



Human Rights Review Panel

Newsletter No 25 – 1 July 2021 to 30 September 2021

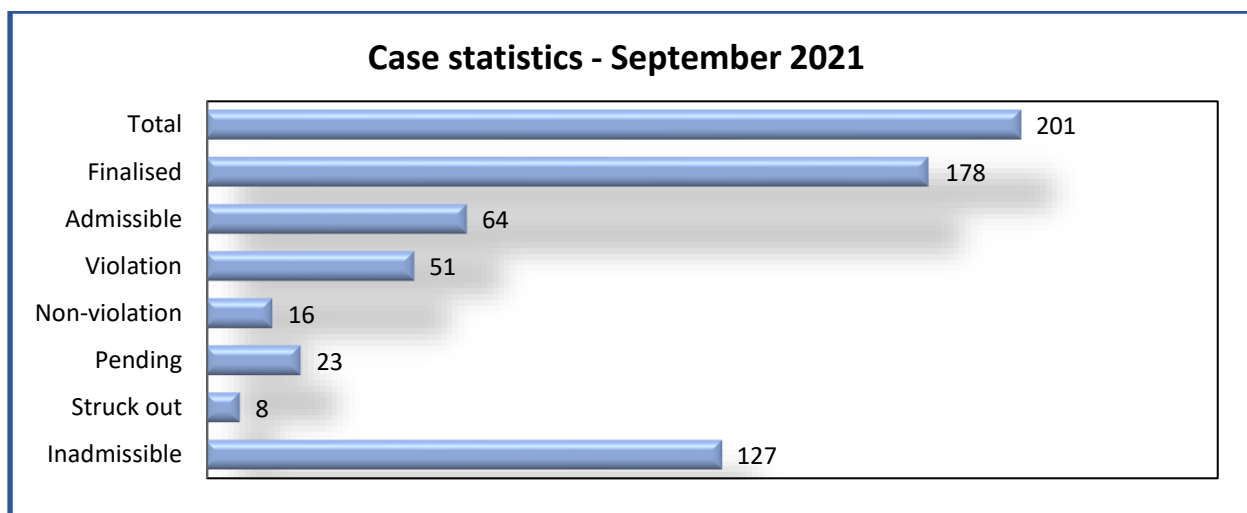
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Introduction

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 fifty-one (51) 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-three (23) cases pending before the Panel. It has also rendered thirty (30) follow-up decisions in twenty-four (24) 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 third quarter of 2021, the Human Rights Review Panel held one session. The Panel deliberated via electronic means due to the Covid-19 pandemic.

- 52nd Session: 16 September 2021.

Decisions of the Human Rights Review Panel

At this session, the Panel declared one case admissible. In this case, the Panel also assessed the merits of the complaints and found that the European Union Rule of Law Mission in Kosovo had violated its human rights obligations in respect of the complainant. The Panel also formulated recommendations to the Head of Mission.

In one cases where the Panel had previously found a violation, the Panel issued a second follow-up decision to review and evaluate the implementation of its recommendations by the Head of Mission of EULEX, and reiterated its recommendation. The Panel decided to close the examination of this case.

Admissibility Decisions

- Case 2018-01 Y.B.2 against EULEX. (See below under Decisions on the merits).

Decisions on the merits

- Case [2018-01 Y.B.2 against EULEX](#). On 16 September 2021, the Panel adopted its Decision on Admissibility and Merits. In its Decision, the Panel rejected the complainant's request for interim measures. The Panel also rejected the Mission's request to strike the case out of its list of cases. Regarding the complaint of a violation of the right to the presumption of innocence, as protected by Article 6(2) of the European Convention on Human Rights, the Panel rejected this complaint as manifestly ill-founded. Regarding the complaint of a violation of the right to respect for private life, as protected by article 8 of the European Convention on Human Rights, the Panel found that the statements made by the EULEX Prosecutor in the television interview constituted an unjustified interference with the complainant's reputation, and thereby had violated Article 8. The Panel invited the Mission to make a public declaration acknowledging that the circumstances of the case amounted to a breach of the complainant's rights as a result of acts attributable to EULEX in the performance of its executive mandate.

Follow-Up Decisions

- Case [2019-01 G.T. against EULEX](#). On 16 September 2021, the Panel adopted a Second Decision on the Implementation of the Recommendations of the Human Rights Review Panel. The Panel noted that the Mission had followed and implemented some but not all of the Panel's recommendations. In particular, the Panel considered that the Mission had failed to acknowledge the violation of the complainant's rights and had failed to contact the complainant directly with regard to establishing the need for additional security arising from the complainant's testimony in Serbia. The Panel regretted that the Mission once again had failed to comply with these two recommendations. Furthermore, the Panel reiterated that the Mission is responsible for providing an effective remedy for the human rights violation it has committed in the present case, and that the Mission cannot delegate its human rights obligations to third parties. The Panel asked the Mission to circulate the present Decision to relevant officials of the Mission and authorities outside of it. The Panel decided to close the examination of the case.

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.