



INADMISSIBILITY DECISION

Date of adoption: 14 September 2010

Case Number: 2010-13

An EULEX Employee

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 09 September 2010.

II. THE FACTS

2. The complainant, a member of EULEX Kosovo staff, has made an official complaint with regard to the allegedly irrational and abusive behaviour of his supervisor.

III. COMPLAINT

3. The complainant claims that the behaviour of his supervisor created a hostile working environment which also affected him personally.

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 made by persons other than EULEX Kosovo personnel. This disqualifies the complainant's case from examination.

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

