

NATIONS UNIES
HAUT COMMISSARIAT DES NATIONS UNIES
AUX DROITS DE L'HOMME

PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME

UNITED NATIONS
OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on extrajudicial, summary or arbitrary executions

REFERENCE: AL G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (107-9) G/SO 214 (33-27)
KSV 1/2012

10 January 2013

Dear Mr. Zarif,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights defenders; and Special Rapporteur on extrajudicial, summary or arbitrary executions pursuant to Human Rights Council resolutions 16/4, 15/21, 16/5, and 17/5.

In this connection, we would like to bring to the attention of the United Nations Interim Administration in Kosovo (UNMIK) information we have received concerning **alleged physical attacks and threats against lesbian, gay, bisexual, and transgender (LGBT) rights defenders, including members of the organizations Kosovo 2.0 and Libertas**. Given the UNMIK's role to monitor and support local institutions in Kosovo, we would be grateful if you could please transmit the attached letter to the Kosovo authorities. In this letter, all reference to the term "Kosovo", whether to the territory, institutions or population, should be understood to be in full compliance with Security Council resolution 1244 (1999) and without prejudice to the status of Kosovo.

In this regard, we would like to recall the UNMIK's mandate to protect and promote human rights and urge the UNMIK to extend any necessary cooperation to the Kosovo authorities in this matter.

Please accept, Mr. Zarif, the assurance of our highest consideration.

Frank La Rue
Special Rapporteur on the promotion and protection of the right to
freedom of opinion and expression

Maina Kiai
Special Rapporteur on the rights to freedom of peaceful assembly and
of association

Margaret Sekaggya
Special Rapporteur on the situation of human rights defenders

Christof Heyns
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REFERENCE: AL G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (107-9) G/SO 214 (33-27)
KSV 1/2012

10 January 2013

Dear Mr. Thaci,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights defenders; and Special Rapporteur on extrajudicial, summary or arbitrary executions pursuant to Human Rights Council resolutions 16/4, 15/21, 16/5, and 17/5.

In this connection, we would like to bring to your attention information we have received concerning **alleged physical attacks and threats against lesbian, gay, bisexual, and transgender (LGBT) rights defenders, including members of the organizations Kosovo 2.0 and Libertas.**

Kosovo 2.0 is a website which produces blogs, articles and multimedia in English, Albanian and Serbian, with a particular focus on youth issues. Libertas is a newly formed LGBT rights advocacy organization that offers support, training and practical assistance to the LGBT community in Kosovo.

According to the information received:

On 14 December 2012, Kosovo 2.0 was due to launch its new print issue at the Youth and Sports Centre in Prishtinë/Pristina. The issue focused on the theme of sexuality in the Balkans and covered topics such as LGBT life in Kosovo, sex education, relationships and gender re-assignment surgeries. Sources report that organizers of the launch planned for an open debate on sexuality to take place at

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the event. On 13 December, threatening and abusive comments were reportedly posted on a social media page of the website.

On the morning of 14 December, members of Kosovo 2.0 presented a complaint to the central police station regarding the abusive messages and requested police presence at its launch. Police officers were reportedly subsequently assigned to the event. According to the information received, at 6:00 p.m. that evening, a group of approximately 20 individuals entered the Youth and Sports Centre and proceeded to destroy the stage and physically attack a member of Kosovo 2.0. Police officers present at the event did not allegedly react in sufficient time to stop the initial violence. Following the police intervention, the violence reportedly ceased and the launch continued at 7:00 p.m. Sources also report that special police forces were subsequently recruited to the venue.

At approximately 10:30 p.m. that same evening, 30 minutes before the party of the launch was due to take place, a group of over 100 individuals reportedly approached the building of the Youth and Sports Centre, many of them shouting insults towards those inside at the event. Due to fears for their security, members of Kosovo 2.0 and guests attending the launch were reportedly evacuated out of the building in small groups by police officers. A taskforce was reportedly established by the Kosovo Police Directorate to deal with the incident.

According to further information received, on 15 December, a video entitled “God has condemned you as the people of Lut” and containing abusive and threatening messages against the LGBT community in Kosovo was released on the Internet. The video allegedly threatens two LGBT women defenders, with death, by way of showing photos of the two individuals with gun targets superimposed on their faces. Accompanied by an Arabic prayer, the video contains Albanian text of verses 7:80-84 of the Qur’an, a story reportedly used to demonstrate the disapproval of homosexuality within the Islamic faith. The above mentioned incidents on 14 December are also reportedly shown on the video. Sources also indicate that on 17 December, another video entitled “Protests against the event ‘The night of Sex’” was posted on the Internet showing the events which occurred on 14 December. The video shows a large group of individuals shouting insults and whistling loud at those persons being evacuated from the Youth and Sports Centre by police, with some items seemingly thrown by the crowd at the evacuated persons.

