



INADMISSIBILITY DECISION

Date of adoption: 14 September 2010

Case Number: 2010-10

Mr. Horst Proetel

Against

EULEX

The Human Rights Review Panel sitting on 14 September 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 adopted on 9 June 2010,

Having deliberated, decides as follows:

I. PROCEEDINGS BEFORE THE PANEL

1. The complaint was registered on 21 June 2010. On 6 July the Secretariat informed the complainant of the receipt of the complaint. On 7 July 2010 the complaint was forwarded to the Human Resources' Personnel Officer of EULEX Kosovo for information.

II. THE FACTS

2. The complainant applied for a position as a EULEX judge on several occasions. He was neither selected nor short-listed for an interview pursuant to those applications.

III. COMPLAINT

3. The complainant claims that he has been discriminated against in the recruitment procedure on age grounds. He therefore requests reconsideration of his application and production of a formal reasoned decision on why he was not shortlisted, nor selected.

IV. THE LAW

4. 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.
5. According to Rule 25, paragraph 1 of the Rules of Procedure the Panel can only examine complaints relating to the human rights violations by EULEX Kosovo in the conduct of its executive mandate.
6. The issue raised in the present complaint relates to 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