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Institucioni i Avokatit të Popullit • Institucija Ombudsmana • Ombudsperson Institution

Mr. Ramë Buja
Minister of the Ministry of Education, Science and Technology
Str. “ Agim Rramadani”, n.n.
10000 Prishtine, Kosove

URGENT REQUEST FOR PROVISIONAL MEASURES

Ex officio

Case no. 518/2014

Dear Mr. Minister Buja,

The Ombudsperson, based on the article 15 of the Law on Ombudsperson, No.03/L-195, has initiated ex-officio investigation regarding legality and constitutionality of the Decision no. 178/01B of 13th of November 2014, Regarding *enrollment of KLA fighters’ children in Prishtina University “Hasan Prishtina” in the Academic year 2014/2015*. With the above given decision Your request addressed to the Rector of Prishtina University was that: “*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 to you with the recommendation to suspend execution of this decision until accomplishment of investigations conducted by the Ombudsperson. This recommendation does not in any way prejudice the merits of the case or investigation results.

The recommendation is based on article 16, para. 5 of the 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.*”

This requirement has been noticeably accomplished in the present case. In the meeting performed with the Rector of Prishtina University “Hasan Prishtina”, Ramadan Zejnullahu, on 14th of November 2014, information has been provided to us regarding inability of Prishtina University to increase the number of students due to the lack of professional staff, as well as appropriate labs and indispensable working premises. During the same meeting Rector Zejnullahu handed a copy of the letter that has been sent to You through which he confirms that “possible increase of the students number will burden the learning process which is being developed in the scarcity of spatial and lab infrastructure” and “will occur in the beginning of the school year and as a result will impair the quality of learning process”. Without anticipating on investigation results, these Rectors' claims present sufficient evidence that “execution of this administrative decision might have irreversible consequences” for the current students of Prishtina University.

Prime Minister of the Republic of Kosovo, Mr. Hashim Thaçi, spoke regarding this issue on 27th of November 2014, stating that:

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 Prime Minister's support provided to the University of Prishtina as well as his gratitude exposed not solely for War veterans but for martyrs, disabled and missing persons of KLA war.

In meantime, the most efficient way to put in life Prime Minister 's support for Prishtina University, as “ *center of knowledge and education*” is suspension of execution of your decision, until full investigation commenced by Ombudsperson is completed.

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

Thus Mr. Minister, considering the above given facts, I am addressing you with the request to undertake this compulsory step.

Yours sincerely

Sami Kurtshi

Ombudsman

Copies to: Mr. Ramada Zejnullahu, Rector of Prishtina University "Hasan Prishtina"

Mr. Hashim Thaçi, Prime Minister of the Republic of Kosovo