



DECISION ON THE IMPLEMENTATION OF THE RECOMMENDATIONS

Date of adoption: 11 November 2015

Case No. 2013-03

Goran Becić

Against

EULEX

The Human Rights Review Panel, sitting on 11 November 2015, with the following members present:

Ms Magda MIERZEWSKA, Presiding Member
Mr Guénaël METTRAUX, Member
Ms Katja DOMINIK, Member

Assisted by
Mr John J. RYAN, Senior Legal Officer
Ms Joanna MARSZALIK, Legal Officer
Mr Paul LANDERS, Legal Officer

Having considered the aforementioned complaint, introduced pursuant to Council Joint Action 2008/124/CFSP of 4 February 2008, the EULEX Accountability Concept of 29 October 2009 on the establishment of the Human Rights Review Panel and the Rules of Procedure of the Panel as last amended on 15 January 2013,

Having deliberated, decides as follows:

I. DECISION OF THE PANEL OF 12 NOVEMBER 2014

1. On 12 November 2014, the Panel adopted the following decision and made a number of recommendations in relation to the complaint of Mr Becić:

“The Panel, by majority:

Holds that there has been a violation of Article 13 of the Convention;

Holds that it is not necessary to examine the case under Article 14 of the Convention;

Holds that it is not necessary to examine the case under Article 1 of Protocol 1 to the Convention;

Therefore, the Panel finds it appropriate, in the light of its above findings of fact and law, to make the following recommendations to the HoM under Rule 34 of its Rules of Procedure:

To ensure that the existing registration and initial assessment procedures for incoming complaints submitted to EULEX, in so far as they can arguably impinge on the exercise of the Mission's executive mandate, are assessed by staff with legal as well as human rights expertise and consequently communicated to relevant units.

The HoM is invited to inform the Panel of the measures he has undertaken in connection with the present decision by 31 December 2014.

2. The present decision constitutes a follow-up to the Panel's decision of 12 November 2014 and recommendations made therein. The power and authority of the Panel to follow-up on its decisions and recommendations is provided for in Rule 45 bis of the Panel's Rules of Procedure (see e.g. the decisions on the implementation of recommendations [W against EULEX](#), 2011-07, 26 August 2014; [H&G against EULEX](#), 2012-19&20, 27 May 2014).

II. INFORMATION FROM THE HOM EULEX

3. On 6 January 2015, the Head of Mission (HOM) informed the Panel that he had given due consideration to its recommendations and will implement them. In particular, he indicated that the internal procedures for registration and assessing of incoming complaints and letters would be reviewed and, where necessary, changes would be implemented accordingly.
4. On 20 May 2015, the HOM informed the Panel of his actions undertaken in pursuance of the Panel's decision and recommendations.
5. He submitted that a central registry of incoming complaints had been established at the early stage of the Missions existence. EULEX also adopted a Standard Operating Procedure (SOP) on communication, EULEX correspondence, internal memoranda and use of e-mail. The SOP was last amended on 29 July 2014.
6. According to the SOP as amended, the Office of the Chief of Staff (CoS) is, as a rule, an entry point for EULEX correspondence, and the Office of CoS is responsible for its processing and coordination with other organisational units as required. All EULEX correspondence warranting processing is registered by the Office of the CoS. When

the expertise of other organisational units is required in order to reply to the correspondent, the Office of the CoS is responsible for the processing of the correspondence and will task the unit concerned. Where relevant, other organisational units will be copied in the tasking. The tasked unit will be given a timeframe for completing the input requested.

7. The expertise of the Human Rights and Legal Office is always available for the Office of the CoS when assessing incoming complaints.

III. EVALUATION BY THE PANEL

8. The Panel records its satisfaction that the procedures for handling complaints and other correspondence by EULEX are in place and in line with the Panel's recommendations.
9. In particular, the Panel notes that the Office of the CoS is obliged to ask for input from other Mission units, whenever their expertise is required for the assessment of incoming complaints, including the Human Rights and Legal Office.
10. The Panel reiterates, however, that the procedures failed in this particular case and the complainant's case was not registered and handled as required by the procedures.
11. The Panel reiterates further that the Office of the CoS should ensure that, whenever complaints and other correspondence submitted can arguably relate to the exercise of the Mission's executive mandate, they should in principle be assessed by staff with the requisite legal as well as human rights expertise, as per the Panel's recommendation.
12. In view of the above, the Panel considers these steps to constitute an adequate and sufficient implementation of its recommendation.
13. Having examined the information provided by the HoM with regard to the implementation of the recommendations of the Panel,

THE PANEL, UNANIMOUSLY

Declares that the HoM has implemented its recommendations.

Decides to close the examination of this case.

For the Panel,

John J. RYAN
Senior Legal Officer

Magda MIERZEWSKA
Presiding Member