

European Union

Human Rights Review Panel Kosovo

Annual Report

1 January to 31 December 2014

Human Rights Review Panel - Secretariat

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Foreword

This is the fifth Annual Report of the Human Rights Review Panel (“the Panel”). As in previous years, the Panel continued throughout the reporting period with its review of complaints of human rights violations by EULEX Kosovo in the conduct of its executive mandate in the justice, police and customs sectors.

In 2014, the Panel conducted five sessions and reviewed 35 complaints.

In two of these cases, the Panel found that human rights violations had occurred. Violations by EULEX related to omissions by the Mission which resulted in breaches of the complainant’s human rights, rather than in positive acts attributable to the Mission. In both instances, the Panel found that EULEX had failed to provide the complainants with an effective remedy against human rights violations. This resulted in a breach of Article 13 of the European Convention on Human Rights which guarantees a right to an effective remedy for everyone whose rights and freedoms have been violated. The Panel submitted recommendations to the Head of Mission of EULEX Kosovo to address those violations.

In four other cases, the Panel issued follow-up decisions on implementation of its recommendations by the Head of Mission. All those decisions are discussed in further detail in the present report.

The Panel declared 23 other complaints inadmissible.

During the reporting period, the Panel witnessed a considerable increase in its case-load with the receipt of 42 new complaints.

The Panel and its Secretariat also continued with its outreach campaign in order to disseminate information about its mandate. It concentrated its efforts primarily on the Kosovo judiciary, human rights and legal aid NGOs, civil society representatives as well as religious bodies in Kosovo. The Panel and the Secretariat also engaged in media interviews and debates and attended various human rights related seminars, conferences and round table discussions. A long-awaited TV information campaign was launched 2014, with a short spot explaining to the general public the role and function of the Panel.

The Panel also conducted periodic meetings with the Head of Mission, the Deputy Head of Mission and other senior officials in EULEX in order to guarantee the effectiveness performance of its functions and to secure the prompt and diligent cooperation of relevant organs of the Mission.

A regular electronic newsletter, launched in 2012, has proven to be a most successful medium in providing information on the Panel and in raising public awareness of its mandate and operations. Every edition is sent to over a thousand persons, institutions and the media.

It should be stressed, however, that despite its extensive outreach activities, there is still a lack of awareness of the Panel’s existence and mandate in the mission area. The Panel is intent on taking additional steps, with the assistance of the Mission, to increase its visibility.

There were also some staff changes in the Panel Secretariat with the Senior Legal Officer, Mr John Ryan and the Legal Officer, Mr Florian Razesberger leaving their positions.

I would like to take this opportunity to express my gratitude to the Panel Members and Secretariat staff for their outstanding contributions to the work of the Panel during the reporting period.

The Human Rights Review Panel would like to acknowledge the cooperation of the Head of Mission in regard to the work of the Panel. In particular, the Panel would like to acknowledge the Head of Mission's efforts in seeking to comply with and enforce the Panel's recommendations in cases where human rights violations were found.

Finally, I would also like to take this opportunity to record our appreciation in respect of the good cooperation that the Panel has enjoyed so far with the Head of Mission and the whole EULEX Kosovo.

Magda Mierzevska
Presiding Member
Human Rights Review Panel

1. Introduction

The Human Rights Review Panel, established by the European Union on 29 October 2009, continued with its review of alleged human rights violations by EULEX Kosovo in the conduct of its executive mandate throughout its fourth full year of operations in 2014.

The Panel is the first and, so far, the only human rights accountability mechanism that deals with alleged violations of human rights by a European Union Common Security and Defence Policy mission. Together with the Human Rights Advisory Panel of the United Nations Interim Administration Mission in Kosovo (UNMIK), it is one of only two international panels that hold international organisations accountable for human rights violations. The extension of accountability for human rights violations from states to international organizations represents a major advance in the development of international human rights protection that garners increasing international recognition. It might in due course come to constitute a necessary component of the work of international organisations and, in particular, rule of law missions.

The present report outlines the Panel's activities and achievements for the period from 1 January 2014 - 31 December 2014. Its focus lies primarily on the Panel's caseload and its developing jurisprudence. Further, the Panel's efforts in regard to its outreach activities are outlined in some detail.

During the reporting period the Panel held five sessions and reviewed thirty-five cases. It found twenty-two cases to be inadmissible, declared one case admissible and found that there were human rights violations with regard to two complainants. The Panel communicated thirteen cases to the Head of Mission for observations regarding their admissibility and merits.

In cases where it found violations of human rights, the Panel submitted to the Head of Mission EULEX Kosovo detailed recommendations intended to remedy these violations. The Panel also assessed the subsequent response of EULEX Kosovo to recommendations and, in one instance, submitted further recommendations as part of its follow-up.

In 2014, the Panel saw a significant increase in the number of complaints submitted. It registered 42 new such complaints, as compared to 27 in 2013. This significant increase may be attributed in large part to the greater awareness of the Panel and its role among the public, not least thanks to the Panel's outreach efforts. A TV spot prepared by the EULEX Press and Public Information Office, broadcast by the leading Kosovo information channels in January and September 2014 also greatly contributed to this rising awareness.

At the conclusion of its fifth year of operation, the Panel is satisfied that it has continued to contribute positively to EULEX's standing as a Mission committed to upholding human rights in the exercise of its executive mandate.

2. Regulatory Framework

2.1. Council Joint Action 2008/124/CFSP of 4 February 2008 on the European Union Rule of Law Mission in Kosovo, EULEX KOSOVO

The Council Joint Action is the source of authority and power of the EULEX Mission in Kosovo. It lays down the mandate of EULEX and, *inter alia*, specifies its responsibility to act in compliance with relevant human rights standards in Article 3 (i): “ensure that all its activities respect international standards concerning human rights and gender mainstreaming”.

2.2. Accountability Concept EULEX Kosovo – Human Rights Review Panel, General Secretariat of the Council, Brussels of 29 October 2009

The establishment of an effective, transparent human rights accountability mechanism was considered to be a fundamental requirement for EULEX Kosovo as a Rule of Law Mission vested with certain limited executive functions. Such an external accountability mechanism was intended to complement the overall accountability of EULEX Kosovo as provided by the Third Part Liability Insurance Scheme and the EULEX Internal Investigation Unit, which were established at the outset.

Thus, the Accountability Concept laid down the mandate of the Panel to review complaints from any person, other than EULEX Kosovo personnel, claiming to be the victim of a violation of his or her human rights by EULEX Kosovo in the conduct of the executive mandate of EULEX Kosovo.¹ However, pursuant to the Accountability Concept, the Panel has no jurisdiction in respect of Kosovo courts. The fact that EULEX judges sit on the bench of a particular court does not modify the character of these courts as Kosovo courts (for more details, see par. 5.2.1 below).

The Panel adopted its own Rules of Procedure on 10 June 2010, the date from which it was authorized to receive complaints. The Panel amended its rules on 21 November 2011 and 15 January 2013.

2.3. Applicable International Human Rights Instruments

In accordance with the provisions of the Accountability Concept, the Panel may consider complaints pertaining to alleged breaches of, among others, the following human rights instruments:

- The Universal Declaration on Human Rights (1948)
- The European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR, 1950)
- The Convention on the Elimination of All Forms of Racial Discrimination (CERD, 1965)
- The International Covenant on Civil and Political Rights (CCPR, 1966)
- The International Covenant on Economic, Social and Cultural Rights (CESCR, 1966)
- The Convention on Elimination of All Forms of Discrimination Against Women (CEDAW, 1979)
- The Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment (CAT, 1984)
- The International Convention on the Rights of the Child (CRC, 1989)

¹ The Accountability Concept is part of the Operational Plan of EULEX. It is therefore deemed a restricted document and thus not accessible to the public.

