

Newsletter No 23 – 1 January 2021 to 31 March 2021

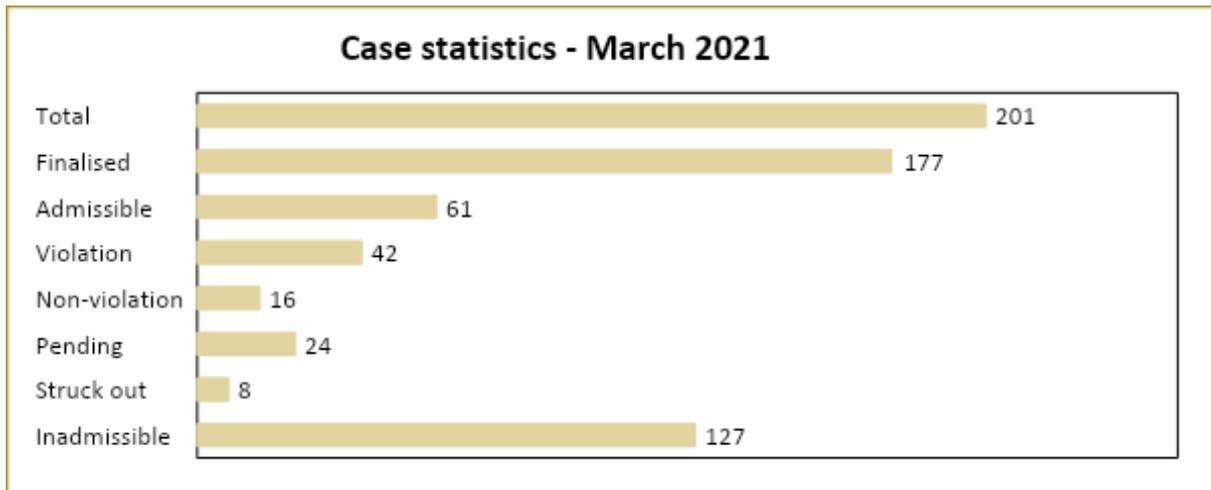
- Introduction
- Sessions of the Human Rights Review Panel
- Decisions of the Human Rights Review Panel
- Publication of Decisions of the Human Rights Review Panel

Introduction

The Human Rights Review Panel (“Panel”), established by the European Union in 2009, is an independent accountability body with the mandate to review alleged human rights violations by EULEX Kosovo in the exercise of its executive mandate. The Panel issues a newsletter periodically, in English, Albanian and Serbian, as part of its outreach to the people in Kosovo, civil society, and to the international community.

The Panel has received two hundred and one (201) cases since it commenced its operations in June 2010. It held that EULEX Kosovo committed rights violations in forty-two (42) cases. It has additionally found that there were no human rights violations in sixteen (16) other cases which it had deemed admissible. There are currently twenty-four (24) cases pending before the Panel. It has also rendered twenty-six (26) follow-up decisions in twenty-one (21) cases in which it has evaluated the extent to which the Mission complied with its recommendations. In many instances, it found compliance to be partial only. Some cases have given rise to successive follow-up decisions.

The cases before the Panel have related to a range of substantive and procedural human rights considerations, including, on substance, the rights to life, to the respect for private and family life, and the right to an effective remedy. The full body of case law is available at: <https://hrrp.eu/cases.php>.



Sessions of the Human Rights Review Panel

During the first quarter of 2021, the Human Rights Review Panel held two sessions. The Panel deliberated via electronic means due to the Covid-19 pandemic.

- 48th Session: 12 February 2021;
- 49th Session: 26 March 2021.

Decisions of the Human Rights Review Panel

At these two sessions, the Panel declared three cases admissible. In all three cases, the Panel also assessed the merit of the complaints.

In addition, in four Decisions on the merit, the Panel found that the European Union Rule of Law Mission in Kosovo had violated its human rights obligations in respect of the complainants and the Panel formulated recommendations to the Head of Mission.

In two cases where the Panel had previously found a violation, the Panel issued follow-up decisions to review and evaluate the implementation of its recommendations by the Head of Mission of EULEX, and to make further recommendations where implementation had not been complete or satisfactory. The Panel decided to keep both of these cases open for possible further follow-up.

Admissibility Decisions

- Case 2016-20 Dragica Čerimi against EULEX. (See below under Decisions on the merit).
- Case 2016-21 Milanka Čitlučanin against EULEX. (See below under Decisions on the merit).
- Case 2016-30 Svetlana Đorđević against EULEX. (See below under Decisions on the merit).

