



Human Rights Review Panel

## Newsletter # 8 – March to April 2014

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- 20<sup>th</sup> session of the Human Rights Review Panel
- Women in Rule of Law feature on Substitute Panel-member
- Lecture for university students
- Meeting with Mayor of Pristina
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### 20<sup>th</sup> HRRP session

The 20<sup>th</sup> regular session of the Human Rights Review Panel (the Panel) was held in Pristina from 7 to 9 April 2014. The Panel reviewed 13 complaints and rendered decisions in five cases. Four cases were declared inadmissible while in one case the Panel rejected the complainant's request for the re-examination of a complaint.

### Inadmissibility decisions

One of the cases ([Rajović against EULEX/2013-25](#)) declared inadmissible related to a property dispute between the OSCE Mission in Kosovo and an individual. While the Human Rights Advisory Panel of UNMIK determined that there had been a human rights violation in this case, the Panel declared the case inadmissible as it had not been shown that EULEX was involved in any capacity in this matter. The complaint therefore fell outside the ambit of the Panel's competence. The same line of reasoning was adopted in another inadmissibility decision ([Vuković against EULEX/2013-18](#)) on a property related matter.

Another case ([Maxhuni against EULEX/2013-24](#)) related to procedures before the Kosovo Property Agency Appeals Panel of the Supreme Court of Kosovo. The Panel pronounced the case inadmissible as it cannot in principle review the compatibility with human rights standards of judicial proceedings before the courts of Kosovo. For the same reason, the Panel declared another case ([Gashi against EULEX/2013-22](#)) inadmissible where the complainant submitted that he had been erroneously convicted by Kosovo courts.

### Decision not to re-examine a case

In one case, ([J. against EULEX/2013-04](#)) the complainant asked for the re-examination of her case as she suggested that the Panel had misunderstood her submissions and had not examined her com-

plaint about the courts having lost a document crucial for the outcome of her case during the proceedings before the Kosovo courts. The Panel concluded that the complainant failed to point to any new evidence, within the meaning of rule 42 of its Rules of Procedure and reiterated that, in any event, it had no competence to evaluate either administrative (e.g. handling of documents) or judicial aspects of the work of Kosovo courts. Therefore, there were no grounds to re-examine this case.



Substitute Panel member Ms Elka Filcheva-Ermenkova features in “Women in Rule of Law” on the EULEX website. She works as a Judge at the Kosovo Property Appeals Panel at the Supreme Court of Kosovo.



As of January 2012, she decides over property disputes related to the armed conflict of 1998/1999.

Ms Filcheva-Ermenkova was appointed as the Substitute Panel member of the Panel on 15 January 2013.

### **HRRP briefing for law students of AAB University in Pristina**

On 26 April 2014, upon the invitation of the Dean of the Law Faculty of AAB University in Pristina, Mr Muhamet Kelmendi, the Panel was given the opportunity to brief 80 law students on its mandate, work, case-load and human rights violations it had found in a number of cases.

The lecture gave a short introduction into the relationship between human rights and the concept of rule of law, and touched upon the rationale behind the establishment of the Panel. It also elaborated on several cases decided by the Panel. Students raised questions in relation to the independence of the Panel, the applicable law as well as the effectiveness of the Panel’s recommendations.



Legal Officer Florian Razesberger briefing law students at AAB University in Pristina.

### Outreach campaign: Meeting with the Mayor of Pristina

On 19 March 2014, a meeting was held with the the mayor of Pristina, Mr Shpend Ahmeti, in order to brief him 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.

Further meetings have been held with the Director General of the Kosovo Police, Mr Shpend Maxhuni as well as with the Executive Director of the European Centre for Minority issues Kosovo, Mr Adrian Zeqiri.

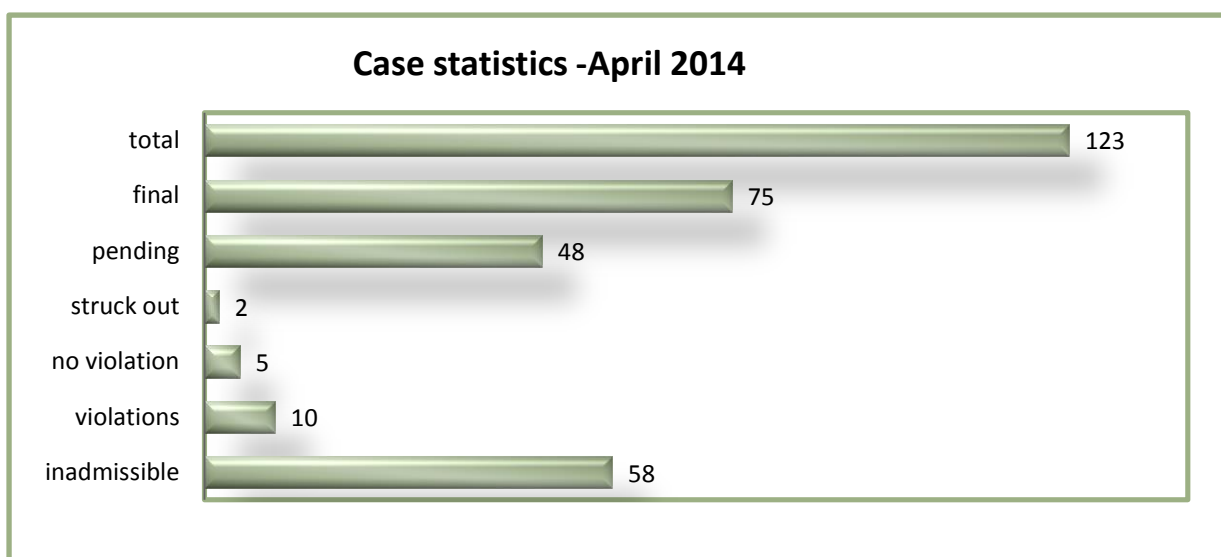


From Left to right: Mr John Ryan, Senior Legal Officer, HRRP; Mr Shpend Ahmeti, Mayor of Pristina

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### Increase in the Panel's case load

In the first four months of 2014, the Panel saw a significant increase in its case load, with 29 new cases registered between 1 January and 30 April 2014. In comparison, during the whole year of 2013 the Panel had received 27 cases in total. The surge in the Panel's case load is also reflected by the growing interest in the Panel's website, which counted close to 4000 pageviews from visitors out of 67 countries during March and April 2014.



## 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](mailto:office@hrrp.eu)

[www.hrrp.eu](http://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.