



Human Rights Review Panel

Human Rights Review Panel

European Union Rule of Law Mission

Kosovo

Annual Report 2018

1 January to 31 December 2018

Human Rights Review Panel - Secretariat

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Foreword

This is the ninth Annual Report of the Human Rights Review Panel (the Panel), which covers the period from 1 January 2018 to 31 December 2018. This report is prepared and presented to the Mission, to EU members and contributing states and to the general public with a view to the dissemination of information on the development of the case law and activities of the Panel. During the reporting period, the Panel conducted two sessions in the first part of the year, before the termination of the then existing mandate of EULEX Kosovo on 14 June 2018.

A new and revised mandate for EULEX Kosovo was adopted by Council Decision CFSP 2018/856 of 8 June 2018. It entered into force on 15 June 2018.

Under this new mandate, EULEX Kosovo conducts systemic, thematic and *ad hoc* monitoring. It provides its assessments and findings to Kosovo institutions and keeps other relevant EU actors informed about these activities.

The change in the mandate of EULEX Kosovo also affected the composition of the Human Rights Review Panel and its Secretariat. As a consequence, during 2018 the work of the Panel was substantially affected by the revision to the mandate of EULEX Kosovo. In mid-June 2018, the appointment of the two EULEX members of the Panel was terminated, and a substantial reduction took place in the staffing of the Panel's Secretariat. Following the departure of the Senior Legal Officer and the abolition of that position on 31 August 2018, the Secretariat of the Panel remained with only two translator/interpreters.

On 15 November 2018, following an international recruitment process, a new Legal Officer commenced work at the Secretariat. That completed the composition of the Secretariat.

On 13 December 2018, the Presiding Member of the Panel submitted her resignation for personal reasons. On 19 December 2018, following a selection procedure, two staff members of the Monitoring Pillar of EULEX Kosovo were appointed as EULEX Member and Substitute EULEX Member of the Panel.

As to the Panel's caseload, four new complaints were registered in 2018. The Panel finalized six cases, which were all declared inadmissible. As of 31 December 2018, the pending case-load stood at twenty-five cases. In addition, two cases where a violation had been found remain open and subject to assessment of the implementation of the Panel's recommendations to the Head of Mission.

Of the 25 pending cases, 21 cases relate to cases of "enforced disappearances" during and after the conflict in Kosovo of 1998-1999. They were communicated to the Head of Mission of EULEX in December 2017. Responses from the Head of Mission are being or will be shortly submitted.

With a new mandate and reconfiguration, the Mission will face new challenges. Some of these are likely to impact the work of the Panel. The more limited nature of the Mission's mandate is likely to impact the number of complaints being filed with the Panel. The reduction of staff all through the Mission will also undoubtedly slow down the process of resolving pending or future cases before the Panel. The HRRP is committed, however, to ensuring that all complaints are addressed expeditiously and cases finalised as soon as practical. The Panel notes furthermore the complexity of some of the cases pending before it. Many of these concern cases of "enforced disappearance", which have been of concern to the Panel and to the Mission for years. These cases are of critical importance to the work of the Mission and will be of importance to the overall legacy of the Mission. It is therefore essential that the Mission as well as the European Union should remain fully committed to the

effective protection and guaranteeing of human rights for the remainder of the Mission's presence in Kosovo.

I would like to take this opportunity to express my thanks and gratitude to the departing Presiding Member, Ms Magda Mierzevska, and the departing EULEX Member, Ms Elka Ermenkova, as well as to the departing Senior Legal Officer and Legal Officer.

Guénaél Mettraux
Presiding Member
Human Rights Review Panel

Table of Contents

Foreword.....	2
1. Regulatory Framework	5
1.1. Council Decision CFSP 2018/856 of 8 June 2018	5
1.2. Council Joint Action 2008/124/CFSP of 4 February 2008 on the European Union Rule of Law Mission EULEX Kosovo	5
1.3. Accountability Concept EULEX Kosovo – Human Rights Review Panel, General Secretariat of the Council, Brussels of 29 October 2009.....	5
1.4. Applicable International Human Rights Instruments.....	5
2. Caseload and subject matter of complaints.....	6
2.1. Caseload and statistics.....	6
2.2. Subject matter of complaints.....	7
3. Jurisprudence	7
3.1. Introduction	7
3.2. Decisions on Merits.....	7
3.3. Decisions on admissibility	7
4. Other activities of the Panel	8
4.1. Meetings	8
4.2. Public Outreach Campaign 2018.....	8
4.3. Induction training.....	8
4.4. HRRP online.....	8
5. The Panel and the Secretariat	9
5.1. Members of the Panel	9
5.1.1. Presiding Member.....	9
5.1.2. Members as of 31 December 2018.....	9
5.2. The Secretariat.....	11
6. Operational and Administrative Matters	11
6.1. Budget.....	11
6.2. Human resources	11
7. Conclusions and recommendations	11
7.1. Acknowledgment of violations of human rights by EULEX.....	11
7.2. Reparation programme.....	12
7.3. Enforced Disappearance Cases	12
ANNEX 1 Statistics 2010 - 2018.....	13
ANNEX 2 Decisions of the HRRP 2010-2018.....	14

1. Regulatory Framework

1.1. Council Decision CFSP 2018/856 of 8 June 2018

In its current mandate as amended by Council Decision CFSP 2018/856, EULEX Kosovo monitors selected cases and trials in Kosovo's criminal and civil justice institutions, in close coordination with other EU actors. This includes but is not limited to cases that were handed over to the competent Kosovo institutions.

1.2. Council Joint Action 2008/124/CFSP of 4 February 2008 on the European Union Rule of Law Mission EULEX Kosovo

The Council Joint Action is the source of the authority and power of the EULEX Mission in Kosovo. It lays down the *mandate* of EULEX Kosovo and, *inter alia*, specifies its responsibility to act in compliance with relevant human rights standards in Article 3 (i): “ensure that all its activities respect international standards concerning human rights and gender mainstreaming”.

