



Human Rights Review Panel

Newsletter No 26 – 30 September 2021 to 31 August 2022

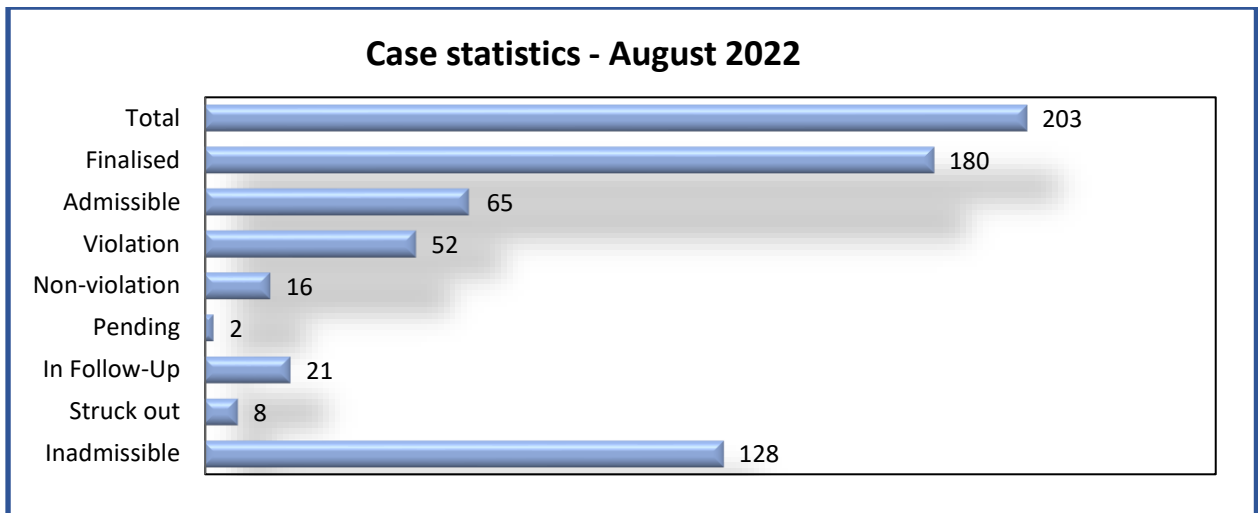
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Introduction

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 three (203) cases since it commenced its operations in June 2010. It held that EULEX Kosovo committed rights violations in fifty-two (52) cases. It 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) open cases before the Panel, of which twenty-one (21) are in follow-up of previous findings of a violation. It also rendered thirty-two (32) follow-up decisions in twenty-five (25) cases in which it 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>.



Note that some cases included multiple complaints not all of which were (in)admissible.

Meeting with the Head of Mission of EULEX Kosovo

On 5 July 2022, the Panel met with Mr Lars-Gunnar Wigemark, the Head of Mission of EULEX Kosovo. The discussion revolved around the recruitment of new Panel Members and the implementation of the Panel's recommendations in the twenty (20) missing persons cases.

Sessions of the Human Rights Review Panel

Between January and August 2022, the Human Rights Review Panel held two sessions. The Panel's sessions were held in-person in Pristina, except for the extra final day of the second session, during which the Panel deliberated via electronic means in accordance with Rule 13(3) of the Panel's Rules of Procedure.

- 53rd Session: 22-25 March 2022.
- 54th Session: 5-7 July and 18 August 2022.

Decisions of the Human Rights Review Panel

At the 54th session, the Panel declared one case inadmissible and one case admissible. In this admissible case, the Panel also assessed the merits of the complaints and found that EULEX Kosovo had violated its human rights obligations in respect of the complainant. The Panel also formulated recommendations to the Head of Mission.

In one case where the Panel had previously found a violation, the Panel issued a fifth follow-up decision to review and evaluate the implementation of its recommendations by the Head of Mission of EULEX.

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

In addition, in a new case, the Chairperson of the Panel submitted a Request to the Head of Mission for the Adoption of Interim Measures.

Decision on a Request for the Adoption of Interim Measures

- Case 2021-02 O.L. and Others against EULEX. On 24 August 2022, the Chairperson of the Panel issued a Decision on a Request for the Adoption of Interim Measures, in her authority under Rule 22 Interim Measures of the Panel's Rules of Procedure. The Head of Mission was requested to take any action necessary, commensurate with the risk to the life of the complainant or his family, and within its mandate, to ensure the safety of the complainants. The Chairperson invited the Head of Mission to report to the Panel on the actions taken.

Inadmissibility Decisions

- Case [2019-02 Driton Hajdari and Teuta Bici-Hajdari against EULEX](#). On 7 July 2022, the Panel declared this case inadmissible. The complaint related to the conditions of the first complainant's detention and the resulting impact on the second complainant. The Panel declared this complaint inadmissible because the events complained of were not attributable to EULEX in the conduct of its executive mandate, and therefore did not come within the scope of the Panel's jurisdiction.

Admissibility Decisions

- Case [2016-29 Slađana Savić against EULEX](#). (See below under Decisions on the merits).

Decisions on the merits

- Case [2016-29 Slađana Savić against EULEX](#). On 18 August 2022, the Panel adopted its Decision on Admissibility and Merits. In its 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. 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 finding a remedy for the violation of her rights. The Mission's implementation of those recommendations is pending.

Follow-Up Decisions

- Case [2011-20 X. and 115 Others against EULEX](#). By Decision of 22 April 2015, the Panel determined that EULEX was responsible for violating the rights of the complainants to an effective remedy, as guaranteed by Article 13 of the European Convention on Human

Rights. The Panel made several recommendations to the Head of Mission. On 11 November 2015, on 10 January 2017, on 27 March 2019, and again on 11 December 2019 the Panel followed-up on the implementation of its recommendations.

On 18 August 2022, the Panel adopted its Fifth Decision on the implementation of the recommendations of the Human Rights Review Panel. In its Decision, the Panel noted that the complainants have yet to be provided with an adequate remedy and reparation for the violation of their rights. The Panel reiterated its invitation to EULEX to conduct a full review of the means available to the Mission to remedy the violation of the complainants' rights in an effective manner and to report to the Panel on the measures which it proposes to adopt to do so. The Panel also invited the Mission to consider approaching Member States through the European External Action Service regarding the possibility of reparation or compensation for the violation of the complainants' rights attributed to the Mission by the Panel.

- Case [2018-01 Y.B.2 against EULEX](#). By Decision of 16 September 2021, the Panel determined that EULEX was responsible for violating the rights of the complainant to respect for his private life, as protected by article 8 of the European Convention on Human Rights.

On 6 July 2022, the Panel adopted its Decision on the Implementation of the Panel's Recommendations. In its Decision, the Panel noted that the Head of Mission of EULEX had declined to issue a public declaration acknowledging the violation of the complainant's rights. The Panel regretted this failure to implement the recommendation of the Panel but decided that it would not be fruitful to repeat its recommendation. 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.