



Human Rights Review Panel

## Newsletter No 20 – 1 January 2020 to 31 March 2020

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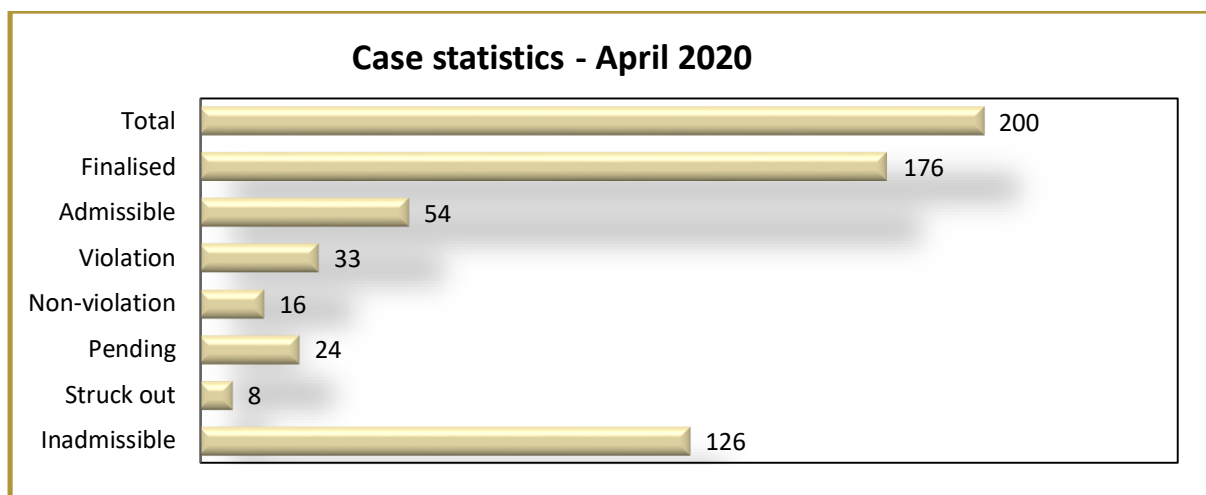
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### Introduction

The Human Rights Review Panel (“Panel”), established by the European Union in 2009, is an independent accountability body with the mandate to review alleged human rights violations by EULEX Kosovo in the exercise of its executive mandate. The Panel issues a newsletter periodically, in English, Albanian and Serbian, as part of its outreach to the people in Kosovo, civil society, and to the international community.

The Panel has received two hundred (200) cases since it commenced its operations in June 2010. It held that EULEX Kosovo committed rights violations in thirty-three (33) cases. It has additionally found that there were no human rights violations in sixteen (16) other cases which it had deemed admissible. No new cases have been filed with the Panel since 1 January 2020 and there are currently twenty-four (24) cases pending before the Panel.

The cases before the Panel have related to a range of substantive and procedural human rights considerations, including, on substance, the rights to life, to the respect for private and family life, and the right to an effective remedy. The full body of case law is available at: <https://hrrp.eu/cases.php>.



### **Meeting with the Head of Mission of EULEX Kosovo**

On 12 February 2020, the Panel met with Mr Lars-Gunnar Wigemark, the newly appointed Head of Mission of EULEX Kosovo. The Panel introduced itself and its work to the new Head of Mission, and discussed modalities for communication and cooperation between the Panel and the Mission. Discussion also revolved around a number of pending human rights issues of concern to the Panel.

### **Outreach by the Human Rights Review Panel**

On 21 January 2020, the Head of the Secretariat of the Panel met with Mr Hilmi Jashari, Ombudsperson of the Republic of Kosovo. The Head of the Secretariat presented the revised mandate of the Panel and described its current cases. The Ombudsperson explained the situation of his Institution, and detailed some of its recent cases and activities.

On 24 February 2020, the Head of the Secretariat of the Panel met with Mr Milorad Trifunović, Serb Coordinator of the Missing Persons Resource Center. They discussed the status of the missing persons cases pending before the Human Rights Review Panel.

### **Sessions of the Human Rights Review Panel**

During the first quarter of 2020, the Human Rights Review Panel held one session,

- 44<sup>th</sup> Session: 12, 13 and 14 February 2020.