1.3. Accountability Concept EULEX Kosovo – Human Rights Review Panel, General Secretariat of the Council, Brussels of 29 October 2009

The establishment of an independent, effective, transparent human rights accountability mechanism was considered early on in the Mission’s life to be a fundamental requirement for EULEX Kosovo as a Rule of Law Mission vested with certain limited executive functions. Such an external accountability mechanism was intended to complement and supplement the overall accountability of EULEX Kosovo as provided by the Third Party Liability Insurance Scheme and the EULEX Internal Disciplinary Mechanism.

Thus, the Accountability Concept laid down the *mandate* of the Panel to: *review complaints from any person, other than EULEX Kosovo personnel, claiming to be the victim of a violation of his or her human rights by EULEX Kosovo in the conduct of the executive mandate of EULEX Kosovo.*¹

However, pursuant to the Accountability Concept, the Panel does not have jurisdiction in respect of the Kosovo courts. The fact that EULEX judges sit on the bench of a particular court does not modify the character of these courts as Kosovo courts.²

The Panel adopted its own Rules of Procedure on 10 June 2010, the date from which it was authorized to receive complaints. It amended its rules on 21 November 2011 and on 15 January 2013.

1.4. Applicable International Human Rights Instruments

In accordance with the provisions of the Accountability Concept, the Panel may consider complaints pertaining to alleged breaches of, among others, the following human rights instruments:

- The Universal Declaration on Human Rights (1948)
- The European Convention for the Protection of Human Rights and Fundamental Freedoms (the Convention, 1950)
- The Convention on the Elimination of All Forms of Racial Discrimination (CERD, 1965)

¹ The Accountability Concept is part of the Operation Plan of EULEX. It is therefore deemed to be a restricted document and thus not accessible to the public. The Panel is therefore not at liberty to disclose its details.

² See Case Nos. 2016-08, Hamdi Hasani Against EULEX; 2016-25, Hilmi Krasniqi Against EULEX; 2016-26, T.G. Against EULEX; 2016-27 Afrim Islami Against EULEX; 2016-33, Agron Bytyci Against EULEX; 2016-36, Namon Statovci Against EULEX and 2017-03, Alfred Bobaj Against EULEX. (footnote & Jurisprudence).

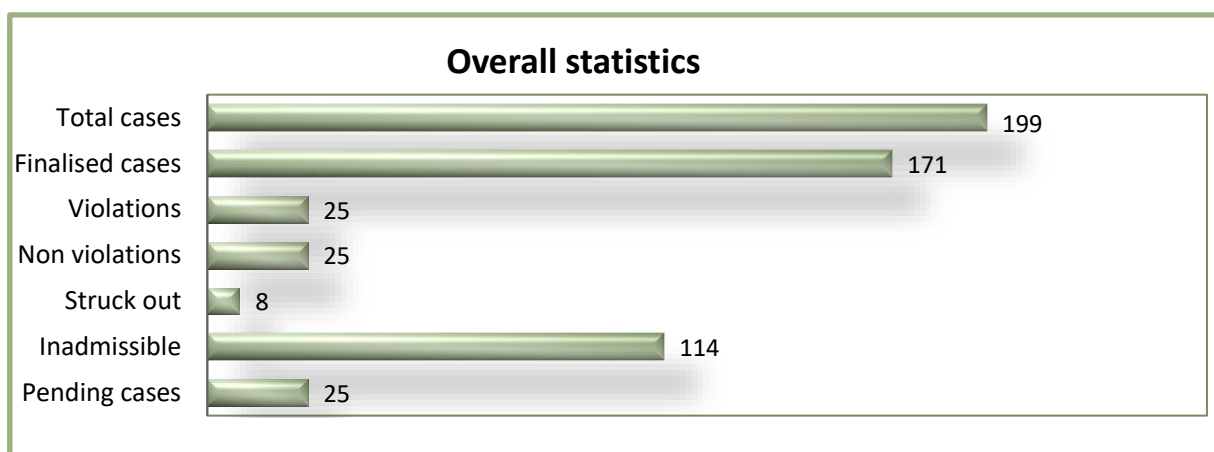
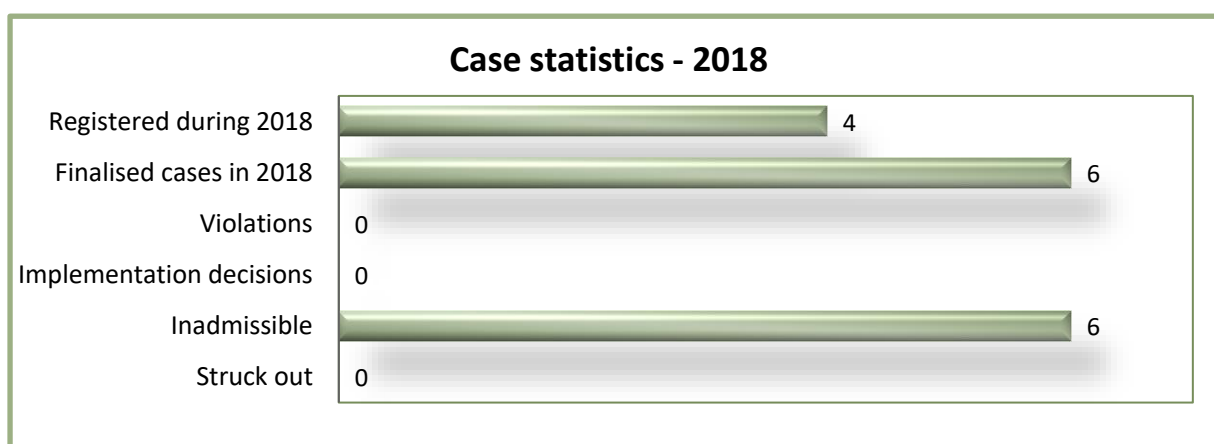
- The International Covenant on Civil and Political Rights (CCPR, 1966)
- The International Covenant on Economic, Social and Cultural Rights (CESCR, 1966)
- The Convention on Elimination of All Forms of Discrimination Against Women (CEDAW, 1979)
- The Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment (CAT, 1984)
- The International Convention on the Rights of the Child (CRC, 1989)

In practice, the complaints filed to date have been primarily based upon the European Convention on Human Rights and its Protocols. A number of complaints made reference, in particular, to the Universal Declaration on Human Rights, International Covenants and other human rights instruments.

