



## **DECISION ON ADMISSIBILITY**

**Date of adoption: 11 September 2019**

**Case no. 2016-13**

**Miomir Krivokapić**

**Against**

**EULEX**

The Human Rights Review Panel, sitting on 11 September 2019 with the following members present:

Mr Guénaël METTRAUX, Presiding Member  
Ms Anna BEDNAREK, Member  
Ms Anna AUTIO, Member

Assisted by  
Mr Ron 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 15 January 2013,

Having deliberated, 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 and other complainants to provide additional information regarding their complaints.

4. On 20 September and 17 October 2017, the Panel sent two further requests for additional information to the complainant's representative.
5. On 20 October 2017, the Panel received a response from the complainant's representative of the complainants providing additional information in relation to two cases, including the present one.
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 to indicate when it would be able to provide answers to the questions, and once again was urged to respond as soon as possible.
9. The observations of the HoM were eventually received on 26 June 2019.
10. By letter of 24 July 2019, the observations of the HoM were communicated to the complainant and he was invited to reply to the Mission's submissions if he wished to do so. No further submissions were received from the complainant.

## **II. FACTS**

11. The facts of the case, as they appear from the complaint, may be summarized as follows.
12. On 13 September 1999 at about 19.00 hours, Arsenije Krivokapić, father of the complainant, Miomir Krivokapić, was seen walking towards Bosniak Mahala, Mitrovica. He disappeared immediately thereafter and was not seen again.
13. The complainant says that he reported the disappearance of his father to the International Committee of the Red Cross (ICRC), to KFOR and to UNMIK at the time of the disappearance. He later also reported the matter to EULEX Kosovo.
14. On 17 September 1999, the ICRC opened a tracing request for Arsenije Krivokapić.
15. The complainant says that neither he nor his family heard anything further from the authorities about his father since the time his disappearance was reported.
16. On 20 April 2000, Zorka Krivokapic, the wife of Arsenije Krivokapić, provided a statement on the disappearance of her husband to an Investigating Judge at the Municipal Court of Mitrovica. On two subsequent occasions, on 19 May 2000 and 29

June 2002, she made additional statements to the Department of Criminal Police of Mitrovica.

17. On 21 August 2016, the Panel sought clarification from the Mission in relation to this and another case (2016-12) regarding whether the Mission had communicated a case-file to local, Kosovo, authorities around the time of the change in mandate of the Mission in June 2018.
18. On 23 August 2019, the Mission provided its response.

### **III. COMPLAINT AND STANDING OF THE COMPLAINANT**

19. The complainant refers to certain particular fundamental rights which he said were violated in this case, namely: a) the right to life; b) the right to freedom of movement; c) discrimination based on ethnicity; d) the guarantee against torture, and other cruel, inhuman and degrading treatment or punishment.
20. For reasons outlined below, the Panel has taken the view that this case is admissible in relation to alleged violations of complainant's rights under Articles 2, 3, 8 and 13 of the European Convention of Human Rights and similar provisions protecting the same fundamental rights as applicable before the Panel.
21. Considering the close family relationship between the primary victim – Arsenije Krivokapić – and the complainant – Miomir Krivokapić – the Panel is satisfied that the complainant may be regarded as a secondary victim of the alleged violations and that, as such, a potential victim in accordance with Rule 25(1) of the Panel's Rules of Procedure.

### **IV. SUBMISSIONS OF THE PARTIES**

#### **The complainant**

22. As summarised above, the complainant alleges that, in the exercise of its executive mandate, EULEX Kosovo should have investigated the disappearance of his father and culpably failed to do so in violation of his and his brother's fundamental rights.

#### **Head of Mission**

23. On 26 June 2019, the HoM made submissions regarding the admissibility of this case.
24. In response to the Panel's question as to whether the Mission had been aware of the existence of that case, the Mission indicates that in the framework of the hand-over of cases and case-files from UNMIK to EULEX Kosovo, the Mission received a 'UNMIK Police War Crimes Unit – Missing Person Section – Ante-Mortem Investigation Report' reference to the disappearance of Arsenije Krivokapić dated February 2005. This

report indicates that Mr Krivokapić disappeared on 13 September 1999, that the case was reported to the ICRC in Belgrade, that an MPU file was opened in 2002, that it was impossible at the time to find a witness to these events, and that the case should be kept 'open'/pending' within the War Crimes Unit (WCU). The report also mentioned that Mr Krivokapić's wife, who was listed as a 'witness', could not be reached.

