, the Office of the Chief of Staff of EULEX made reference to the complainant’s letter of 8 October 2012, in which the complainant had requested a meeting with EULEX to discuss his unresolved problems. EULEX invited the complainant to submit further details to be able to consider the case, because it found the submission of the complainant to be unclear.
6. In another letter from EULEX, dated 15 May 2013, EULEX made reference to a letter from the complainant of 7 May 2013 and invited him again to provide clearer and more precise information, for EULEX to be able to consider the case.
7. The complainant submitted that on an unspecified date he contacted the office of the Ombudsperson which declined to act on his request.

## **III. COMPLAINTS**

8. The complainant requests to have his problems in relation to his psychiatrist resolved by the Panel.

## **IV. THE LAW**

9. 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 which must be guaranteed by public authorities in all democratic legal systems.

10. Before considering the complaint on its merit, 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.
11. 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.
12. The Panel considers that the allegations advanced by the complainant are unsubstantiated. The applicant has not submitted any evidence in support of his allegations.
13. The Panel further finds no indication that EULEX has been involved in the matters complained of in any capacity (compare also *Shqip Gashi v. EULEX*, 2013-20, 25 November 2013 at par. 9), nor is there any evidence before the Panel that EULEX has violated the rights of the complainant.

**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 (e) of its Rules of Procedure, and

**DECLARES THE COMPLAINT INADMISSIBLE.**

For the Panel,

  
John J. RYAN  
Senior Legal Officer



  
Magda MIERZEWSKA  
Presiding Member