

AMNESTY INTERNATIONAL

PUBLIC STATEMENT

AI Index: EUR 70/003/2015
10 February 2015

Kosovo: Rubber bullets strike again Remember Mon Balaj and Arben Xheladini

On 10 February 2007, Mon Balaj and Arben Xheladini were killed during a demonstration organized by Vetëvendosje in Priština/Prishtinë. 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.

Last month, on 27 January 2015, three men taking part in a demonstration in Prishtinë were again injured by rubber bullets. This time the rubber bullets were used by the Kosova Police.

Urban Qarolli, who was subsequently hospitalized for nine days, told Amnesty International. “The police were showering protesters with a water cannon, and a lot of tear gas. I couldn’t see anything – and at that moment I was shot with a rubber bullet in my eye. I don’t remember anything after that, until I was in the emergency room. The doctors told me that the rubber bullet has damaged the pupil of my eye, and that I had a lot of internal bleeding. The doctor in the Eye Clinic told me that there are only minimal chances for my eye to be saved”. Another man, Valon Hoti, was injured in the neck by a rubber bullet. He told Amnesty International, “My neck went numb, and I felt other bullets hitting my body”. A third man, Florim Kurti was hit on his lips.

Whilst there are conflicting accounts about the levels of violence during the demonstration, witnesses told Amnesty International that no warning was given before rubber bullets were deployed, and aimed – according to witnesses, directly at protestors - into a crowded demonstration where visibility was obscured by clouds of tear gas.

MPs from the political party Vetëvendosje, which also organized the 27 January demonstration, have filed criminal charges against Kosovo Police officials including for “threat to life” and “serious physical injury”, based on over 20 statements collected from injured and arrested protestors, medical reports, photographs and video evidence.

Amnesty International is particularly concerned about the use of rubber bullets by the Kosovo Police, following the deaths in 2007 of two protestors shot by rubber bullets deployed by UNMIK Police in February 2007. Following that incident, in July 2007, the Head of UNMIK Police prohibited the use of rubber bullets by any UN police unit in Kosovo for whatever purpose. However, the Special Representative of the UN Secretary General and Head of the UNMIK, described the police response on 27 January 2015, as proportionate.

Amnesty International urges the Kosovo authorities to open an investigation to assess whether the use of rubber bullets was consistent with national law and international human rights law and standards, including the UN Code of Conduct for Law Enforcement Officials and the UN Basic

Principles on the Use of Force and Firearms by Law Enforcement Officials. In particular, the investigation should examine the rules of engagement, including the risk assessment made in advance and resulting in the deployment of forces armed with plastic bullets, and orders given to Kosovo Police units involved.

Amnesty International urges that the inquiry should be conducted promptly and impartially, and the results made public. Any police officers suspected of unlawful conduct should be immediately suspended, and victims should be awarded reparation, including compensation for their injuries.

Background

An internal UNMIK investigation in 2007 found that Mon Balaj and Arben Xheladini were killed and three other men injured after being hit with out-of-date rubber bullets, where the rubber had perished, revealing the steel ball beneath. UNMIK concluded that the victims had been killed or injured by unknown members of the Romanian police unit, who had already been repatriated by the time the findings were made public.

The families of Mon Balaj and Arben Xheladini, and two of the injured men were initially offered compensation in relation to material damages through an internal UN procedure in 2009. However, neither the relatives of the deceased nor the injured men have yet received any of the other forms of reparation to which they are entitled under international human rights law and standards.

A complaint brought by the relatives and the victims against UNMIK's failure to conduct an effective investigation is due to be considered by the Human Rights Advisory Panel - introduced in March 2006 to provide remedies for acts and omissions by UNMIK.

They claim that UNMIK violated the right to life of the victims, and their right to peaceful assembly, and that they failed to conduct an effective investigation into the incident. They also claim that by not being able to bring a claim against UNMIK before a court or before any other body capable of providing redress, their rights to a fair trial and to an effective remedy have been violated. Their complaint is still due to be heard by the Human Rights Advisory Panel.

No independent criminal investigation in Kosovo 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. In 2013, Amnesty International also urged the government of Kosovo to support the establishment of an impartial and independent investigation into the deaths and injuries. Amnesty International again repeats its call on UNMIK to provide both the injured and the relatives of the murdered men with access to justice and full reparation for their loss and injury.

Public Document

International Secretariat, Amnesty International, 1 Easton St., London WC1X 0DW, UK

www.amnesty.org