25. The Mission also received from UNMIK several victim identification forms with his details, as well as a correspondence between the UNMIK Police Mitrovica Station and the UNMIK Missing Person Unit (MPU) in Pristina in November 2000 indicating that the disappearance of Mr Krivokapić was first registered in November 2000.
26. Also among the documents received by the Mission was a further ante-mortem report prepared at an unspecified date in 2008 by an UNMIK police officer, who indicated that the case should be kept pending within the Ante-Mortem and Exhumation Section 'waiting for further information'. It would appear that this document was not transmitted to the SPRK for assessment.
27. Therefore, the Mission submits, at the time of the hand-over of the case to EULEX, the case was not being actively investigated by UNMIK 'due to lack of information'.
28. The Mission received no other documents regarding this case and notes that the complainant did not bring the disappearance of her father to its attention.
29. In response to the Panel's query on that point, the Mission provides a detailed explanation of the complex and time-consuming exercise of reviewing, recording, storing and analysing of files received from UNMIK.
30. As part its transfer, UNMIK provided the Mission with several databases. The case of Mr Krivokapić received an MPU number and it was recorded in the database on missing persons handed over by UNMIK to the Mission.
31. The Mission also says that the content of the police 'war crimes' files and the 'missing persons' files were not compared or merged by the Mission upon the hand-over of those files. Priority was seemingly given to the 'war crimes' files 'based on the consideration that a comprehensive cross-check of all files would have required putting on hold at least in part the work on the open investigations inherited from UNMIK'.
32. The Mission's submissions make it clear that the categorization of cases and case-files received from UNMIK was a 'major challenge' for EULEX due to the magnitude of the matter and the inadequacy of some of UNMIK's classification. At the time of hand-over, the case-file of Mr. Krivokapić was that of a 'missing person'. To address this challenge, EULEX had to conduct several reviews of UNMIK's files. This cumbersome process was further complicated by issues pertaining to staff and reconfiguration of the Mission, which resulted in certain case-files missing documents, reports or photographs. Successive reviews of case-files was also conducted in 2009, 2010 and 2013.

33. The Mission also indicates, in general terms, that it has investigated and prosecuted a number of instances of enforced disappearance 'in the framework of war crimes cases'.
34. According to EULEX records, however, 'there was no involvement of the Mission in investigating the disappearance of Mr Arsenije Krivokapić. In particular, no interview appears to have been conducted by the Mission with potential witnesses or informants.
35. The Mission indicates that it is not aware of any ongoing investigation of this case by local authorities.
36. The Mission's submissions suggests that it took no steps to contact or inform relatives of Mr Krivokapić regarding any aspect of this case. Clarification will be sought in that regard from the Mission.
37. Finally, regarding the question of the Mission's compliance with its human rights obligations, the Mission first points to case-law and principles arising from the European Court of Human Rights regarding the 'reasonable expedition' expected of complainants in the submission of a complaint in cases of alleged ongoing violation of human rights. Applying those standards to the present case, the Mission submits that the complainant (or other relatives) never contacted the Mission and submits that the delay in filing a complaint with the Panel (17 years since the disappearance) is both 'excessive' and 'unexplained'. On that basis, the Mission submits that the complaint should be declared inadmissible.
38. The Mission does not raise any other objection to the admissibility of this case.
39. On 21 August 2019, the Panel sought clarification from the Mission as to whether a case file regarding this case had been transmitted to the local Kosovo authorities at the time of the Mission's transition in June 2018.
40. In response, through an email of 23 August 2019, the Mission clarified that 'all the documents referred to in the EULEX responses of 26 June 2019 were transferred to the local authorities as part of the hand-over process. Our understanding is that the case was transferred as a missing person file.'

### **Complainant's reply**

41. The complainant was invited to make additional submissions no later than 24 July 2019 but he did not avail himself of that possibility.

