



INADMISSIBILITY DECISION

Date of adoption: 14 September 2010

Case Number: 2010-11

Mrs. Laura Rudi

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 received on 12 May 2010. The Panel became operational on 9 June 2010, on which date the complaint was registered.

II. THE FACTS

2. The complainant rented an apartment to a EULEX Kosovo Police Officer from May 2008 until January 2010. A dispute with regard to electricity bills developed between the parties.

III. COMPLAINT

3. The complainant claims that she is facing serious difficulties with KEK (Kosovo Electricity Company) due to the large unpaid bills. She is requesting an amicable solution before taking legal action against the said EULEX Staff member.

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 a private law dispute between the complainant and a member of EULEX staff. It therefore 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