2. Caseload and subject matter of complaints

2.1. Caseload and statistics

The Panel received four (4) new complaints in 2018. The Panel finalised six (6) cases from its caseload and found that these six (6) cases were inadmissible. The pending caseload on 31 December 2018 stood at twenty-five (25) cases.



2.2. Subject matter of complaints

The complaints which were examined by the Panel in 2018 almost all concerned alleged violations of the right to a fair trial, as guaranteed by Article 6 of the European Convention on Human Rights and Fundamental Freedoms.

A number of Complainants referred, in a general manner, to other international human rights instruments, in particular to the Universal Declaration of Human Rights.

3. Jurisprudence

3.1. Introduction

The Panel continued with the development of its jurisprudence and issued a number of decisions on admissibility during the reporting period. The Panel relied extensively on the European Convention on Human Rights and Fundamental Freedoms (ECHR), the jurisprudence of the European Court of Human Rights, (ECtHR), humanitarian law/law on armed conflicts, its own case law as well as the applicable law in Kosovo in its review of its complaints during the reporting period.

3.2. Decisions on Merits

The Panel did not render any decisions on merits during 2018.

3.3. Decisions on admissibility

Panel session from 10 to 12 April 2018

The Panel declared three (3) cases inadmissible during this session.

Two cases concerned proceedings before Kosovo courts (*R.I. against EULEX*, no. 2016-34 and *Ndërmarrja Hoteliere Turistike Iliria Deçan against EULEX*, no. 2016-35). As in previous cases, the Panel declared that it had no jurisdiction to review judicial proceedings before the courts of Kosovo, even if EULEX judges sat on the bench.

The third complaint (*A.Z. against EULEX*, no. 2017-01) concerned the EULEX Prosecutors' decision not to investigate the complainant's case. The Panel found that the criminal case clearly did not fall under the authority of EULEX Prosecutors under the Law on Jurisdiction. It therefore declared the complaint manifestly ill-founded. Furthermore, the Panel found that the conduct complained of fell outside of the six-month timeframe for lodging the complaint.

Panel session from 24 to 26 May 2018

The Panel declared three (3) cases inadmissible during this session.

Two cases (*Hysni Gash against EULEX*, Case no. 2017-05; *Feriz Gashi against EULEX*, Case no. 2017-06) were related to the same set of facts. The Panel had previously considered the issues raised in these two complaints in Case no. 2011-22, and it had declared them inadmissible because it had no jurisdiction to review judicial proceedings before the courts of Kosovo, even if EULEX judges sat on the bench. The Panel found in both cases that the complainants had failed to establish any reason for the reconsideration of its earlier decision in accordance with Rule 43 (3) of its Rules of Procedure. The Panel also found that the complaints failed to comply with

Article 25 (3) of the Rules of Procedure with regard to time limit of six months following the events complained of.

The third case (*C.X. against EULEX, Case no. 2017-07*) related to the alleged participation of the complainant with others in an organized criminal group. The Panel found that it lacked competence to examine the complaint, because it had no jurisdiction to review judicial proceedings before the courts of Kosovo. The complaint therefore fell outside the jurisdiction of the Panel within the meaning of Article 29 (d) of its Rules of Procedure. Furthermore and the complaint failed to comply with Article 25(3) of the Rules of Procedure in relation to the time-limit for the filing of a complaint.

4. Other activities of the Panel

4.1. Meetings

The Panel visited the Institute of Forensic Medicine on 11 April 2018. On that occasion, the Panel met with the EULEX Deputy Head of the EULEX Department for Forensic Medicine, who give them a presentation in the Institute's work.

4.2. Public Outreach Campaign 2018

The Accountability Concept Document of 29 October, 2009 stated, *inter alia*, at para E, that, "...EULEX Kosovo will ensure a proper dissemination of public information on the Panel and its work..."

The Civilian Operations Commander, in his instruction of 13 November 2009, stated, in relation to the Panel, that the Road Map for Civilian Planning Conduct Capability should include, "...preparation of a comprehensive PR campaign".

As a result of the strategic review of the EULEX mandate, and the personnel changes to the Panel and its Secretariat, there were no outreach activities conducted during 2018.

4.3. Induction training

The Secretariat continued its participation in the EULEX induction training program for incoming EULEX staff members. The format consists of a presentation on the work of the Panel with time allocated for questions and answers. This process is useful to brief future staff members on the mandate of the Panel, to further underline the importance of human rights compliance for the EULEX Kosovo and to raise the profile of the Panel with EULEX staff members in the EULEX Kosovo area of operations.

The Panel considered this to be an important element of its public outreach campaign which provides the Panel with an opportunity to ensure that all new EULEX staff members are aware of their obligation to comply with relevant human rights standards in the performance of their functions and of the accountability implications for possible breaches of human rights in the exercise of their executive functions.

4.4. HRRP online

The Secretariat maintains the Panel website at: www.hrrp.eu. The site contains information on the mandate, procedure and operations of the Panel, as well as regularly updated information on the decisions of the Panel as well as the list of pending and finalised cases.

