



## **DECISION AND FINDINGS**

**Date of adoption: 11 December 2020**

**Case no. 2016-23**

**Q.J.**

**Against**

**EULEX**

The Human Rights Review Panel, sitting on 11 December 2020 with the following members present:

Mr Guénaël METTRAUX, Presiding Member

Ms Anna BEDNAREK, Member

Ms Anna AUTIO, Member

Assisted by

Mr Ronald HOOGHIEMSTRA, 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 11 December 2019,

Having deliberated through electronic means in accordance with Rule 13(3) of the Panel's Rules of Procedure, decides as follows:

### **I. PROCEEDINGS BEFORE THE PANEL**

1. The complaint in this case was registered on 30 June 2016.
2. By letter of 1 July 2016, the Panel informed the Mission that this case had been registered with the Panel.
3. On 28 June 2017, the Panel requested this complainant to provide additional information.
4. On 20 September and 17 October 2017, the Panel sent two further requests for additional information via the representative for Serb families of the Missing Persons Resource Center (MPRC), an NGO based in Pristina.
5. On 20 October 2017, the Panel received a response through the MPRC providing additional information regarding this complaint.

6. On 8 December 2017, the Panel transmitted a Statement of Facts and Questions to the Head of Mission (HoM), EULEX Kosovo, inviting her to submit her answers and written observations on the complaints no later than 26 January 2018.
7. By letter of 17 January 2019, the Mission was requested again to provide answers to the questions by 16 February 2019.
8. By letter of 8 April 2019, the Mission was requested once more to provide answers to the questions as soon as practical.
9. On 20 June 2019, the complainant was informed that the Panel was still in the process of examining her complaint.
10. The observations of the HoM were eventually received on 1 May 2020.
11. Due to the corona virus pandemic and the resulting suspension of postal services, the Mission's observations could not be served on the complainant. Because of the exceptional circumstances created by the current sanitary situation and having satisfied itself that the Panel could proceed without causing prejudice to the complainant, the Panel has decided to render its Decision without delay to ensure that proceedings are conducted expeditiously. The Mission's submissions will be served on the complainant together with the present Decision so that the complainant is in a position to comment on any of the Mission's submissions if she chooses to do so at the merit stage of these proceedings.
12. On 4 June 2020, the complaint was declared admissible in regard to alleged violations of Articles 2, 3, 8 and 13 of the European Convention of Human Rights (<https://hrrp.eu/docs/decisions/2020-06-04%20Admissibility%20Decision%202016-23.pdf>). In that Decision, the Panel also invited the parties to address the following matters by:

**INVITES THE MISSION** to clarify the following in its submissions on the merit of this case:

- i. What steps, if any, have been taken by the Mission towards local authorities in relation to this case? In particular, has the Mission inquired with local authorities whether (a) they were aware of the existence of that case and (b) whether they are currently investigating it and, if not, (c) why not?
- ii. What role, if any, does the Mission intend to play in the future in relation to this unresolved case of enforced disappearance? What concrete measure or action does the Mission consider within its (current) powers to seek to advance the investigation and resolution of this case? If the Mission does not intend to take any steps with respect to this case, why not?
- iii. Were the documents received from UNMIK in relation to this case transmitted to the local Kosovo Authorities following the Mission's change of mandate in June 2018 and reduction of executive competence?
- iv. Did the Mission try to contact UNMIK, the SPRK or the District Prosecution to obtain a copy of the case-file pertaining to this case? If so, what was the outcome of the contact? If not, why?

**INVITES THE COMPLAINANT** to respond to the following:

- i. Please describe the effect – financial, legal, personal and emotional – that the disappearance of your relative has had upon you and your family.
13. On 2 July 2020, the Panel's Decision on Admissibility was forwarded to the complainant and the HoM, and they were invited to respond to the Panel's questions and provide their comments on the merit of the complainant, if any, by 4 September 2020.
14. On 31 August 2020, via electronic communication, the HoM requested an extension of the deadline to 5 September 2020 for him to submit his responses and observations on the merit. The Panel agreed to and granted this request.
15. On 5 October 2020, the HoM submitted his responses to the questions of the Panel and his additional observations on the merit of the complaint.
16. On 23 October 2020, the observations of the HoM were sent to the complainant for information.