In practice, the complaints filed to date have been primarily based upon the European Convention on Human Rights (ECHR) and its Protocols. A number of them also relied on the provisions of the Declaration on Human Rights, the International Covenants and other human rights instruments.

3. The Panel and the Secretariat

3.1. Panel Members

The Panel consists of four members, including a Presiding Member. One of the Panel members is also an EULEX judge. The judge has a substitute member.

Presiding Member

Ms Magda Mierzewska, a Polish citizen, passed the Polish State Examination for judicial posts in 1982. She was admitted to the Gdańsk Chamber of Legal Counsel in 1989 and received her LLM in European Union Law from the University of Leicester in 2005.

She was appointed as a case lawyer in the Secretariat of the European Commission of Human Rights, Strasbourg in 1993. She has been employed as a lawyer at the Registry of the European Court of Human Rights, Strasbourg, France since 1998. She has extensive international training experience in various substantive and procedural human rights issues.

Ms Mierzewska's numerous academic publications include: *The European Convention on Human Rights and Fundamental Freedoms: Ten Years after the Ratification*, Council of Europe Information Office Warsaw 2004; *Ten Years On: The Popularity of the Convention in Poland* (co-author), European Human Rights Law Review, Issue 4, 2004; *Ten Years On: Voluminous and Interesting Polish Case Law* (co-author), European Human Rights Law Review, Issue 5, 2004; *Standards Established in the Case Law of the European Court of Human Rights in Cases Concerning Expropriations and their Application to German Property Claims*, Polish Institute of International Affairs, 2005; *The Process of Reception of the European Convention on the Protection of Human Rights and Fundamental Freedoms in Poland and Slovakia in: The Reception of the European Convention on the Protection of Human Rights*, eds. H. Keller, A. Stone-Sweet, Oxford University Press, May, 2008; *Consistency of judicial practice as a human rights issue in the case-law of the European Court of Human Rights*, in: *Cohérence et impact de la jurisprudence de la Cour européenne des droits de l'homme*, Liber amicorum Vincent Berger, 2013.

Members

Prof Dr Guénael Mettraux

Dr Guénaël Mettraux holds a *licence en droit* from the University of Lausanne (Switzerland), an LLM from University College London and a PhD in law from the London School of Economics and Political Science.

He practices law as a Defence counsel and consultant before international criminal jurisdictions (ICTY, ICC, STL and ECCC). Over the past decade, he has represented several high-ranking military and civilian leaders accused of international crimes. He has advised governments and NGOs on various issues pertaining to regulatory regimes, criminal trials, legislations and transitional justice. Dr Mettraux is currently Professor at the University of Amsterdam (The Netherlands) and guest lecturer at the University of Fribourg (Switzerland).

He has published extensively in the field of international criminal law. His scholarly works include three books: *International Crimes and the ad hoc Tribunals* (Oxford University Press, 2005), *Perspectives on the Nuremberg Trial* (Oxford University Press, 2008) and *The Law of Command Responsibility* (Oxford University Press, 2009), which was awarded the *Lieber Prize* from the

American Society of International Law. Dr Mettraux is a member of the Editorial Committee of the *Journal of International Criminal Justice* and the Board of Editors of the *International Criminal Law Review*.

Dr Katja Dominik

Dr Katja Dominik, a German citizen, studied law and Slavic languages at the University of Goettingen, Germany from which she graduated in 1996.

Dr Dominik was awarded a post graduate scholarship and completed her studies on the legal aspects of the state collapse of the Socialist Federal Republic of the Former Yugoslavia in Zagreb, Croatia in 1998/99. Her dissertation on the subject matter was published in 2001.

From 2000 to 2002, she worked as a law clerk which included periods at the Higher Regional Court, Duesseldorf and also at an advocacy office which specialized in asylum law. In 2002 she was employed by the Federal German Ministry of Development and Economic Co-operation in Bonn where she worked in the Division for European development policy. In this capacity, she researched and drafted texts and speeches for international development aid conferences in Brussels and Bonn where she also on occasion represented the German government.

In October 2002, Dr Dominik was appointed as a Judge at the District Court, Duesseldorf where she specialized in various types of criminal law. She thereafter became deputy chairman in the District Court criminal chambers for serious capital crimes and economic crimes.

Dr Dominik was appointed as an International Judge with EULEX Kosovo in October, 2011 whereupon she was assigned to the District Court Mitrovica where she deals with high profile cases of war crimes, murder, corruption and human trafficking. The Head of Mission EULEX appointed Dr Dominik as a member of the European Union Human Rights Review Panel in January 2013.

Substitute Member

Ms Elka Filcheva-Ermenkova

Ms Elka Filcheva-Ermenkova, a Bulgarian citizen, studied law at the University of Blagoevgrad, Bulgaria where she graduated in 1997. She concentrated on human rights studies during her Master's Degree and she later completed numerous courses on the European Convention on Human Rights and Fundamental Freedoms (ECHR) and its Protocols. Upon completion of her post-graduate internship, in October 1998 she was appointed as a Junior Judge at the District Court, Blagoevgrad in an appeals panel, where under the supervision of two District Court judges she presided over cases in all subject matters: civil, criminal and administrative law. In 2001 she was appointed as a Judge at the Regional Court of Law in Blagoevgrad where she presided over civil and criminal cases. In 2003 she was appointed as President of the Regional Court in Blagoevgrad.

In 2004, she was appointed as a District Court Judge, second instance, and she worked both as a first instance and as an appellate judge both in civil and criminal matters, with the main emphasis on civil matters.

In January 2008, she was seconded to the Council of the European Union (EU), in the department for Civilian Planning and Conduct Capability (CPCC) as a Rule of Law Adviser where she worked until January 2012. In January 2012 she was appointed as an International Judge at the Supreme Court of

Kosovo. She was appointed as the Substitute Member of the European Union Human Rights Review Panel by the Head of Mission EULEX Kosovo on 15 January 2013.

3.2. The Secretariat

The Secretariat of the Panel consists of a Senior Legal Officer, two Legal Officers, an Administrative/Language Assistant and two Interpreters/Translators.

Ms Joanna Marszalik, a Polish citizen, graduated with a Master of Laws from the Jagiellonian University in Krakow, Poland. For five years she worked as a lawyer in the European Court of Human Rights in Strasbourg, France. Subsequently, she was the Project Manager for the Council of Europe institution building project “Support for Ombudsperson Institution in Kosovo” and the Team Leader of the Council of Europe and European Union project “Transparency and Efficiency of the Judicial System in Ukraine”, which supported reform of the Ukrainian judicial system. She joined the OSCE Mission in Kosovo in December 2010 where she worked as the Senior Human Rights Officer, supervising the Regional Centre in Pristina. She was appointed as a Legal Officer in the Panel Secretariat in April 2012.

Ms Shpresa Gosalci, Kosovo Albanian, a graduate of the AAB University, Prishtina, in English Language and Literature. She was employed as Interpreter (Albanian/Serbian/English) with KFOR from July 1999 to June 2000 and as Administrative/Language Assistant in the UNMIK Police Commissioner’s Press and Public Information Office from June 2000 until March 2009. She is Administrative /Language Assistant with the Panel Secretariat since July, 2010.

Ms Katica Kovacevic, Kosovo Serbian, was previously employed as Administrative/Language Assistant (Serbian/English) in the Office of the Auditor General from May, 2003 until December, 2008 and as Language Assistant with the Privatization Agency of Kosovo from January, 2009 to November 2010. She commenced her assignment as an Interpreter/Translator with the Panel Secretariat in December, 2010.

Mr Kushtrim Xhaferi, Kosovo Albanian, is a graduate of the University of Prishtina, Kosovo, in English Language and Literature. He previously worked as an Interpreter/Translator (Albanian/English) with Kosovo Energy Corporation from February, 2004 to January, 2009 and as a language assistant with EULEX Police Component thereafter. He is Interpreter/Translator with the Secretariat since September, 2010.