## **V. THE PANEL'S ASSESSMENT**

*Mandate of the Panel (Rule 25 par. 1 of the Rules of Procedure)*

42. As a matter of substantive law, the Panel is empowered to apply human rights instruments as reflected in the EULEX Accountability Concept of 29 October 2009 on the establishment of the Human Rights Review Panel. Of particular importance to the work of the Panel are the European Convention on the Protection of Human Rights and Fundamental Freedoms and the International Covenant on Civil and Political Rights, which set out minimum standards for the protection of human rights to be guaranteed by public authorities in all democratic legal systems.
43. Before considering the complaint on its merits, the Panel has to decide whether to proceed with the complaints, taking into account the admissibility criteria set out in Rule 29 of its Rules of Procedure.
44. According to Rule 25, paragraph 1, the Panel can only examine complaints relating to the human rights violations by EULEX Kosovo in the conduct of its executive mandate.
45. The Panel has already decided in past cases that complaints such as the present one came in principle within the scope of its competence. There is no cogent reason to depart from that view in relation to the present complaint. The Panel must reiterate in this context that the investigation of cases of 'enforced disappearance' did not only form part of the Mission's mandate, it was a core and essential element thereof. In L.O. against EULEX, the Panel thus underlined that 'there can be little argument that investigating the fate of the disappeared – regardless of religion or ethnicity – must be and must remain an operational priority for EULEX as a Rule of Law Mission for which it must be provided with adequate resources' (L.O. against EULEX, case No. 2014-32, Decision and Findings, 11 November 2015, para. 47).

*Compliance with the 6-months rule and competence ratione temporis*

46. As discussed above (see, *supra*, para. 37), the Mission drew the Panel's attention to caselaw from the European Court of Human Rights regarding the principle of reasonable expedition in regards to the filling of complaints and submitted that the present complaint fell short of such standard and should be declared inadmissible on that basis.
47. As a preliminary matter, the Panel should point out that the conditions of admissibility are laid out in its Rules of Procedure. Regarding timing, the Rules provide for the following conditions (Rule 25, paragraphs 2-4):
  2. The Panel will only examine complaints concerning alleged human rights violations that occurred after 9 December 2008 in Kosovo.
  3. Complaints must be submitted to the Panel within six months from the date of the alleged violation.
  4. Notwithstanding paragraph 3, complaints relating to cases transferred from EULEX to Kosovo institutions, shall be filed within six months from the end of the EULEX Executive Mandate in the criminal justice system as defined in Kosovo law or within six months from the transfer of the case file.

48. On that basis, '[c]omplaints must be submitted to the Panel within six months from the date of the alleged violation'. See, e.g., *Gashi v EULEX*, 2013-22, 7 April 2014, para. 10; *Thaqi v EULEX*, 2010-02, 14 September 2009, para. 51.
49. In application of these provisions, the Panel has held that if the violation of fundamental rights is ongoing, the 6-month deadline has not lapsed in principle until the violation ceases. See, e.g., *Zahiti against EULEX*, 7 June 2013, par 42. In such a case, the deadline starts to run on the date after the impugned action said to have caused or resulted in a right violation. See, e.g., *Y against EULEX*, 15 November 2012, pars 30-31. In this instance, the alleged violation was continuous and ongoing until June 2018 when the mandate of the Mission changed and it lost the ability to investigate (or continue to investigate) such cases.
50. The Rules do not set any other requirement of time or 'reasonable expeditiousness' that would regulate or condition the admissibility of a complaint before the Panel in addition to the above-mentioned requirements. For that reason alone, the Panel could dismiss the Mission's argument as irrelevant and the cited authorities as inapplicable to these proceedings. It would indeed be unfair to declare a case inadmissible based on a requirement that does not form part of the Panel's normative framework.
51. However, as was acknowledged in case 2017-02, the principle of 'reasonable expeditiousness' applied before the ECtHR generally seeks to preserve the effectiveness of the rights of a complainant whilst at the same time avoiding undue delays which might affect that goal and create a state of permanent legal uncertainty. See *Zufe Miladinović against EULEX*, 2017-02, 27 March 2019, para. 50. This is a goal that the Panel is also minded to preserve in the context of its mandate whilst accounting for the specificities of that mandate, as discussed below. See also *D.W., E.V., F.U., G.T., Zlata Veselinović, H.S., I.R. Against EULEX*, Case No. 2014-11, 2014-12, 2014-13, 2014-14, 2014-15, 2014-16, and 2014-17, 30 September 2015, paras. 94-97; *Rejhane Sadiku-Syla Against EULEX*, Case No. 2014-34, 29 September 2015, paras. 43-48; *Dragiša Kostić Against EULEX*, Case No. 2016-10, 19 June 2019, paras. 37-45.
52. For the purpose of resolving this matter, the Panel notes the following. First, if the complainant's submissions are accepted, the alleged violation of his rights would have been ongoing all through the relevant time until June 2018, i.e., even *after* he had filed his complaint with the Panel.
53. Second, the Mission's competence and responsibility to investigate this sort of cases existed, *proprio motu*, as a matter of law. It did not depend and was not conditioned by the relatives of the disappeared having formally requested it or having contacted the Mission to that effect. In a case such as the present one, EULEX is indeed responsible to act *proprio motu* with a view to ensuring that the disappearance is being diligently, promptly and effectively investigated. See, e.g., *L.O. against EULEX*, 2014-32, Decision and Findings, 11 November 2015, para. 63, and its references to ECtHR: *Ahmet Özkan and Others v. Turkey*, Application no. 21689/93, judgment of 6 April 2004, para. 310; *Isayeva v. Russia*, Application no. 57950/00, judgment of 24 February 2005, para. 210. See also, generally, *Sadiku-Syla against EULEX*, 2014-34, Decision