## **II. THE FACTS**

17. The facts, as they appear from the submissions of the parties, can be summarized as follows.
18. On 18 June 1999, the complainant's husband was last seen in Gjakova/Djakovica.
19. On an unspecified date, the complainant reported the disappearance of her husband to the District Public Prosecution Office in Pejë/Peć and to the Ministry of the Interior of the Republic of Serbia.
20. On 24 June 1999, the ICRC opened a tracing request for the complainant's husband.

## **III. SUBMISSIONS OF THE PARTIES**

### **Submissions of the complainant**

21. As is apparent from the complaint form, the complainant alleges that, in the exercise of its executive mandate, EULEX Kosovo should have investigated the disappearance of her husband and culpably failed to do so in violation of her fundamental rights.
22. The complainant did not refer to any particular provision or to any particular fundamental rights. However, as established in the admissibility decision, the complaint relates to an alleged violation of the following fundamental rights: Article 2 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (the Convention) under its procedural head, which guarantees a person's fundamental right to life and provides for an obligation to investigate cases of suspicious deaths; Article 3 of the Convention which guarantees a person's right not to be subjected to torture or inhuman or degrading treatment or punishment; Article 8 of the Convention guaranteeing the right to private and family life; and Article 13 of the Convention guaranteeing the right to an effective remedy.

### **Submissions of the Head of Mission**

23. By letter of 5 October 2020, the Mission responded to the Panel's questions.

24. To the question of what steps, if any, have been taken by the Mission towards local authorities in relation to this case and whether the Mission inquired with local authorities whether (a) they were aware of the existence of that case and (b) whether they are currently investigating it and, if not, (c) why not, the Mission responded as follows:

'The Mission has visited the Basic Prosecution Office in Prizren to inquire whether the UNMIK case-file pertaining to Mr [redacted] is located in their archive, but was informed that this is not the case. EULEX is inquiring with other Basic Prosecution Offices where the case-file may be located and will inform the Panel and the complainant of any results in due course.'

25. The Panel's next question was:

What role, if any, does the Mission intend to play in the future in relation to this unresolved case of enforced disappearance? What concrete measure or action does the Mission consider within its (current) powers to seek to advance the investigation and resolution of this case? If the Mission does not intend to take any steps with respect to this case, why not?

In response, the Mission explained its current mandate, listing things it is unable to do and concluded:

'While EULEX appreciates that these activities cannot in any way alleviate the suffering of the complainant, it wishes to reaffirm its commitment to provide within the limits of its mandate all possible support to the competent institutions.'

The Mission also said that it stood ready to help local authorities should new evidence become available. The Mission also undertook to try to locate the relevant UNMIK case-file so that the complainant can seek access to it (from local authorities). In that context, the Mission said that all relevant EULEX cases and case-files, including those inherited from UNMIK, were transferred to the competent authorities by December 2018.

26. Regarding the merit of the case, the Mission acknowledges that the complainant has a right to an effective investigation into the disappearance of her husband, but that this right is, as far as the authorities are concerned, an obligation of means not result. Crucial in assessing compliance with that obligation, the Mission says, is that 'the authorities have done all that would reasonably be expected of them in the circumstances of the case' and adds:

'[T]he nature and degree of scrutiny must be assessed on the basis of all relevant facts and with regard to the practical realities of investigation work'.

27. Addressing substance, the Mission started by highlighting the scale of the challenge to investigate cases of disappearance dating back to the Kosovo conflict and submitted that the practical realities and difficulties of doing so should be duly taken into consideration when assessing its conduct.

28. The Mission also made a new submission that differs slightly from earlier submissions made in previous cases:

'When exercising its scrutiny over the conduct of the Mission in the present case, [the Mission] invites the HRRP to consider as another '*relevant fact*' that the UNMIK-EULEX agreement relating to the transfer of the prosecution files, did not foresee the transfer of files that had already been dismissed or terminated by UNMIK, but only of 'active' prosecution files. Therefore, dismissed or terminated

case-files such as the present one, were not transferred to EULEX, but were archived at the Special Prosecution Office of the Republic of Kosovo – SPRK or at the District Prosecutors’ Offices.’

This particular submission will be addressed in full below. The Mission also specifies that ‘closed’ missing persons cases were ‘those for which remains of the missing had already been located at the moment of the handover’ of cases from UNMIK to EULEX.

29. The Mission also pointed to the practical challenges involved in the management of thousands of cases and case-files that were passed along by UNMIK, many of which were inadequately organized. On that basis, it calls upon the Panel to carry out a ‘realistic’ and proportionate assessment of the Mission’s response.