Former Secretariat Staff who served during 2014

Mr John J. Ryan, an Irish citizen, graduated with a Bachelor of Laws, (Hons) in Law and European Studies from the University of Limerick, Ireland, and he holds a post graduate degree as a Solicitor from the Incorporated Law Society of Ireland. He practiced as a Solicitor with Stephen MacKenzie and Co. Solicitors, Dublin, Ireland. He has served with the United Nations in Lebanon, Syria, Israel, Cambodia, Bosnia Herzegovina, Croatia, Macedonia, East Timor, Nepal, Kosovo and with the European Commission in China. Prior to taking up his current assignment, he was employed with UNMIK, inter alia, as the Administrator of Zvecan Municipality, Mitrovica Region, Head of the International Judicial Support Division, Department of Justice, Deputy Legal Adviser, Office of the Special Representative of the Secretary General, (O/SRSG), UNMIK and Executive Officer, UNMIK Human Rights Advisory Panel, (O/SRSG). He was appointed as the Senior Legal Officer and Head of the Panel Secretariat, EU Human Rights Review Panel in April, 2010. His article on the UNMIK Human

Rights Advisory Panel, United Nations Mission in Kosovo was published in the Irish Defence Forces Annual Review, 2010. Mr Ryan resigned from his position in December 2014.

Mr Florian Razesberger, an Austrian citizen, studied law at the Universities of Vienna, Copenhagen and Innsbruck. He started working as a Law Clerk at the Regional Court of Innsbruck before being appointed as an Assistant Legal Officer within the Presidency and Chambers of the International Criminal Court in The Hague. He subsequently worked as a Legal Adviser with “Africa Middle East Refugee Assistance” in Cairo, Egypt. Thereafter, he took up the position of Legal Advisor with the OSCE Missions in Skopje and consequently in Sarajevo. Subsequently, he worked as a Human Rights Officer and Team Leader for the United Nations Assistance Mission in Afghanistan. Mr Razesberger joined EULEX Kosovo as a Human Rights Expert before being appointed a Legal Officer at the Panel Secretariat in September 2012. Mr Razesberger resigned from his position in December 2014.

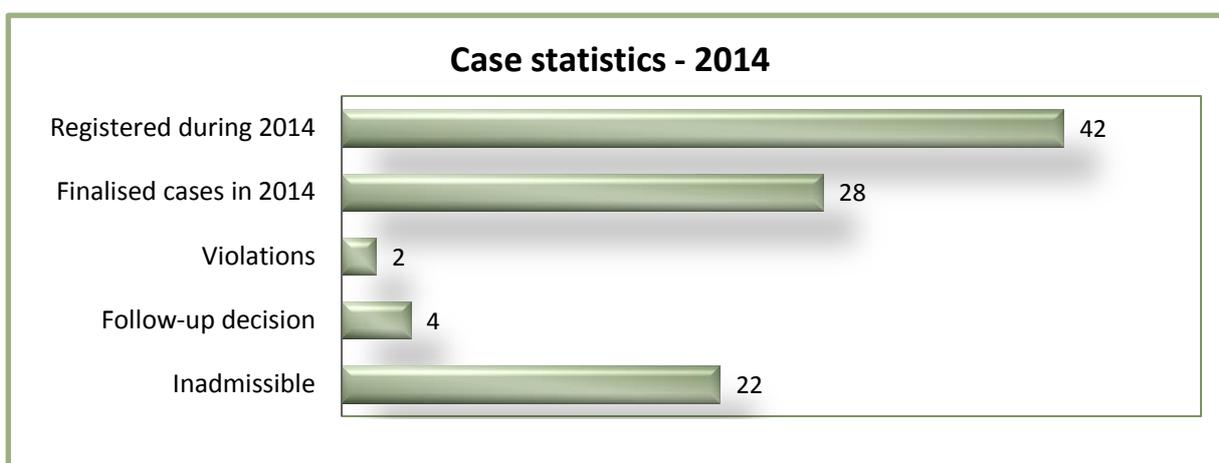
4. Caseload and subject matter of complaints

4.1. Caseload and statistics

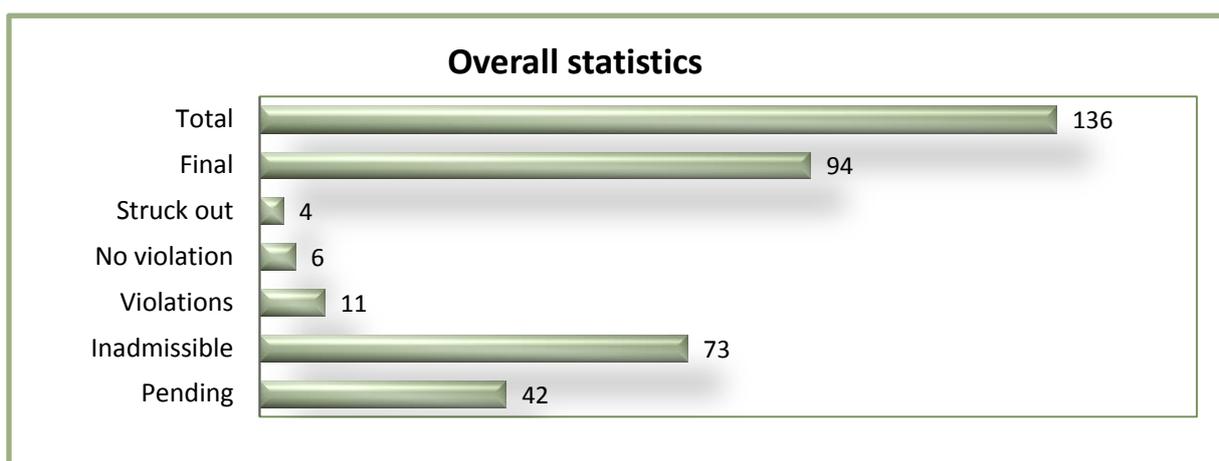
In 2014, the Panel reviewed 35 cases, communicated 13 cases to the Head of Mission with request for observations on their admissibility and merits and delivered 29 decisions (including one decision on admissibility of the complaints, which did not put an end to the examination of that case).

In contrast to the previous year, the Panel found human rights violations in only two cases. In both decisions, the Panel found a violation of Articles 13 of the ECHR.

In addition, 22 cases have been declared inadmissible.



In 2014, 42 new cases have been registered with the Panel, compared to 27 the previous year. Since its inception, the Panel has seen a steady increase in its caseload. By the end of 2014, a total of 136 cases have been submitted to the Panel, out of which 94 have been closed by a final decision.



4.2. Trends

The majority of alleged violations are said to be the result of an alleged failure or omission on the part of EULEX to act. Such complaints are related in particular to alleged prosecutorial refusal to

institute investigations and/or failure to file an indictment. A number of cases concerned allegations of lengthy proceeding before Kosovo courts.

4.3. Subject-matter of complaints

The most common types of alleged human rights violations examined by the Panel in 2014 were as follows:

- Alleged violations of the right to liberty and security (Article 5 of ECHR): cases [Predrag Blagić against EULEX](#), no. 2012-23; [Nexhat Qubreli against EULEX](#), no. 2014-01;
- Alleged violations of the right to a fair trial, civil or criminal (Article 6 of ECHR): cases [J against EULEX](#) no. 2013-04; [Gani Gashi against EULEX](#), no. 2013-22; [Ismail Krapic against EULEX](#) no. 2014-22; [Shaip Selmani against EULEX](#), no. 2014-23
- Alleged violations of the right to a fair trial (Article of 6 ECHR) in conjunction with a violation of the right to the peaceful enjoyment of one's possessions (Article 1 of Protocol No. 1 to ECHR): cases [Gani Zeka against EULEX](#), no. 2013-15; [V against EULEX](#) no. 2013-23; [Rifat Kadribasic against EULEX](#), no. 2014-09;
- Alleged violations of the right to freedom of thought, conscience and religion (Article 9 of ECHR): [Mirko Krlić against EULEX](#), no. 2012-21;
- Alleged violations of the right to an effective remedy (Article 13 of ECHR) in conjunction with
 - Article 8 (right to privacy and family life): [Valbone Zahiti against EULEX](#), no. 2012-14
 - Article 1 of Protocol No. 1 to the ECHR (right to property): [Goran Becić against EULEX](#), no. 2013-03,
- Alleged violations of the right to the peaceful enjoyment of one's possessions (Article 1 of Protocol No. 1 to ECHR): [Vuković against EULEX](#), no. 2013-18; [Selatin Fazliu against EULEX](#), no. 2014-28.

