



## **DECISION ON ADMISSIBILITY**

**Date of adoption: 12 February 2020**

**Case no. 2016-16**

**Dobrivoje Vukmirović**

**Against**

**EULEX**

The Human Rights Review Panel, sitting on 12 February 2020 with the following members present:

Mr Guénaël METTRAUX, Presiding Member  
Ms Anna BEDNAREK, Member  
Ms Anna AUTIO, Member

Assisted by:  
Mr Ronald HOOGHMSTRA, Legal Officer

Having considered the aforementioned complaint, introduced pursuant to Council Joint Action 2008/124/CFSP of 4 February 2008, the EULEX Accountability Concept of 29 October 2009 on the establishment of the Human Rights Review Panel and the Rules of Procedure of the Panel as last amended on 11 December 2019,

Having deliberated, decides as follows:

### **I. PROCEEDINGS BEFORE THE PANEL**

1. The complaint in this case was registered on 30 June 2016.
2. By letter of 1 July 2016, the Panel informed the Mission that this case had been registered.
3. On 28 June 2017, the Panel requested the complainant to provide additional information regarding his complaint. The complainant initially responded through a representative for Serb families of the Missing Persons Resource Center (MPRC), an NGO based in Pristina, that he had no further information in relation to this case.
4. On 20 September and 17 October 2017, the Panel sent two further requests for additional information via the MPRC. No additional information was received.

5. On 8 December 2017, the Panel transmitted a Statement of Facts and Questions to the Head of Mission (HoM), EULEX Kosovo, inviting the Mission to submit answers and written observations on the complaints no later than 26 January 2018.
6. By letter of 19 January 2019, the Mission was requested to provide answers to the questions by 16 February 2019.
7. By letter of 8 April 2019, the Mission was again requested to provide answers to the questions as soon as practical.
8. On 25 July 2019, the Acting HoM submitted his observations on the case.
9. On 30 July 2019, the Acting HoM's letter was submitted for information to the complainant, who was given until 2 September 2019 to make any further submissions in response to that letter.
10. The complainant did not avail himself of the opportunity to make additional submissions.

## **II. FACTS**

11. On or around 15 June 1999, the complainant's brother, Milivoje Vukmirović, was last seen in Kralja Petra street, in the southern part of Mitrovica.
12. On 18 June 1999, the complainant reported to the Mitrovica office of the Department of Safety of the Ministry of Internal Affairs of the Republic of Serbia that his brother, Milivoje Vukmirović, had gone missing.
13. On 17 January 2000, the International Committee of the Red Cross (ICRC) opened a tracing request for Milivoje Vukmirović.
14. On 19 July 2004, the body of Milivoje Vukmirović was found and identified by the Office on Missing Persons and Forensics of the United Nations Mission in Kosovo (UNMIK).
15. On 21 October 2004, the Office on Missing Persons and Forensics of UNMIK confirmed the identification of the body through DNA analysis.
16. On 21 October 2004, the Office of the Medical Examiner, Department of Justice of UNMIK, issued a death certificate for Milivoje Vukmirović. The cause of death was verified by an autopsy and was recorded as "*a gunshot wound at the back of the head*".
17. On 23 November 2004, the mortal remains of Milivoje Vukmirović were handed over to the complainant by the Office on Missing Persons and Forensics of UNMIK.

## **III. COMPLAINT AND STANDING**

18. The complainant alleges that there has never been any investigation into the killing of his brother who went missing in June 1999 and who was found to have been murdered.
19. The Panel considers that the complaint relates to at least two particular fundamental rights reflected in the following provisions: Article 2 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (the Convention), which guarantees a person's fundamental right to life and, under its procedural head, provides

for an obligation to investigate cases of suspicious deaths; and, Article 3 of the Convention which guarantees a person's right not to be subjected to torture or inhuman or degrading treatment or punishment. In addition, the complaint might be relevant to the right provided in Article 13 of the same Convention, which guarantees access to an effective remedy to anyone whose rights and freedoms provided in the Convention have allegedly been violated. The same rights are protected by a number of other international treaties, including the International Covenant on Civil and Political Rights. These rights form part of a core set of fundamental human rights that are guaranteed to all as a matter of customary international law.

20. Considering the close family relationship between the primary victim - Milivoje Vukmirović – and the complainant - Dobrivoje Vukmirović (brother of Milivoje Vukmirović) – the Panel is satisfied that the complainant may be regarded as a secondary victim of the alleged violations and that, as such, a potential victim in accordance with Rule 25(1) of the Panel's Rules of Procedure.

