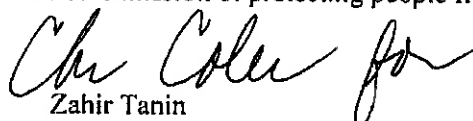


**SRSG's decision in the Complaint of  
Mr. Kadri Balaj, Mr. Shaban Xheladini, Mr. Zenel Zeneli and Mr. Mustafë Nerjovaj  
(Case no. 04/07)**

After reviewing the opinion and the recommendation of my Human Rights Advisory Panel on the Complaint of Mr. Kadri Balaj, Mr. Shaban Xheladini, Mr. Zenel Zeneli and Mr. Mustafë Nerjovaj (Case no. 04/07), I informed my Advisory Panel, on 30 May 2016, of the following:

- I wish at the outset to express my appreciation for the work of the Panel and for the recommendations it has made in relation to the present complaint.
- With respect to the first recommendation, I regret the actions taken by a Police contingent within UNMIK Police which led to the deaths of Mr. Mon Balaj and Mr. Arben Xheladini and to the serious injuries to Mr. Zenel Zeneli and Mr. Mustafë Nerjovaj, and to the injuries to other demonstrators. I also regret that the investigation conducted by UNMIK Police and Special Prosecutor could not identify the individuals directly responsible.
- The Panel has also recommended that I take appropriate steps towards the payment of adequate compensation to the Complainants for moral damage. I am prepared to discuss the possibility of setting up a mechanism to deal with such matters with the relevant authorities at the appropriate juncture.
- In relation to the Panel's third recommendation, I will ensure that all necessary assistance is provided, if investigation into this matter is reopened by the national authorities, in accordance with the resolution 66/93 of the UN General Assembly, adopted on 9 December 2011, on the *Criminal Accountability of the United Nations Officials and Experts on Missions* and other relevant resolutions of the General Assembly on the subject.
- Lastly, in relation to the fourth recommendation concerning guarantees of non-repetition, I wish to recall that the acts in question relate to activities carried out by the institutions established under the interim administration of Kosovo over which UNMIK no longer has control. As such UNMIK is not in a position to refer the Panel's recommendations to those institutions for appropriate action. In addition, the carriage and use of rubber bullets by United Nations police personnel, including Formed Police Units (FPUs), has been prohibited by DPKO/DFS.
- As a general matter, the Panel may also wish to be informed that the principal organs of the United Nations have adopted numerous resolutions and decisions which reflect the importance of promoting and protecting human rights, including by the United Nations. The Organisation also continues to make changes in order to strengthen its work for the future and within the areas of the United Nations where it can make a difference. In this regard it will continue striving to meet its core mission of protecting people from harm.

  
Zahir Tanin

Special Representative of the Secretary-General