The table of the jurisprudence of the Panel is readily accessible. It lists the Panel's growing case law by subject matter both on admissibility and substance of cases under consideration. This was created, inter alia, to provide ready and user-friendly access to the case law of the Panel for complainants, lawyers and the public at large: (<http://www.hrrp/jurisprudence.php>).

The Panel has also produced a number of "Case-Law Notes" that summarise by topic some of the most important aspects of its jurisprudence (http://hrrp.eu/Case-Law_Notes.php).

The website also provides information on:

Applicable human rights standards: (<http://www.hrrp.eu/relevant-rights.php>);

Application forms and instructions for filing complaints: (<http://hrrp.eu/filing%20complaints.php>);

Moreover, the Panel has a profile on Facebook: Human Rights Review Panel;

The above information is available in the English, Albanian and Serbian languages.

5. The Panel and the Secretariat

5.1. Members of the Panel

Under the Accountability Concept and the Panel's Rules of Procedure based on it, the Panel consists of four members; two external members and two EULEX members, of which one is a substitute for the other. Prior to the revision of the mandate in June 2018, the two EULEX members were EULEX staff members appointed to work as judges in the Kosovo judicial system. Following the revision of the mandate, the two EULEX members are staff members of the Monitoring Pillar of EULEX.

5.1.1. Presiding Member

In accordance with the Operation Plan of EULEX and the Rules of Procedure of the Panel, one of the external members of the Panel is elected as Presiding Member. Up until her resignation on 13 December 2018, Ms Magda Mierzevska was the Presiding Member. Following her resignation, the other external member, Prof Dr Guénaël Mettraux, automatically became the Acting Presiding Member.

5.1.2. Members as of 31 December 2018

Prof Dr Guénaël Mettraux – External Member, Acting Presiding Member

Dr Mettraux was appointed as a Judge with the Specialist Chambers on 7 February, 2017. He has served as a member of the Human Rights Review Panel since 30 September, 2012. Dr Mettraux is a Swiss citizen and he holds a *licence en droit* from the University of Lausanne (Switzerland), an LLM from University College London and a PhD in law from the London School of Economics and Political Science.

He has practiced law as a Defence counsel and consultant before international criminal jurisdictions (ICTY, ICC, STL and ECCC) over the last fifteen years. In that time, he has represented several high-ranking military and civilian leaders accused of international crimes. He has advised governments

and NGOs on various issues pertaining to regulatory regimes, criminal trials, legislations and transitional justice. He is currently Professor at the University of Amsterdam (the Netherlands) and guest lecturer at the University of Fribourg (Switzerland) and has published widely in the field of international law.

Ms Anna Bednarek – EULEX Member, appointed on 19 December 2018.

Ms. Bednarek was appointed as a Substitute Member of the EULEX Human Rights Review Panel (Panel) by the EULEX Head of Mission on 25 May, 2011 and she was appointed as a Member of the Panel by the EULEX Head of Mission on 12 July, 2011. This appointment terminated on 14 June 2018 with the revisions to the mandate of EULEX Kosovo. Following the revised mandate of EULEX Kosovo in June 2018, Ms. Bednarek was appointed as a member of the Panel by the EULEX Head of Mission on 19 December 2018.

Ms. Bednarek was appointed as a Judge in the District Court of Warsaw in June 1998. During her career she worked as a Senior Expert in the Office of the Agent of the Polish Government at the European Commission and Court of Human Rights, Human Rights and National Minorities Division, Legal and Treaty Department of the Polish Ministry for Foreign Affairs, Warsaw, as well as Consul in the Polish Embassy, Rome, Italy .

Moreover, she was appointed by EULEX as: Judge at the Special Chamber of the Supreme Court of Kosovo on Kosovo Trust Agency Related Matters where she has served since January 2009 and from September 2015 as Appeals Judge at the Kosovo Property Appeals Panel (KPA AP) at the Supreme Court of Kosovo. Currently, she holds a position of the Thematic Lead Monitor for the KAP AP of the Supreme Court of Kosovo.

Mr Petko Petkov – Substitute EULEX Member, appointed on 19 December 2018.

Mr. Petko Petkov graduated from the Sofia University as a Magister of Law. He was a junior judge at the Sofia District Court from 2005 until 2007 and since 2007 is a judge at the Criminal Division at the Sofia Regional court. During his career as a criminal judge he has worked on thousands of cases and it has been a core rule in his work to always adhere to the principles of ECHR and to the European Court of Human Rights case law.

From 2014 until the end of 2015 he was appointed as an expert for a Deputy Minister of Justice of the Republic of Bulgaria. During that period he was responsible for the representation of the country before the European Court of Human Rights and had to provide methodological guidance and control over the activity of the Directorate within the Ministry. Apart from his duties related to establishing the *modus operandi* of the procedural representation before ECtHR, he was directly involved in drafting the legislative amendments related to the Judiciary.

From 2012 until 2015 he was a guest lecturer in Criminal Law and Criminal Procedures at the National Training Institute for the Judiciary where he broadened and developed his knowledge at a more theoretical and academic level.

He joined EULEX KOSOVO in 2017 as an International Criminal Judge where he worked until the end of the Executive mandate of the Mission in 2018. Currently he is a Thematic Lead Monitor for the Crimes under the International Law in EULEX.

Mr. Petkov was appointed as the Substitute Member of the Human Rights Review Panel by the Head of Mission EULEX Kosovo on 19 December 2018.

5.2. The Secretariat

In the first half of 2018, the Secretariat of the Panel consisted of a Senior Legal Officer, one Legal Officer, and two Translator/Interpreters.

Following the revision of the EULEX Mandate in June 2018, the Secretariat currently consists of a single Legal Officer and two Translator/Interpreters.