#### **IV. SUBMISSIONS OF THE PARTIES REGARDING ADMISSIBILITY**

##### **The complainant**

21. As summarised above, the complainant alleges that, in the exercise of its executive mandate, EULEX Kosovo should have investigated the disappearance and killing of his brother and culpably failed to do so in violation of his and his brother's fundamental rights.

##### **Head of Mission ("HoM")**

22. In his submissions, the HoM indicates that, in the framework of the hand-over of cases and case-files from UNMIK to EULEX in the period between December 2008 – March 2009, EULEX received from the UNMIK Office on Missing Persons and Forensics (OMPF) the same documents as provided to the Panel by the complainant, namely the identification certificate and death certificate of Milivoje Vukmirović.
23. In addition, EULEX received a one-page print-out containing basic information of an 'Ante-Mortem Investigation' relating to the missing person Milivoje Vukmirović, dated 30 August 2004. The documents transferred from the OMPF were received by the EULEX staff at the Institute of Forensic Medicine (previously, Department of Forensic Medicine).
24. EULEX also received documents from the UNMIK Police Missing Persons Unit (Resource and Investigation Pillar), which included a *Case Analysis Review Report* dated 15 July 2008, which is understood to refer to the case of Milivoje Vukmirović. This *Report* states that the remains of the missing person had been identified but that there was no information on the cause of death. It also mentions that the case was to be turned over to the War Crimes Unit – Investigations Section. The documents transferred from UNMIK Police were received by the EULEX War Crimes Investigation Unit (WCIU).
25. The HoM indicates that EULEX is unable to determine whether the case was ever investigated by UNMIK prior to the hand-over to EULEX. The HoM notes, furthermore, that it is apparent from the *Case Analysis Review Report* of 15 July 2008, that the information on the cause of death in possession of the OMPF was not available to UNMIK Police. EULEX cannot explain why this was so.
26. The HoM opines that, although in the present case the missing person had been identified and the cause of death established in 2004, the UNMIK Police do not appear to have

conducted an investigation and it appears that the case-file was handed over to EULEX as a 'closed missing persons file', and not as a 'war crimes file'.

27. The HoM notes that, according to the records available to the Mission, the complainant never brought the disappearance and killing of his brother to the attention of the Mission.
28. Regarding the specific complaints against EULEX, the HoM takes note of the fact that the Panel invited EULEX to submit observations on the admissibility and merits of the complaint only in relation to Articles 2 and 3 of the Convention, and therefore the Mission's contribution will be limited to these two articles exclusively.

*Regarding Article 2 of the Convention*

29. In his submissions, the HoM points out that at the moment of the hand-over from UNMIK of the case-file relating to Milivoje Vukmirović, the case had been inactive since the discovery of his body, the identification of the cause of death and the handing over of the mortal remains to the complainant in late 2004.
30. According to EULEX Kosovo records, the complainant has never made any inquiries with the Mission about the status of the investigation. Furthermore, the Mission submits that the complainant has not argued that the killing of his relative had been reported to EULEX Kosovo or that he had made any inquiries about ongoing investigations in this regard.
31. The HoM also underlines the fact that the complaint to the HRRP was filed in June 2016, that is 17 years after the disappearance occurred, twelve years since the last investigative steps had been taken (by UNMIK), and more than seven years after the beginning of the EULEX Kosovo mandate.
32. Thus, according to the Mission, the fact that the complainant has remained passive for a considerable lapse of time cannot be ignored. The HoM submits that the complainant should have filed his complaint before 2016 when given the absence of any communication from either UNMIK or EULEX authorities he should have suspected that the investigation had lapsed into inaction and that there was no realistic prospect of an investigation being provided in the future.
33. The HoM submits that this delay on the part of the complainant to make any enquiry must be thus characterized as both excessive and unexplained and therefore requests the Panel to declare the complaint inadmissible on that basis.

