



SESSION REPORT **(80th session, February 2015)**

During its session in February 2015, the [Human Rights Advisory Panel](#) (the Panel) adopted seven Opinions concerning seven complaints. There remain 77 complaints pending before the Panel. Complete statistics are available here in [English](#), [Albanian](#) and [Serbian](#). Below are summaries of the adopted Opinions; the full texts will be published on the Panel's webpage in approximately a month's time.

Mon BALAJ and Others v. UNMIK (case no. 04/07)

The complaint filed by the complainants was related to the actions of UNMIK Police on the occasion of a demonstration organised by Vetëvendosje movement, which took place in Prishtinë/Priština, on 10 February 2007. As a result of these actions, Mr Mon Balaj, the son of the first complainant, and Mr Arben Xheladini, the son of the second complainant, were killed and other demonstrators were wounded, some seriously, including Mr Zenel Zeneli and Mr Mustafë Nerjovaj, the third and fourth complainants.

The Panel found, first, that in the circumstances of this case the force used to disperse the demonstrators, which caused the deaths of Mr Mon Balaj and Mr Arben Xheladini and injuries to Mr Zenel Zeneli and Mr Mustafë Nerjovaj, was not absolutely necessary within the meaning of Article 2(2) of the ECHR. Therefore, the Panel found that there was a violation of the substantive limb of Article 2 of the ECHR.

In addition, the Panel found that, although the investigation into the circumstances leading to those tragic consequences was prompt, it did not display sufficient guarantees of independence and impartiality and did not satisfy the requirement of thoroughness. Thus, the Panel considered that there are serious reasons to doubt whether the investigation was capable of finding those responsible and bringing them to justice. Therefore, the Panel concluded that UNMIK failed to carry out an effective investigation into the matter, in violation of the procedural limb of Article 2 of the ECHR.

Finally, the Panel found that the forceful intervention of the police officers was disproportionate and not necessary in a democratic society for the prevention of disorder, in violation of Article 11(2) of the ECHR.

The text of the opinion is already available on the Panel's webpage in [English](#), [Albanian](#) and [Serbian](#).

Zvezdan VITOŠEVIĆ v. UNMIK (case no. 116/09)

The complainant is the son of Mr Marko Vitošević, who was abducted on 16 June 1999 from his house in Rahovec/Orahovac by KLA members. From that time his whereabouts have remained unknown.

The Panel concluded that UNMIK failed to carry out an effective investigation into the abduction and probable killing of Mr Marko Vitošević, thus violating the procedural limb of Article 2, ECHR, and that by its behaviour, UNMIK contributed to the complainant's distress and mental suffering, constituting a violation of Article 3 of the ECHR.

Gordana JANIĆIJEVIĆ v. UNMIK (case no. 216/09)

The complainant is the wife of Mr Stanomir Janičević, who was abducted in front of his house in Prizren, by unknown persons, on 17 June 1999. Since that time his whereabouts have remained unknown.

The Panel concluded that UNMIK failed to carry out an effective investigation into the abduction and disappearance of Mr Stanomir Janičević. There has accordingly been a violation of Article 2, procedural limb, of the ECHR and that by its behaviour, UNMIK contributed to the complainant's distress and mental suffering, constituting a violation of Article 3 of the ECHR.

Raza SHALA v. UNMIK (case no. 234/09)

The complainant is the daughter of Mr Uka Saliu, who was abducted, in June 1999, from his house in Klinë/Klina municipality by unnamed persons. Since that time his whereabouts have remained unknown.

The Panel concluded that UNMIK failed to carry out an effective investigation into the abduction and disappearance of Mr Uka Saliu, in violation of the procedural obligation under Article 2 of the ECHR. The Panel further found that by its behaviour UNMIK contributed to the complainant's distress and mental suffering, constituting a violation of Article 3 of the ECHR.

Bojana LAZIĆ v. UNMIK (case no. 261/09)

The complainant is the wife of Mr Veselin Lazić, who was abducted on a street in Nerodimja e Epërme/Gornje Nerodimlje village, Ferizaj/Uroševac municipality, on 19 August 1998. Since that time his whereabouts have remained unknown.

The Panel concluded that UNMIK failed to carry out an effective investigation into the abduction and disappearance of Mr Veselin Lazić, in violation of the procedural obligation under Article 2 of the ECHR. The Panel further found that by its behaviour UNMIK contributed to the complainant's distress and mental suffering, constituting a violation of Article 3 of the ECHR.

Ru. R. v. UNMIK (case no. 340/09)

The complainant is the wife of Mr Ra. R., who was abducted from their home in Istog/Istok, on 23 June 1999. Since that time his whereabouts have remained unknown.

The Panel concluded that UNMIK failed to carry out an effective investigation into the abduction and disappearance of Mr Ra. R., thus violating the procedural limb of Article 2, ECHR, and that by its behaviour, UNMIK contributed to the complainant's distress and mental suffering, constituting a violation of Article 3 of the ECHR.

Verica PEKIĆ v. UNMIK (case no. 15/10)

The complainant is the wife of Mr Vidosav Pekić, who went from Serbia proper to Kosovo, on 24 April 2001, to sell their house in Viti/Vitina. After spending the first two nights at friends' houses, he headed towards Viti/Vitina and was not seen alive again. His body was found with traces of violent death (strangulation) shortly thereafter and handed over to the complainant. The complainant stated that she was never informed of any investigation into her husband's killing.

The Panel concluded that UNMIK failed to carry out an effective investigation into the killing of Mr Vidosav Pekić, thus violating the procedural limb of Article 2, ECHR.

This report is a document produced by the Panel's Secretariat. It does not bind the Panel. Decisions, opinions and further information about the Panel can be found on www.unmikonline.org/hrap

The Panel was set up in Prishtinë/Priština by the United Nations Interim Administration Mission in Kosovo (UNMIK) in 2006 to deal with alleged violations of human rights.