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Institucioni i Avokatit të Popullit • Institucija Ombudsmana • Ombudsperson Institution**

Prishtinë, 2 December 2014
Mr. Hashim Thaçi, Prime Minister
Kosova Government
Government building
“Nëna Terezë” Square
10000 Prishtinë, Kosovë

REQUEST FOR PROVISIONAL MEASURES

Ex officio

Case no. 518/2014

Dear Mr. Prime Minister Thaçi,

The Ombudsperson, based on the article 15 of the Law on Ombudsperson, No.03/L-195, has initiated ex-officio investigation as per the impacts on human rights predicted by the Constitution and Laws in the field of University Education of the Decision no. 178/01B of the Minister of the Ministry of Education, Science and Technology, Ramë Buja, on 13th of November 2014, *Concerning enrollment of KLA fighters’ children in Prishtina University “Hasan Prishtina” in 2014/2015 Academic year.* The demand addressed to Rector of Prishtina University with this request was: *“Enrollment of KLA fighters’ children...who have undergone examination according to the official deadlines announced through competitions for the Academic year 2014/2015. (id., para.1-2).* Additionally the decision determines that:” *In case of possible inability to*

be enrolled within the programs for which they have applied this to be enabled within similar ones” (id., para.3).

Through this letter, I am addressing you with the recommendation to suspend execution of Minister Buja’s decision until accomplishment of investigations conducted by Ombudsperson is completed.

The recommendation is based on article 16, para. 5 of Ombudsperson’s Law which determines that “ *If during the investigation, the Ombudsperson determines that the execution of an administrative decision may have irreversible consequences for the natural or legal person, he/she can recommend to competent authority to suspend execution of the decision until completion of investigations relating to this issue by the Ombudsperson.*”

In case when a decision promulgated by a Minister, the [*competent authority*] for suspension of execution of the decision is Prime Minister of the Republic of Kosovo. Prime Minister’s special competency is to “*ensure law implementation*” (Constitution of the Republic of Kosovo, article 94, para. 3). In scope of this, as Government leader, the Prime Minister has the right to “*control the work of its members*” (Regulation no.02/2011 concerning the fields of administrative responsibilities of the Prime Ministers’ and Ministries Office, article 6, paragraph 3.2). Thus I am addressing to You with the request for suspension of Minister’s Buja decision.

The core principle for such recommendation suspension has been clearly met in this occasion, since “*execution of any administrative decision may have irreversible consequences for the natural or legal person*” (*Law on Ombudsperson, article 16, parag.5*).

I had a meeting with the Rector of Prishtina University “Hasan Prishtina”, Ramadan Zejnullahu, on 14th of November 2014. On this occasion I was informed by the Rector that Prishtina University is scarce in conditions to increase students’ number due to the lack of academic personnel as well as labs and other working premises. On this occasion the Rector of Prishtina University handed to me a copy of the letter sent to Minister Buja, where he confirms that “*possible increase of students number will burden the learning process which is being developed in insufficiency of spatial and lab infrastructure*” and “*will occur in the beginning of the school year and will result with impairing of quality of learning process*”. This Rector’s allegations present sufficient evidence that “*execution of this administrative decision might have irreversible consequences*” for current students of Prishtina University.

Regarding this issue, on 27th of November 2014, You have spoken regarding this issue as follows:

“University of Prishtina “Hasan Prishtina” ought to be the center of knowledge and education. Hard working students and those committed to gain knowledge and develop further deserve to be enrolled in it. Kosovo will never forget the precious sacrifice and commitment of KLA

veterans...However support goes for UP “Hasan Prishtina” and its leadership in literal implementation of students’ agreements and enrollment standards. Enrollment and learning deadlines, terms of preliminary agreement and legal rights estimable solely for those who really need and deserve that, should be respected. Solutions should be found in compliance with agreements and legal deadlines and not in the street.”¹

As Ombudsperson of the Republic of Kosovo, I entirely agree with Your support provided to the University of Prishtina as well as with Your deep gratitude exposed not solely for War veterans but for martyrs, disabled and missing persons of KLA war.

In meantime, the most efficient way to make real Your support for Prishtina University as “*center of knowledge and education*” is to exercise the competency which has been entrusted to you, which consist on suspension of execution of the decision no. 178/01B of Minister Buja until full, accurate and impartial investigation of entire elements of this case are concluded by Ombudsperson Institution.

Thus Mr. Prime Minister, considering the above given facts, on behalf of Ombudsperson Institution, I am addressing you with the request to undertake this compulsory step.

In compliance with articles 16.4 of the Law on Ombudsperson no. 03/L-195 as well as article 135, point 3 of the Constitution of Kosova, I am kindly asking from you to inform us regarding the steps undertaken from your side in the future as a response towards recommendation for provisional measures.

Yours sincerely,

Sami Kurteshi

Ombudsman

Copies: Mr. Ramadan Zeneli, Rector of Prishtina University” Hasan Prishtina”,

Mr. Rame Buja, Minister of the Ministry of Education, Science and Technology

¹ Webpage “Hashim Thaçi”, <https://www.facebook.com/HashimThaciOfficial>, posted on 27 November 2014.