A number of complainants referred, in a general manner, to several other international human rights instruments, in particular the Universal Declaration of Human Rights or the International Covenant on Economic, Social and Cultural Rights.

5. Jurisprudence

5.1. Merits

During the reporting year, human rights violations by EULEX were found in two cases. In one case, examined on the merits, no breach was found.

- 5.1.1. [Zahiti against EULEX](#) – the obligation of EULEX to protect human rights and to provide an effective remedy in case of alleged violations

On 4 February 2014, the Panel decided by majority that EULEX Kosovo had violated Article 13 of the ECHR, i.e. the right to an effective remedy in case no. 2012-14, *Valbone Zahiti against EULEX*. It found, however, that there had been no violation of Article 8 of the ECHR (a right to respect for private and family life).

In that case, the complainant alleged that, while performing her official duties as a Kosovo Police officer, she was injured by an EULEX official (an international police officer) who intentionally drove in her direction with his car. As a result, she was injured and unable to work for several months. EULEX Internal Investigation Unit launched an internal investigation into the incident. The case was subsequently closed by the HoM, having regard to the national authorities' decision to repatriate the staff member concerned. The Municipal Public Prosecutor of Pristina requested the waiver of immunity of the EULEX official in question. In reply, the HoM invited the prosecutor to contact the national authorities of the staff member concerned through the official channels to establish whether there was an on-going investigation in his home country. Until this point was clarified, the HoM indicated that he would be unable to take any further action regarding a waiver of immunity.

The Panel first reiterated that it was the obligation of EULEX under the Council Joint Action to ensure that its own activities should be carried out in compliance with international standards of human rights. The fact that EULEX exercised certain executive powers carried the possibility that the exercise of such powers might result in human rights violations. This, in turn, raised the issue of the availability of an adequate relief to remedy such a violation where the victim's claim was 'arguable'. The Panel stressed that it was not disputed that the complainant had been physically attacked and injured by an EULEX police officer. The Panel considered, therefore, that her complaint constituted an arguable claim.

It examined in turn various potential remedies EULEX had argued the complainant had had at her disposal.

The Panel dismissed EULEX's submission that the Panel itself provided a sufficient remedy as being without merit. It pointed out that EULEX bears its own responsibility to provide an effective remedy for violations of rights attributable to the mission. Placing EULEX's own responsibility to provide such a remedy on the Panel would be inconsistent with EULEX's mandate and obligation to meet its own human rights obligation in the fulfilment of its executive mandate.

The Panel also rejected an argument that the complainant should have claimed compensation either from EULEX or directly from the official concerned. It noted that EULEX had throughout its submissions taken the view that it was not responsible for the injury caused to the complainant, so that a request to EULEX to grant compensation in relation to an act which the Mission denies being responsible for could not have been regarded as an effective relief which the complainant should reasonably be expected to pursue. The Panel noted, however, that the HoM could opt ex gratia to offer some form of compensation to the complainant. The Panel reiterated that it was not empowered to recommend pecuniary compensation.

As for the possibility of the complainant seeking to obtain compensation through the procedures for third party liability claims, the Panel noted that at no point in time did the Mission offer any compensation to be paid to the complainant under that scheme.

The Panel found it unnecessary to take a position, in the circumstances of the present case, as to whether EULEX's internal investigations could be said to constitute an "effective remedy" where an allegation of human rights violation is at stake. It noted only that the regime in place was not

“independent” of EULEX, that it had not been shown that it could directly lead to an award of compensation to a victim, that it could not render binding decisions and left the final decision upon the application of a disciplinary measure to the discretion of the HoM. Moreover, the complainant was not given an opportunity to participate in the internal investigation in any procedural role.

What remedy might be left to the complainant (taking her case outside of Kosovo to the competent national authorities of the concerned EULEX staff member) would, in the Panel’s view, be clearly too onerous and of uncertain availability to be characterized as “effective” in the circumstances. Furthermore, it could not be said to serve as an effective remedy when it comes to EULEX’s *own* actions and responsibility, since it would fall exclusively within the jurisdiction and competence of the national authorities.

The Panel concluded that EULEX had violated the right of the complainant to an effective remedy, enabling her to seek reparation for the harm done to her by an EULEX staff.

Concerning an alleged violation of Article 8 of the ECHR, the Panel found that the actions of the EULEX staff member could not be said to amount to a violation of Article 8 attributable to the Mission. Consequently, the Panel found that there had been no violation of Article 8 of ECHR.

The Panel also recommended a number of remedial measures to be adopted by the Head of Mission to address the matters at issue.

Follow up decision on the Panel’s recommendations

In the Panel’s follow-up decision adopted on 11 November 2014, the Panel held that the Head of Mission of EULEX had implemented some of the Panel’s recommendations, but failed to implement others. It was noted in particular that the Head of Mission had failed to adopt the Panel’s recommendation that he should acknowledge the violation of the complainants’ rights by the Mission and failed also to lift the EULEX staff member’s immunity as was recommended. The Panel consequently invited the Head of Mission to reconsider the implementation of these recommendations and it closed the examination of the case.

5.1.2. *Goran Becić against EULEX* – the obligation of EULEX to register and examine complaints involving allegations of violations of human rights

In the case *Goran Becić against EULEX*, the Panel examined alleged violations of human rights in relation to Articles 13 (a right to an effective remedy) and 14 (freedom from discrimination) of ECHR, as well as Article 1 of Protocol 1 of ECHR (a right to peaceful enjoyment of one’s possessions).

On 1 July 2014, the Panel *declared the complaint admissible* and found that it raised serious issues of fact and law pertaining to alleged violations of Articles 13, 14 and Article 1 of Protocol 1 of ECHR. On 12 November, it rendered its decision on the merits of the case.

The complainant submitted that he owned a flat in Pristina. Despite a final judicial decision confirming his ownership of the flat, he did not succeed in regaining its possession and on several occasions different individuals unlawfully occupied it before abandoning the property. The complainant filed criminal charges against some of the occupiers with the Municipal Public Prosecution Office in Pristina.

The complainant also informed EULEX via e-mail about his case in November 2009 and was subsequently informed that his complaint was forwarded to a number of units within the EULEX Mission. However, his complaint was not registered by EULEX. It took two years and nine months after the first contact of the complainant with EULEX for EULEX prosecutors to be made aware of the case. And by the time when the Panel was rendering its decision in this matter, no steps had been taken in order to gather necessary information concerning the case with a view to deciding it.

When considering the merits of the complaint, the Panel first stressed that was not its task to evaluate the merits of a prosecutorial decision as to whether to start an investigation or to take over an investigation from the Kosovo authorities. However, it was of paramount importance that arguable claims brought forward to EULEX by individuals should be properly recorded within the Mission and that they should reach competent EULEX prosecutors in a timely fashion for them to be in a position to make an informed assessment as to whether to investigate a case or not. It should be reasonably expected from a Mission with an executive mandate that an effective system of registration and communication of complaints would be put in place with a view to ensure that they are registered, duly recorded and, in timely fashion, examined. This, the Panel concluded, had not happened in this case.