### **Decisions of the Human Rights Review Panel**

At its 44<sup>th</sup> Session, the Panel declared one case inadmissible and one case admissible.

In addition, in three Decisions on the merit, the Panel found that the European Union Rule of Law Mission in Kosovo had violated its human rights obligations in respect of the complainants and the Panel formulated recommendations to the Head of Mission.

### **Inadmissibility Decisions**

- [Case 2016-18 P.K. against EULEX](#). The complaint related to allegations against the Office on Missing Persons and Forensics of UNMIK. The Panel declared this complaint inadmissible because the events complained of were not attributable to EULEX in the conduct of its executive mandate, and therefore did not come within the scope of the Panel's jurisdiction.

### **Admissibility Decisions**

- [Case 2016-16 Dobrivoje Vukmirović against EULEX](#). The complaint concerned the disappearance of a family member of the complainant and the investigation into this disappearance. The Panel declared the complaints admissible and invited the Parties to make submissions on the merits of the complaints.

### **Decisions on the merit**

- [Case 2016-10 Dragiša Kostić against EULEX](#). On 13 February 2020, the Panel determined that EULEX had failed to conduct an effective investigation into the disappearance of the complainant's family member and had failed to keep the complainant informed of the course of the proceedings. As a result, the Panel determined that the Mission was responsible for a violation under the procedural limb of the complainant's right to life as guaranteed by Article 2 of the European Convention on Human Rights, and for a violation of the complainant's right to freedom from inhuman or degrading treatment, as guaranteed by Article 3 of the European Convention on Human Rights. The Panel made several recommendations to the Head of Mission of EULEX, including to inquire with the authorities what steps are being taken to investigate this case, and to emphasise with authorities the importance of victim's rights to the truth and to be informed of the general course of the investigation.
- [Case 2016-12 U.F. against EULEX](#). On 12 February 2020, the Panel determined that EULEX had failed to conduct an effective investigation into the disappearance of the complainant's family member and had failed to keep the complainant informed about the course of proceedings. As a result, the Panel determined that the Mission was responsible for a violation under the procedural limb of the complainant's right to life as guaranteed by Article 2 of the European Convention on Human Rights, and for a violation of the complainant's right to freedom from inhuman or degrading treatment, as guaranteed by Article 3 of the European Convention on Human Rights. The Panel made several recommendations to the Head of Mission of EULEX, including to inquire with the authorities what steps are being taken to investigate this case, and to emphasise with the authorities the importance of victim's rights to the truth and to be informed of the general course of the investigation.
- [Case 2016-13 Miomir Krivokapić against EULEX](#). On 12 February 2020, the Panel determined that EULEX had failed to conduct an effective investigation into the disappearance of the complainant's family member and had failed to keep the complainant informed about the course of proceedings. As a result, the Panel determined that the Mission was responsible for a violation under the procedural limb of the complainant's right to life as guaranteed by Article 2 of the European Convention on Human Rights, and for a violation of the complainant's right to freedom from inhuman or degrading treatment, as guaranteed by Article 3 of the European Convention on Human Rights. The Panel made several recommendations to the Head of Mission of EULEX, including to inquire with the authorities what steps are being taken to investigate this case, and to emphasise with the authorities the importance of victim's rights to the truth and to be informed of the general course of the investigation.

### **Publication of the Human Rights Review Panel Annual Report 2019**

The Annual Report of the Human Rights Review Panel for the period 1 January 2019 to 31 December 2019 was published on 2 April 2020. The Report may be accessed at: <http://www.hrrp.eu/annual-report.php>.

### **Publication of decisions**

The decisions of the Panel are published on the website of the Panel in the English, Albanian and Serbian languages and may be accessed at: [www.hrrp.eu](http://www.hrrp.eu).

Visit Panel website: [www.hrrp.eu](http://www.hrrp.eu)



## HOW TO FILE A COMPLAINT WITH HRRP

(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: +383 (0) 38 28 2207

**A complaint can also be sent by email to [office@hrrp.eu](mailto:office@hrrp.eu)**

[www.hrrp.eu](http://www.hrrp.eu)

If the complaint is e-mailed, the signed original complaint must be delivered within four weeks from the date of the original e-mail.

### 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.