



Human Rights Review Panel

Newsletter # 10 – July to September 2014

- 22nd session of the Human Rights Review Panel
- Follow-up decision in the *W* case
- No human rights violation in the Krlić case
- Update on decisions and communications
- Presentation to human rights activists
- Public outreach campaign
- Case statistics

22nd HRRP session

The 22nd regular session of the Human Rights Review Panel was held in Pristina from 25 to 27 August 2014. The Panel reviewed ten complaints and rendered decisions in six cases. The Panel issued a follow-up decision in one case. Three cases were declared inadmissible. Further, the Panel decided to communicate two cases to the Head of Mission of EULEX, inviting him to comment on the admissibility and merits of those complaints. The next Panel session is scheduled to take place from 10 to 12 November 2014.

Follow-up decision in *W* against EULEX

In its second follow up decision to the case of [W against EULEX](#) (2011-07) concerning a EULEX prosecutors' decision to share the complainant's witness statement and other personal information with authorities in Serbia, the Panel determined that the EULEX Head of Mission had implemented the Panel's recommendations with one exception. The Panel accordingly decided to close the examination of the case.

Case Krlić against EULEX

In the case [Krlić against EULEX](#) (2012-21), the Panel found that EULEX had not violated the complainant's rights under Article 8 of the European Convention on Human Rights (right to private life). The complaint was lodged by a Serbian government official who had been denied entry into Kosovo by the EULEX Border Police. The Panel considered that the complainant had not complied with the procedural requirements applying to visits of Serbian officials to Kosovo. It concluded that the EULEX

Border Police had acted within their margin of appreciation and that in the circumstances of the case a refusal to allow him entry was justified.

Inadmissibility decisions

Three other cases were found inadmissible. In two of them ([C.X against EULEX/2014-08](#) and [Fejza against EULEX/2014-20](#)), the Panel found that it had not been shown that EULEX was involved in any capacity in the matters complained of. The third case ([Krapu against EULEX/2014-22](#)) concerned proceedings before the Supreme Court of Kosovo. As in previous cases concerning similar complaints, the Panel found that it has, in principle, no jurisdiction to review judicial proceedings before the Kosovo courts, even if EULEX judges sit on the bench.

Strike out decision

In one case ([Qurbeli against EULEX/2014-01](#)), the Panel decided to strike out the application from its list of cases. The complaint related to allegations of undue pressure from an EULEX Prosecutor. Due to the fact that the complainant's representative did not reply to the Panel's repeated requests for information, it was concluded that the complainant had lost interest in pursuing his complaint.

Communication of cases to the Head of Mission of EULEX

The Panel communicated two cases to the EULEX Head of Mission, requesting his observations on their admissibility and merits. One case was lodged by a relative of a person missing since 2000. The complainant submits that EULEX failed to conduct a proper investigation into her relative's disappearance. The other case relates to a complaint in regard to several sets of investigations carried out by EULEX prosecutors, where the complainant alleges, among other things, that EULEX prosecutors did not properly investigate the killing of the complainant's brother.

HRRP briefing for young human rights advocates

On 27 September 2014, the Youth Initiative for Human Rights – Kosovo (YIHR) organized a workshop for 16 young human rights advocates in Pristina. The topic of the workshop was focused on freedom of expression and hate speech.

The Panel was invited to participate and the Secretariat provided a general introduction to human rights and freedom of expression whilst availing of the opportunity to highlight the role of the Panel as a possible remedy for alleged human rights violations of EULEX Kosovo. Further presentations were given by the OSCE and the YIHR.



Participants Blerand Rrmoku, Shpetim Azemi, Islam Qerimi, Elza Bajrami, Ardiana Bejtullahu and Arlinda Alshiqi at the workshop at the offices of the YIHR in Pristina.

Public outreach campaign

The Panel recently secured a substantial allocation of budgetary resources from EULEX Kosovo which facilitates an increase in its outreach activities to include the broadcast of a TV clip in the Albanian and Serbian languages on several TV channels in Kosovo.

