



Human Rights Review Panel

Newsletter # 11 – October to December 2014

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23rd Session of the Human Rights Review Panel (HRRP)

The 23rd regular session of the Human Rights Review Panel was held in Pristina from 10 to 12 November 2014. The Panel reviewed twelve complaints and gave decisions in ten cases. The Panel found a violation of the complainant's rights in one case and issued a follow-up decision in another. It declared five cases were declared inadmissible and struck one out of the list of complaints. Two requests for re-examination of complaints were rejected. Further, the Panel decided to communicate two cases to the Head of Mission of EULEX, inviting him to comment on the admissibility and merits of those complaints. The next Panel session is scheduled to take place in mid-January 2015.

Follow-up decision in *Zahiti against EULEX*

In its follow up decision to the case *Zahiti against EULEX* (no. 2012-14) the Panel found that the EULEX Head of Mission had implemented its recommendations in part only. The Panel invited the Head of Mission to reconsider the implementation of its remaining recommendations. In her application to the Panel the complainant stated that she had been attacked and injured by an EULEX Police Officer and, as a result, was unable to work for several months.

Case *Becić against EULEX*

In the case *Becić against EULEX*, the Panel found that EULEX had violated the complainant's rights under Article 13 of the European Convention on Human Rights (right to an effective remedy). The

complaint related to the alleged failure by EULEX to investigate a usurpation of the complainant's flat. The Panel made recommendations for remedial action to the Head of Mission

Inadmissibility decisions

Five cases were found inadmissible. Three of them (*Kadribasic against EULEX*, no. 2014-09; *Rexhepi against EULEX* no. 2014-19; *Selmani against EULEX*, no. 2014-23) concerned proceedings before Kosovo courts. As in numerous previous cases concerning similar complaints, the Panel found that it has, in principle, no jurisdiction to review judicial proceedings before the Kosovo courts, even if EULEX judges sit on the bench. In one case (*Fazliu against EULEX*, no. 2014-28) the Panel found that it had not been shown that EULEX was involved in any capacity in the matters complained of. In another case the Panel declared that it had no jurisdiction over the complaint as it had been lodged by an EULEX employee (*Beka against EULEX*, no.2014-25).

Strike out decision

In the case *Hyseni against EULEX* (no. 2014-24), the Panel decided to strike out the application from its list of cases. The complaint related to an allegedly unjustified detention on remand. Since the complainant did not reply to its repeated requests for information, the Panel concluded that the he had lost interest in pursuing his complaint.

Decisions on requests for e-examination of complaints

The Panel examined two requests for re-examination of cases (*Kadriu against EULEX*, no. 2013-27 and *Krasniqi against EULEX*, no. 2014-04). In both of them it concluded that there were no grounds to re-examine as the complainants failed to point at any new evidence which could have had a decisive influence on the Panel's findings.

Communication of cases to the Head of Mission of EULEX

The Panel communicated two cases to the EULEX Head of Mission, requesting his observations on their admissibility and merits. One case was lodged by a relative of a person missing since 1999. The complainant submits that EULEX have failed to conduct a proper investigation into her relative's disappearance. The other case relates to an investigation carried out by an EULEX prosecutor. The complainant alleges that he has not been formally notified about the status of his case, in particular that the investigations against him have been terminated.

Meeting with the EULEX Head of Mission

Mr Gabriele Meucci, the new Head of Mission, EULEX Kosovo, met with the Panel on 10 November 2014. The Panel briefed Mr Meucci on its mandate, procedures and operations. The meeting was also an occasion to discuss issues of mutual interest and concern.



Mr Gabriele Meucci, Head of Mission EULEX (third left) meets the Panel Members and the Secretariat.

Meeting with the UNMIK Human Rights Advisory Panel (HRAP)

On 11 November 2014, the HRRP met with its sister institution, the Human Rights Advisory Panel (HRAP) of the United Nations Interim Administration Mission in Kosovo (UNMIK). The Panels compared mutual professional experiences to date, discussed matters of common concern and future challenges.

The HRAP and the HRRP are the first ever institutionalized entities engaged in the assessment of alleged human rights violations by international organizations in the conduct of their executive powers in peacekeeping missions and rule of law missions respectively.



Human Rights Review Panel meets Human Rights Advisory Panel (from left to right: Joanna Marszalik, Florian Razesberger, Katja Dominik, Elka Filcheva-Ermenkova, Guénaél Mettraux, John J Ryan, Magda Mierzewska (HRRP), Marek Antoni Nowicki, Françoise Tulkens, Christine Chinkin, Andrey Antonov, Brandon Gardner and Anna Cesano (HRAP))

Public outreach campaign

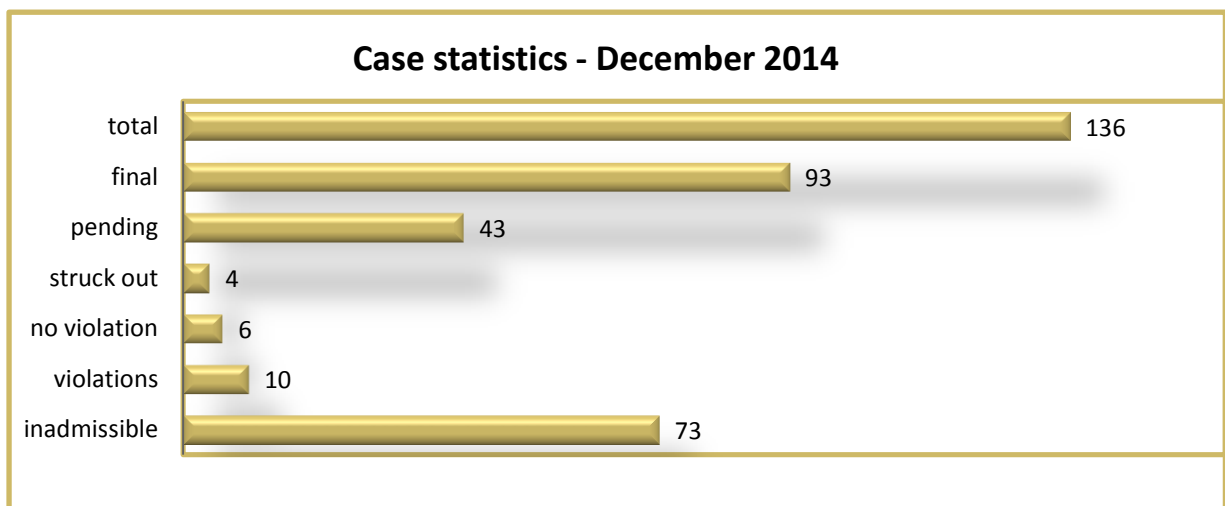
The Secretariat continued its outreach campaign around Kosovo. It met with Mr Srećko Bogajčević, the Political Advisor and the Chief of Cabinet at the Ministry for Communities and Return. The meeting was an occasion to brief Mr Bogajčević on the mandate and procedures of the Panel as well as its case load and decisions.

The Secretariat also continued its meetings with Kosovo religious leaders and visited the Decani Monastery, where it met the Archimandrite Sava Janjic, the Abbot of the Monastery.



Archimandrite Sava Janjic with John J Ryan and Joanna Marszalik of the Secretariat of the HRRP

Case statistics



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HOW TO FILE A COMPLAINT WITH HRRP
(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.