and Findings, 19 October 2016, para. 41; L.O. against EULEX, 2014-32, Decision and Findings, 11 November 2015, para. 63; Sadiku-Syla against EULEX, 2014-34, 29 September 2015, para. 46 (“the competence of EULEX Prosecutors to investigate alleged violations of these rights is independent of any complaint filed by the victims or their relatives so that there was a legally-grounded expectation that they would look into this case regardless of the complainant’s actions.”); 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. 97.

54. The Mission would therefore have been under an obligation to investigate from the moment when it was put on notice of the existence of that case (i.e., late 2008 – early 2009). And, under the applicable regime, it would have been competent to initiate such an investigation *proprio motu* until May/June 2014 and, after that time, under the “extraordinary circumstances” clause of the revised Law on Jurisdiction. Thus, in *Sadiku-Syla*, the Panel said the following:

“[T]he HoM submits that the new legislation that entered into force on 17 May 2014 has “considerably reduced the possibility for EULEX Prosecutors and Judges to exercise executing functions in new cases” (Response, p 6, referring to the Omnibus Law that amended the Law on Jurisdiction). The Panel notes, however, that Article 7(A) provides for “Authority of EULEX prosecutors in extraordinary circumstances”: “In extraordinary circumstances a case will be assigned to a EULEX prosecutor by a joint decision of the Chief State Prosecutor and EULEX KOSOVO competent authority.” The HoM has failed to explain why this provision would not provide an adequate legal basis on which EULEX Prosecutors should act, in particular in a case such as the present one where the local authorities do not appear to be investigating. The Panel would invite the parties to address this matter should they wish to make additional submissions in regard to the merit of this case.”

*Sadiku-Syla* against EULEX, 2014-34, 29 September 2015, para. 62. See also, D.W., E.V., F.U., G.T., Zlata Veselinović, H.S., I.R. against EULEX, 2014-11 to 2014-17, 30 September 2015, para. 90; *Sadiku-Syla* against EULEX, 2014-34, 19 October 2016, paras. 23 et seq.

55. The Panel notes, furthermore, that under the revised OPLAN, as reflected in Rule 25(4) of the Panel’s Rules of Procedure, complaints relating to cases transferred from EULEX to Kosovo institutions shall be filed within six months from the end of the EULEX Executive Mandate in the criminal justice system as defined in Kosovo law or within six months from the transfer of the casefile. Considering that this case was transferred as part of the transition period, the deadline for filing of a complaint had not yet expired at the time of filing of the present complaint.
56. Third, it would appear from the Mission’s submissions that the case was transmitted to the Mission as an ‘open’ or ‘ongoing’ case by UNMIK since no remains of Mr Krivokapić had been found and no decision was ever formally taken to close it. In other words, the case was in UNMIK’s files and then in the Mission’s files though it remained inactive for almost two decades.