30. The Mission finally made the following submissions:

‘The Mission acknowledges that the management of the files inherited from UNMIK was a challenge and that it was unable to rectify many inconsistencies and duplications. It also acknowledges that its police and prosecutorial units should have ensured better communication with victims and victims’ relatives, and also with the wider public. However, it maintains that it would have been simply disproportionate to expect that the Mission could investigate all killings, suspicious deaths and disappearances and reopen cases that had already been terminated by the UNMIK authorities. Therefore, in the present case and in considering the fundamental obstacles presented, the Mission does not believe that the complainant’s rights were violated.’

#### **Submissions of the complainant**

31. No further submissions were received from the complainant.

#### **IV. THE PANEL’S ASSESSMENT**

##### ***No investigation of this case has ever been conducted***

32. The Mission effectively acknowledged not to have investigated this case.

33. It is also apparent from the record that there was no effective investigation of the case before it was handed over to the Mission and there is still no known investigation into this case.

34. The Panel wishes to underline the fact that the rights at stake in cases such as the present one are among the most important of all fundamental human rights. In particular, such cases often involve issues pertaining to the right to life, the right not to be subject to cruel and inhuman treatment, the right to truth, the right to respect for family life, and the right to have access to justice. See, e.g., *Milijana Avramović against EULEX*, Decision and Findings, Case no. 2016-17, 4 June 2019, para 34. The nature and extent of the measures to be adopted by the competent authorities to guarantee the effective protection of these rights must, therefore, be commensurate to, and be measured against, the importance that attach to these rights and to the underlying interests which they seek to protect (see *Milijana Avramović against EULEX*, Decision and Findings, Case no. 2016-17, 4 June 2019, para 34). At the same time, these standards must apply to this Mission in a realistic manner that accounts, in particular, for the fact that EULEX Mission is not a state, that its

resources were limited, and that it operated at the relevant in a complex post-conflict environment (see, again, *Milijana Avramović against EULEX*, Decision and Findings, Case no. 2016-17, 4 June 2019, paras 36ff (and references cited therein); *A,B,C,D against EULEX*, 2012-09 to 2012-12, 20 June 2013, para. 50).

35. In every case, however, where there are credible allegations that Articles 2 and 3 have been violated, the authorities are expected to investigate such claims in order to establish the truth and, evidence permitting, to bring those responsible for those violations to justice (see, e.g., *Sadiku-Syla against EULEX*, 2014-34, Decision and Findings, 19 October 2016, para. 36; *D.W., E.V., F.U., G.T., Zlata Veselinović, H.S., I.R. against EULEX*, 2014-11 to 2014-17, Decision on Admissibility, 30 September 2015, para. 88; *Sadiku-Syla against EULEX*, 2014-34, Decision on Admissibility, 29 September 2015, para. 58. See also ECtHR: *Nachova and Others v Bulgaria*, Application nos. 43577/98 and 43579/98, judgment of 6 July 2005, para. 110; *Hugh Jordan v. the United Kingdom*, Application no. 24746/94, judgment 4 May 2001, para. 105; *McCann and Others v. the United Kingdom*, judgment of 27 September 1995, Series A no. 324, para. 161; *Assenov and Others v. Bulgaria*, judgment of 28 October 1998, Reports of Judgments and Decisions 1998-VIII, para. 102).
36. In that sense, the right of the complainant – under both Article 2 and Article 3 of the European Convention of Human Rights – to have the disappearance of her husband investigated has been violated. The enquiry next turns to the Mission’s responsibility, if any, for that state of affairs.