*Regarding Article 3 of the Convention*

34. In his submissions, the HoM noted that the applicable jurisprudence of the European Court of Human Rights (ECtHR) and the Opinions reached by the Human Rights Advisory Panel (HRAP) of UNMIK have established a potential link between an alleged failure to conduct an effective investigation under the procedural limb of Article 2 of the Convention and treatment by the authorities of the victim's family members, which can amount to a violation of Article 3 of the Convention in disappearance cases (see, for example, ECtHR cases *Basayeva and Others v. Russia*, Judgment of 28 May 2009, Applications Nos. 15441/05 and 20731/04, paras. 159-162; *Turluyeva v. Russia*, Judgment of 20 June 2013, Application No. 63638/09, paras. 116-118; *ER and Others v. Turkey*, Judgment of 31 July 2012, Application No. 23016/04, paras. 94-9; and *İpek v. Turkey*, Judgment of 17 February 2004, Application No. 25760/94, paras. 181-183.)
35. The HoM further submitted that, in cases where the missing person is later found dead, with regard to the applicability of Article 3 of the Convention, the jurisprudence of the

ECtHR has specified that this only applies to the distinct period during which the family members sustained the uncertainty, anguish and distress appertaining to the specific phenomenon of disappearance (see ECtHR cases *Luluyev and Others v. Russia*, Judgment of 9 November 2006, Application No. 69480/01, paras. 111-118; and *Gongadze v. Ukraine*, Judgment of 8 November 2005, Application No. 34056/02, paras. 184-186).

36. In addition, the HoM submitted that even in cases of disappearances, the applicability of Article 3 of the Convention to the situation of the family members of a disappeared person is not automatic, but will depend upon the specific circumstances of the case. The HoM refers to the Judgment of the ECtHR in *Basayeva and Others v. Russia*, (op.cit. para. 159) where the ECtHR observed that, “[...] *the question whether a member of the family of a “disappeared person” is a victim of treatment contrary to Article 3 will depend on the existence of special factors which give the suffering of the applicants a dimension and character distinct from the emotional distress which may be regarded as inevitably caused to relatives of a victim of a serious human rights violation.*”
37. Furthermore, the HoM suggested that, because the existence of special factors of suffering related to the uncertainty about the fate of a family member may be considered to have come to an end with the discovery, identification and handing over of the mortal remains of the complainant’s family member, it is no longer possible to speak of an ongoing situation after that date. As such, the complaint regarding a degree of suffering amounting to a violation of Article 3 of the Convention must be rejected as either incompatible *ratione temporis* with the jurisdiction of the Panel, or manifestly ill-founded. The HoM noted that where the body of a missing person had been discovered and identified prior to the commencement of the temporal jurisdiction of the Human Rights Advisory Panel (HRAP) of UNMIK, the Opinions of this body concluded that such complaints were either inadmissible *ratione temporis*, or because they had failed to comply with the six-months’ rule (see, for example, HRAP Case No. 04/09, *D.P. against UNMIK*, paras 94-97; and HRAP Case no. 46/08, *Snežana Zdravković against UNMIK*, paras. 133-135).
38. The HoM noted that, in the present complaint, at the time of the hand-over of the documents pertaining to Milivoje Vukmirović to EULEX, his body had already been found, a ‘Death Certificate’ was issued and the victim’s identity had been confirmed through DNA matching with the victim’s surviving family members. The complainant himself provided the documentary proof of this together with his complaint to the Panel.
39. The HoM pointed out that the Mission by no means would argue that the finding of the body of the disappeared put an end to the grief of the complainant and his family members. Nevertheless, the Mission considers that the applicability of Article 3 of the Convention cannot be invoked in the present case, because the suffering of the complainant could no longer be characterized as being of a dimension and character distinct from the inevitable distress caused by the death of his brother.
40. The HoM maintains, therefore, that the complaint in relation to Article 3 of the Convention should be deemed manifestly ill-founded or, alternatively, dismissed as being incompatible *ratione temporis* with the jurisdiction of the Panel.
41. The HoM’s submissions regarding the merits of this case will be addressed at a later stage of the proceedings.

## V. THE PANEL'S ASSESSMENT

*Mandate of the Panel (Rule 25, paragraph 1, of the Rules of Procedure) and inherent limitations placed on the Mission regarding the protection of human rights.*