During the evening of 16 December, Libertas reportedly organized an informal gathering in a private residence with 17-20 members of the LGBT community in order to discuss the incidents which took place on 14 December. At approximately 8:30 p.m., two participants reportedly left the meeting to go the supermarket and noticed a vehicle parked nearby with passengers inside. Approximately thirty minutes later, another two individuals left the meeting to go outside. As they entered the front yard of the residence upon their return, they were reportedly physically attacked by a group of approximately four individuals, while another

four individuals stood in the yard. While one of the victims managed to escape and notify those inside of the attack, the other victim was allegedly severely beaten by the group. According to the information transmitted, the individuals subsequently managed to enter the residence and attempted to attack those inside with pepper spray, while one individual reportedly threw an unknown object toward the house. As participants of the meeting started to rush towards the front door, the attackers reportedly fled and the police were notified. After approximately ten minutes, three police patrol vehicles arrived, including the Police Commander of Pristina Region. Police reportedly registered statements of the victims and advised the individuals of basic evacuation procedures.

Sources report that police subsequently pressed charges against unknown persons for the attack against the participants of the meeting and for the physical assault on the individual, whom sources report subsequently suffered from nausea, shock and unconsciousness as a result of her injuries.

While recognizing the significant steps taken by the Kosovo Police to ensure the protection of the above mentioned persons during the reported incidents, concern is nonetheless expressed for their physical and psychological integrity. Concern is also expressed that the alleged physical attacks and threats are related to the above persons' activities as LGBT rights defenders, and their legitimate exercise of the right to peaceful assembly and association, as well as the right to discuss and advocate ideas and principles that may challenge accepted sociocultural norms and traditions, including those related to sexual orientation and gender identity.

We also wish to remind you that the Universal Declaration on Human Rights (UDHR) states that "all human beings are born free and equal in dignity and rights". All people, including lesbian, gay, bisexual, transgender and intersex persons, are entitled to enjoy the protection provided for by international human rights law, and these rights are in no way limited by the fact that someone is lesbian, gay, bisexual, transgender or intersex.

With respect to the information on the death threats against two LGBT women defenders, we would like to refer to Article 3 of the UDHR, stipulating that "everyone has the right to life, liberty and the security of person". Furthermore, Principle 4 of the Principles on Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, adopted by the Economic and Social Council resolution 1989/65, states that effective protection through judicial or other means shall be provided to individuals and groups who are in danger of extra-legal, arbitrary or summary executions, including those who receive death threats.

We would also like to urge you to take all necessary steps to secure the right to freedom of opinion and expression in accordance with fundamental principles as set forth in article 19 of the UDHR, which provides that "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information

and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice."

Furthermore, we remind you of article 20 of the UDHR, which provides that "everyone has the right to freedom of peaceful assembly and association."

In this connection, we would like to refer to Human Rights Council resolution 21/16, and in particular operative paragraph 1 that states the "obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law."

Regarding allegations received indicating that the physical attacks and threats are related to the above persons' activities as LGBT rights defenders, we would like to refer to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, and in particular article 1 which states that everyone has the right, individually or in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels. Moreover, article 2 states that there is a responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the necessary guarantees required to ensure that all persons are able to enjoy all those rights and freedoms in practice.

Furthermore, we would like to bring to your attention article 7 of the Declaration which refers to the right to discuss and advocate for human rights ideas and principles that are not necessarily new but that, in some contexts, may be perceived as new or unpopular because they address issues that might challenge tradition and culture. In this connection, the Special Rapporteur on the situation of human rights defenders has advocated for the need to guarantee the principle of pluralism and recognize the right of defenders to promote and advocate for new human rights ideas or ideas that are perceived as new. She has further encouraged the adoption of additional measures to ensure the protection of defenders who are at greater risk of facing certain forms of violence and discrimination because they are perceived as challenging accepted sociocultural norms, traditions, perceptions and stereotypes, including about sexual orientation and gender identity.

As it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your cooperation and your observations on the following matters:

1. Are the facts alleged in the above summary of the cases accurate?
2. Has a complaint been lodged by or on behalf of the victims in relation to the alleged incidents on 14, 15 and 16 December 2012?
3. Please provide the details, and where available the results, of any investigations carried out in relation to these cases. Please also provide information on any prosecutions undertaken and any penal, disciplinary or administrative sanctions imposed on alleged perpetrators. Please also provide information on the reported taskforce established following the incident of 14 December 2012.
4. Please clarify whether appropriate remedies have been made available to the victims.
5. Please provide information on measures taken to ensure the physical and psychological integrity of LGBT rights defenders in Kosovo and to ensure an environment where all human rights defenders can carry out their legitimate and peaceful activities without fear of violence, threats and intimidation.
6. Please provide detailed information whether protection measures were provided to the victims and in particular to the two LGBT women defenders threatened to death.

We would appreciate a response within sixty days. Your response will be made available in a report to the Human Rights Council for its consideration.

While waiting for your response, we urge all necessary measures are taken to guarantee that the rights and freedoms of the above mentioned persons are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that effective measures are adopted to prevent the recurrence of these acts.

Please accept, Mr. Thaci, the assurances of our highest consideration.

Frank La Rue
Special Rapporteur on the promotion and protection of the right to
freedom of opinion and expression

Maina Kiai
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