The Panel considered that EULEX had failed to put in place a reliable system of recording and registration of complaints involving allegations of violations of rights which resulted in the case of the complainant remaining dormant for a period of approximately two years and nine months. During that period, EULEX had not shown diligence in fulfilling its mandate in relation to that complaint. The fact that the Kosovo authorities were *also* competent in relation to this matter did not, in the Panel's opinion, discharge EULEX of its own obligations to act at all times in a manner that is consistent with minimum standards of human rights.

Consequently, the Panel concluded that there had been a violation of the rights of the complainant under Article 13 of ECHR. The Panel considered further that it was not necessary to examine the complaint under Article 14 of ECHR and Article 1 of Protocol No. 1 to ECHR.

The Panel made a recommendation for remedial measures to be adopted by the Head of Mission to address the violation.

5.1.3. *Mirko Krlić against EULEX* - Positive obligations of EULEX to uphold the complainant's right to respect for his private life

The complainant, a Serbian government official, was refused entry in Kosovo by EULEX Border Police. The Standard Form for Refusal Entry he was issued on that occasion read that, as an official from Serbia, he was required to make an official request to the Kosovo authorities prior to entry. The complainant alleged that his intended visit was of a private character. He submitted that by denying him entry in Kosovo and participation in religious celebrations, EULEX had violated Article 9 (freedom of religion) and Article 2 of Protocol No. 4 (freedom of movement) of ECHR.

The Panel decided to examine the case also under Article 8 of ECHR (a right to respect for private life). It reiterated that, according to the well-established case-law of the European Court of Human Rights, the notion of "private life" within the meaning of this provision was a broad concept which encompassed, *inter alia*, the right to establish and develop relationships with other human beings. This provision was therefore applicable to the circumstances of the case.

The Panel further reiterated that, although the object of Article 8 was essentially that of protecting an individual against arbitrary interference by the public authorities, there might be positive obligations inherent in an effective respect for private life. The boundaries between the positive and negative obligations of the authorities under Article 8 did not lend themselves to precise definition, but the applicable principles were nonetheless similar. In particular, in both instances the fair balance which had to be struck between the general interest and the individual interests involved; and in both contexts the authorities enjoyed a certain margin of appreciation.

The Panel went on to consider whether EULEX was required, in the context of its positive obligations under Article 8, to uphold the complainant's right to respect for his private life by allowing him entry to Kosovo. The Panel found that the complainant did not comply with applicable procedural requirements. In the Panel's view, the complainant has adduced no persuasive arguments that he could not have been aware of the established procedure or that it was unreasonable in the circumstances to expect him to comply with it.

In view of the above, the Panel concluded that the EULEX Border Police acted within their margin of appreciation, that a fair balance has been struck between the competing interests in the present case and, consequently, a refusal to allow the complainant entry into Kosovo was justified and proportionate in the circumstances of the case. Accordingly, it found that there was no violation of Article 8 of the Convention.

Having regard to the findings under Article 8, the Panel considered it unnecessary to examine the complaint under Article 9 and Article 2 of Protocol No. 4 to the Convention separately.

5.2. Admissibility

In a number of decisions the Panel addressed various important issues pertaining to the admissibility of complaints before it:

5.2.1. The Panel's competence to review proceedings before Kosovo Courts

In a number of decisions (e.g. cases [Maxhuni against EULEX](#), no. 2013-24; [Gashi against EULEX](#), no. 2013-22; [Zeka against EULEX](#), no. 2013-15; [J against EULEX](#), no. 2013-04), the Panel reiterated its position that, according to Rule 25, paragraph 1, of its Rules of Procedure, based on the accountability concept in the OPLAN of EULEX Kosovo, it has no jurisdiction in principle in respect of the work of Kosovo courts. The fact that EULEX judges sit on the bench does not modify the character of these courts as Kosovo courts.

On the other hand, the Panel upheld its view that the actions of EULEX prosecutors taken within the context of criminal investigation were part of the executive mandate of EULEX Kosovo and, therefore, fell in principle within the ambit of the Panel's mandate. Actions or omissions by EULEX prosecutors during the investigative phase of criminal proceedings were not to be considered as forming part of "judicial proceedings" for the purpose of determining the Panel's competence. Their actions might, therefore, be subject to the reviewing authority of the Panel where human rights violations are alleged to have occurred (see, for instance, cases [Becić against EULEX \(decision on admissibility\)](#), no. 2013-03; [B.Y. against EULEX](#), no.2014-06).

Furthermore, the Panel noted that it could not be excluded that it might be competent to evaluate the actions of EULEX prosecutors in criminal investigations even if these are subject to judicial review

if they raise issues of human rights and if these have not been fully addressed by the competent judicial authorities (e.g. case [Tomë Krasniqi against EULEX](#), no. 2014-04).

5.2.2. Re-examination of a complaint

In 2014, the Panel examined three requests for a re-examination of its inadmissibility decisions (cases [Shaban Kadriu against EULEX](#), no.2013-27; [Tomë Krasniqi against EULEX](#), no. 2014-04; [J against EULEX](#), no. 2013-04). In all three cases, it was being argued that in its original ruling the Panel had failed to take into account certain documentary evidence.

The Panel accepted to re-examine the cases but upheld its decisions. It considered that the re-examination procedure provided for in Rule 42 was intended to provide a procedural mechanism whereby a complainant could seek re-examination of an inadmissibility decision where a new fact which he could not reasonably have known of at the time of the initial complaint could have had a decisive influence on the Panel's findings.

The complainants had failed to point to any new facts relevant to the application of Rule 42 which would have had a decisive influence on the findings made by the Panel in its inadmissibility decisions.

5.3. Follow up decisions

Apart from the decision in [Zahiti against EULEX](#) case discussed above, the Panel rendered three more follow-up decisions.

The so-called "Vidovdan cases" ([A, B, C and D](#), nos 2012-09, 2012-10, 2012-11 and 2012-12; [H and G](#), nos. 2012-19 and 2012-20) concerned incidents which had occurred on Vidovdan, 28th June 2012. The feast of Vidovdan marks an important religious holiday when thousands of ethnic Serbs attend memorial sites in Kosovo, the principle site being Gazimestan, the location of the monument which commemorates the battle of Kosovo Polje in 1389. Four complainants submitted that they were the subject of attacks by private parties or assaulted by Kosovo Police; two others that they had been stopped by the Kosovo Police and had had their belongings confiscated. The Panel found that the HoM had exercised his functions diligently and effectively in the implementation of the Panel's recommendations and decided to close the examination of the cases. In the decision concerning cases [H and G](#), the Panel invited the Head of Mission to reconsider his position as regards the possibility of acknowledging violations of the complainants' rights.

The follow-up decision in [W against EULEX](#) case (no. 2011-07) was the second concerning this particular case. The complainant alleged that EULEX Kosovo prosecutors had shared his witness statement and personal information with the state authorities in Serbia in the context of a war crimes investigation. In its first follow-up decision of 26 November 2013, the Panel had commended the HoM for implementing most of its recommendations. It also noted, however, that a number of its recommendations had yet to be implemented. It, therefore, invited the HoM to implement those. Having examined the HoM's subsequent submissions, the Panel determined that the Mission had implemented a majority of the Panel's recommendations, and took note of the fact that the HoM had opted in the exercise of his discretion not to implement one of them. Consequently, the Panel decided to close the examination of the case.

6. Activities of the Panel

6.1. Public Outreach Campaign 2014

The Accountability Concept Document of 29 October, 2009 stated in Para E, that "...EULEX Kosovo will ensure a proper dissemination of public information on the Panel and its work ...".

