

*Special Representative
of the Secretary-General*

29 June 2021

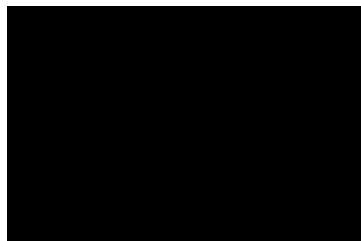
[REDACTED],

I am writing in response to your letter dated 29 June 2020 in which you requested UNMIK to transmit to the Kosovo authorities a joint communication sent by the Special Rapporteur on minority issues, the Special Rapporteur on the human rights of internally displaced persons, and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance.

Please find attached the official comments prepared by the Office of Good Governance, Human Rights, Equal Opportunity and Gender Issues in the Office of the Prime Minister of Kosovo.

In submitting the attached document, UNMIK underlines that it provides the document only in respect of information pertinent to establishing the actual situation vis-à-vis the joint communication. UNMIK takes note of reference to certain institutions and laws and of language used in various parts of the document submitted by the Kosovo authorities that do not conform with the status-neutral stance of the United Nations. Wherever the language used in comments departs from the status-neutral stance of the United Nations in relation to Kosovo, this language should be seen as reflecting only the views of the Kosovo institutions' response to the joint communication.

Accordingly, UNMIK, in submitting comments, does so without prejudice to the status of Kosovo. It provides the information in the spirit of cooperation between UNMIK and the Special Procedures of the Human Rights Council, in line with UNMIK's mandate under United Nations Security Council resolution 1244 (1999).



Special Representative of the Secretary General
Head of UNMIK

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Office of the High Commissioner for Human Rights
Geneva

REPUBLIKA E KOSOVËS - REPUBLIKA KOSOVA - REPUBLIC OF KOSOVO QEVERIA E KOSOVËS - VLADA KOSOVA - GOVERNMENT OF KOSOVO ZYRA E Kryeministrit - Ured Premijera - OFFICE OF THE PRIME MINISTER SEKTORI I ARKIVËS - SEKTOR ARHIVE - ARCHIVE SECTOR	
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Republika e Kosovës
Republika Kosova-Republic of Kosovo
Qeveria-Vlada-Government

Zyra e Kryeministrit-Ured Premijera-Office of the Prime Minister

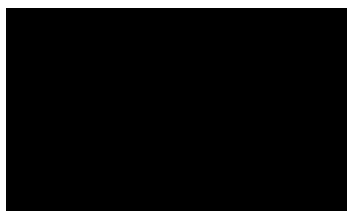
Zyra për Qeverisje të Mirë/Kancelarija za Dobro Upravljanje/Office on Good Governance

Prishtina, 18 Jun 2021

Honored Mr. Tanin

The Acting Prime Minister of the Government of the Republic of Kosovo, Mr. Abdullah Hoti, on 30 June 2020, received from you, in the capacity of Special Representative of the Secretary-General and Head of UNMIK, a letter addressed by the Special Rapporteur on Minorities; Special Rapporteur on the human rights of internally displaced persons; and Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance.

In response to the letter addressed to the Prime Minister, please find attached some relevant information on the addressing of the concerns raised by the Special Rapporteurs.



Sincerely,
Habit Hajredini

Director, Office on Good Governance /Office of the Prime Minister

Mr. Zahir Tanin
Special Representative of the Secretary-General of the United Nations

Addressing the concerns raised by the United Nations Special Rapporteurs, from the Institutions of the Republic of Kosovo

The Acting Prime Minister of the Government of the Republic of Kosovo, Mr. Abdullah Hoti, on 30 June 2020, received from you, in the capacity of Special Representative of the Secretary-General and Head of UNMIK, a letter addressed by the Special Rapporteur on Minorities; Special Rapporteur on the human rights of internally displaced persons; and Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance.

The letter addressed by the Special Rapporteurs has brought to the attention of the Prime Minister the information received by Special Rapporteurs in relation to the concerning number of incidents targeting minorities in Kosovo, including the physical and verbal attacks, harassments and intimidations, as well as destruction and misuse of the property.

Furthermore, the document points out that since the outbreak of the COVID-19 in March 2020 to 31 May 2020, 36 incidents targeting various minorities in Kosovo have been reported. Number of interethnic incidents continued to increase in June 2020 and includes four new reported cases. Reported incidents included suspicions for arson and destruction of property, theft, burglary, physical attack that results in injury, verbal threats and offensive inscriptions, which may constitute incitement of discrimination, hostility or violence.

Office of Good Governance, Human Rights, Equal Opportunities and Non-Discrimination within the Office of the Prime Minister, along with the relevant institutions of the Republic of Kosovo, analysed and reviewed all concerns raised by the Special Rapporteurs. For your attention, please find below information provided by the Office of Chief State Prosecutor and Director General of the Kosovo Police in relation to the actions undertaken with regards to the concerns raised by the Special Rapporteurs in their observations.

We remain at your disposal in case of any clarification or additional information.

I. Information provided by the Office of the Chief State Prosecutor;

Office of the State Prosecutor of the Republic of Kosovo, through the Office of the Prime Minister- Secretary-General, received the request of Mr. Zahir Tanin, Special Representative of the Secretary-General and Head of UNMIK, whereby he requested information in relation to the concerns raised by the United Nations Special Rapporteurs in compliance with the Human Rights Council resolutions 34/6, 41/15 and 34/35 on issues of minorities in Kosovo involved in physical and verbal attacks, racial discrimination, xenophobia and intolerance, harassment and intimidation, as well as destruction and misuse of the property.

