

A summary of the Panel decision in cases 2010-02, 2010-03, 2010-03, 2010-04 and 2010-05

The panel unanimously

- *Declares* that it lacks competence under Rule 25 of its Rules of Procedure to examine the complaints with regard to ions and omissions by UNMIK, and declares them **inadmissible**;
→ This means that the Panel can only examine alleged human rights violations committed by EULEX in the performance of its executive mandate. The Panel cannot examine actions or omissions of UNMIK.
- *Declares* the complaints under Article 2 of the Convention, with regard the EULEX actions on the investigation of actions or omissions of prison authorities **inadmissible**;
→ This means that as the investigation of the prison authorities' actions and omissions should been carried out right after the incident took place in 2003, there was no obligation on EULEX to launch an investigation in 2008. EULEX could also not resume investigation since none had been initiated.
- *Declares* the complaints under Article 2 of the Convention, with regard the EULEX actions in the investigation on the prisoners **admissible**,
→ This means that the Panel can investigate actions of the EULEX prosecutors before the case becomes pending before a court.
- *Holds* that there has been **no violation** of Article 2 of the Convention by EULEX in the exercise of its executive mandate in this regard.
→ This means that even though the Panel can examine the actions of the prosecutor in this case with regard to the decision not to prosecute the prisoners, the Panel finds that the EULEX prosecutor did everything possible in this regard.

This summary is a document produced by the Secretariat of the Panel for explanatory purposes only and it does not bind the Panel.

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