#### ***The Mission’s human rights obligations***

37. The Mission was required to fulfill its executive responsibilities in a manner consistent with relevant human rights standards. This implied, *inter alia*, that it would investigate cases within its *jurisdictional* competence that involved the violation of rights guaranteed under Articles 2 and 3 of the European Convention of Human Rights. The present case, as well as other cases of enforced disappearance/missing persons, fell right within the scope of those competences and responsibilities.
38. In order to explain its failure to investigate the present case, the Mission essentially advances three factors or considerations:
- a) the challenge involved in investigating cases of this sort in the particular circumstances in which it had to operate; and
  - b) the fact that it could not be expected to resolve each and all of the relevant cases in light of the magnitude of the undertaking, in particular in light of the inadequate organizing and classifying of case-files by its predecessor, UNMIK; and
  - c) the suggestion that the agreement between UNMIK and EULEX Kosovo only foresaw that the latter would investigate or look into cases still active/open at the time of their transfer.
39. In addition, as a preliminary matter, the Mission points to the fact that this case was characterized as being ‘closed’ by UNMIK before the case-file pertaining to it was transferred to the Mission.
40. Addressing this preliminary point first, the Panel notes the following. The characterization by UNMIK of a case as ‘closed’ was without legal effect upon the Mission. In other words, it was no less required and expected to fulfill its human rights responsibilities in relation to an UNMIK ‘open’ case than in relations to an UNMIK ‘closed’ case. It is also contradictory for the Mission to point to the fact that the case was transferred by UNMIK

to its responsibility while at the same time suggesting that the case was closed and required no further action. If that was indeed the case, there would have been no reason to transfer the case and case-file to its custody.

41. Furthermore, the Mission knew from reviewing those records that (a) they were not necessarily reliable and (b) that cases were sometimes 'closed' by UNMIK on the basis that the remains of the victim had been located. As the Mission knew, such a factor did not put an end to its human rights obligations to investigate and, evidence permitting, to bring those responsible to trial, given that the Mission at the time had an executive mandate covering courts and prosecution.
42. The Panel then turns to the Mission's arguments regarding the challenges faced in investigating this sort of cases in the particular post-conflict context of Kosovo. The Mission has rightly underlined some of the challenges it faced in investigating the sort of cases now under considerations. This sort of case can be diabolically difficult to investigate, particularly when the scale of relevant criminality is large, resources limited, cooperation not always forthcoming and, in the case of EULEX, having to organize case-files that had been poorly managed and organized by the UN mission that preceded it.
43. While those challenges are genuine, they were commensurate to the nature of the responsibilities (and resources) that the Mission was given. At no point did the Mission publically claim that it was unable to carry out its responsibilities or that it could not comply with its human rights obligations. And there is no public record of its requesting more resources to enable it to fulfill those obligations. Instead, it remained silent about what it now says was the impossibility – for practical or technical reasons – to deal with all the transferred cases. Only when the violation of claimants' rights were raised did the Mission turn to that circumstance as justification for its failure to act and protect the rights of those concerned.
44. The Panel turns to consider particular aspects of this case that are relevant to evaluating the Mission's conduct.

#### ***Transfer of files from UNMIK***

45. The Panel has noted in earlier cases the inadequate manner in which UNMIK had kept, organised and transferred its cases and case-files to the Mission. The Panel will not repeat those findings here, but merely notes that UNMIK's actions unquestionably had a negative impact on the ability of the Mission to effectively and promptly investigate cases of enforced disappearance connected to the conflict or its immediate aftermath.
46. As noted above, the Mission suggests that as part of the evaluation of its conduct, the Panel should account for the fact that the UNMIK-EULEX agreement relating to the transfer of the prosecution files, did not foresee the transfer of files that had already been dismissed or terminated by UNMIK, but only of 'active' prosecution files.
47. However, if at all relevant, that fact would only carry minor weight. That is because: (a) it matters not whether this was foreseen in the agreement in question but that the transfer of those files actually occurred; and (b) the semantic distinction between *transfer* and *archiving* which the Mission seeks to draw has no bearing on its human rights duties: having this file in its possession it was expected to acquaint itself with it and, as the case may be, make effective use of it. In any case, with or without such files, the Mission would have been required to investigate those cases of which it had knowledge and which came within its jurisdictional responsibility. Its responsibilities – in particular, from the human rights point of view – were drawn up independently of its agreement with UNMIK regarding

the transfer of cases and case-files. In other words, no such agreement could be used to argue a more limited scope of EULEX's human rights obligations, particularly in a context in which no other authority could fulfill those obligations.

48. The Panel therefore dismisses the Mission's arguments on that point.

### ***Magnitude of the investigative challenge***

49. The Mission also appears to suggest that it would be unreasonable to expect it to investigate each and all cases of disappearances and killings and to keep all relatives of those concerned informed.

50. That, however, is not the issue relevant here. The issue here is why this particular case was left uninvestigated and relatives of the missing left in the dark.

