



Human Rights Review Panel

Newsletter # 5 – July to September 2013

- 17th Human Rights Review Panel (HRRP) session
- Further human rights violations in *Vidovdan* cases
- Meeting with the Deputy Head of Mission EULEX
- Outreach campaign

HRRP session

The 17th regular session of the HRRP was held in Pristina from 28 to 30 August 2013. The Panel reviewed seven complaints and rendered decisions in six cases. There were 30 complaints pending before the Panel at the start of the session.

Further *Vidovdan* decisions

The HRRP declared that there were violations of human rights by EULEX Kosovo in the conduct of its executive mandate in relation to [two cases](#) which occurred on *Vidovdan*, 28 June 2012. The celebration of *Vidovdan* marks an important religious holiday on which thousands of ethnic Serbs attend memorial sites in Kosovo.

The complainants who were participants in those celebrations submitted that they had been stopped by the Kosovo Police at the Merdare crossing point. The Kosovo Police confiscated their belongings which included t-shirts bearing Serbian emblems and Serbian flags, and uttered threats against the complainants.

The Panel followed the reasoning of its [recent decisions](#) on cases arising from the *Vidovdan* celebrations of 2012, noting the obligation of EULEX under the [Council Joint Action](#) to ensure that its activities should be carried out in compliance with international standards of human rights. The Panel found that EULEX is expected to take necessary and reasonable measures, within the scope of its competence, resources and abilities, to provide for the effective protection of the human rights of persons on the territory of Kosovo. The Panel held that EULEX had allocated insufficient resources to ensure respect for human rights by the Kosovo authorities and third parties during the *Vidovdan* security operation. Further, the Panel stated that EULEX had provided inadequate training and insufficient operational guidelines to its staff who were deployed on that day.

Therefore, the complainants could not enjoy their right to respect for private life, their right to freedom of assembly as well as their right to exercise their religion. The Panel also recommended a series of remedial measures to be adopted by the Head of Mission to address the matters concerned.

Decisions

The Panel declared three more cases inadmissible. Two of them ([2013-16 Almir Susaj](#) and [2013-02 Arsim Krasniqi](#)) concerned alleged ill-treatment in prisons while the [third case](#) related to alleged unlawful detention on remand. The Panel found in all three cases that the complaints did not fall within the ambit of its mandate. It is recalled that the Panel's mandate covers only complaints relating to the human rights violations by EULEX in the conduct of its executive mandate in the justice, police and customs sectors.

The decisions of the Panel will be transmitted to the complainants as well as to the EULEX Head of Mission. Decisions will be published in due course on the Panel's website upon translation into the Albanian and Serbian languages. The next Panel session is scheduled to take place from 11 to 14 November 2013 in Pristina.



The Panel in session in the HRRP conference room - from left to right: John J Ryan, Magda Mierzewska, (Presiding Member HRRP), Joanna Marszalik, Florian Razesberger, Guénaél Mettraux and Katja Dominik (HRRP)

Meeting the EULEX Deputy Head of Mission and the Head of the Human Rights and Legal Office



Joëlle Vachter - DHoM EULEX and Magda Mierzewska
Presiding member of the HRRP at the meeting

On 29 August, the HRRP met with the Deputy Head of Mission of EULEX, Joëlle Vachter and the Head of the Human Rights and Legal Office of EULEX, Jarmo Helppikangas. Topics discussed included the restructuring of EULEX Kosovo and its possible impact on the executive mandate of EULEX after June 2014, the HRRP's ongoing outreach campaign as well as other matters of mutual concern and interest.

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

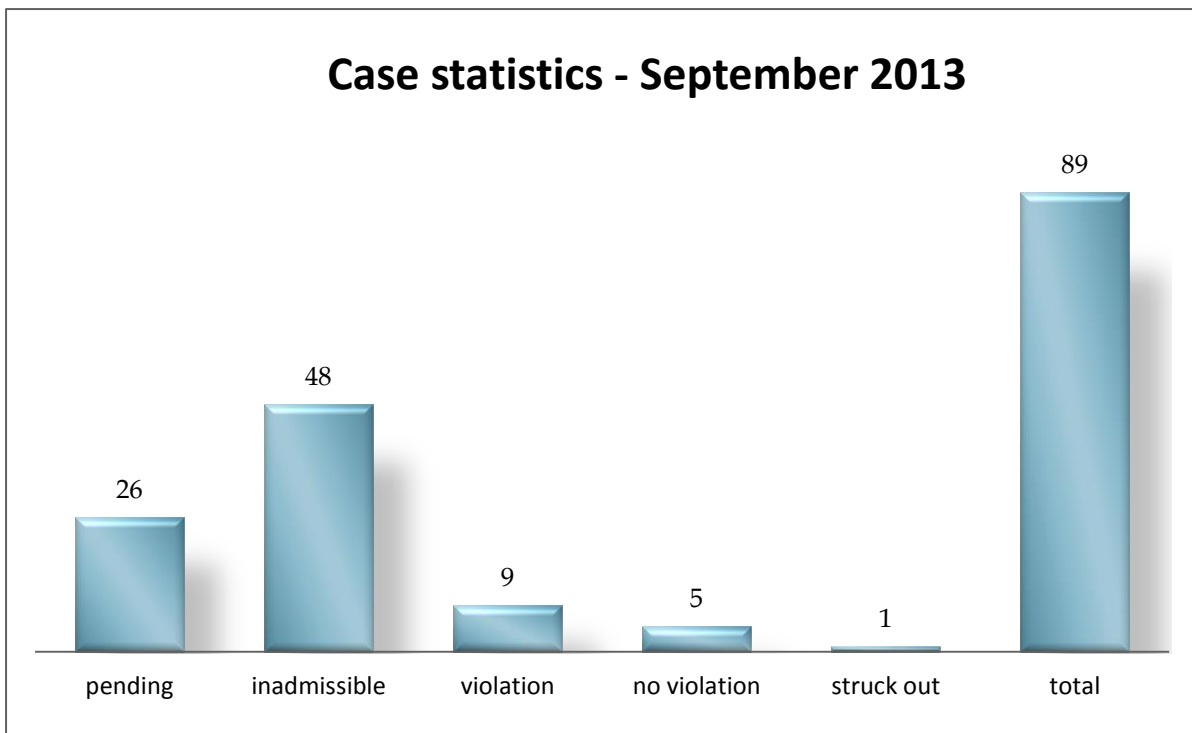
Public outreach campaign

The Secretariat continued its campaign with meetings in Gračanica/Graçanicë, Prizren and Mitrovica during which the Secretariat of the HRRP met and briefed counterparts such as human rights NGOs, public/institutional officials, religious representatives and international organizations such as the OSCE. Further, the Secretariat also continued with its outreach campaign in Pristina where it met with, inter alia, representatives of the Center for Legal Aid and Regional Development (CLARD).

Caseload of the HRRP

Despite limited awareness of the Panel among the general population and only modest resources to reach out to a wider public audience, the Panel has noted a steady increase in its caseload in 2013.

Since January 2013 a total number of 22 new cases have been registered with the Panel. During the corresponding period of 2012 only 13 cases were registered. This amounts to an increase of 70% in newly filed cases for the period in question. The Panel continues with its endeavors to inform the public at large on its mandate, procedures and operations.



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

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.