57. Fourth, it is apparent from its submissions that the Mission took no step to contact or interview relatives of the disappeared; nor did it provide any of the information in its possession to those relatives. In those circumstances, it is unclear whether relatives of Mr Krivokapić ever became aware that the Mission had in its possession information pertaining to his disappearance.
58. Fifth, when assessing the conduct of the complainant in this case, one should consider a number of factors:
- i. One pertains to the nature of the acts in question. In a case of this nature, '[a]llowances must be made for the uncertainty and confusion which frequently mark the aftermath of a disappearance'. See *Varnava and Others v Turkey* paras 162-163; and *Zufe Miladinović against EULEX*, 2017-02, 27 March 2019, para. 51. The Panel agrees. The Court then holds that 'the serious nature of disappearances is such that the standard of expedition expected of the relatives cannot be rendered too rigorous in the context of Convention protection'. See *Varnava and Others v Turkey* paras 162-163; and *Zufe Miladinović against EULEX*, 2017-02, 27 March 2019, para. 51.
  - ii. Consideration must also be given to the fact that a number of institutions were successively responsible to 'do something about' this case: UNMIK; EULEX Kosovo; and now local authorities. Other institutions also played a role in relation to cases of enforced disappearance, including the ICRC. The complainant and his relatives in this case reported this case to quite a few of those organisations (see, *supra*, para. 13). In that sense, they could hardly be said to have been inactive. Instead, none of these institutions seemingly conducted an investigation of this case. Furthermore, as is apparent from the submissions of another complainant in a similar case (2016-12), victims of rights violations might have been confused by the succession of competent authorities and it was perhaps not entirely unreasonable on their part to assume that, having notified the organisation responsible to investigate at the time closest to the disappearance (i.e., UNMIK) it was not again necessary to contact once again the organisation that took over from it (i.e., EULEX Kosovo).
  - iii. Another significant specificity characterizing the work of this Mission and the computation of time to file a complaint before the Panel is the fact that this Mission was created a decade after the events of relevance. After that time, it took additional years for the Mission to start investigating cases of the sort now under consideration. In that sense, before a complainant could even think of filing a complaint with the Panel alleging a culpable failure on the part of the Mission, more than a decade would per force have already passed. This particular state of affairs must necessarily be accounted for when deciding whether a complainant acted in timely fashion when complaining about the Mission's failure to act.

- iv. Also relevant in the present context is the fact that, as victims of Serbian ethnicity, it would at least for some time have been personally and practically complicated to seek the assistance of the authorities in Kosovo.
59. Furthermore, when deciding whether there still was a reasonable prospect of an investigation in this case, the following should be noted. First, the Mission had in its possession information pertaining to that case that should, at the very least, have required of its organs to consider whether or not to initiate an investigation. Why it seemingly opted not to conduct such an assessment is unclear. In this regard, one might have expected that possible lines of investigation – in particular, the interviewing of those present at the time of disappearance; the interviewing family relatives, who might possess relevant information; investigation of similar cases in the area at the time; investigation of possible known perpetrators or units active in the area at the time – would have been explored with a view to determine the possibility and viability of an investigation. It is not unreasonable to assume that, should these have been explored, a decision on whether to initiate a full investigation might have been taken. Second, as noted above, the investigation and prosecution of this sort of cases laid at the very core of the Mission’s Rule of Law responsibilities and the Mission did indeed investigate a number of such cases decades after the disappearance of victims. On that basis, it would not have been unreasonable to assume that it could have investigated this case as well. With hindsight, it might seem naïve that the complainant would have placed his faith in the possibility of an investigation under EULEX supervision for so many years, but such an expectation was not unreasonable in light of the considerations outlined above and in light of the Mission’s core responsibility regarding this type of cases. Furthermore, as pointed out by the ECtHR, it might not be unreasonable for a relative of a disappeared person to wait for several years ‘until hope of progress [is] being made has effectively evaporated’ (*Varnava and Others v Turkey* paras 162-163; *Zufe Miladinović against EULEX*, 2017-02, 27 March 2019, para. 50-51).
60. Furthermore, the delay in the filing of the complaint alleged by the Mission did not appear to have caused it any prejudice as far as proceedings before the Panel are concerned. *Zufe Miladinović against EULEX*, 2017-02, 27 March 2019, para. 59. The interest that the Mission might have in the strict enforcement of the 6-month deadline must also be interpreted in that light.
61. Therefore, in light of all those circumstances, the delay imputed to the complainant cannot be said to be either excessive or unexplained as the complainant continued to prompt and contact those authorities which he thought could help move this investigation forward. There remains a strong and compelling interest, to this day, for this matter to be fully and effectively investigated.
62. In those circumstances, the Panel is satisfied that the complainant met the requirements of the Rules and that his complaint was filed in a timely fashion. However, the fact that so much time has elapsed since the disappearance of Mr Krivokapić might affect the relief that the Panel could grant should the complaint succeed on its merit.