42. As a matter of substantive law, the Panel is empowered to apply human rights instruments as reflected in the EULEX Accountability Concept of 29 October 2009 on the establishment of the Human Rights Review Panel. Of particular importance to the work of the Panel are the European Convention for the Protection of Human Rights and Fundamental Freedoms and the International Covenant on Civil and Political Rights (ICCPR), which set out minimum standards for the protection of human rights to be guaranteed by public authorities in all democratic legal systems.
43. Before considering the complaint on its merits, the Panel has to decide whether to proceed with the complaints, taking into account the admissibility criteria set out in Rule 29 of its Rules of Procedure.
44. According to Rule 25, paragraph 1, the Panel can only examine complaints relating to alleged human rights violations by EULEX Kosovo in the conduct of its executive mandate.
45. The Panel has already established that the actions of the EULEX prosecutors and police form part in principle of the executive mandate of EULEX Kosovo and therefore fall within the ambit of the mandate of the Panel (see, for instance, *K to T against EULEX*, 2013-05 to 2013-14, 21 April 2015, para. 43; *Krlić against EULEX*, 2012-21, 26 August 2014, para. 23; *Y against EULEX*, 2011-28, 15 November 2012, para. 35). The Panel is satisfied that the case comes *prima facie* within its competence *ratione materiae* and notes that the Mission has not taken issue with that part of the enquiry.

*Sufficient temporal connection with the underlying conduct and 6-month deadline to file a complaint – The Panel's competence ratione temporis.*

46. As noted above, the HoM submits that the Panel lacks jurisdiction *ratione temporis* over the case and/or that the complainant failed to comply with the 6-month deadline within which to file his complaint in accordance with Rule 25, paragraph 3, of Panel's Rules of Procedure.
47. Pursuant to Rule 25, paragraph 3, of the Panel's Rules of Procedure, a complainant is required to file a complaint within six months from the act, decision or conduct which is said to amount to or involve a violation of his/her rights (see, e.g., *Gashi v EULEX*, 2013-22, 7 April 2014, para. 10; *Thaqi v EULEX*, cited above, para. 51).
48. As a preliminary matter, the Panel notes that the Mission was seemingly put on notice of the existence of this case when it received notice of it from UNMIK. Without prejudice to the merit of the case, from that point on, it was under an obligation to investigate the case. That obligation was, *prima facie*, ongoing. It was not dependent on the complainant asking them to act or otherwise soliciting the Mission.
49. The Panel agrees with the Mission that a degree of proactivity is expected of alleged victims of human rights violations when it comes to seeking to remedy those. How proactive and how this should be assessed depends, however, on the particular circumstances of the case.

50. The Panel also notes that the violations complained of are regarded as ongoing or continuing violations of the victim's fundamental rights. See *Miladinović against EULEX*, Decision on Admissibility, 2017-02, 27 March 2019, para. 47; *D.W., E.V., F.U., G.T., Zlata Veselinović, H.S., I.R. against EULEX*, 2014-11 to 2014-17, Decision on Admissibility, 30 September 2015, para. 78; *Sadiku-Syla against EULEX*, 2014-34, Decision on Admissibility, 29 September 2015, paras. 35 and 42. See also, in the context of Article 3, ECtHR, *Kurt v. Turkey*, Judgment of 25 May 1998, Reports of Judgments and Decisions 1998 III, paras. 130-34; *Varnava and Others v. Turkey*, Application nos.16064/90, Judgment of 18 September 2009, para 148 and 162-163; *Khadzhaliyev and Others v. Russia*, Application no. 3013/04, Judgment of 6 November 2008, paras. 120-121; *Timurtas v Turkey*, Application no. 23531/94, Judgment of 13 June 2000, para. 95; and Resolution No. 828 of 1984, paragraph 3 (Parliamentary Assembly of the Council of Europe).
51. The Panel will also reiterate here its findings from the *Miladinović* case, which are applicable to the present matter (see *Miladinović against EULEX*, Decision on Admissibility, 2017-02, 27 March 2019, paras. 50 et seq, in particular, para. 55). Complaints filed beyond the 6-month timeframe set by the Rules will in principle be declared inadmissible in accordance with Rule 29(c) of Rules of Procedure (see *Mikić against EULEX*, 15 June 2015, paras 8-9; *K.P. against EULEX*, 21 April 2015, par 15; *Martinović against EULEX*, 23 November 2011, paras 17-18). In some instances, however, the Panel has exercised its discretion to declare admissible complaints that were filed belatedly but where particular circumstances pertaining to the case justified that the matter not be declared inadmissible on such grounds. The particular gravity of the alleged violation or the belief on the part of the complainant that the matter was still under the Mission's consideration have been regarded as particularly relevant in that regard by the Panel (see, e.g., *Sadiku-Syla against EULEX*, 29 September 2015, paras 44 et seq.; *D.W. and others against EULEX*, 30 September 2015, paras 91 et seq).
52. Furthermore, the Panel has held that if the violation of fundamental rights is ongoing, the 6-month deadline has not lapsed in principle until the violation ceases (see, e.g., *Zahiti against EULEX*, 7 June 2013, par 42). In such a case, the deadline starts to run on the date after the impugned action said to have caused or resulted in a rights violation ends (see, e.g., *Y against EULEX*, 15 November 2012, paras 30-31).
53. It should also be remembered in this context that EULEX Kosovo is a rule of law mission and that compliance with human rights obligations forms a core and essential element of its mission (see *Miladinović against EULEX*, Decision on Admissibility, 2017-02, 27 March 2019, para. 55).
54. Regarding the application of the above principles and considerations in the present case, the Panel notes the following. Up until that point, the complainant had received no information from the Mission that it was or was not investigating this case. Nor, it would seem, had the complainant contacted the Mission to inquire about the matter.
55. The Mission does not challenge the suggestion that it would have been competent to investigate this case had it been in possession of additional information. Absent such information, the case remained dormant. At no point does the case appear to have been formally closed by the Mission. Nor was the complainant informed of that fact. On that basis, the complainant might have been under the impression and might have assumed that EULEX was or would be dealing with this case.