6. Operational and Administrative Matters

6.1. Budget

In 2018, The Panel did not benefit from a separate budget. In previous years, the separate budget enabled the Panel to make its own decisions on the implementation of the public outreach campaign, in particular, the TV and/or radio broadcasts, without recourse to the budgetary resources of the Press and Public Information Office of EULEX Kosovo.

6.2. Human resources

The Secretariat of the Panel has been adversely affected by staffing reduction as a result of the revised mandate of EULEX. The Panel lost a legal officer at the end of the previous mandate, and following a transition period, the position of Senior Legal Officer was cut at the end of August 2018.

Due to the lengthy recruitment process for a new Legal Officer, and the selection process for the two new EULEX members, the Panel was effectively prevented from performing its functions throughout the second half of 2018.

7. Conclusions and recommendations

7.1. Acknowledgment of violations of human rights by EULEX

As stated in previous reports, the Panel once again recommends that the HoM acknowledge the violations of human rights which are attributable to EULEX, since a public acknowledgment of responsibility for human rights violations is recognised in the field of human rights as a form of remedy to the violation. The Panel has repeatedly stated that an acknowledgement of a violation by the Mission constitutes a form of reparation.

The HoM has consistently declined to do so. The basis of this reluctance appears to be a concern associated with possible further litigation and liability. The Panel is not convinced by such an argument. Firstly, once the Panel itself has found such a violation, an organ of the Mission has, for all purposes, made that determination.

In addition, such an acknowledgment can readily be phrased in a way that does not imply any recognition of civil liability beyond what EULEX might already incur as a result of its function. Furthermore, absent the possibility under the regime regulating the Panel to recommend financial compensations, the acknowledgment of responsibility would provide an important (albeit often insufficient) means of remedying the wrong.

Based on the above, the Panel would invite the HoM, in consultation with relevant authorities, to consider further the implications of such an acknowledgment with a view to enable the HoM to considering a change of practice.

7.2. Reparation programme

The payment of compensation to complainants and concerned family members is a constant theme in the public domain in the event of the perpetration human rights violations by EULEX Kosovo. The fact that the complaint is vindicated with a finding of a human rights violation might not represent a full or adequate remedy for the violations in question.

It is therefore recommended that where it is found to have committed human rights violations, the Mission should give serious consideration to the possibility of offering adequate reparation, including financial compensation where appropriate.

7.3. Enforced Disappearance Cases

It is noted that UNMIK and EULEX signed a Memorandum of Understanding on 26 November 2008, on the modalities, and the respective rights and obligations which arose from the transfer from UNMIK to EULEX Kosovo of cases of murdered and missing persons i.e. “enforced disappearance” cases and the related files which involved ongoing investigations, prosecutions and other activities which had been undertaken into these cases up to that time by UNMIK International Prosecutors.

It is further noted that the UNMIK HRAP recommended in its Final Report on 30 June 2016 that EULEX Kosovo should continue with the investigations of these missing and murdered person’s cases in order to comply with the requirements of the procedural limb of Article 2 of the Convention. It was noted at the time that it was imperative that the circumstances surrounding these instances of “enforced disappearance” should be established and alleged perpetrators be brought to justice.

The Panel notes that 21 complaints regarding enforced disappearances were communicated to the Head of Mission at the end of 2017, and that by the end of 2018 these cases were all still pending. The work of the Panel on these cases was interrupted during the second half 2018 due to the almost complete lack of staffing of the Secretariat and the Panel. The HRRP will now treat these as priorities with a view to ensuring prompt resolution of pending cases.

The Panel notes however that, under its new mandate, EULEX Kosovo has transferred the criminal investigation files into these cases to Kosovo judicial authorities.

ANNEX 1 Statistics 2010 - 2018

	2010	2011	2012	2013	2014	2015	2016	2017	2018	Total
Registered cases in total	16	28	23	27	42	16	36	7	4	199
Finalized cases in total	6	30	10	20	28	27	19	25	6	171
Admissible			2		1	8	0	0	0	11
Inadmissible	6	22	10	13	22	12	9	14	6	114
Violation	0	2	0	7	2	4	9	1	0	25
No violation	0	5	0	0	1	10	0	9	0	25
Strike out	0	1	0	0	3	1	1	2	0	8

	As of 31 December 2018
Pending	25
Communicated to HoM	21

ANNEX 2 Decisions of the HRRP 2010-2018

Case	Complainant	Subject matter	Result
2010-01	Djeljalj Kazagić	Alleged failure to act by EULEX Prosecutor, property matter	Violation
2010-02	Sadik Thaqi	Alleged failure to act by EULEX Prosecutor, death in Dubrava Prison 04/09/2003	No violation
2010-03	Osman Mehmetaj	Alleged failure to act by EULEX Prosecutor, death in Dubrava Prison 04/09/2003	No violation
2010-04	Feti Demolli	Alleged failure to act by EULEX Prosecutor, death in Dubrava Prison 04/09/2003	No violation
2010-05	Mursel Hasani	Alleged failure to act by EULEX Prosecutor, death in Dubrava Prison 04/09/2003	No violation
2010-06	Latif Fanaj	Alleged failure to act by EULEX Prosecutor, death in Dubrava Prison 04/09/2003	No violation
2010-07	Blerim Rudi	Alleged failure of the Financial Intelligence Unit to comply with the order of the Independent Oversight Board to reinstate the complainant.	Violation
2010-08	Delimir Krstić	Alleged failure to act by EULEX police and prosecutor, property matter	Inadmissible
2010-09	Burim Ramadani	Alleged non-functioning of the court system, Kitchina-case	Inadmissible
2010-10	Horst Proetel	Unsuccessful candidature for a EULEX position	Inadmissible
2010-11	Laura Rudi	Private financial claim against a EULEX employee	Inadmissible
2010-12	Hunaida Pasuli	Unsuccessful candidature for a EULEX position	Inadmissible
2010-13	An EULEX- Employee	Internal EULEX dispute with regard to performance appraisal and personal relationship with supervisor	Inadmissible
2010-14	Lulzim Gashi	Unsuccessful candidature for a EULEX position	Inadmissible

