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Hearing into deaths in Kosovo could find UN accountable

The UN Mission in Kosovo's (UNMIK) accountability for the deaths of two young men during a demonstration two years ago will finally be investigated by a public hearing in June.

Kosovo Albanians Mon Balaj and Arben Xheladinaj were killed during a Vetëvendosje demonstration in the capital city of Pristina on 10 February 2007. Two other demonstrators, Zenel Zeneli and Mustafë Nerjovaj were seriously injured.

The incident happened when members of a Romanian Formed Police Unit under the control of UNMIK police fired rubber bullets at demonstrators.

The hearing will be conducted by the Human Rights Advisory Panel (HRAP). Introduced by law in March 2006, the HRAP's purpose is to provide remedies for acts and omissions by UNMIK. It does not have powers to initiate a criminal investigation, but may recommend to UNMIK that such an investigation be initiated.

An internal UNMIK investigation in 2007 found that the cause of death of the protesters was the improper use of rubber bullets by unknown members of the Romanian police unit.

By the time these conclusions had been drawn, members of the police unit had been repatriated. There has been no independent criminal investigation by the Kosovo authorities.

An investigation by a military prosecutor in Romania was unable to identify the perpetrators.

The public hearing in a case brought against UNMIK by the families of the victims was initially due to be heard by the Human Rights Advisory Panel (HRAP) on Thursday 19 March.

The families alleged that the killings and serious injuries, as well as the lack of an effective investigation, constituted violations of the right to life, the prohibition of torture and inhuman treatment, the right to peaceful assembly, the right to a fair trial and the right to an effective remedy.

The families alleged that UNMIK had failed to bring to justice members of the Romanian Formed Police Unit who had been found by an internal UNMIK investigation in 2007 to have caused the death of two men, and injured the two others through the improper use of rubber bullets.

According to a press release issued by the HRAP on 19 March 2009, "After having received notice from UNMIK on 17 March 2009 that for security reasons the authorization to hold a public hearing in the Cinema Hall of the former UNMIK HQ on 19 March 2009 was revoked, the Panel decided to proceed with a hearing closed to the public". The EU Rule of Law Mission (EULEX) who now occupy the building, were said to have concurred.

The families of the victims were unhappy about the decision and instructed their lawyers to make a request to adjourn the hearing until it could be heard in public. This application was successful, and the HRAP decided that a public hearing would take place on 4 June.

Amnesty International has repeatedly called for UNMIK to be held accountable to the people of Kosovo for the unlawful killings and serious injuries resulting from the apparent excessive use of force and firearms by UNMIK police on 10 February 2007.

The organization has said that UNMIK should be held accountable in a manner that is both transparent and in accordance with international standards of fairness.

UNMIK, which remains in Kosovo under UN Security Council Resolution 1244/99, was mandated to re-establish the rule of law and respect for human rights in Kosovo. Amnesty International considers that the UN and contributing countries must ensure that all those responsible for human rights violations, criminal or other wrongful conduct should be held accountable, including through criminal prosecution, where appropriate.

Amnesty International has noted that UNMIK has over the past months sought to derail the hearing in this case, including by continuing to argue that the case was inadmissible, although HRAP had already ruled it admissible on 6 June 2008.

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