The Civilian Operations Commander stated in Para 3 of his Instruction of 13 November 2009 in relation to the Panel that the "Road Map" for the Civilian Planning Conduct Capability should include, inter alia, "preparation of a comprehensive PR campaign".

Accordingly, the Panel has, since its inception in 2010, conducted an extensive outreach campaign to inform the public at large about the Panel. The campaign has been quite effective in raising awareness of the Panel, especially in urban areas where EULEX has a higher profile, judging from the steady increase of the number of registered cases.

However, as stated in previous annual reports, despite the best efforts of the Panel, there continues to be certain lack of awareness and knowledge of the Panel, its mandate and operations among the general public.

The Panel and the Secretariat continued with the implementation of its outreach campaign in 2014. The main thrust of the campaign was focused on the Kosovo judiciary, NGOs, civil society representatives as well as on religious bodies. The Panel also engaged in media interviews and the Secretariat attended various human rights related conferences, seminars and debates. The Secretariat and members of the Panel also conducted outreach campaign activities in North Kosovo as the security situation allowed.

The format for the outreach campaign meetings usually consisted of a short presentation on the mandate, procedures, functions and operations of the Panel as well as a brief on the applicable law under which the Panel functioned. There was also provision for questions and answers as well as discussion and debate when appropriate. Panel information materials such as leaflets and posters in English, Albanian and Serbian were distributed.

In 2014, the Panel continued having periodic meetings with the Head of Mission, the Deputy Head of Mission and other senior EULEX officials.

The broadcast of a TV advertisement in 2014 greatly assisted the Panel in reaching out to the wider urban and rural population, in particular in the more remote regions of Kosovo. A short TV spot, explaining the role of the Panel and providing information on the complaint procedure, was filmed and edited by the EULEX Press and Public Information Office. It was then broadcast by leading Kosovo information channels (both Albanian and Serbian speaking channels) in January and September. Noticeably, after the first broadcast, the Panel received a significant number of new complaints, with some of the complainants indicating that they had learned about its existence from TV.

It is strongly felt that the continuation of the TV campaign in 2015 (and, possibly, extending it to the radio stations) might further increase awareness of the Panel's existence and role.

6.2. Induction training for EULEX staff

The Secretariat participated in the EULEX induction training program for incoming EULEX staff members. The format consists of a presentation on the Panel with time allocated for questions and answers. This process is very useful to brief future staff members on the mandate of the Panel, to further underline the importance of human rights compliance for the Mission and to raise the profile of the Panel with EULEX staff members in the mission area.

This is considered to be particularly important in that it provides the Panel with an opportunity to brief EULEX staff members in the Executive Division on the accountability implications for possible breaches of human rights in the exercise of their executive functions. The Panel considers this to be an important opportunity to ensure that all new staff are aware of their obligation to comply with relevant human rights standards in the performance of their function.

6.3. HRRP online

The Secretariat is responsible for the upkeep and maintenance of the Panel website www.hrrp.eu. The site contains useful information on the mandate, functions, activities and operations of the Panel as well as press releases and the current status of pending and finalised cases, including all the decisions made by the Panel. The Secretariat constantly strives to further develop and improve the website.

It also stores information on applicable human rights standards as well as application forms and instructions for filing complaints in the English, Albanian and Serbian languages.

The caselaw of the Panel is organised so that interested parties may readily access it and is easily searchable. The table of the Panel's jurisprudence enables searches of the Panel's growing case-law by subject matter (both on admissibility and substance) and was created to provide ready and user-friendly access to the case law of the Panel, for complainants and lawyers alike.

In 2014 the Panel website was visited nearly 5000 times by over 3600 users.

In 2014 the Panel also created its Facebook profile, providing information on its activities and jurisprudence. It has been "liked" by some 430 Facebook users so far.

7. Operational and Administrative Matters

7.1. Inadmissibility of complaints

As in previous years, the Panel has determined that a high percentage of complaints submitted to the Panel were inadmissible. These complaints contained, *inter alia*, the following shortcomings: they fell outside of the executive mandate of EULEX and, consequently, were outside of the Panel's jurisdiction; they were manifestly ill-founded, that is, they presented no *prima facie* evidence of human rights violations; complaints were filed after the expiry of the six-month time-limit laid down in the Panel's Rules of Procedure (Rule 25 par. 3).

Complainants are rarely represented by lawyers, although the number of cases lodged by legal representatives was higher than in previous years. It would also appear that the complainants often regard the Panel as a body of last resort when all other possible remedies before the Kosovo authorities have been exhausted. The unavailability of a procedural possibility to bring a complaint before the European Court of Human Rights might also explain that complainants come instead to the Panel under the erroneous assumption that the Panel's jurisdictional competence is comparable in character.

The Panel will seek to address these issues and shortcomings with an increased emphasis on the provision of information on admissibility criteria for complaints in the outreach campaign in 2015.

7.2. Budget

Until 2014, the Panel did not have a specifically dedicated budget and was entirely dependent on the EULEX budgetary system in this regard.

In the last year, however, a separate budget for an outreach campaign and promotional materials was allocated to the Panel. This is a welcome step, which enables the Panel to make its own decisions on the expansion of the outreach campaign, in particular, the TV or radio broadcasts, without recourse to the discretionary resources of EULEX Kosovo.

Additional budgetary discretion would greatly assist the Panel in its day to day operations. This would also further enhance the actual and perceived independence of the Panel and thereby further enhance the credibility of EULEX mission in a human rights context.

It should be emphasised, however, that the Panel is otherwise satisfied with the support provided by EULEX and appreciates the overall administrative and financial assistance that it has received so far from the Mission.

8. Concluding remarks

As in previous years, the Panel recommends that the goal of greater awareness of human rights within the overall EULEX mission should continue to be actively pursued. In this context, the Panel recommends that the EU and EULEX ensure that the effective protection of human rights in Kosovo is, and remains, a priority in the training of new EULEX staff members.

Such training might also be extended to relevant EULEX divisions and units to ensure a common understanding of EULEX's human rights obligations by EULEX staff. EULEX staff members come from various national and professional backgrounds. They have different levels of human rights education and awareness and human rights have had varying levels of importance and relevance in their home states. This could be effectively addressed by ensuring common standards for all staff members of the mission.

The Panel also recommends that EULEX should put in place all necessary mechanisms within the mission and allocates sufficient resources to deal promptly and effectively with the Panel's requests for information pertaining to complaints filed before the Panel. To date extensions of deadlines by the Mission have been requested in most of the communicated cases, causing delays in the examination and resolution of cases. Additional resources to the competent organs of the Mission would enable the Mission to perform this function more rapidly and more effectively.

The Panel recommends that the EU and EULEX should ensure that the commitment of EU Member States and, consequently, its own commitment to upholding internationally recognized human rights standards in Kosovo should remain real, concrete and effective. The Panel therefore recommends that EULEX Kosovo should continue to be fully engaged in the promotion of and respect for human rights throughout the range of the activities undertaken by EULEX.

In particular, the Panel considers it essential that the Mission should act with the greatest diligence and with the necessary transparency when dealing with allegations of misconduct and impropriety within the Mission. The erosion of the Mission's legitimacy and credibility that would result from a failure to do so would negatively affect its contribution – and the Panel's contribution – to building a culture of respect for the rule of law and human rights in Kosovo.

In the context, the Panel also once again underlines the importance that States should attach to ensuring that the promotion of human rights should remain a priority in Kosovo even after the Mission has wound down and closed.

