



Newsletter No 16 – 1 April to 30 June 2017

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Recent session of the Human Rights Review Panel

34th Session of the Panel - 12 to 14 June 2017

The Human Rights Review Panel (Panel) held its 34th session from 12 to 14 June 2017. The Panel issued one (1) admissibility decision, one (1) decision on the implementation of its recommendations by the Head of Mission (HoM) and one (1) inadmissibility decision. The Panel also decided to strike out two applications from its list of cases.

In Case No. 2011-27, a case pertaining to the death of a person who gave testimony in a war crimes case, the Panel declared the complaint to be admissible under the terms of Articles 2 and 3 of the European Convention on Human Rights and Fundamental Freedoms (respectively, right to life and right not to be subject to torture, inhuman or degrading treatment or punishment).

The Panel held in a follow-up decision in Case No. [2013-21](#), Thomas Rusche against EULEX, that the HoM had implemented its recommendations formulated in the preceding decision on the merits of the case in part only and decided to close the examination of the case. The case pertains to the alleged embezzlement of the complainant by a private party and allegations of rights violations arising from EULEX's insufficient efforts to help him safeguard his rights.

The Panel held in Case No. [2015-02](#), Ramadan Hamza Against EULEX, that the complaint was inadmissible under Rule 25 (1) of its Rules of Procedure as well as the OPLAN of EULEX Kosovo as it pertained to alleged violations of the complainant's rights in the context of judicial proceedings before Kosovo Courts over which the Panel has no jurisdiction.

In Case No. [2015-14](#), Miodrag Konic Against EULEX, and in Case No. [2015-16](#) and Vuleta Vostic Against EULEX, the Panel decided to strike the applications from its list of cases in accordance with Rule 29 bis paragraph 1(1) of its Rules of Procedure:

"Rule 29 bis. Striking out the complaint

1. *The Panel may at any stage of the proceedings decide to strike a complaint out of its list of cases where the circumstances lead to the conclusion that*
(1) The complainant does not intend to pursue his or her complaint;”

In these instances, the Panel was not able to establish a proper communications with the complainants who had failed to respond to the Panel’s letters.

The decisions of the Panel are published on the website of the Panel in the English, Albanian and Serbian languages: www.hrrp.eu.

There are currently thirty six (36) complaints pending before the Panel.

During the session the Panel held meetings with Ms Marianne Fennema, Head, Human Rights and Legal Office, EULEX Kosovo as well as with Ms Katja Dominik, Head, Executive Division, EULEX Kosovo on Tuesday 13 June 2017.

Meeting with Ms Marianne Fennema, Head, Human Rights and Legal Office, EULEX Kosovo on Tuesday 13 June 2017.



Left to right: Elka Ermenkova; Guenaël Mettraux; Magda Mierzewska; Anna Bednarek; John J Ryan; Noora Aarnio; Marianne Fennema; Valentina Vitali and Eemeli Katila.

The agenda included, inter alia, the human resource challenges for the Panel Secretariat in the context of staff reconfiguration; the mainstreaming of human rights and gender matters in EULEX; the executive mandate of EULEX, vis-a-vis, the amendments to Law No. 03/L053 on the Jurisdiction, Case Selection and Case Allocation of EULEX Judges and Prosecutors in Kosovo; Articles 2 and 3 of the European Convention on Human Rights and Fundamental Freedoms in the context of murdered and mission persons cases; the terms of reference of the EULEX Human Rights Focal Point; transitional justice and issues arising for the Panel in the context of the cessation of the Mission’s activities in indeterminate future.

Meeting with Ms Katja Dominik, Head, Executive Division, EULEX Kosovo on Tuesday 13 June 2017.

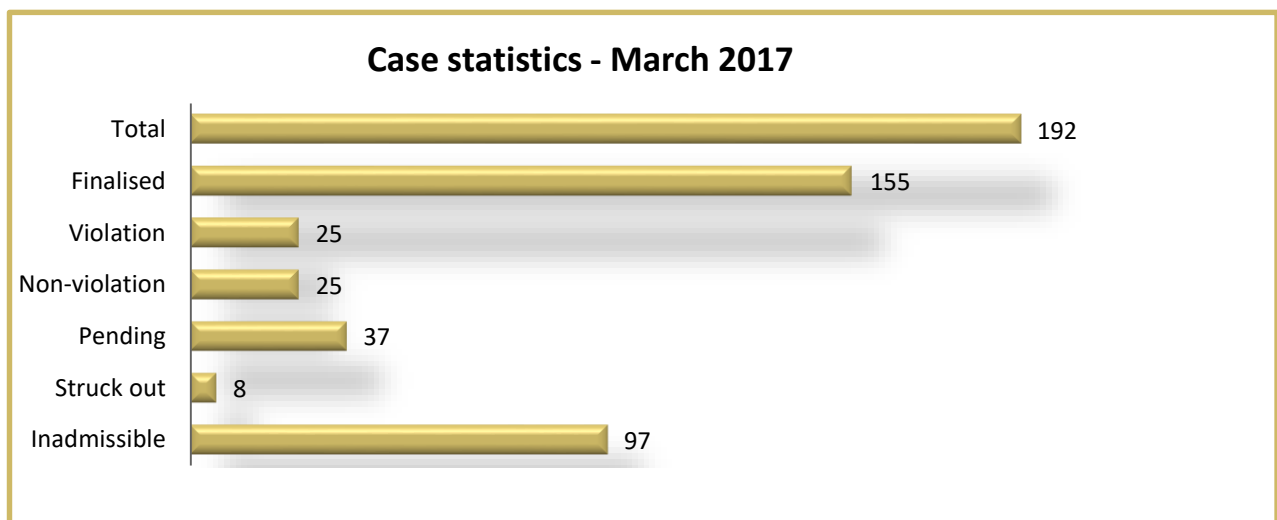


Left to right: John J Ryan; Magda Mierzewska; Katja Dominik; Bernd Franke; Noora Aarnio; Anna Bednarek; Guenael Mettraux and Elka Ermenkova.

The agenda included, inter alia, the mainstreaming of human rights in EULEX, transitional justice and matters arising for the Panel in the context of the cessation of the Mission’s activities in indeterminate future.

Case statistics

The Panel has reviewed one hundred and fifty five (155) cases since it commenced its operation in June 2010. It held that EULEX Kosovo has committed rights violations in twenty five (25) cases. It has additionally found that there were no human rights violations in twenty five (25) other cases which it had deemed admissible. Four (4) cases have been filed with the Panel since 1 January 2017 and there currently thirty seven (37) cases pending before the Panel.



Next session of the Panel

The next session of the Panel is scheduled to take place from 6 September to 8 September 2017.

Visit Panel website: www.hrrp.eu



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 78 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.