



Human Rights Review Panel

Newsletter # 9 – May to June 2014

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21th HRRP session

The 21th regular session of the Human Rights Review Panel (the Panel) was held in Pristina from 26 to 28 May 2014. The Panel reviewed 19 complaints and rendered decisions in ten cases. The Panel issued a follow-up decision in relation to two cases concerning the *Vidovdan* celebrations of 2012. Eight cases were declared inadmissible. Further, the Panel decided to communicate eight cases to the Head of Mission of EULEX, inviting him to comment on the admissibility and merits of those complaints.

Follow up decision in two *Vidovdan* cases

In a follow-up decision regarding the cases of *H&G against EULEX* (decisions 2012-19&20) the Panel held that the Head of Mission of EULEX exercised his functions diligently and effectively in the implementation of a majority of the Panel's recommendations. These cases concerned two complainants who submitted that they had been subjected to attacks by Kosovo Police on 28 June 2012 during the *Vidovdan* celebrations.

The Panel reiterated its findings in relation to the operative measures undertaken by EULEX in relation to the cases of *A,B,C & D against EULEX* (decisions 2012-09 to 14) and considered them to constitute an adequate implementation of the recommendations of the Panel. Those actions included, *inter alia*, the prior conduct of a risk-assessment, the development of detailed operational plans, close coordination among all stakeholders in the security operation as well as the issuance of clear instructions to EULEX Police on human rights issues that might arise during the events.

As in previous decisions, the Panel noted that the Head of Mission had not formally acknowledged the violation of the complainants' human rights despite the Panel's recommendation to that effect. The Panel noted once again that the acknowledgment of violations by states is a well-established practice in the proceedings before, *inter alia*, the European Court of Human Rights, and is also regu-

larly applied by the Human Rights Advisory Panel of UNMIK. The Panel invited the Head of Mission to make use of the remedies available to him as the formal acknowledgement of a violation of rights is capable of providing some redress to the victim of a human rights violation. Considering the limitations placed on the ability of the Panel to recommend financial compensation as stipulated by the EULEX Accountability Concept of 29 October 2009 on the establishment of the Human Rights Review Panel, the formal acknowledgment of a violation by the competent authority becomes all the more important as a form of redress for a breach of individual rights.

Admissibility decision

The Panel declared one case admissible ([Becic against EULEX/2013-03](#)). The complaint relates to the alleged usurpation of an apartment in Pristina by private parties. The complainant submits that Kosovo authorities including the Kosovo police and the Kosovo prosecutor did not take appropriate action, that the case amounted to discrimination against him by those authorities and that their alleged refusal to pursue his claim had barred him from accessing an effective remedy. Further, it was submitted that EULEX had failed to react appropriately to his complaint and therefore violated his human right to an effective remedy and his right to the peaceful enjoyment of his possessions.

Inadmissibility decisions

One of the cases declared inadmissible ([V against EULEX/2013-23](#)) related to proceedings before the Special Chamber of the Supreme Court of Kosovo. The Panel reiterated that, in principle, it had no jurisdiction in respect of either administrative or judicial aspects of the work of Kosovo courts. The complaint therefore fell outside the ambit of the Panel's competence. The same line of reasoning was adopted in two more inadmissibility decisions ([Taraku against EULEX/2013-26](#) and [Kadriu against EULEX/2013-27](#)) on employment disputes, in another case related to pension entitlements ([Krasniqi against EULEX/2014-04](#)) and in a case concerning the alleged non-enforcement of alimony entitlements ([Rastelica against EULEX/2014-07](#)).

Another case ([A.Z against EULEX/2014-03](#)) related to a series of alleged crimes that the complainant had reported to the local authorities which after conducting a preliminary investigation of the case decided not to investigate further. As EULEX was not involved in any capacity in the matter, the complaint was declared manifestly ill-founded.

In a further case ([B.Y. against EULEX/2014-06](#)), the complainant alleged that he was subjected to regular attacks by his neighbours. EULEX prosecutors had reviewed the complaints on two occasions and thereafter decided not to institute criminal proceedings. The Panel noted that it could not be concluded on the basis of the information available to it that the alleged criminal offence would fall under the authority of EULEX Prosecutors.