Case	Complainant	Subject matter	Result
2010-15	Faton Sefa	Failure to get reinstated to previous employment (private sector), alleged failure to implement court rulings	Inadmissible
2010-16	Cyma Agovic	Transferred from EULEX - Failure of the EULEX judges to fairly examine the complainant's case	Inadmissible
2011-01	Family of Dede Gecaj	Request for investigation of the extradition decision of EULEX Courts in Kosovo in the case of the late Dede Gecaj	Inadmissible
2011-02	Chamalagai Krishna Bahadur	Alleged Failure to Act	Inadmissible
2011-03	Afrim Mustafa	Dispute with regard to closing down a private radio station and confiscation of radio equipment	Inadmissible
2011-04	Besim Berisha	Complaint about living conditions in Dubrava Prison	Strike out
2011-05	SH.P.K "Syri"	Alleged denial of the right to a fair hearing, freedom of expression and equality before the law, SCSC.	Inadmissible
2011-06	Milazim Blakqori	Alleged non-enforcement of a decision, failure to act by EULEX	Inadmissible
2011-07	Case W	Alleged violation of Article 6 Convention	Violation
2011-08	Anton Rruka	Alleged denial of the right to a fair hearing, freedom of expression and equality before the law, SCSC.	Inadmissible
2011-09	Mirkovic Bojan	Alleged unlawful dismissal from EULEX	Inadmissible
2011-10	Dejan Jovanović	Alleged undue delay in the proceedings before the SCSC.	Inadmissible
2011-11	Srecko Martinović	Alleged excessive use of force, inhumane treatment and denial of right to a fair trial	Inadmissible
2011-12	Novica Trajković	Alleged excessive use of force	Inadmissible
2011-13	S.M.	Alleged excessive use of force, denial of right to a fair trial and failure to respect the right to private life	Inadmissible
2011-14	Lindita Shabani	Alleged denial of the right to private and family life	Inadmissible

Case	Complainant	Subject matter	Result
2011-15	Samedin Smajli	Alleged denial of a fair trial and undue delay in proceedings	Inadmissible
2011-16	Avdyl Smajli	Alleged denial of a fair trial and undue delay in proceedings	Inadmissible
2011-17	Faik Azemi	Alleged denial of the right to a fair hearing	Inadmissible
2011-18	Mykereme Hoxha	Alleged failure to act by EULEX Prosecutor	Inadmissible
2011-19	Sefer Sharku	Alleged failure to respect a binding court-decision.	Inadmissible
2011-20	X and 115 other complainants	Alleged failure by EULEX to protect the health and life of persons living in the lead contaminated Roma camps.	Violation
2011-21	Ventor Maznikolli	Alleged undue delay by EULEX judges in scheduling a Supreme Court hearing.	Inadmissible
2011-22	Hysni Gashi	Alleged denial of a fair trial and alleged incompetence of EULEX judges.	Inadmissible
2011-23	Hashim Rexhepi	Alleged violations of the right to liberty and the right to a fair trial.	Inadmissible
2011-24	Predrag Lazić	Alleged failure to get a fair hearing in a reasonable time.	Inadmissible
2011-25	Shaip Gashi	Alleged deprivation of German disability pension.	Inadmissible
2011-26	Njazi Asllani	Alleged non-enforcement of a decision, failure to act by EULEX	Inadmissible
2011-28	Case Y	Alleged breach of the right to respect private and family life.	Inadmissible
2012-01	Qamil Hamiti	Alleged denial of the right to a fair hearing	Inadmissible
2012-02	Arben Zeka	Alleged failure to adjudicate property case	Inadmissible
2012-03	Rexhep Dobruna	Alleged denial of the right to a fair hearing.	Inadmissible
2012-04	Izet Maxhera	Property related dispute with EULEX in Mitrovica.	Inadmissible
2012-05	Fatmir Pajaziti	Alleged breach of right to liberty and right to a fair trial.	Inadmissible
2012-06	Case Z	Alleged violations of Articles 10 and 11 UDHR, Articles 5 and 6 Convention, Article 9 ICCPR and Article 6 CAT	Inadmissible

Case	Complainant	Subject matter	Result
2012-07	Case I	Alleged failure to act by EULEX Prosecutor and EULEX Police	Inadmissible
2012-08	Case U	Alleged violation of Article 6 of the European Convention on Human Rights (Convention)	Inadmissible
2012-09	Case A	Alleged violations of Articles 2, 3, 8, 9, 10 and 11 Convention	Violation
2012-10	Case B	Alleged violations of Articles 2, 3, 8, 9, 10 and 11 Convention	Violation
2012-11	Case C	Alleged violations of Articles 2, 3, 8, 9, 10 and 11 Convention	Violation
2012-12	Case D	Alleged violations of Articles 2, 3, 8, 9, 10 and 11 Convention	Violation
2012-13	Bejtush Gashi	Alleged violations of Article 6 Convention and Article 1 of Protocol 1 Convention	Inadmissible
2012-14	Valbone Zahiti	Alleged violation of Article 8 Convention	Violation
2012-15	Shefqet Emerllahu	Alleged violation of Article 6 Convention, failure to investigate	Inadmissible
2012-16	Kristian Kahrs	Alleged violation of Article 6 Convention, failure to act	Inadmissible
2012-17	Case E	Alleged violations of Articles 5 and 6 of Convention	Inadmissible
2012-18	Hamdi Sogojeva	Alleged violation of Article 1 of Protocol 1 of the Convention	Inadmissible
2012-19	Case H	Alleged confiscation of property	Violation
2012-20	Case G	Alleged violations of Articles 3, 10, 11 Convention and Article 1 of Protocol 1 Convention	Violation
2012-21	Mirko Krlić	Alleged violations of Article 9 Convention and Article 2 of Protocol 4 Convention	No violation
2012-22	Zoran Stanisić	Alleged violations of Articles 3, 6 and 8 Convention and Article 1 of Protocol 1 Convention	Violation
2012-23	Predrag Blagić	Alleged violations of Article 5 Convention and Article 2 of Protocol 4 Convention	Strike out
2013-01	Case I	Alleged violation of Article 6 Convention	Inadmissible
2013-02	Arsim Krasniqi	Alleged violation of Article 3 Convention	Inadmissible