56. The complainant's failure to enquire with the Mission suggests, however, that he could have been more proactive in seeking clarification from the Mission. Had he done so, he could perhaps have seized the Panel at an earlier stage.
57. In evaluating what consequence to attach to that failure, the Panel has taken notice of the Mission's own apparent failure to inform the complainant of the fact that it was in possession of some information regarding this case and that the case lay dormant in its records. Absent such information, it is not clear why the complainant should have been expected to inquire with the Mission about its efforts.
58. In that assessment, the Panel also notes that under the revised OPLAN, as reflected in Rule 25(4) of the Panel's Rules of Procedure, complaints relating to cases transferred from EULEX to Kosovo institutions shall be filed within six months from the end of the EULEX Executive Mandate in the criminal justice system as defined in Kosovo law or within six months from the transfer of the casefile. Under that regime, the deadline for filing of a complaint had not yet expired at the time when the present complaint was filed.
59. Furthermore, the Panel notes that the time which the complainant took before filing his complaint did not seemingly cause it any prejudice as far as proceedings before the Panel is concerned. The interest that the Mission might have in the strict enforcement of the 6-month deadline must also be interpreted in that light.
60. The Panel recalls the standard outlined by the European Court of Human Rights in the Varnava Judgment,

*"[i]f there is an investigation of sorts, even if sporadic and plagued by problems, the relatives may reasonably wait some years longer until hope of progress being made has effectively evaporated."*

In the present case, the delay imputed to the complainant cannot be said to be either excessive or unexplained, because it is clear that the complainant never lost hope to find out exactly what had happened to his brother, and the complainant filed his complaint with the Panel with the reasonable expectation that some form of investigation was, in fact, ongoing (see *Varnava and Others v. Turkey*, Case Nos. 16064/09 et al, Judgment of 18 September 2009, as discussed in *Miladinović against EULEX*, Decision on Admissibility, 2017-02, 27 March 2019).

61. In those circumstances, the Panel is satisfied that the complainant acted diligently and that the 6-month deadline set by the Rules has been complied with in this case.
62. Because the complainant's inaction might be relevant to the relief that the Panel may be prepared to grant in this case should it find that the complainant's rights were violated by the Mission, it is asking the complainant to explain his failure to act when addressing the merit of this case (see question below in the disposition).
63. The Panel notes that, *ratione temporis*, it is competent to consider the actions of the Mission until 14 June 2018. After that date, the Mission ceased to have any executive responsibilities in relation to this case. Activities carried out after that date could be relevant, however, to evaluate the extent to which the Mission might be said to have fulfilled its human rights obligations. The Panel therefore invites the Mission to make reference in its submissions to any effort undertaken by the Mission to ensure that this case was or is being investigated (if any), including after that date.

