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Kosovo: The killing of Mon Balaj and Arben Xheladini– a decade of waiting for justice

Ten years ago, on the 10th February 2007, Mon Balaj and Arben Xheladini were killed during a demonstration organized by Vetëvendosje (Movement for Self-Determination, today an opposition parliamentary party) in Priština/Prishtinë in Kosovo. They died after members of a Romanian Formed Police Unit, acting under the United Nations Interim Administration Mission in Kosovo (UNMIK) fired rubber bullets at demonstrators. Others were seriously injured.

UNMIK's internal investigation in 2007 established that the men had been killed through the use of rubber bullets, but failed to identify those responsible and to hold them to account. The rubber bullets were out-of-date (the rubber had perished, revealing the steel ball beneath) and were fired directly at demonstrators by some of the 10 members of the Romanian police.

While the families of Mon Balaj and Arben Xheladini, together with two of the injured men were initially offered compensation in relation to the material damages through an internal UN procedure in 2009, no other forms of reparation have been offered to the survivors and families of the deceased, and no independent criminal investigations into the killings have ever been opened in Kosovo. The unknown members of the Romanian police had already been repatriated by the time the findings were made public. In Romania, an investigation by a military prosecutor was closed in 2009 without identifying the perpetrators.

A Human Rights Advisory Panel (HRAP) was established in 2006 to examine complaints from any person or group of individuals claiming to be the victim of a human rights violation by UNMIK. Relatives of Mon Balaj and Arben Xheladini, as well as two of those who suffered injuries complained to the HRAP. In March 2015, following a lengthy process overshadowed by UNMIK's reluctance to cooperate, the HRAP found that the Mission had failed to protect the right to life of the victims under Article 2 of the European Convention on Human Rights (ECHR), both in causing the death and injuries, and in failing to conduct an effective investigation into them. The HRAP also found that the Mission had violated the right to peaceful assembly, under Article 11 of the ECHR, concluding that the force used by its police to disperse the demonstration was not absolutely necessary and that there was no evidence to suggest that any of the four men were involved in any violent acts. Amnesty International welcomed the Panel's Opinion as the first step towards justice for the victims and their families.

At the same time, Amnesty International urged the Special Representative of the UN Secretary General (SRSG), UNMIK's head to implement the recommendations made in the Opinion and to take further steps to ensure that perpetrators are brought to justice.

Amnesty International regrets that almost two years since the HRAP has issued its recommendations, UNMIK has not made public any decision or issued information about progress made towards fulfilling the Panel's recommendations. On the occasion of the 10th anniversary of

their death, Amnesty International has written to the SRSG to urge UNMIK to publicly apologize for the failure to protect the lives of Mon Balaj and Arben Xheladini, as well as for those injured, and provide the complainants with full reparation for the damage suffered.

Amnesty International calls on the Special Representative to fully implement the recommendations made in the Opinion from March 2015, to provide reparation to the victims and the families, as well as to take further steps to ensure that perpetrators are brought to justice.

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