This letter also required additional information in relation to 36 incidents in which minorities in Kosovo are involved, steps undertaken to ensure the protection of human rights and to prevent attacks and violence against minority communities.

Given the fact that, the State Prosecutor is competent and responsible to prosecute persons accused of having committed criminal offences and other criminal offences, as determined in the law and in order to ensure the equal objective and unprejudiced treatment for all persons regardless of the gender, race, national and social origin, associations or political affiliations, religious beliefs, the State Prosecutor issued the following:

Guideline concerning the treatment of hate crimes, where the Coordinator for handling the hate crimes cases has been assigned in order to coordinate the activities with the prosecutors in prosecution offices in Kosovo, to handle cases of hate crimes and one prosecutor assigned in relevant departments in each prosecution office, who will handle the hate crimes, in order to unify the practices. This Guideline has been signed by the Chief State Prosecutor on 07.06.2019.

Also, based on the abovementioned Guideline, each prosecution office has assigned prosecutors in relevant prosecution offices, who will handle the mentioned cases. This is aimed at ensuring with such prosecutors the professional development and harmonization of the operation throughout the country.

State Prosecutor, in cooperation with OSCE, held trainings in each region in order to familiarize the prosecutors, judges and police officers in handling and investigating the crimes of such nature.

Also, with regards to the Memorandum of Understanding between MIA, Kosovo Police, Office of the State Prosecutor and KJC for Handling the Hate Crimes in Kosovo and obligations of each institution under this Memorandum.

Following the verification of information by the Coordinator for handling the hate crime cases, we inform you that, with regards to the criminal offence of inciting national, racial, religious or ethnic hatred, discord or intolerance foreseen in Article 147 of CCK, for the period 1 January - 31 December 2020, the following cases are under process in the prosecution office:

Number of cases being handled/persons – a total of 18 cases with 72 persons

Number of new cases/persons – 3 cases with 3 persons

Number of resolved cases/persons - 4 cases with 6 persons

Number of unresolved cases/persons - 14 cases with 66 persons

Manner of case resolution by the prosecution office per persons

For 2 persons – Indictment following the investigation procedure;

For 3 persons – the criminal report has been dismissed;

For 1 person – the investigation has been terminated

Decisions of courts for persons for whom there are decisions:

There are no court decisions for this reporting period.

As to other questions raised in your letter, we hereby suggest you to contact the Kosovo Police because the prosecution office handles the reported cases, criminal reports, whereas the term “incidents” you refer to may have a broader meaning. Thus, “incident” may be a minor offence and in such case we have no information because, as we already mentioned above, the prosecution office acts following the receipt of the criminal report or information collection and investigations, which later result in filing the indictment.

II. Information provided by the General Director of the Kosovo Police:

Kosovo Police treats all possible inter-ethnic cases with priority and always based on the laws in force in accordance with the Constitution of the Republic of Kosovo and international conventions for respect for human rights and fundamental freedoms.

Since 2015, the Kosovo Police has drafted the SOP on Prevention of Inter-ethnic Crimes and Hate. Among the KP activities undertaken in areas with mixed population/community, the KP has established a community policing unit as a separate sector. This aims to implement the police activity in the best possible way in cooperation with various communities, especially minorities, so that in the areas where they live they are provided the highest quality services, order and security, as well as proper treatment of inter-ethnic cases or incitement to hatred. Kosovo Police normally appoints police officers of relevant community or officers communicating in the language of communities, who take care of them by meeting with their group and religious leaders to gather information for preventing potential crimes.

Based on the above, we inform you that out of 11 cases opened during 2020, according to the Criminal Code of RKS "Inciting discord and intolerance", as possible inter-ethnic cases, 9 cases or 82% of them were sent to the prosecutor's office and 5 people have been arrested so far.

Kosovo Police, in addition to possible inter-ethnic cases, also handles cases against Cultural Heritage as, since 2008, the KP provides them with physical security 24/7. The KP, with a special unit since 2013, provides security in 24 Orthodox heritage sites and has also drafted an Operational Order regarding the Preservation and protection of cultural heritage, assigning in detail tasks in terms of providing security as KP officials as well as lighting the locations, installing security cameras in 8 sites, while re-evaluating every 6 months the security of the sites in question.

Regarding cases against CRH (Cultural and Religious Heritage), 57 cases have been reported in 2020. Out of 57 cases that occurred during this period of time, 19.30% of them are damages in CRH sites such as: damage to property (doors, fences, cemeteries, etc.), while 80.71% are other cases that occurred inside CRH sites such as: theft, aggravated theft, aggravated attempted theft, etc., related to personal gain.

Out of a total of 57 cases in January-December 2020, 45 cases or 78.95% of them occurred in Muslim heritage sites, 08 cases or 14.04% of them in Orthodox ones, 03 cases or 05.27% of them in Catholic ones, while another case concerns a relocation of a sign identifying a Catholic monument, which represents 1.76% of cases.

I hope the data presented are sufficiently informative regarding the cases that occurred, in order for you to have a clear overview with real statistics on the issues raised, as well as on the responsibility and activities undertaken by the Kosovo Police.