ANNEX 1 Staff table

Panel	
Magda Mierzewska	Presiding Panel Member
Guénaël Mettraux	Panel Member
Katja Dominik	Panel Member, EULEX Judge
Elka Filcheva-Ermenkova	Substitute Panel Member, EULEX Judge

Secretariat	
John J. Ryan	Senior Legal Officer from April 2010 to December 2014
Joanna Marszalik	Legal Officer
Florian Razesberger	Legal Officer from September 2012 to December 2014
Shpresa Gosalci	Administrative/Language Assistant (Albanian-English)
Katica Kovacevic	Interpreter/Translator (Serbian-English)
Kushtrim Xhaferi	Interpreter/Translator (Albanian-English)

ANNEX 2 Statistics 2010 - 2014

	2010	2011	2012	2013	2014	Total
Registered cases in total	16	28	23	27	42	136
Finalized cases in total	6	30	10	20	28	94
Admissible			2		1	3
Inadmissible	6	22	10	13	22	73
Violation	0	2	0	7	2	11
No violation	0	5	0	0	1	6
Strike out	0	1	0	0	3	4

	As of 31 December 2014
Pending	42
Communicated to HoM	25

ANNEX 3 Decisions of the HRRP 2010-2014

	Case	Complainant	Subject matter	Result
1.	2010-01	Djeljalj Kazagić	Alleged failure to act by EULEX Prosecutor, property matter	Violation
2.	2010-02	Sadik Thaqi	Alleged failure to act by EULEX Prosecutor, death in Dubrava Prison 04/09/2003	No violation
3.	2010-03	Osman Mehmetaj	Alleged failure to act by EULEX Prosecutor, death in Dubrava Prison 04/09/2003	No violation
4.	2010-04	Feti Demolli	Alleged failure to act by EULEX Prosecutor, death in Dubrava Prison 04/09/2003	No violation
5.	2010-05	Mursel Hasani	Alleged failure to act by EULEX Prosecutor, death in Dubrava Prison 04/09/2003	No violation
6.	2010-06	Latif Fanaj	Alleged failure to act by EULEX Prosecutor, death in Dubrava Prison 04/09/2003	No violation
7.	2010-07	Blerim Rudi	Alleged failure of the Financial Intelligence Unit to comply with the order of the Independent Oversight Board to reinstate the complainant.	Violation
8.	2010-08	Delimir Krstić	Alleged failure to act by EULEX police and prosecutor, property matter	Inadmissible
9.	2010-09	Burim Ramadani	Alleged non-functioning of the court system, Kitchina-case	inadmissible
10.	2010-10	Horst Proetel	Unsuccessful candidature for a EULEX position	Inadmissible
11.	2010-11	Laura Rudi	Private financial claim against a EULEX employee	Inadmissible
12.	2010-12	Hunaida Pasuli	Unsuccessful candidature for a EULEX position	Inadmissible
13.	2010-13	An EULEX- Employee	Internal EULEX dispute with regard to performance appraisal and personal relationship with supervisor	Inadmissible
14.	2010-14	Lulzim Gashi	Unsuccessful candidature for a EULEX position	Inadmissible
15.	2010-15	Faton Sefa	Failure to get reinstated to ones previous employment (private sector), alleged failure to implement court rulings	Inadmissible
16.	2010-16	Cyma Agovic	Transferred from EULEX - Failure of the EULEX judges to fairly examine the complainant's case	Inadmissible

	Case	Complainant	Subject matter	Result
17.	2011-01	Family of Dede Gecaj	Request for investigation of the extradition decision of EULEX Courts in Kosovo in the case of the late Dede Gecaj	Inadmissible
18.	2011-02	Chamalagai Krishna Bahadur	Alleged Failure to Act	Inadmissible
19.	2011-03	Afrim Mustafa	Dispute with regard to closing down a private radio station and confiscation of radio equipment	Inadmissible
20.	2011-04	Besim Berisha	Complaint about living conditions in Dubrava Prison	Strike out
21.	2011-05	SH.P.K "Syri"	Alleged denial of the right to a fair hearing, freedom of expression and equality before the law, SCSC.	Inadmissible
22.	2011-06	Milazim Blakqori	Alleged non-enforcement of a decision, failure to act by EULEX	Inadmissible
23.	2011-07	Case W	Alleged violation of Article 6 ECHR	Violation
24.	2011-08	Anton Rruka	Alleged denial of the right to a fair hearing, freedom of expression and equality before the law, SCSC.	Inadmissible
25.	2011-09	Mirkovic Bojan	Alleged unlawful dismissal from EULEX	Inadmissible
26.	2011-10	Dejan Jovanović	Alleged undue delay in the proceedings before the SCSC.	Inadmissible
27.	2011-11	Srecko Martinović	Alleged excessive use of force, inhumane treatment and denial of right to a fair trial	Inadmissible
28.	2011-12	Novica Trajković	Alleged excessive use of force	Inadmissible
29.	2011-13	S.M.	Alleged excessive use of force, denial of right to a fair trial and failure to respect the right to private life	Inadmissible
30.	2011-14	Lindita Shabani	Alleged denial of the right to private and family life	Inadmissible
31.	2011-15	Samedin Smajli	Alleged denial of a fair trial and undue delay in proceedings	Inadmissible
32.	2011-16	Avdyl Smajli	Alleged denial of a fair trial and undue delay in proceedings	Inadmissible
33.	2011-17	Faik Azemi	Alleged denial of the right to a fair hearing	Inadmissible
34.	2011-18	Mykereme Hoxha	Alleged failure to act by EULEX Prosecutor	Inadmissible
35.	2011-19	Sefer Sharku	Alleged failure to respect a binding court-decision.	Inadmissible
36.	2011-21	Ventor Maznikolli	Alleged undue delay by EULEX judges in scheduling a Supreme Court hearing.	Inadmissible

	Case	Complainant	Subject matter	Result
37.	2011-22	Hysni Gashi	Alleged denial of a fair trial and alleged incompetence of EULEX judges.	Inadmissible
38.	2011-23	Hashim Rexhepi	Alleged violations of the right to liberty and the right to a fair trial.	Inadmissible
39.	2011-24	Predrag Lazić	Alleged failure to get a fair hearing in a reasonable time.	Inadmissible
40.	2011-25	Shaip Gashi	Alleged deprivation of German disability pension.	Inadmissible
41.	2011-26	Njazi Asllani	Alleged non-enforcement of a decision, failure to act by EULEX	Inadmissible
42.	2011-28	Case Y	Alleged breach of the right to respect private and family life.	Inadmissible
43.	2012-01	Qamil Hamiti	Alleged denial of the right to a fair hearing	Inadmissible
44.	2012-02	Arben Zeka	Alleged failure to adjudicate property case	Inadmissible
45.	2012-03	Rexhep Dobruna	Alleged denial of the right to a fair hearing.	Inadmissible
46.	2012-04	Izet Maxhera	Property related dispute with EULEX in Mitrovica.	Inadmissible
47.	2012-05	Fatmir Pajaziti	Alleged breach of right to liberty and right to a fair trial.	Inadmissible
48.	2012-06	Case Z	Alleged violations of Articles 10 and 11 UDHR, Articles 5 and 6 ECHR, Article 9 ICCPR and Article 6 CAT	Inadmissible
49.	2012-07	Case I	Alleged failure to act by EULEX Prosecutor and EULEX Police	Inadmissible
50.	2012-08	Case U	Alleged violation of Article 6 ECHR	Inadmissible
51.	2012-09	Case A	Alleged violations of Articles 2, 3, 8, 9, 10 and 11 ECHR	Violation
52.	2012-10	Case B	Alleged violations of Articles 2, 3, 8, 9, 10 and 11 ECHR	Violation
53.	2012-11	Case C	Alleged violations of Articles 2, 3, 8, 9, 10 and 11 ECHR	Violation
54.	2012-12	Case D	Alleged violations of Articles 2, 3, 8, 9, 10 and 11 ECHR	Violation
55.	2012-13	Bejtush Gashi	Alleged violations of Article 6 ECHR and Article 1 of Protocol 1 ECHR	Inadmissible
56.	2012-15	Shefqet Emerllahu	Alleged violation of Article 6 ECHR, failure to investigate	Inadmissible
57.	2012-16	Kristian Kahrs	Alleged violation of Article 6 ECHR, failure to act	Inadmissible
58.	2012-17	Case E	Alleged violations of Articles 5 and 6 of ECHR	Inadmissible

