

Newsletter # 3 – February to April 2013

- Human Rights Review Panel (HRRP) session
- Human rights violation
- Meeting with Head of Mission EULEX Kosovo
- New HRRP substitute member
- Outreach campaign

HRRP session

The 15th regular session of the HRRP was held in Pristina from 8 to 10 April 2013 where it reviewed 11 of 21 pending complaints.

Human rights violation

The Panel decided unanimously that EULEX Kosovo violated Article 8, of the European Convention on Human Rights, i.e. the right to respect for private and family life, in Case no. 2011-07, [W against EULEX](#). The complainant alleged that EULEX prosecutors shared his witness statement and other personal information with authorities in Serbia in a war crimes trial. The Panel stated that there was inadequate justification for the disclosure of the statement and personal details of the complainant without his consent, without a legal basis, without judicial oversight, without a risk assessment and without the implementation of protective measures to limit the risks involved in the disclosure of the information. The HRRP also recommended a series of remedial measures to be adopted by the Head of Mission to address the matters at issue.

Decisions

The HRRP found [four complaints](#) admissible in relation to alleged human rights violations on *Vidovdan* day, 28th June, 2012. The HRRP also declared a further four cases to be inadmissible and decided to communicate four additional cases to the Head of Mission for his information and observations.

If you believe you are a victim of a human rights violation by EULEX Kosovo, 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

Meeting with the EULEX Head of Mission

Bernd Borchardt, Head of Mission, EULEX Kosovo, accompanied by Joëlle Vachter, Deputy Head of Mission, met with the HRRP on 9 April 2013. The meeting was introductory in nature and enabled the Panel to brief Mr Borchardt and Ms Vachter on its mandate, procedures and operations as well as to discuss issues of mutual interest and concern.



Meeting participants: Miguel Carvalho, Joëlle Vachter, Bernd Bochartd, Head of Mission EULEX, John J Ryan, Roberto Donatantonio, Katja Dominik, Guenael Mettraux, Magda Mierzewska, Elka Filcheva-Ermenkova, Joanna Marszalik and Florian Razesberger.

The HRRP also conducted similar type introductory meetings with Charles Smith III, President of the Assembly of EULEX Judges, Jaroslava Novotna, EULEX Chief Prosecutor, Jonathan Ratel, Head of the Special Prosecution Office and Ambassador Jean-Claude Schlumberger, Head, OSCE Mission, Kosovo.

New HRRP substitute Panel member

Mrs Elka Filcheva-Ermenkova, a Bulgarian citizen, studied law at the University of Blagoevgrad, Bulgaria, from which she graduated in 1997. From 1998 until 2008 she worked consecutively as a first judge and appeals level judge in Bulgaria and she specialized in civil and criminal law matters.

She was seconded as a Rule of Law Adviser to the Civilian Planning and Conduct Capability Department, Council of the European Union in January 2008 where she worked until January 2012.

Mrs Filcheva-Ermenkova was recruited by EULEX Kosovo in January 2012 whereupon she was appointed as an Appeals Judge for Kosovo Property Claims Commission related matters. The Head of Mission appointed Mrs Filcheva-Ermenkova as the substitute member of the HRRP in January 2013.



The HRRP maintains a table of jurisprudence, outlining numerous issues related to its jurisdiction, procedural matters as well as on merits of cases. The table can be accessed on the Panel's website under www.hrrp.eu/jurisprudence.php

Public outreach campaign

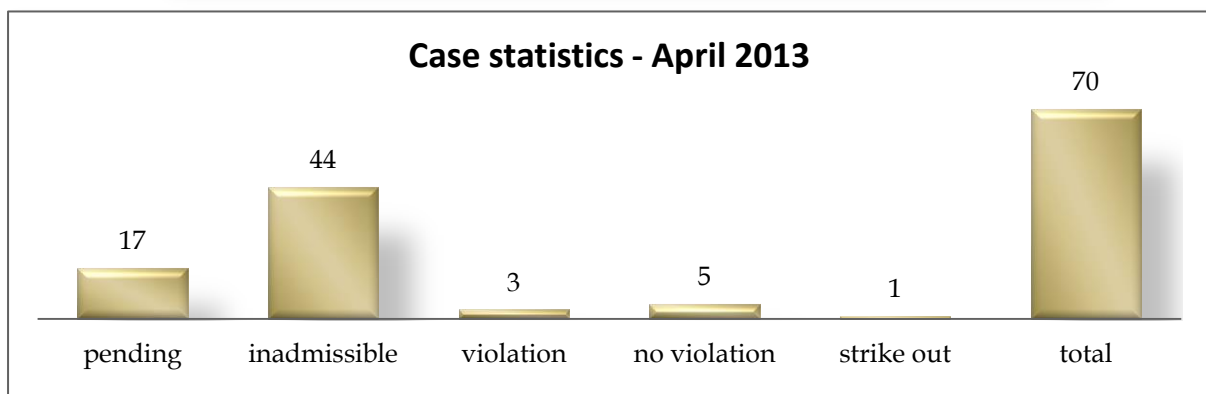
The HRRP remains concerned that, despite its best efforts in the implementation of the public outreach campaign, there is still a serious lack of awareness of its role as an accountability mechanism for alleged human rights violations by EULEX Kosovo in the implementation of its executive mandate.

The HRRP accordingly developed an action plan for the intensification of its outreach campaign in 2013. Meetings were held so far in Ferizaj/Uroševac, Pejë/Peć, Prizren and northern Mitrovica during which it met and briefed implementing partners such as human rights NGOs, public/institutional officials, religious representatives and international organizations such as the OSCE. The Secretariat also met with the staff of the EU funded NGO project: *“Support to the implementation of strategies for IDPs, refugees and returnees in Serbia”* (Europaid/129209/C/SER/RS/) in Belgrade where it provided a brief on its mandate, procedures and operations.

The Secretariat also continued with its outreach campaign in Pristina where it met with, inter alia, Myftiu Mr Naim Tervana, President of the Islamic Community in Kosovo and Mr Sami Kurteshi, Ombudsperson of Kosovo.



Participants at meeting of HRRP Secretariat with Ombudsperson of Kosovo, left to right: Isa Hasani, Joanna Marszalik, John J Ryan, Kushtrim Xhaferi and Sami Kurteshi, Ombudsperson of Kosovo.



Human Rights Review Panel - Secretariat

Rrustem Statovci Street no. 29 – 10000 Pristina – Kosovo
Tel: +386 (0) 43 78 2125 - Fax: +381 (0) 38 78 7711

For newsletter subscriptions please write to: office@hrrp.eu

www.hrrp.eu