

Newsletter # 1 – October to November 2012

- Human Rights Review Panel (HRRP) held sessions in Pristina and Belgrade
- Magda Mierzewska elected as new Presiding Member
- New Panel Member Guénaél Mettraux
- Outreach campaign Serbia

12th and 13th regular sessions of the HRRP

The HRRP held its 12th regular session in Pristina from 3 to 5 October and its 13th session from 13 to 16 November in Belgrade. Following the recent Panel sessions, six cases have been communicated to the Head of Mission (HoM) of EULEX Kosovo, while five complaints have been declared inadmissible; two complaints were found to be admissible. Currently, there are 19 complaints pending before the Panel.

The first complaint to be declared admissible pertains to the communication by EULEX of the statements of a potential witness to the Serbian authorities. The complainant alleged that the course of action taken by EULEX constitutes a violation of his right to life, his right not to be subject to torture, inhuman or degrading treatment and his rights to the protection of and respect for his privacy. The complaint was declared admissible in relation to the last two rights. Due to the urgency and gravity of the matter, the Panel also proposed that a number of interim measures be ordered by the HoM so as to preserve and protect the rights and interests of the complainant pending the Panel's determination on the merits of this case.

The second complaint examined by the Panel was brought by 116 Roma IDPs who were displaced during the 1999 conflict and re-located in a number of IDPs camps. The complainants allege that several of their human rights were violated during and in the context of their stay in those camps. In particular, they claim that they were exposed to serious health hazards attributable in part, they say, to EULEX. Whilst the Panel has found the complaint to be inadmissible in relation to the allegations of mistreatment and inadequate living conditions, it has declared the complaint admissible in relation to the alleged failure of EULEX to ensure that the complainants have access to justice with a view to seek and, as the case may be, receive an effective remedy for what they say is a breach of their fundamental rights. A decision on the merits of the case will follow in due course.

If you believe to be a victim of a human rights violation by EULEX, you may file a complaint with the Human Rights Review Panel. The complaint must be filed within six months from the date of the alleged violation, and must be in writing. For more information, please visit www.hrrp.eu

Magda Mierzewska elected as Presiding Member

On 3 October, following the departure of Mr Antonio Balsamo as Chairperson of the Panel, the Panel unanimously elected Ms Magda Mierzewska as its new Chairperson.

Ms Mierzewska graduated from the University of Gdańsk (Poland) with a Magister of Law (LLM) in 1980 and 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 (UK) in 2005.



Ms Mierzewska worked as a Lecturer in the Law Faculty, Department of International Law, University of Gdańsk from 1982 to 1991. She was appointed as a Case Lawyer in the Secretariat of the European Commission of Human Rights, Strasbourg (France) in 1993. She has been employed as a lawyer at the Registry of the European Court of Human Rights, Strasbourg, since 1998. Since 2007 she has been a member of a Registry body tasked with ensuring coherence of the Court's case-law. She has extensive international experience in various substantive and procedural human rights issues, and released numerous academic publications on those subjects.

New Panel Member Guénaël METTRAUX



Dr Guénaël Mettraux joined the Panel in October 2012. He holds a Licence en droit from the University of Lausanne (Switzerland), an LLM in international law from University College London (UK) and a PhD from the London School of Economics and Political Science (UK).

Dr Mettraux is acting as Defense 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.

Outreach campaign Serbia

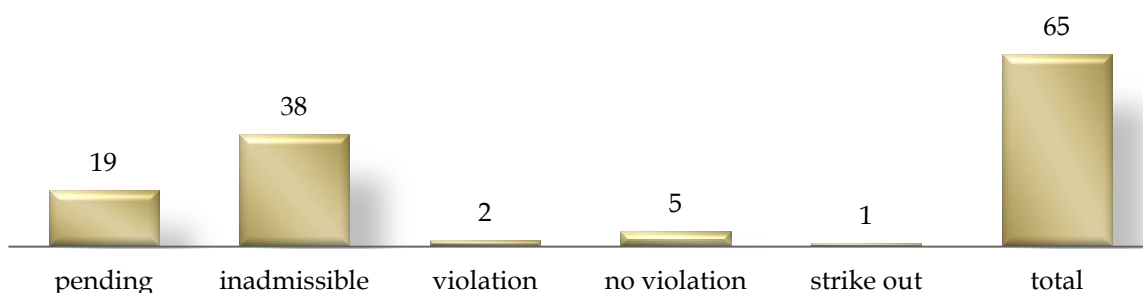
The Panel extended its ongoing information campaign to representatives of the Serbian government as well as civil society representatives in Belgrade and Nis, during its recent session in Serbia. The Panel met with representatives of the Ministry of Justice and the Office for Kosovo and Metohija in Belgrade. The government representatives were briefed on the mandate, procedures and operations of the Panel, after which the Panel answered questions about its work and case-load. The Panel also received information and dealt with queries regarding several Kosovo related issues. Representatives of both offices nominated liaison officers in order to facilitate future communication and coordination with the Panel.

Additionally, the Panel met with representatives of several NGOs and international organisations, including the Danish Refugee Council, UNHCR, Group 484, Balkan Center for Migration, Regional Center for Minorities, Humanitarian Law Center and YUCOM in Belgrade. The Panel also engaged in discussions with the Serbian Veterans Association as well as representatives from the Network of the Committees for Human Rights in Serbia (CHRIS), in Nis.



(Photograph taken at a Panel meeting with NGOs, international organisations and civil society representatives in Belgrade; chaired by Ms Magda Mierzevska, 2nd from left)

Case statistics - December 2012



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