

Newsletter # 6 – October to December 2013

- 18th session of the Human Rights Review Panel
- Meeting with the EULEX Head of Mission
- Human Rights Review Panel in the international context
- Outreach campaign

18th HRRP session

The 18th regular session of the Human Rights Review Panel (the Panel) was held in Pristina from 25 to 27 November 2013. The Panel reviewed nine complaints and rendered decisions in four cases. There were 30 complaints pending before the Panel at the start of the session.

Implementation of the Panel's recommendations by the Head of Mission

In a [follow up decision](#) to the case of *W against EULEX* the Panel held that the Head of Mission of EULEX implemented the Panel's recommendations only in part. The case concerned EULEX prosecutors who had shared the complainant's witness statement and other personal information with the state authorities in Serbia in a war crimes investigation. The Panel stated that there was inadequate justification for the disclosure of that statement and personal details of the complainant in the absence of a legal basis, without his consent and without the conduct of a risk assessment to determine the protective measures necessary to limit the potential risks involved.

While some of the Panel's recommendations have been implemented, it was noted that the recommendation that EULEX Prosecutors should request their Serbian counterparts to return or destroy copies of documents which bear the name of the complainant and to redact any information in other documents that could identify him had not been implemented. Further, the risk assessment as recommended by the Panel had not been carried out. The Panel consequently invited the Head of Mission to reconsider the implementation of its recommendations.

Inadmissibility decisions

The Panel declared three cases inadmissible. [One case](#) related to allegations of corruption against the Mayor of the municipality of Klllokot/Klokot. While the Panel did not exclude that in certain circumstances corrupt behaviour of a public official could confer victim status on an individual whose

human rights were affected by such conduct, it found that the complainant had not shown that he suffered any direct detrimental consequences of the conduct complained of.

[Another case](#) was declared inadmissible as it concerned the alleged failure of the promulgation of a law by the Kosovo authorities, it being a matter unrelated to the executive mandate of EULEX. In [another case](#) concerning a claim for compensation for forced labour, the Panel held that the complaint was manifestly ill-founded as EULEX was not involved in any way in the matter.

Meeting the EULEX Head of Mission, Bernd Borchardt

On 26 November 2013, the Panel met with the Head of Mission of EULEX, Bernd Borchardt. The discussion focused on the restructuring of the Mission and its likely impact on its executive mandate. Further topics of

discussion included the Panel’s ongoing public outreach campaign, as well as issues of technical cooperation between the two institutions.



From left to right, Head of Mission Bernd Borchardt, Tanja Tamminen, Political Adviser/Reporting Officer, Panel member Guénaél Mettraux and Presiding Member Magda Mierzewska.

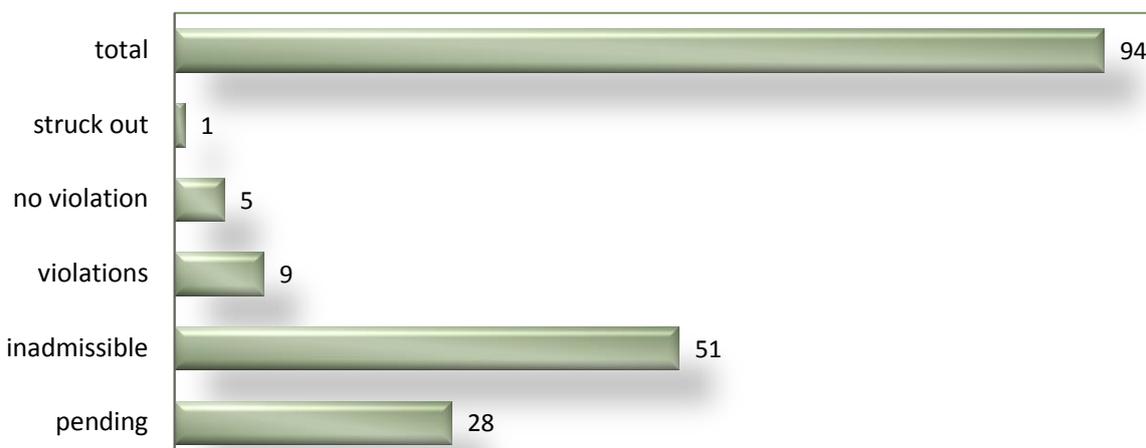
Human Rights Review Panel in the international context

The relevance of the Panel was recently highlighted by the Council of Europe in a [draft resolution](#) on the “Accountability of international organisations for human rights violations”, describing the Panel as a model for possible use in future situations where international organisations take on an

administrative role. The Panel was reflected upon in an [article](#) by Prof. Georg Nolte, Humboldt University, Berlin. Also, the Panel was, for the first time, referred to in the jurisprudence of the European Court of Human rights in its decision of [Azemi v. Serbia](#).

The HRRP maintains a table of jurisprudence, outlining numerous issues related to its jurisdiction, procedural matters as well as on merits of cases. The table can be accessed on the Panel’s website under www.hrrp.eu/jurisprudence.php

Case statistics - December 2013



Public outreach campaign

On 26 November 2013, the Panel attended a roundtable discussion with the Project “Further Support to the Implementation of the Strategies for IDPs, Refugees and Returnees - Legal Aid” in Gračanica/Gračanice. This project is funded by the Delegation of the European Union to Serbia.

The Panel presented basic principles of Article 6 of the European Convention of Human Rights (the right to a fair trial) and discussed

with the participants related issues in the judicial system of Kosovo. Further topics of discussion included the mandate and jurisprudence of the Panel.

Outreach activities during the months of October and November 2013 included meetings with NGOs, international organisations and members of the judiciary in Pristina, Štrpce/Shtërpce and Gjilan/Gnjilane.



Panel members Guénaél Mettraux, Katja Dominik and Presiding Member Magda Mierzevska with Team Leader Massimo Morati and the some of the staff of the Project “Further Support to the Implementation of the Strategies for IDPs, Refugees and Returnees – Legal Aid”.

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 78 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.