



INADMISSIBILITY DECISION

Date of adoption: 17 October 2017

Case No. 2016-36

Namon Statovci

Against

EULEX

The Human Rights Review Panel sitting on 17 October 2017 with the following members present:

Ms Magda MIERZEWSKA, Presiding Member
Mr Guénaël METTRAUX, Member
Ms Elka ERMENKOVA, Member

Assisted by
Mr John J. RYAN, Senior 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 with the Panel on 20 December 2016.

II. THE FACTS

2. The facts of the case as submitted by the complainant may be summarised as follows:

3. The complainant was an asylum seeker in Sweden for a certain period of time. He returned voluntarily to Kosovo on 7 April 2010. He was promised assistance by unspecified parties upon returning.
4. On 7 July 2010, the complainant filed requests with the Deputy Minister of the Ministry of Labour and Social Welfare with a view, inter alia, to obtain financial assistance and assistance for sheltering him and his family. On the same date, the complainant filed requests with the Ministry of Labour and Social Welfare asking for the same assistance.
5. On 27 July 2010, the complainant also made a request to the Ministry of Communities and Returns, asking for construction material.
6. The complainant claims that he never received an answer to his requests.
7. He said that the Ministry of Interior, Repatriation Department, requested some additional documentation from him, which he provided.
8. On 20 September 2012, the Mayor of Ferizaj wrote to the Executive Board of Repatriation Department Ministry of Interior recommending that the complainant's request for building material should be granted.
9. On 24 December 2013, the Ministry of Internal Affairs, the Department of Reintegration of Repatriated Persons, rejected the request of the complainant.
10. On 7 September 2016, the Basic Court of Pristina, Department of Administrative Issues, rejected as ungrounded the request of the complainant to annul the decision of 24 December 2013.
11. On 3 November 2016, the complainant appealed against the judgment of the Basic Court of Pristina.
12. On 12 January 2017, the Appeal Court of Kosovo, Administrative Department, rejected his appeal as ungrounded.

III. COMPLAINTS

13. The complainant states that the repatriation and reintegration rules have not been implemented and thus his rights have therefore been violated. The complainant does not refer to any specific human rights or human rights provisions as having been breached.

IV. THE LAW

14. 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 in the OPLAN of EULEX Kosovo 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.
15. Before considering the complaint on its merits, the Panel has to decide whether to proceed with it, taking into account the admissibility criteria set out in Rule 29, in conjunction with the Rule 25, of its Rules of Procedure.
16. 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.
17. The Panel notes that the complainant's grievance appears to pertain exclusively to administrative proceedings before the public offices and courts in Kosovo over which the Panel does not have competence (see, e.g., *Z.A. against EULEX*, 2014-36, 29 February 2016, para. 17 and references cited). Furthermore, it has not been argued, let alone shown, that EULEX was involved in any capacity in these matters. Nor has it be shown in what way EULEX would have violated the rights of the complainant.
18. 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 (see *Qerim Begolli against EULEX*, 2014-27, 2 February 2015, para. 12, *Mensur Fezaj against EULEX*, no. 2014-20, 26 August 2014, paras. 9-10).

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 therefore

DECLARES THE COMPLAINT INADMISSIBLE.

For the Panel,


John J. RYAN
Senior Legal Officer




Magda MIERZEWSKA
Presiding Member