AMNESTY INTERNATIONAL
PUBLIC STATEMENT

Kosovo: Still waiting for justice for the February 2007 killings

On the fifth anniversary of the unlawful killing of Mon Balaj and Arben Xheladini Amnesty International calls on the international community in Kosovo to provide their families with access to justice, and full reparations for their loss.

Mon Balaj and Arben Xheladini were killed during a demonstration organized by Vetëvendosje in Pristina on 10 February 2007. They died when members of a Romanian Formed Police Unit under the control of United Nations Interim Administration Mission in Kosovo (UNMIK) police fired rubber bullets at the demonstrators. Others, including Zenel Zeneli, Mustafa Nerjovaj and Hysni Hyseni, were seriously injured.

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. No independent criminal investigation has ever been opened into the killings, and the injuries of others. An investigation by a military prosecutor in Romania was closed in December 2009, without identifying the perpetrators.

Amnesty International notes that the families of Mon Balaj and Arben Xheladini, and two of the injured men were awarded compensation in relation to material damages through an internal UN procedure.

However, neither the relatives of the deceased not the injured men have yet received any of the other forms of reparation to which they are entitled under Articles 19-23 of the UN Basic Principles and Guidelines, including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.

Over the past five years, the families have continued to seek justice. They have applied to the Human Rights Advisory Panel - introduced in March 2006 to provide remedies for acts and omissions by UNMIK. Their case before the HRAP is still pending, despite repeated opposition and obstruction by UNMIK. But the HRAP does not have the power to initiate a criminal investigation; it can only recommend to UNMIK that such an investigation be initiated.

However, UNMIK no longer has the power to investigate and prosecute serious crimes.
The duty to investigate serious crimes has been transferred to the EU-led rule of law mission (EULEX). Amnesty International therefore urges EULEX to promptly open an impartial and independent investigation into the deaths and injuries that took place on 10 February 2007.

The investigation should be conducted jointly by international and local prosecutors within the Special Prosecutors Office of Kosovo. Given that UNMIK's internal investigation also apportioned responsibility to those in the chain of command whose actions or inaction had brought about the use of rubber bullets in a confused public order situation, the investigation should address all of the circumstances surrounding these events. This should include an investigation into the potential criminal responsibility of UNMIK police and other officials with command and control of the policing operation on that day. Amnesty International urges UNMIK and UN member states to fully cooperate with the investigation.

The continued lack of an effective investigation is a violation of basic human rights including the right to life, the prohibition of torture and other inhuman treatment, the right to peaceful assembly and the right to an effective remedy.

Amnesty International also reminds UNMIK of the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law.

Amnesty International considers that UNMIK should also ensure that the victims and the relatives of the deceased are granted access to each and all of the forms of reparation, to which they are entitled under international human rights law and UN standards.

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