Case	Complainant	Subject matter	Result
2013-03	Goran Becić	Alleged violations of Articles 13 and 14 Convention and Article 1 of Protocol 1 Convention	Violation
2013-04	J	Alleged violation of Article 6 Convention (access to justice).	Inadmissible
2013-05	Case K	Alleged violations of Article 3, 5, 13 and 14 Convention	No violation
2013-06	Case L	Alleged violations of Article 3, 5, 13 and 14 Convention	No violation
2013-07	Case M	Alleged violations of Article 3, 5, 13 and 14 Convention	No violation
2013-08	Case N	Alleged violations of Article 3, 5, 13 and 14 Convention	No violation
2013-09	Case O	Alleged violations of Article 3, 5, 13 and 14 Convention	No violation
2013-10	Case P	Alleged violations of Article 3, 5, 13 and 14 Convention	No violation
2013-11	Case Q	Alleged violations of Article 3, 5, 13 and 14 Convention	No violation
2013-12	Case R	Alleged violations of Article 3, 5, 13 and 14 Convention	No violation
2013-13	Case S	Alleged violations of Article 3, 5, 13 and 14 Convention	No violation
2013-14	Case T	Alleged violations of Article 3, 5, 13 and 14 Convention	No violation
2013-15	Gani Zeka	Alleged violations of Article 6 and Article 1 of Protocol No 1 of Convention	Inadmissible
2013-16	Almir Susaj	Alleged violation of Article 3 and 8 Convention	Inadmissible
2013-17	Ramadan Rahmani	Alleged violation of Article 1 Protocol 1 Convention	Inadmissible
2013-18	Jovanka, Dragan, Milan Vuković	Alleged violation of Article 1 Protocol 1 Convention	Inadmissible
2013-19	U	Alleged violation of Article 1 Protocol 1 Convention	Inadmissible
2013-20	Shaip Gashi	Alleged violations of Article 1 of Protocol 1 Convention	Inadmissible
2013-22	Gani Gashi	Alleged violation of Article 6 Convention	Inadmissible
2013-23	V	Alleged violations of Article 6 and Article 1 of Protocol 1 of Convention	Inadmissible
2013-24	Emin Maxhuni	Alleged violation of Article 1 of Protocol 1 of Convention	Inadmissible

Case	Complainant	Subject matter	Result
2013-25	Milorad Rajović	Alleged violation of Article 1 of Protocol 1 Convention	Inadmissible
2013-26	Selami Tarku	Alleged violation of Article 1 of Protocol 1 Convention	Inadmissible
2013-27	Shaban Kadriu	Alleged violations of Article 6 and Article 1 of Protocol No 1 Convention	Inadmissible
2014-01	Nexhat Qubreli	Alleged violations of Article 5 and Article 6 Convention	Inadmissible
2014-02	Milica Radunović	Alleged violation of Article 6 Convention	Inadmissible
2014-03	Case A.Z.	Alleged violation of Articles 3, 8 and 13 Convention	Strike out
2014-04	Tomë Krasniqi	Alleged violation of Article 1, 3, 6, 14 and 17 Convention, Article 1 of Protocol No 1 Convention	Inadmissible
2014-05	Mazlam Ibrahim	Alleged violations of Article 6 and Article 1 of Protocol 1 of Convention	Inadmissible
2014-06	Case B.Y.	Alleged violation of Article 6 Convention	Inadmissible
2014-07	Fitore Rastelica	Alleged violation of Article 6 Convention	Inadmissible
2014-08	C.X.	Alleged violation of Article 6 Convention	Inadmissible
2014-09	Rifat Kadribasic	Alleged violations of Article 6 and Article 1 of Protocol 1 of Convention	Inadmissible
2014-11	Case D.W.	Alleged violation of Articles 2 and 3 Convention	Admissible
2014-18	Fitim Maksutaj	Alleged violation of Article 6 Convention	Violation
2014-19	Fahri Rexhepi	Alleged violations of Article 6 and Article 1 of Protocol No 1 Convention	Inadmissible
2014-20	Mensur Fezaj	Alleged violation of Article 1 of Protocol No 1 Convention	Inadmissible
2014-21	Shefki Hyseni	Alleged violation of Article 5 Convention	Strike out
2014-22	Ismajl Krapu	Alleged violation of Article 6 Convention	Inadmissible
2014-23	Shaip Selmani	Alleged violation of Article 6 Convention	Inadmissible
2014-24	Case J.Q.	Alleged violation of Article 6 Convention	Inadmissible