	Case	Complainant	Subject matter	Result
59.	2012-18	Hamdi Sogojeva	Alleged violation of Article 1 of Protocol 1 of the ECHR	Inadmissible
60.	2012-19	Case H	Alleged confiscation of property	Violation
61.	2012-20	Case G	Alleged violations of Articles 3, 10, 11 ECHR and Article 1 of Protocol 1 ECHR	Violation
62.	2012-21	Mirko Krlić	Alleged violations of Article 9 ECHR and Article 2 of Protocol 4 ECHR	No violation
63.	2012-23	Predrag Blagić	Alleged violations of Article 5 ECHR and Article 2 of Protocol 4 ECHR	Strike out
64.	2013-01	Case I	Alleged violation of Article 6 ECHR	Inadmissible
65.	2013-02	Arsim Krasniqi	Alleged violation of Article 3 ECHR	Inadmissible
66.	2013-03	Goran Becić	Alleged violations of Articles 13 and 14 ECHR and Article 1 of Protocol 1 ECHR	Violation
67.	2013-04	J	Alleged violation of Article 6 ECHR (access to justice).	Inadmissible
68.	2013-15	Gani Zeka	Alleged violations of Article 6 and Article 1 of Protocol No 1 of ECHR	Inadmissible
69.	2013-16	Almir Susaj	Alleged violation of Article 3 and 8 ECHR	Inadmissible
70.	2013-17	Ramadan Rahmani	Alleged violation of Article 1 Protocol 1 ECHR	Inadmissible
71.	2013-18	Jovanka, Dragan, Milan Vuković	Alleged violation of Article 1 Protocol 1 ECHR	Inadmissible
72.	2013-19	U	Alleged violation of Article 1 Protocol 1 ECHR	Inadmissible
73.	2013-20	Shaip Gashi	Alleged violations of Article 1 of Protocol 1 ECHR	Inadmissible
74.	2013-22	Gani Gashi	Alleged violation of Article 6 ECHR	Inadmissible
75.	2013-23	V	Alleged violations of Article 6 and Article 1 of Protocol 1 of ECHR	Inadmissible
76.	2013-24	Emin Maxhuni	Alleged violation of Article 1 of Protocol 1 of ECHR	Inadmissible
77.	2013-25	Milorad Rajović	Alleged violation of Article 1 of Protocol 1 ECHR	Inadmissible
78.	2013-26	Selami Taraku	Alleged violation of Article 1 of Protocol 1 ECHR	Inadmissible
79.	2013-27	Shaban Kadriu	Alleged violations of Article 6 and Article 1 of Protocol No 1 ECHR	Inadmissible
80.	2014-01	Nexhat Qubreli	Alleged violations of Article 5 and Article 6 ECHR	Inadmissible
81.	2014-03	Case A.Z.	Alleged violation of Articles 3, 8 and 13 ECHR	Strike out

	Case	Complainant	Subject matter	Result
82.	2014-04	Tomë Krasniqi	Alleged violation of Article 1, 3, 6, 14 and 17 ECHR, Article 1 of Protocol No 1 ECHR	Inadmissible
83.	2014-06	Case B.Y.	Alleged violation of Article 6 ECHR	Inadmissible
84.	2014-07	Fitore Rastelica	Alleged violation of Article 6 ECHR	Inadmissible
85.	2014-08	C.X.	Alleged violation of Article 6 ECHR	Inadmissible
86.	2014-09	Rifat Kadribasic	Alleged violations of Article 6 and Article 1 of Protocol 1 of ECHR	Inadmissible
87.	2014-19	Fahri Rexhepi	Alleged violations of Article 6 and Article 1 of Protocol No 1 ECHR	Inadmissible
88.	2014-20	Mensur Fezaj	Alleged violation of Article 1 of Protocol No 1 ECHR	Inadmissible
89.	2014-21	Shefki Hyseni	Alleged violation of Article 5 ECHR	Strike out
90.	2014-22	Ismajl Krapci	Alleged violation of Article 6 ECHR	Inadmissible
91.	2014-23	Shaip Selmani	Alleged violation of Article 6 ECHR	Inadmissible
92.	2014-25	Nuha Beka	Employment Dispute	Inadmissible
93.	2014-28	Selatin Fazliu	Alleged violation of Article 1 of Protocol No 1 ECHR	Inadmissible

ANNEX 4 Schedule of outreach campaign and other activities

Date	Location	Event
11/02/14	HRRP	Meeting with Lydia Gall, Human Rights Watch
19/03/14	Pristina Municipality Building	Meeting with Pristina Mayor, Mr Shpend Ahmeti
27/03/14	Hotel Sirius	Round Table Discussion, Humanitarian Law Center Kosovo "Report on war crimes, ethnically and politically motivated crimes in Kosovo in 2013"
28/03/14	HRRP	Meeting with Edit A. Nagy Human Rights Advisor, OSCE
03/03/14	ECMI Kosovo	Adrian Zeqiri, Executive Director, The European Centre for Minority Issues Kosovo - ECMI Kosovo
03/03/14	Kosovo Police HQ	Shpend Maxhuni, Director General, Kosovo Police Service
07/04/14	HRRP	Meeting with Mr Joël Mermet, Head of OHCHR, and Theodora Krumova HRO OHCHR
11/04/14	AAB, Law Faculty	Meeting with Dean, Mr Muhamet Kelmendi
26/04/14	AAB, Law Faculty	Presentation on the HRRP to Law faculty students
26/06/14	European Union HQ, North Mitrovica	Meeting with Zlata Radovanovic (ZM), Coordinator of Office for Kosovo and Metohija, Daniela Milic, (DM) Officer of the Office for Kosovo and Metohija
07/07/14	Kosovo Ombudsperson	Meeting with Mr Sami Kurteshi, Kosovo Ombudsperson
09/07/14	Kosovo Regional Police Service HQ, EULEX HQ, North Mitrovica	Meeting with Mr Nenad Djuric the Kosovo Regional Commander, Kosovo Police Service, North Mitrovica Region
15/07/14	Mayor's Office Gracanica	Meeting with Deputy Mayor Dr Nebojsa Milanovic and Chief of Mayo's Cabinet, Gracanica, Sandra Stevic and Ivan Tomic
23/07/14	Municipal Office, Leposavic	Meeting with Mayor of Leposavic, North Mitrovica, Mr Dragan Jablanovic, and Mrs Radmila Vukicevic, Head of Administration
31/07/14	Police Station, Leposavic	Meeting with Police Station Commander, Leposavic, North Mitrovica, Mr Dragan Stefanovic
04/08/14	Kosovo Judicial Council, Pristina	Meeting with the Chairman of the Kosovo Judicial Council Mr Enver Peci
05/08/14	Central (Qendra) Police Station, Pristina	Meeting with Police Station Commander, Captain Driton Imeri
05/08/14	Pristina South Police Station	Meeting with Police Station Deputy Commander Mr Safet Jashari
06/08/14	Central (Qendra) Police Station, Pristina	Meeting with Regional Operations Officer Mr Bashkim Spahiu
07/08/14	Bar Association Office, Pristina	Meeting President of the Kosovo Bar Association Mr Ibrahim Dobruna and its Executive Director Mr Yll Zekaj
20/08/14	Padaliste, Gracanica,	Attendance at Ceremony of the Start of the

		Construction of the Gracanica Social Enterprise Management/Incubator Facility
03/09/14	National Library of Kosovo, Pristina	Regional Scientific Conference “Migrant Smuggling – Kosovo and its reflection”
21/10/14	University of Pristina, North Mitrovica	Meeting with the Rector, Mr Alexander Jovanovic