



Human Rights Review Panel

Newsletter No 21 – 1 April 2020 to 30 June 2020

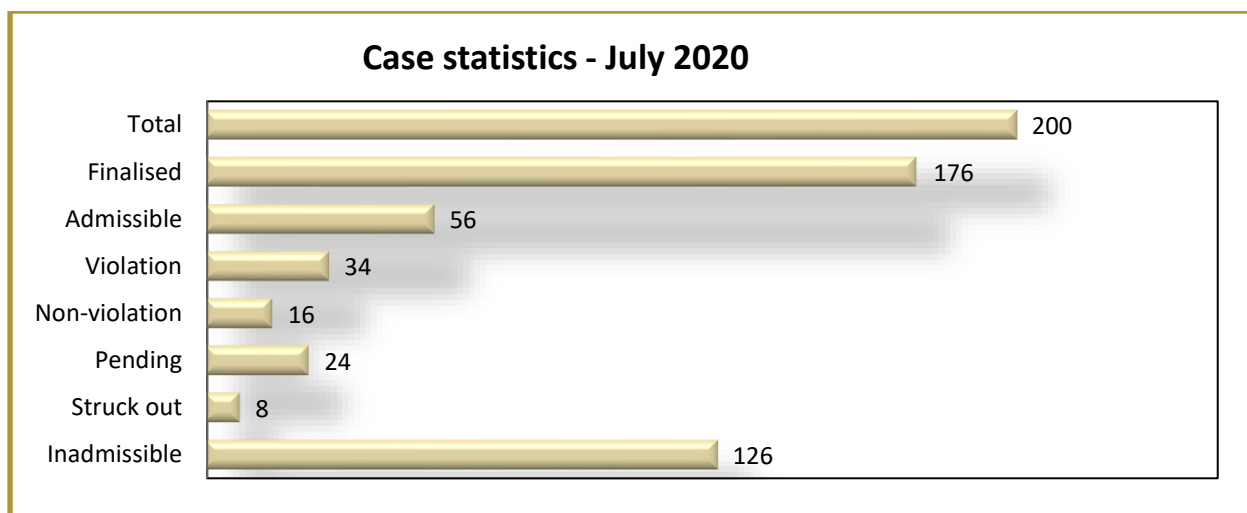
- Introduction
- Sessions of the Human Rights Review Panel
- Decisions of the Human Rights Review Panel
- Publication of Decisions of the Human Rights Review Panel

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-four (34) 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>.



Sessions of the Human Rights Review Panel

During the second quarter of 2020, the Human Rights Review Panel held one session. The Panel deliberated via electronic means.

- 45th Session: 4 June 2020.

Decisions of the Human Rights Review Panel

At its 45th Session, the Panel declared two cases admissible. In one Decision 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.

In addition, in one case the Panel rejected a request for revision by the Head of Mission and confirmed its Decision on the merit.

Admissibility Decisions

- Case [2016-23 Q.J. against EULEX](#). On 4 June 2020, the Panel declared the complaints admissible and invited the Parties to make submissions on the merits of the complaints. The complaint concerned the disappearance of a family member of the complainant and the investigation into this disappearance.
- Case [2019-01 G.T. against EULEX](#). On 4 June 2020, the Panel declared the complaints admissible and invited the Parties to make submissions on the merits of the complaints. The complaint concerned the assistance of EULEX to the complainant to testify at a war crimes trial in Serbia, and subsequent threats to the complainant.

Decisions on the merit

- Case [2016-17 Milijana Avramović against EULEX](#). On 4 June 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. As a re-

sult, 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 also determined that the Mission was responsible for failing to provide the complainant with an effective remedy in violation of Article 13 of the Convention. 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 emphasize with authorities the importance of victim's rights to the truth and to be informed of the general course of the investigation. The Panel also invited the Head of Mission to reach out to the complainant with a view to finding a remedy for the violation of her rights.

Decision on a request for revision

- Case [2016-28 S.H. against EULEX](#). On 4 June 2020, the Panel rejected the request of the Head of Mission of EULEX for a revision of its findings based upon the amended Rule 43 of the Panel's Rules of Procedure. The Panel determined that the new fact presented by the Mission in support of its application for revision not meet the requirement of diligence under the amended Rule 43, and that when considered on its merits, it also did not materially affect the Panel's finding that EULEX had failed to keep the complainant informed of its investigation into the disappearance of his family member. As a result, the Panel confirmed its Decision and Findings of 11 September 2019 and reiterated its 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 emphasize with authorities the importance of victim's rights to the truth and to be informed of the general course of the investigation.

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.

Visit Panel website: 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
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.