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## **KOSOVO AND HUMAN RIGHTS**

By Ngadhnjim Avdyli - 10.12.2019



### **ON HUMAN RIGHTS DAY, WE EXAMINE THE KOSOVO POLICE.**

December 10 marks Human Rights Day. A day for the remembrance of the Universal Declaration of Human Rights, that was approved on December 10, 1948, by the General Assembly of the United Nations. The declaration represents a call for all countries to respect the human rights of every person, community, nation and ethnic group.

The declaration is built on the principles of dignity, freedom, equality and brotherhood.

Some of the objectives that it strives to achieve are the right to life, elimination of slavery, freedom of thought and movement, freedom of association in politics, trade unions and religion, as well as economic, social and cultural rights.

To achieve these objectives, the UN General Assembly called for countries to promote the Declaration through teaching and education, as well as to establish institutions that enable the implementation of these ideals.

Kosovo is one of the countries that has pledged to achieve these objectives. The laws and constitution of the country were made based on the principles of the Declaration of Human Rights.

Beyond what is written on paper, how is Kosovo doing in practice?

Let's look at the Kosovo Police, one of the most institutions that citizens trust the most — according to surveys.

Ensuring the right to life of every individual is one of the main objectives of the Declaration of Human Rights, which the state of Kosovo aims to fulfill. Naturally, the Kosovo Police force is primarily responsible for achieving this aim. Its duty is to be the first to respond when someone's right to life is violated. But are they doing well in this regard?

There are many cases where the Kosovo Police have been accused of negligence. Let's recall some of the most flagrant.

### **Negligence leads to death**

On May 12, 2018, Valbona Marku-Ndrecaj reported her husband Pjetër Ndrecaj to the police, accusing him of domestic violence. She claimed that for years, she was physically and sexually abused by her husband. After the report, the police arrested Ndrecaj and held him in custody for 30 days. The prosecution did not take into account Valbona's accusations of sexual violence.

When he was released, Pjetër Ndrecaj tried to convince Valbona to return home with their five children. Valbona refused to live in the same house with him, but one day, accompanied by two policemen — with no court order — Ndrecaj went to her residence and took two of the children with him. The two policemen are currently suspended.

Ndrecaj began threatening Valbona to get her to move back home.

"A beautiful gift awaits you and Lalushi's [your loved one's] heart will ache," he told Valbona in a threatening phone call on August 7, 2018.

But on that day, according to her brother's testimony, Valbona reported the threatening message that she had received to the police and requested physical protection "because Pjetër is always armed."

“It’s okay, we’ll deal with him now,” the police told her.

A few hours later, Valbona and her nine year- old daughter were killed with a Kalashnikov by their husband/father. He fired 30 bullets in their direction. The police did not provide physical protection to Valbona and her daughter, as required by law.

The judicial institutions weren’t quick enough to help them and many other women who suffered at the hands of their abusers.



Protesters face policemen in front of the police station in Prishtina. Foto: Atdhe Mulla / K2.0

Associations that work to protect the rights of women have continuously expressed their concerns that the police do not allocate enough of their budget to fight domestic violence. They also complain that the police are not properly prepared to deal with these cases and that they often blame the victim, instead of dealing with the abusers.

The motto “How many more missed calls?” has been directed towards police for many years.

### **Another murdered child**

In addition to facing severe economic conditions and having to do heavy physical work, an 11- year -old from the Roma community in Fushë Kosovë was also sexually abused. The minor, who collected cans from rubbish bins and wherever else to sell them for profit, told his mother, Makfire Ilazi-Veseli, about the abuse he endured.

On January 29, 2019, she reported 20- year- old Sefadin Osmani to the police at least two or three times, accusing him of sexual, psychological and physical abuse against her young son. Kosovo Police confirmed Makfire's claim about the report.

But it took the police more than two months to finally file criminal charges against the suspect on April 15, 2019. The Center for Social Services declared that in February and March of 2019, the 11- year -old told them about the sexual violence he was experiencing.

On July 11, 2019, the 11-year- old was found dead under a staircase in an apartment building in Fushë Kosovë.

The autopsy showed that the minor was sexually abused and subsequently hit on the head with a blunt instrument, which caused his death. It also showed that he was sexually abused at least three times before being murdered.

### **THE PROTESTERS SOUGHT ACCOUNTABILITY FROM THE STATE AND PUNISHMENT FOR THOSE WHO NEGLECTED THE CASE.**

The autopsy was unnecessary for the Roma family. The mother of the victim spoke to the media one day after her son's death, blaming Osmani whom she had reported to the police about six months before. The suspect Sefedin Osmani admitted to the crime when he came face-to-face with the law. Citizens responded to this case.

Protests were organized in Fushë Kosovë and Prishtina. In addition to accusing the judicial institutions of failing to ensure the victim's right to life, the protesters also demanded an investigation against the police station in Fushë Kosovë, due to suspicions that the reason why no measures were taken for more than two months was because of the victim's ethnic background. The Protesters sought accountability from the state and punishment for those who neglected the case.



Protesters demand to put an end to racism and discrimination in society. Photo: Majlinda Hoxha / K2.0.

The Ombudsman also responded by publishing a report about the murder of the minor, where he stated “...in the case in question there were violations of fundamental human rights and liberties, namely violations of the state’s positive obligation to protect the right to life...”