63. The Panel notes that, *ratione temporis*, it is competent to consider the actions of the Mission until 14 June 2018. After that date, the Mission ceased to have any executive responsibilities in relation to that case. Activities carried out after that date could be relevant, however, to evaluate the extent to which the Mission might be said to have fulfilled its human rights obligations. The Panel therefore invites the Mission to make reference in its submissions to any effort undertaken by the Mission to ensure that this case was or is being investigated (if any), including after that date.

*The Panel's competence ratione materiae*

64. The Mission does not challenge the Panel's competence *ratione materiae* over this case and the Panel is indeed satisfied that it is competent over the present matter. The case clearly fell within the executive (investigative) competence of organs of the Mission, which actually reviewed the case-file of this case and recommended further investigation.
65. Consistent with earlier cases pertaining to similar matters, the Panel is therefore satisfied that it is competent *ratione materiae* to deal with this case.

*Freedom of movement and discrimination based on ethnicity*

66. As noted above, the complainant also alleges that his rights to freedom of movement and protection against (ethnic) discrimination were violated by the Mission.
67. The Panel has found no evidence on the record that would support this submission.
68. The Panel therefore regards this part of the complaint as being without merit and manifestly ill-founded.

**FOR THESE REASONS, THE PANEL UNANIMOUSLY**

**DECLARES ADMISSIBLE**, without prejudging the merit of the matter, the complaints with regard to alleged violations of Articles 2, 3, 8 and 13 of the European Convention of Human Rights;

**DECLARES INADMISSIBLE** the complaint for the remainder;

**ASKS THE PARTIES TO ADDRESS THE FOLLOWING QUESTIONS** in regards to the merit of this case,

i. **For the Mission:**

1. What step(s), if any, were taken by the Mission or any of its organs to investigate this case?
2. Did the Mission take any step to contact or provide information to relatives of Mr Krivokapić regarding to this case? If so, which steps?
3. What, if anything, is the Mission able to do in order to ensure that local authorities fulfil their human rights obligations in relation to the complainant?
4. In your letter of 26 June 2019 (page 8), it is said that according to your records there was no involvement of the Mission in investigating the disappearance of Mr Arsenije Krivokapić.
  - a. Why didn't the Mission investigate this case?
  - b. When was the decision taken?
  - c. Was it communicated to relatives of Mr Krivokapić?
5. Was the case-file pertaining to Mr Arsenije Krivokapić provided to local authorities? If so, when? If not, why?
6. In your submissions of 26 June 2019, you discuss an ante-mortem report of 2008 prepared by an UNMIK police officer. You further indicate (p. 4 of your letter) that this document was not transmitted to the SPRK for assessment. Please indicate which organ of the Mission received that document from UNMIK? Please also indicate why it was not transmitted to SPRK.
7. Has the Mission violated or contributed to the violation of the complainant's rights under Articles 2, 3, 8 and 13 of the Convention? If so, in what manner?

ii. **For the complainant:**

1. What contact, if any, did you have with the EULEX Mission or its representatives?
2. Are you aware of any efforts by local authorities to investigate this case?
3. Has the Mission violated or contributed to the violation of the complainant's rights under Articles 2, 3, 8 and 13 of the Convention? If so, in what manner?

4. What are the consequences – personal, financial, legal and emotional – associated with the disappearance of your relative?

**ASKS** the parties to provide their responses to the above no later than 11 November 2019.

For the Panel,

Guénaël METTRAUX  
Presiding Member

Anna BEDNAREK  
Member

Anna AUTIO  
Member