Case	Complainant	Subject matter	Result
2014-25	Nuha Beka	Employment Dispute	Inadmissible
2014-28	Selatin Fazliu	Alleged violation of Article 1 of Protocol No 1 Convention	Inadmissible
2014-26	Ajet Kaçiu	Alleged violation of Article 1 of Protocol No 1 Convention	Inadmissible
2014-27	Qerim Begolli	Alleged violation of Article 1 of Protocol No 1 Convention	Inadmissible
2014-29	Shemsi Musa	Alleged violation of Article 1 of Protocol No 1 Convention	Inadmissible
2014-30	Abdilj Sabani	Alleged violation of Article 1 of Protocol No 1 Convention	Inadmissible
2014-31	Case K.P.	Alleged violation of Article 6 Convention	Inadmissible
2014-32	L.O.	Alleged violation of Articles 2 and 3 Convention	Violation
2014-33	Arben Krasniqi	Alleged violation of Articles 5 and 6 Convention	Inadmissible
2014-34	Rejhane Sadiku Syla	Alleged violation of Articles 2 and 3 Convention	Admissible
2014-36	Case Z.A.	Alleged violation of Article 1 of Protocol No 1 Convention	Inadmissible
2014-38	Slavica Mikic	Alleged violation of Article 13 Convention	Inadmissible
2014-39	Musli Hyseni	Alleged violation of Article 5 Convention	strike out
2014-40	Avni Hajdari	Alleged violation of Article 6 Convention	Strike out
2014-41	Liridona Mustafa Sadiku	Alleged violation of Articles 2 and 3 Convention	Inadmissible
2014-42	Bujar Zherka	Alleged violations of Article 6 and Article 1 of Protocol No 1 Convention	Inadmissible
2015-01	Milos Jokic	Alleged violations of Article 5, 6, 8, 9, 10 and 12 of Convention	Inadmissible
2015-03	Dekart Shkololli	Alleged violation of Article 8 Convention	Inadmissible
2015-07	Dobrivoje Radovanovic	Alleged violation of Article 6, and Article 1, Protocol No.1 Convention	Inadmissible

Case	Complainant	Subject matter	Result
2015-08	Afrim Berisha	Alleged violation of Article 1 of Protocol No 1 Convention	Inadmissible
2015-09	Driton Hajdari	Alleged violation of Article 6, and Article 1, Protocol No.1 Convention	Inadmissible
2015-10	Shaban Sylja	Alleged violation of Article 6 Convention	Inadmissible
2015-13	Case W.D.	Alleged violation of Articles 6 and 8 Convention	Inadmissible
2016-03	Afrim Islami	Alleged violation of Article 6, and Article 1, Protocol No.1 Convention	Inadmissible
2015-04	Nazmi Maloku	Alleged violation of Article 6 ECHR	Inadmissible
2014-10	Nikole Sokoli	Alleged violation of Articles 2, 3 and 13 ECHR	Inadmissible
2016-04	Valon Jashari	Alleged violation of Articles 3, 6 and 8 ECHR	Inadmissible
2016-02	V.E.	Alleged violation of Article 6 ECHR	Inadmissible
2016-01	Skender Jashari	Alleged violation of Article 6 ECHR	Inadmissible
2015-15	Đorđe Šmigić	Alleged violation of Articles 2, 3, 8 and Article 2 of Protocol no. 4 ECHR	Inadmissible
2015-12	U	Alleged violation of Articles 6, 13 and 14 of ECHR	Inadmissible
2015-11	Zvonimir Jovanović	Alleged violation of Article 6, and Article 1, Protocol No.1 ECHR	Inadmissible
2015-06	X.C.	Alleged violation of Article 6 ECHR	Inadmissible
2015-05	Teresa Peters	Alleged violation of Article 6 ECHR	Inadmissible
2014-35	M.N.	Alleged violation of Article 6 ECHR	Inadmissible
2015-14	Miodrag Konić	Alleged violation of Articles 2, 3, 8 and Article 2 of Protocol no. 4 of ECHR	Strike out
2015-16	Vuleta Voštić	Alleged violation of Articles 2, 3, 8 and Article 2 of Protocol no. 4 of ECHR	Strike out

Case	Complainant	Subject matter	Result
2015-02	Ramadan Hamza	Alleged violation of Article 1 of Protocol No 1 ECHR	Inadmissible
2017-03	Alfred Bobaj	Alleged violation of Article 6 of ECHR	Inadmissible
2016-36	Namon Statovci	Alleged violation of Article 1 of Protocol no. 1 and Article 9 and 11 of ECHR	Inadmissible
2016-33	Agron Bytyci	Alleged violation of Article 6 ECHR	Inadmissible
2016-27	Afrim Islami	Alleged violation of Article 6 ECHR	Inadmissible
2016-26	T.G.	Alleged violation of Article 8 ECHR	Inadmissible
2016-25	Hilmi Krasniqi	Alleged violation of Article 6 ECHR	Inadmissible
2016-08	Hamdi Hasani	Alleged violation of Article 8, and Article 1, Protocol No.1 ECHR	Inadmissible
2016-07	Mentor Qela	Alleged violation of Article 3, 6 and 17 of ECHR	Inadmissible
2016-06 /2017-04	Shpresim Uka	Alleged violation of Article 6 ECHR	Inadmissible
2016-05	Axhemi Zyhdi	Alleged violation of Article 6, Article 13, and Article 1 of Protocol 1 ECHR	Inadmissible
2013-21	Thomas Rusche	Alleged violations of Article 6 and Article 1 of Protocol No 1 ECHR	Violation
2011-27	F. and Others	Alleged failure to protect a witness, the right to life	Violation
Decisions 2018			
2016-34	R.I. against EULEX	Alleged violation of Article 1 of Protocol No. 1 ECHR	Inadmissible
2016-35	Ndërmarrja Hoteliere Turistike Iliria Deçan against EULEX	Alleged violation of Article 6 ECHR	Inadmissible
2017-01	A.Z. against EULEX	Alleged violation of Articles 3, 6, 9 and 14 ECHR	Inadmissible
2017-05	Hysni Gash against EULEX	Alleged violation of Article 6 ECHR	Inadmissible
2017-06	Feriz Gashi against EULEX	Alleged violation of Article 6 ECHR	Inadmissible
2017-07	C.X against EULEX	Alleged violation of Article 6 ECHR	Inadmissible