In this report, the Ombudsman said that the state failed to “protect children from violence and maltreatment,” and went on to say that “the authorities in question did not fulfill their legal and constitutional obligations, nor the international standards, for protecting the victim’s life, which are applicable in the Republic of Kosovo.”

Based on analyses, evaluations and findings, the Ombudsman issued recommendations to the Basic Prosecution in Prishtina, Kosovo Police, as well as the Ministry of Labor and Social Welfare.

### **Multiple abuses against a minor**

In late October, the Basic Prosecution in Prishtina filed an indictment against six people for “sexual abuse while misusing their position, authority or profession”; “inciting sexual acts with the false promise of marriage”; “pressure to terminate pregnancy illegally”; and “intimidation during penal procedure.”

The accusations were filed because of allegations that six people abused an underaged girl from Drenas.

In September 2016, the 16 -year- old went to the police to report her professor for sexual violence and fraud.

### **STATE INSTITUTIONS WERE ACCUSED OF FAILING TO PROTECT THE MINOR FROM ABUSE, EVEN THOUGH SHE REPORTED THE CASE YEARS BEFORE.**

According to the minor, policeman V.V. who dealt with the case abused his official authority and began to blackmail her, instead of helping her. After taking her phone number, the policeman took pictures of her — claiming they were for the investigation— and began harassing, blackmailing, and later sexually abusing her for more than a year. The minor became pregnant and on January 15, she was forced by policeman V.V. to get an abortion in a private clinic in Prishtina.

The doctor who performed the abortion has also been indicted. A lawyer is also part of the indictment, accused of sexual abuse and intimidation during the investigation.

The case has incited many reactions. Protests were organized by human rights activists in Prishtina and Drenas. Many high level state officials also responded.



“Rapists in jail!” was one of the slogans at the protest. Photo: Majlinda Hoxha / K2.0.

State institutions were accused — by the Ombudsman as well — of failing to protect the minor from abuse, even though she reported the case years before.

### **Tortured in the police station**

On October 9, online news website Sinjal [published a shocking video](#) where five policemen are seen torturing a handcuffed citizen inside the Gjakova police station. The events unfolded on November 18, 2018. The victim stated that he was in the city park early in the morning when he was stopped by four policemen. He claims that they began beating and then dragged him from the park to the police station, despite being handcuffed.

Cameras inside the police station recorded the violence that continued. The video showed that the man had been beaten prior to arriving at the station.

After they took the handcuffed man to the entrance hall of the police station, he was hit multiple times by one of the policemen, while others watch. The victim is left lying down on the floor for a few minutes. Later, commander Kristë Gjoka arrives and proceeds to punch the victim. Physically

abused, the victim is again left lying on the ground for a few minutes. His blood falls over the floor and one of the men subsequently cleans it.

But the violence doesn't end there.

The victim is then taken to another room, where there are no security cameras. He claims in that room he was beaten again. After that, he was kept in custody in one of the rooms that have security cameras, but this did not stop the policemen from continuing to violently hit the victim. He was punched and strangled.



The case was reported by the victim, but not until ten months later were the policemen suspended, returning to work this September. However, in late November, the prosecution filed an indictment against the six policemen, headed by commander Gjoka. They are accused of “maltreatment while on official duty” and “misuse of official position or authority.”

The Ombudsman and activists consider the events a severe violation of human rights.

### **Selective protection of citizens**

In November 2018, [Kallxo.com](http://Kallxo.com) published a video that was recorded inside a police station. Two people were being interrogated by the police, while someone was filming. One of the two who were being interrogated claimed that the other had taken ten euros from him at knifepoint.

The policemen that are seen and heard in the video are more interested in mocking and using derogatory language against the two people, rather than doing their job.

### **THESE ARE NOT THE ONLY CASES IN WHERE THE KOSOVO POLICE FORCE FAILED TO DO ITS JOB.**

The person who was accused of threatening the other at knifepoint admitted to the crime, but the policemen were more interested in knowing whether or not they had sex with each other. The accused said that they agreed to have sex for ten euros, while the accuser denied this.

One of the policemen asks the accuser “Are you gay?”

The other policeman is heard using derogatory language and insisting that the two people had sex with each other. The other officer laughed and kept insulting the accuser. The accuser demanded to be given back the money that was robbed from him.

“You wanted the d\*ck, he gave you the d\*ck, there’s no money...” the policeman responded.

The policemen didn’t file criminal charges in the case.

Five policemen were investigated and subsequently suspended by the Police Inspectorate on suspicion of committing “maltreatment while on official duty.”

LGBTI persons and organizations that combat discrimination based on sexual orientation responded by saying that the case is evidence of how the Kosovo Police force treats LGBTI people. According to them, this approach discourages LGBTI people from reporting the violence they experience.

These are not the only cases where the Kosovo Police force failed to do its job. It is continuously accused of violence inside police stations, at public gatherings, protests and other places, as well as of selective response. While citizens have put their trust in the Kosovo Police, in many cases members of the force have violated their trust and their fundamental rights.**K**

**Feature image: Majlinda Hoxha / K2.0.**

This article was produced by Kosovo 2.0 as part of the Equal Rights for All Coalition which is an EU funded project managed by the European Union Office in Kosovo.

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