Decisions on the merit

- Case [2016-15 Dragan Janačković against EULEX](#). On 26 March 2021, the Panel adopted its Decision and Findings. In that Decision, the Panel determined that EULEX had failed to conduct an effective investigation into the disappearance of the complainant's close family member and had failed to keep the complainant informed of relevant developments in that case. As a result, the Panel determined that the Mission was responsible for a violation of the complainant's rights under the procedural limb of the complainant's right to life as guaranteed by Article 2 of the European Convention on Human Rights, and for a violation of the complainant's right to freedom from inhuman or degrading treatment, as guaranteed by Article 3 of the European Convention on Human Rights. The Panel also determined that the Mission was responsible for failing to provide the complainant with an effective remedy in violation of Article 13 of the Convention. The Panel made several recommendations to the Head of Mission of EULEX, including to inquire with the authorities what steps are being taken to investigate this case, and to emphasize with authorities the importance of victim's rights to the truth and to be informed of the general course of the investigation. The Panel also invited the Head of Mission to reach out to the complainant with a view to seeking to find a remedy for the violation of his rights. The Mission's implementation of those recommendations is pending.
- Case [2016-20 Dragica Čerimi against EULEX](#). On 26 March 2021, the Panel adopted its Decision on Admissibility and Findings. Having found the case admissible, the Panel determined that EULEX had failed to conduct an effective investigation into the disappearance of the complainant's close family member and had failed to keep the complainant informed of relevant developments in the case. Furthermore, the Panel noted that the fact that the body of the close family member had been identified and returned to the family did not absolve EULEX of its obligations. As a result, the Panel determined that the Mission was responsible for a violation under the procedural limb of the complainant's right to life as guaranteed by Article 2 of the European Convention on Human Rights, and for a violation of the complainant's right to freedom from inhuman or degrading treatment, as guaranteed by Article 3 of the European Convention on Human Rights. The Panel made several recommendations to the Head of Mission of EULEX, including to inquire with the authorities what steps are being taken to investigate this case, and to emphasize with authorities the importance of victim's rights to the truth and to be informed of the general course of the investigation. The Panel also invited the Head of Mission to reach out to the complainant with a view to seeking to find a remedy for the violation of her rights. The Mission's implementation of those recommendations is pending.
- Case [2016-21 Milanka Čitlučanin against EULEX](#). On 26 March 2021, the Panel adopted its Decision on Admissibility and Findings. Having found the case admissible, the Panel determined that EULEX had failed to conduct an effective investigation into the disappearance of the complainant's close family member and had failed to keep the complainant informed of relevant developments in the case. As a result, the Panel determined that the Mission was responsible for a violation of the complainant's rights under the procedural limb of the complainant's right to life as guaranteed by Article 2 of the European Convention on Human Rights, and for a violation of the complainant's right to freedom from inhuman or degrading treatment, as guaranteed by Article 3 of the European Convention on Human Rights. The Panel made several recommendations to the Head of Mission of EULEX, including to inquire with the authorities what steps are being taken to investigate this case, and to emphasize with authorities the importance of victim's rights to the truth and to be informed of the general course of the investigation.

The Panel also invited the Head of Mission to reach out to the complainant with a view to seeking to find a remedy for the violation of her rights. The Mission's implementation of those recommendations is pending.

- Case [2016-30 Svetlana Đorđević against EULEX](#). On 26 March 2021, the Panel adopted its Decision on Admissibility and Findings. Having found the case admissible, the Panel determined that EULEX had failed to conduct an effective investigation into the disappearance of the complainant's close family member and had failed to keep the complainant informed of relevant developments in the case. Furthermore, the Panel noted that the fact that the body of the close family member had been identified and returned to the family did not absolve EULEX of its obligations. As a result, the Panel determined that the Mission was responsible for a violation of the complainant's rights under the procedural limb of the complainant's right to life as guaranteed by Article 2 of the European Convention on Human Rights, and for a violation of the complainant's right to freedom from inhuman or degrading treatment, as guaranteed by Article 3 of the European Convention on Human Rights. The Panel made several recommendations to the Head of Mission of EULEX, including to inquire with the authorities what steps are being taken to investigate this case, and to emphasize with authorities the importance of victim's rights to the truth and to be informed of the general course of the investigation. The Panel also invited the Head of Mission to reach out to the complainant with a view to seeking to find a remedy for the violation of her rights. The Mission's implementation of those recommendations is pending.

Follow-Up Decisions

- Case [2016-13 Miomir Krivokapić against EULEX](#). On 12 February 2021, the Panel adopted a Follow-Up Decision on the implementation of the recommendations of the Human Rights Review Panel. As a preliminary matter, the Panel noted that that the rights of the complainant in the present case appear to still be violated as the case of his missing relative remains un-investigated. The Panel considered that the steps thus far taken or proposed by the Mission in order to address the Panel's findings and recommendations do not provide an adequate or effective response to the violation of the rights of the complainant. The Panel invited the Mission to consider once again the Panel's recommendations that have not been complied with, and to inform the Panel of the result of those considerations. The Panel further invited the Mission to adopt measures in response to the Panel's recommendations that truly reflect the depth of the Mission's commitment to upholding human rights standards and to repair the serious harm caused to the complainant in this case. The Panel decided to keep the present case open for possible further follow-up.
- Case [2016-14 Milan Ađančić against EULEX](#). On 12 February 2021, the Panel adopted a Follow-Up Decision on the implementation of the recommendations of the Human Rights Review Panel. As a preliminary matter, the Panel noted that that the rights of the complainant in the present case appear to still be violated as the case of his missing relative remains un-investigated. The Panel considered that the steps thus far taken or proposed by the Mission in order to address the Panel's findings and recommendations do not provide an adequate or effective response to the violation of the rights of the complainant. The Panel invited the Mission to consider once again the Panel's recommendations that have not been complied with, and to inform the Panel of the result of those considerations. The Panel further invited the Mission to adopt measures in

response to the Panel’s recommendations that truly reflect the depth of the Mission’s commitment to upholding human rights standards and to repair the serious harm caused to the complainant in this case. The Panel decided to keep the present case open for possible further follow-up.

Publication of decisions

The decisions of the Panel are published on the website of the Panel in the English, Albanian and Serbian languages and may be accessed at: www.hrrp.eu.

Visit Panel website: www.hrrp.eu



HOW TO FILE A COMPLAINT WITH HRRP

(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: +383 (0) 38 28 2207
A complaint can also be sent by email to office@hrrp.eu
www.hrrp.eu

If the complaint is e-mailed, the signed original complaint must be delivered within four weeks from the date of the original e-mail.

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.