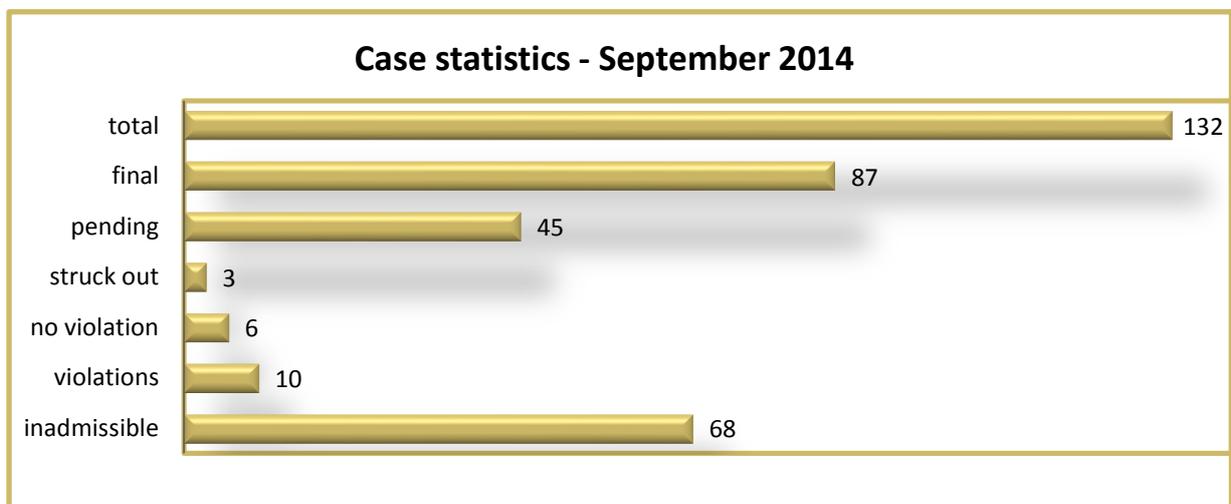
In addition, the Secretariat of the Panel met over the summer with representatives of various bodies, including the Chairperson of the Kosovo Judicial Council (Mr Enver Peci), the President of Kosovo's Bar Association (Mr Ibrahim Dobruna), as well as the Ombudsperson of Kosovo (Mr Sami Kurteshi). Further meetings included Kosovo Police Station Commanders in Pristina, North Mitrovica and Leposavic in order to brief on the mandate, procedures and operations of the Panel as well as its case load and the human rights violations by EULEX Kosovo found to date by the Panel.



Mr Sami Kurteshi, Ombudsperson of Kosovo and Mr John J Ryan, Senior Legal Advisor, Secretariat of the HRRP

Case statistics

The Panel's ongoing outreach campaign activities continue to have a positive impact on the Panel's workload. By the end of September 2014, the Panel has registered 37 new cases throughout the year, which represents a case increase of 68% compared to the same period in 2013.



FILING OF COMPLAINTS

(Rules 25 and 26 of the Rules of Procedure of the HRRP)

Who?

Any person who does not work for EULEX Kosovo and who claims to be a victim of a human rights violation by EULEX Kosovo in the performance of its executive mandate.

The complainant (the person making the complaint) can be represented by a lawyer or another representative of his or her choice. In that case a letter of authority must be filled in.

What?

The Panel will only examine complaints concerning alleged human rights violations that happened after 9 December 2008 in Kosovo. The violation must be caused by EULEX Kosovo in the performance of its executive mandate.

The Panel will not review judicial proceedings before the courts in Kosovo.

When?

The complaint must be submitted to the Panel within six months from the date of the alleged violation.

How?

The complaint must be submitted in writing. No complaints may be made by phone. The complainant can use either the English, Albanian or Serbian language.

The complaint should normally be made on the complaint form and be accompanied by relevant documents and decisions (if any), as instructed in the form.

If a complaint is introduced in a letter, such letter must set out, at least in summary form, the subject matter of the complaint in order for the matter to be examined further.

Where?

The complaint may be filed at:

Human Rights Review Panel - Secretariat

Rrustem Statovci Street no. 29 – 10000 Pristina – Kosovo

Tel: +381 (0) 38 28 2125

A complaint can also be sent by email to office@hrrp.eu

www.hrrp.eu

Completion of the Complaint Form

The complaint should be written legibly and, preferably, typed.

The form should contain all contact details of the complainant.

If the complainant provides documentary evidence, legible copies should be submitted. **Do not send original documents.**

The documents should be listed in date-order, numbered consecutively and with a short description (e.g. letter, order, judgment, appeal, etc.).

The complaint will be assigned a file number upon registration. The file number must be referenced in all subsequent correspondence. If the complainant has an earlier complaint pending before the Panel, he or she must inform the Panel of the file number. If the complainant for some reason does not wish his or her identity to be disclosed, he or she should fill in the appropriate section of the complaint form.