Communication of complaints

The Panel decided to communicate to the Head of Mission of EULEX seven cases related to the fate of seven individuals who had allegedly been murdered in 1999. The complainants submit that EULEX failed to carry out investigations into the alleged deaths of their relatives. The Panel asked the Head of Mission to provide his observations on the admissibility and merits of those cases. Another communication to the Head of Mission relates to court fees and costs of translation of documents in the proceedings before the Special Chamber of the Supreme Court of Kosovo for issues related to the Privatization Agency of Kosovo.

HRRP briefing for law students from the University of Essex

On 16 June 2014, EULEX organized a series of presentations to a group of students of a Master's program in Human Rights from the University of Essex. The Panel was given the opportunity to present its mandate, procedures and work.

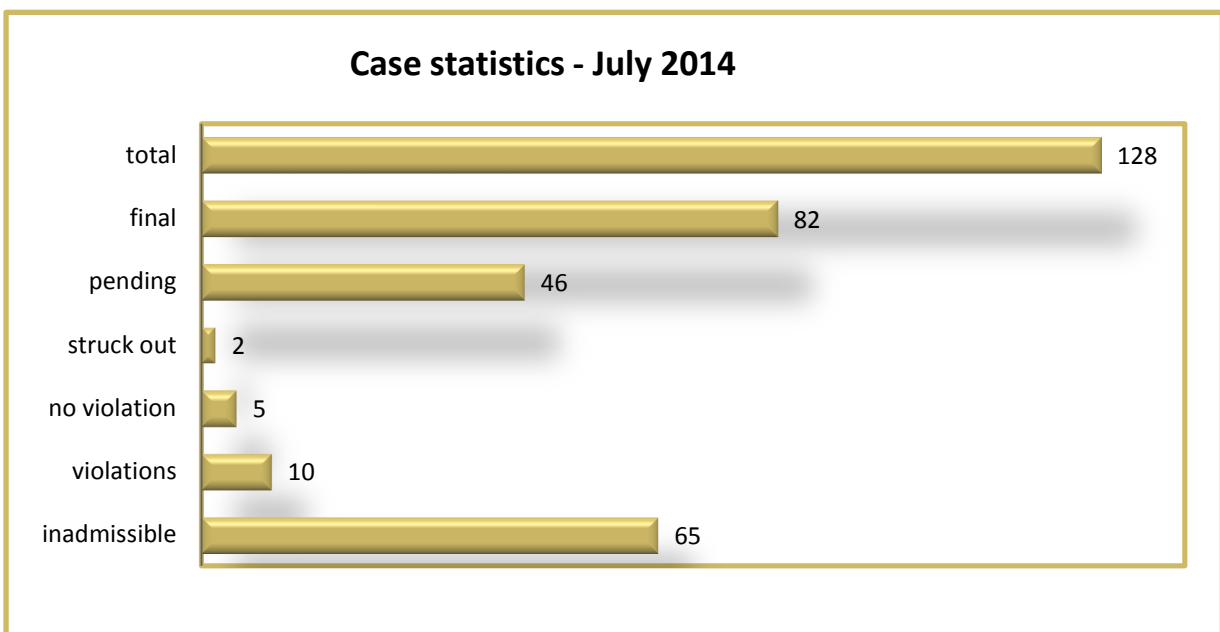
The ensuing discussion focused on the case-load of the Panel, its independence, determined human rights violations and the Panel's recommendations to EULEX to address those violations as well as the Panel's public outreach activities.



Legal Officer Florian Razesberger briefing Master's students at the EULEX headquarters.

Public outreach campaign

Among other public outreach activities, the Secretariat of the Panel met with the Coordinator of the Office for Kosovo and Metohija in northern Mitrovica on 26 June 2014 to brief on the activities of the Panel and, inter alia, in furtherance of the public outreach campaign in the northern Mitrovica region.



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 28 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.