

HUMAN RIGHTS WATCH

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Ms. Federica Mogherini
High Representative of the European Union
for Foreign Affairs and Security Policy
Vice President of the European Commission
242, rue de la Loi
B-1049 Brussels

Brussels, December 12, 2014

Investigating alleged corruption within EULEX

Dear High Representative,

I am writing to express Human Rights Watch's concern regarding the serious allegations of corruption by some members of the EU Rule of Law Mission in Kosovo (EULEX) and the alleged failure of the mission adequately to investigate those allegations and instead to take action against the person who reported them. Should there be any truth in these allegations it would have serious consequences for the rule of law, and the protection of basic fair trial rights and freedom of expression in Kosovo.

We are also seriously concerned by allegations from a trusted local journalist, Vehbi Kajtazi, that EULEX officials pressured him to stop his reporting on the corruption claims.

Human Rights Watch welcomes your decision to launch an EEAS investigation into EULEX's handling of the corruption allegations. We understand that Mr. Jean Paul Jacqu e was appointed on November 10 as an independent expert to review EULEX's handling of the corruption allegations and revert back within four months with findings and recommendations. We are concerned, however, that Mr. Jacqu e's role appears limited to overseeing EULEX's internal investigation rather than conducting an independent investigation into the allegations. We note also the decision on November 14 by the EU Ombudsman to initiate her own investigation into the EEAS' handling of the issue, a decision we welcome.

Given the seriousness of the allegations against the mission and the harm they are doing to the credibility of the mission and the wider reputation of European Union, it is vital that the EEAS broaden Mr. Jacqu e's mandate so that he may conduct his own investigation into these allegation. That investigation should not be limited to the corruption allegations raised by the former EULEX prosecutor but should include all credible allegations of corruption implicating the mission and its current and former staff. In addition, for transparency and credibility, and given the vital importance for the rule of law that these allegations are addressed, and are seen to be addressed fairly and firmly, Mr. Jacqu e's findings should be made public.

Since the EULEX mandate is to investigate and adjudicate serious crimes and promote the rule of law in Kosovo, it is crucial that Mr. Jacqu e's investigation also thoroughly examine how the mission investigated reports of corruption, including those from the former EULEX prosecutor who acted as whistleblower, to identify and correct apparent weaknesses in the system.

In addition, the investigation should examine whether EULEX officials put undue pressure on the journalist from the newspaper *Koha Ditore*, Vehbi Kajtazi, who was investigating these serious allegations. Kajtazi told Human Rights Watch that he was called to a meeting on October 23 with Catherine Fearon, special advisor to head of mission at EULEX, and EULEX spokesperson Dragana Nikolic-Solomon, assuming they would discuss questions he had previously sent to the mission about the corruption allegations. Instead, he said, Ms. Fearon requested him to hand over his materials on the corruption allegations against EULEX to her, which he refused to do. If true, this carries negative implications for media freedom in Kosovo.

According to Kajtazi, Fearon told him he should be careful not to publish information about cases under EULEX investigation as he may be accused of revealing secret materials. Kajtazi perceived this as a veiled threat. EULEX spokesperson Nikolic-Solomon acknowledged to Human Rights Watch that it had been a tense meeting but denied that the mission had requested any documents or threatened Kajtazi.

Free and independent media are cornerstones in any democracy and contribute to strengthen the rule of law. Any allegation that EULEX has put pressure on a journalist investigating corruption within the mission must therefore be promptly and thoroughly investigated by Mr. Jacque.

Thank you for your consideration and I stand ready to discuss this with you at any time.

Sincerely,



Lotte Leicht
EU Director
Human Rights Watch

Cc:

Secretary-General of the European External Action Service (EEAS), Mr. Pierre Vimont
Deputy Secretary-General of the European External Action Service (EEAS), Political Director, Ms. Helga Schmid
Director for Western Europe, Western Balkans and Turkey, European External Action Service (EEAS), Mr. Fernando Gentilini
Head of Cabinet to the High Representative, Mr. Stefano Manservigi