*Regarding Article 3 of the Convention*

64. The HoM argues that, based upon the case-law of the ECtHR, the applicability of Article 3 of the Convention cannot be invoked in the present case, because the suffering of the complainant following the discovery and identification of his brother's body could no longer be characterized as being of a dimension and character distinct from the inevitable distress caused by the death of his brother.
65. The HoM submits, therefore, that the complaint in relation to Article 3 of the Convention should be deemed manifestly ill-founded or, alternatively, dismissed as being incompatible *ratione temporis* with the jurisdiction of the Panel.
66. In the present case, the complainant's brother was missing from June 1999 until his body was found and identified in October 2004. Subsequently, no apparent effort was made to conduct an investigation into the circumstances surrounding the victim's disappearance and violent death.
67. In these circumstances, the Panel considers that the complaint in relation to a violation of Article 3 of the Convention raises serious issues of fact and law the determination of which requires an examination of the merit of the complaint.
68. Without prejudice to the final outcome of the complaint at hand with regard to the merit, it is important to point out that the assessment whether the violation of Article 3 of the Convention took place would depend on

“the existence of special factors which give the suffering of the applicants a dimension and character distinct from the emotional distress which may be regarded as inevitably caused to relatives of a victim of a serious human rights violation. Relevant elements will include the proximity of the family tie, the particular circumstances of the relationship, the extent to which the family member witnessed the events in question, the involvement of the family member in the attempts to obtain information about the disappeared person and the way in which the authorities responded to those enquiries. The Court would further emphasise that the essence of such a violation does not mainly lie in the fact of the “disappearance” of the family member but rather concerns the authorities' reactions and attitudes to the situation when it is brought to their attention. It is especially in respect of the latter that a relative may claim directly to be a victim of the authorities' conduct.”

*See Basayeva and Others v. Russia*, no 15441/05 and 20731/04, § 159, Judgment of 28 May 2009; *Orhan v. Turkey*, no. 25656/94, § 358, 18 June 2002, and *Imakayeva*, cited above, § 164.

69. Furthermore, the Panel invites the parties to consider whether and if so to what extent the right protected under Article 13 of the Convention could be relevant to the present matter.

*Competence ratione personae*

70. The HoM does not dispute the Panel's competence *ratione personae*, and the Panel is indeed satisfied that it is competent in that respect also.

## **FOR THESE REASONS, THE PANEL UNANIMOUSLY**

**DECLARES ADMISSIBLE**, without prejudging the merit of the matter, the complaint with regard to alleged violations of Articles 2, 3 and 13 of the European Convention on Human Rights;

**ASKS THE PARTIES** to address the following questions:

### **I. TO THE HEAD OF MISSION:**

- i. What steps, if any, did the Mission take to investigate the case?
- ii. Which are the elements that led the Mission to a conclusion that “it appears that the case file was handed over to EULEX as a ‘closed missing person file’”?
- iii. Were files pertaining to this case in possession of the Institute for Forensic Medicine ever shared with EULEX Prosecutors? If not, what is the reason?
- iv. What steps (if any) were taken by the Mission to ensure coordination between its various organs to centralise and share information pertaining to ongoing investigation of serious criminal offences, including cases of “enforced disappearances”?
- v. Is the Mission competent to monitor this case without local authorities having initiated an investigation into it? If not, what is the Mission empowered to do when, in its view, local authorities fail to fulfil their – procedural – obligations under Article 2 or 3 of the Convention?
- vi. What contacts, if any, did the Mission have with the relatives of the disappeared, and the complainant in particular?
- vii. What information, if any, regarding its investigative efforts, when and by what means did the Mission provide the relatives of the disappeared?
- viii. If the Mission did not provide any information, why not?
- ix. Was the case-file pertaining to this case transmitted to local authorities? If so, when?
- x. Absent an investigation of this case by the Mission, did the Mission provide any other sort of relief or remedy to the complainant?
- xi. Consider the need to make submissions regarding Article 13 of the Convention if they deviate in any material way from submissions pertaining to Articles 2 and 3.

### **II. TO THE COMPLAINANT:**

- i. What contact did you have with the EULEX Mission during the period 2008-2016 in relation to this case? In particular, what was the nature and extent of your contacts with the EULEX’s Forensic Institute?

- ii. If you did not contact the aforementioned entities regarding this case during the period 2008-2016, please describe the reason(s) why you did not do so.
- iii. Are you aware of any efforts by local authorities to investigate this case?
- iv. Please describe the effect – financial, legal, personal and emotional – that the disappearance of your relative has had upon you.
- v. Please also describe how these effects evolved (if they did) following the discovery and identification of your brother's body in 2004.
- vi. Consider the need to make submissions regarding Article 13 of the Convention if they deviate in any material way from submissions pertaining to Articles 2 and 3.

**AND ASKS** the parties to respond to the above and make any other submissions regarding the merit of this case no later than 15 April 2020.

For the Panel,

Guénaël Mettraux  
Presiding Member

Anna Bednarek  
Member

Anna Autio  
Member