51. Furthermore, to the extent that it wishes to point to the magnitude of the challenge as justification for its failure, the Mission should consider what proportion of those cases it (a) investigated and (b) solved. This might have been relevant to assessing whether the present case was an odd failure or reflective of a broader pattern of failure to act. From the cases that the Panel has already had to deal with and from the information pertaining to the present case, it is apparent that the latter is a much more credible explanation for the Mission's failure to investigate the present case. Only a tiny fraction of all cases of enforced disappearance linked to the conflict (or its aftermath) were subject to an effective investigation by EULEX. And an even smaller group resulted in the prosecution of suspects. *That* is the record on which the Mission's conduct in individual cases is to be assessed.

52. In those circumstances, the Panel cannot accept as reasonable or credible the suggestion that the magnitude of the challenge – while genuine in character – offers a valid justification for the Mission's failure to investigate the present case and to keep relatives of the missing person adequately informed.

53. The Panel, therefore, finds that by failing to investigate this case the Mission violated the rights of the complainant under Articles 2 and 3 of the European Convention (procedural limb).

54. As a result of those findings, the Panel considers it unnecessary to also make specific findings in relation to potential violations of Articles 8 and 13 of the European Convention. The Panel should note, however, that these provisions protect different though in part overlapping interests of the individuals concerned. The Panel would further emphasize that these provisions would have a direct bearing on the responsibility of those required to investigate allegations of enforced disappearance in that they must ensure that those rights are duly accounted for and effectively protected in that context.

### ***Failure to inform relatives of the disappeared***

55. An effective investigation in this sort of cases will also require of the authorities that they keep victims generally informed of the process of the investigation. See, e.g., *L.O. against EULEX*, 2014-32, Decision and Findings, 11 November 2015, paras 61-63; *U.F. against EULEX*, 2016-12, Decision and Findings, 12 February 2020, para 97; *Milijana Avramović against EULEX*, Decision and Findings, Case no. 2016-17, 4 June 2019, para 55; *S.H. against EULEX*, Decision and Findings, case no. 2016-28, 11 September 2019, para. 66; *Desanka and Zoran Stanisić against EULEX*, 2012-22, 11 November 2015, para. 66; *L.O. against EULEX*, 2014-32, 11 November 2015, paras. 60-61, 72-73; HRRP, *Case-Law*



*Note on the Duty to Investigate Allegations of Violations of Rights*, pp 28-30; see also *Ahmet Özkan and Others v. Turkey*, Application no. 21689/93, ECtHR Judgment of 6 April 2004, paras. 311-314, *Isayeva v. Russia*, Application no. 57950/00, ECtHR Judgment of 24 February 2005 paras. 211-214; *Al-Skeini and Others v. United Kingdom*, Application no. 55721/07, ECtHR Judgment of 7 July 2011, para. 167. This requirement is intended to ensure that relatives can meaningfully contribute and participate and it seeks to diminish the strain and pain of not knowing what happened to their loved one. See also *S.H. against EULEX*, Decision and Findings, case no. 2016-28, 11 September 2019, para. 66; *U.F. Against EULEX*, 2016-12, Decision and Findings, 12 February 2020, para 96.

56. The Mission does not attempt to explain why it failed to inform the complainant in this case or any of the relatives of the missing person.
57. This is in part linked to the fact that it conducted no investigation of this case and thus had little or nothing to report to those relatives. This, however, is no excuse or justification for its failure to inform those relatives. Instead, normatively speaking, it aggravates the violation of the rights of those concerned, in this case those of the complainant.
58. The Panel therefore finds that the Mission also failed to fulfill its obligation to inform relatives of the missing person relevant to this case and that this failure constitutes a further breach of the fundamental rights of the complainant under Articles 2 and 3 (procedural limb) of the European Convention of Human Rights.
59. In light of the above findings, the Panel will not make findings regarding the Mission's compliance (or otherwise) with other relevant human rights guarantees.

