



INADMISSIBILITY DECISION

Date of adoption: 6 June 2013

Case No. 2012-18

Hamdi Sogojeva

Against

EULEX

The Human Rights Review Panel sitting on 6 June 2013
with the following members present:

Ms. Magda MIERZEWSKA, presiding member
Mr. Guénaél 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 of 9 June 2010,

Having deliberated, decides as follows:

I. PROCEEDINGS BEFORE THE PANEL

1. The complaint was registered on 9 November 2012.

II. THE FACTS

2. On 1 October 2004, the complainant was employed by Korporatës Enegetike të Kosovës (“KEK”, the Kosovo Electric Company). He worked there as a lorry driver.
3. On an unspecified date in 2006, the complainant was dismissed from his job.

III. COMPLAINTS

4. The complainant alleges that he was unfairly dismissed by KEK and requests to be reinstated to his position.

IV. THE LAW

5. 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.
6. According to Rule 25, paragraph 1 of the Rules of Procedure, the Panel can examine complaints relating to the human rights violations by EULEX in the conduct of its executive mandate in the justice, police and customs sectors.
7. The Panel notes that the complainant’s grievance concerns, in essence, an employment dispute between him and with his former employer, the KEK.
8. It follows that the issues raised by the complainant do not fall within the ambit of the executive mandate of EULEX Kosovo. Consequently, they are outside of the Panel’s mandate, as formulated in Rule 25 of its Rules of Procedure and the OPLAN of EULEX Kosovo (compare, case no. 2011-17, *Faik Azemi against EULEX*, par. 3)

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

Magda MIERZEWSKA
Presiding Member