

Newsletter # 4 – May to June 2013

- Human Rights Review Panel (HRRP) session
- Human rights violations in the *Vidovdan* cases
- Meeting with UNMIK Human Rights Advisory Panel (HRAP)
- Presentation to EULEX international prosecutors
- Outreach campaign

HRRP session

The 16th regular session of the HRRP was held in Pristina from 5 to 7 June 2013. The Panel examined nine complaints. There were 18 complaints pending before the Panel at the start of the session.

Human rights violations

The HRRP declared that there were violations of human rights by EULEX in the conduct of its executive mandate in relation to [four cases](#) which occurred on *Vidovdan*, 28th June 2012. The feast of *Vidovdan* marks an important religious holiday on which thousands of ethnic Serbs attend memorial sites in Kosovo. Four complainants submitted that they were the subject of attacks by non-identified private parties, which included, inter alia, the throwing of stones and Molotov cocktails at Serb teenage children travelling on buses from Gazimastan to Graçanica after the *Vidovdan* celebrations. Another complainant submitted that he was assaulted by Kosovo Police. The HRRP held that the inadequacy of resources allocated by EULEX to its security operation on that day had contributed to the complainants being denied the full and effective enjoyment of their right to respect to private life, their freedom of assembly as well as their right to exercise their religion safely and without unnecessary hindrance. Furthermore, the HRRP held that EULEX failed to show that it had conducted a thorough and adequate investigation into the alleged human rights violations. As a result, the complainants were denied an adequate remedy for the violation of their rights. The Panel 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 [one complaint admissible](#) in relation to the alleged human rights violation as a result of alleged misconduct of an international EULEX staff member against a Kosovo police officer. The HRRP also declared [one further case to be inadmissible](#). This case concerns a labour dispute between the complainant and his former employer, the Kosovo Electric Company. It further decided to communicate two additional cases to the Head of Mission for observations.

Meeting with the UNMIK Human Rights Advisory Panel (HRAP)

On 5 June 2013, the HRRP met with its sister organization, the Human Rights Advisory Panel (HRAP) of the United Nations Interim Administration Mission in Kosovo (UNMIK) in UNMIK HQ. The Panels compared mutual professional experiences to date, discussed matters of common concern and reflected upon future challenges.

The HRAP and the HRRP represent a fundamental new development in international human rights law since both Panels are the first ever institutionalized entities engaged in the assessment of alleged human rights violations by international organizations in the conduct of executive powers in peacekeeping missions and rule of law missions respectively.



From left to right: Andrey Antonov, Marek Antoni-Nowicki, (Presiding Member HRAP), Christine Chinkin, Françoise Tulkens (HRAP) John J Ryan, Guénaél Mettraux, Elka Filcheva-Ermenkova, Magda Mierzewska, (Presiding Member HRRP) and Katja Dominik (HRRP).

Panel presentation to EULEX prosecutors

The Panel, upon the invitation of Ms Jaroslava Novotna, Deputy Head, Executive Division and Chief EULEX Prosecutor, made a presentation on its mandate, operations and procedures to EULEX international prosecutors and legal officers on 6 June 2013. The Panel and participants were welcomed by Mr Mats Mattsson, Head of the EULEX Executive Division, who opened the proceedings. The presentation was followed by a discussion on the jurisdiction and jurisprudence of the HRRP with a particular emphasis on complaints brought to the Panel and concerning decisions and acts of EULEX prosecutors.



Presentation at the EULEX auditorium (left to right) Elka Filcheva-Ermenkova, Magda Mierzewska (Presiding Member) and Guénaél Mettraux.

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

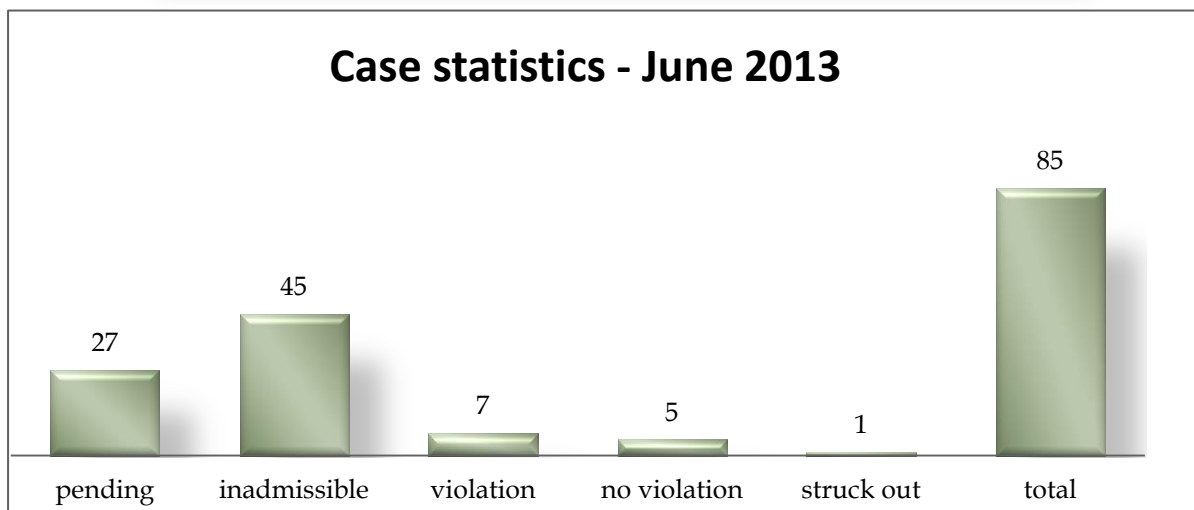
Public outreach campaign

The HRRP reiterates its concern about the persistent lack of knowledge of its existence and mandate, despite its best and long-standing efforts to date to implement its public outreach campaign. There is an urgent need to increase public awareness of its remedial role as an accountability mechanism for alleged human rights violations by EULEX Kosovo in the implementation of its executive mandate.

The Secretariat continued its campaign with meetings in Gjilan/Gnjilane, Pejë/Peć, Prizren, Mitrovica and Kamenica during which the Secretariat of the HRRP met and briefed counterparts such as human rights NGOs, public/institutional officials, religious representatives, educational institutions and international organizations such as the OSCE, CoE and UNMIK. The Secretariat also continued with its outreach campaign in Pristina where it met with, inter alia, representatives of the Kosovo Law Center, Kosovo Policy Action Network and the Vicar General of the Roman Catholic Church in Kosovo.



From left to right: John J. Ryan, Don Lush Gjergji (Vicar General, Roman Catholic Church in Kosovo), Joanna Marszalik



FILING OF COMPLAINTS

(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

Filling in the Complaint Form

The complaint should be written legibly and, preferably, typed.

The form should include all the necessary details to contact the complainant, if necessary.

If the complainant provides documentary evidence, legible copies should be submitted. **Do not send your original documents.**

The documents should be listed in order by date, numbered consecutively and given a short description (e.g. letter, order, judgment, appeal, etc.).

The complaint will be assigned a file number. The file number must be mentioned in all subsequent correspondence. If the complainant already has a complaint pending before the Panel, he or she must inform the Panel of the earlier file number. If the complainant for some reason does not wish to his or her identity to be disclosed, he or she should fill in the appropriate part of the complaint form.