***The Mission's indication that it is ready to help***

60. In its submissions, the Mission indicated that it stands ready to help local authorities should new evidence become available. It is not clear to the Panel what assistance the Mission is offering to provide considering the narrow and limited nature of its current mandate.
61. The Mission knows, of course, that without an investigation, such information is unlikely to become available. It is therefore necessary for the Mission to add substance to its words.
62. For that purpose, the Panel will invite the Head of Mission to give careful consideration to adopt a full and effective strategy for the Mission to finally make the issue of the disappeared a priority of the Mission.
63. The Panel notes in this context the public statements attributed to the Head of Mission in which he indicated that the Mission was and remains committed to contributing to the resolution of cases of enforced disappearance (see, e.g., EULEX Press Office, Press Release: 'We have more than 1640 reasons to continue our work to establish the fate of the missing,' says Head of the EU's Rule of Law Mission on the National Day of Missing Persons'; Associated Press, 'Kosovo families seek answers 21 years after Serb conflict', 14 May 2020: <https://apnews.com/d86d5397215c81f2f695f46d2c905977>).
64. The Panel takes cautious hope in this statement and will invite the Head of Mission to provide an indication of the strategy outlining concrete and meaningful steps, which the Mission intends to deploy in that regard to ensure that the human rights of those concerned – including the present complainant – are being effectively guaranteed in such a context.

***Conclusions of the Panel regarding the Mission's compliance with its human rights obligations***

65. For reasons outlined above, the Panel finds that the Mission has violated the fundamental rights of the complainant as guaranteed, inter alia, by Articles 2 and 3 of the European Conventions of Human Rights (procedural limb).
66. These rights are among the most important guaranteed by the Convention. And the violation attributed to the Mission is grave and serious. It pertains to core and fundamental guarantees of human rights that the Mission was created to protect and uphold. It failed to do so in relation to the complainant and, as a result, contributed the situation in which she continues to live. One in which she has no information regarding the fate of her husband, the circumstances in which he disappeared and what happened to him.
67. The Mission must take some responsibility for this situation and must find a way to provide some form of relief for it.

***The Mission's current mandate and its human rights obligations***

68. The Panel has come to form the view that the current Mission's mandate or, at least, the way it is being interpreted by the Mission might not be capable of ensuring that the Mission can effectively remedy the rights of victims such as the complainant in this case.
69. Considering that the Head of Mission has consistently refused to acknowledge the Mission's responsibility for those violations which the Panel has attributed to it and in light of the fact that the Mission cannot provide financial compensation, nor investigate those cases under its current mandate, there are few avenues for the complainant here to seek an effective remedy for the Mission's violations.
70. The Panel, therefore, invites the Head of Mission to carefully consider what remedies are still available to the Mission in this case in which the Mission has been found to have violated the rights of a relative of a missing person and to inform the Panel of its conclusions.

**FOR THESE REASONS, THE PANEL UNANIMOUSLY**

**FINDS** that the Mission has violated the fundamental rights of the complainant as guaranteed under Articles 2 (procedural limb) and 3 of the European Convention of Human Rights;

**FINDS FURTHER** that the violations are serious and ongoing and that they, therefore, call for the adoption of remedial measures commensurate to those;


**INVITES THE HEAD OF MISSION**, in particular, to review the interpretation currently given to the nature and scope of the Mission's human rights obligations and to give consideration to the following:

1. The Panel invites the Head of Mission to consider formally acknowledging the violation of the rights of the complainant by the Mission and to offer adequate relief for it.
2. The Panel invites the Mission to continue looking for, and to identify the prosecution office responsible for the investigation of this case.

3. The Panel further invites the Mission to inquire with the competent prosecutor whether the matter is being investigated and, if not, why that is.
4. The Panel invites the Mission to consider what concrete and meaningful steps should be taken to contribute to moving forward the investigation of cases of enforced disappearance/missing persons. The Panel is willing to continue to engage with the Head of Mission in trying to find solutions for that purpose. The Panel wishes to note, however, that steps taken thus far by the Mission are inadequate from the point of view of the Mission's human rights obligations and incapable of contributing meaningfully to resolving those cases. It is high time for the Mission to do more.
5. The Panel invites the Head of Mission to carefully consider what remedies are still available to the Mission in a case such as the present one where the Mission has been found to have violated the rights of a relative of a missing person and to inform the Panel of its conclusions.
6. The Panel invites the Mission to distribute the present Decision to
  - i. Relevant personnel within the Mission;
  - ii. Relevant officials of the European Union who have responsibility for Kosovo, the Balkans region or human rights issues;
  - iii. The local authorities competent to investigate this case.

**THE PANEL RESPECTFULLY ASKS THE MISSION** to report upon the implementation of these recommendations and to respond to its enquiries at its earliest convenience and no later than 28 February 2021.

For the Panel:



Guénaél METTRAUX  
Presiding Member



Anna BEDNAREK  
Member



Anna AUTIO  
Member