



Republika e Kosovës • Republika Kosovo • Republic of Kosovo
Institucioni i Avokatit të Popullit • Institucija Ombudsmana • Ombudsperson Institution

THE REPORT
OF
OMBUDSPERSON

A. no. 663/2023

To:

Mr. Përparim Rama, Mayor
Municipality of Prishtina

Prishtina, May 16, 2025

Purpose of the Report

1. This report of the Ombudsperson aims to draw the attention of the Municipality of Prishtina to its obligation to implement the principles of good administration, as defined by Law No. 05/L-031 on the General Administrative Procedure (LGAP), in order for the requests and complaints of citizens to be handled with responsibility, efficiency, and effectiveness, and with due respect for the rights of citizens.
2. The report also aims to bring to the attention of the Municipality of Prishtina its obligations as defined by the Constitution and by Law No. 05/L-019 on the Ombudsperson, to respond to the requests of the Ombudsperson and to submit all requested documents and information in accordance with the law.

Legal basis

3. The Constitution of the Republic of Kosovo, Article 132, paragraph 1, stipulates: *“The Ombudsperson monitors, defends and protects the rights and freedoms of individuals from unlawful or improper acts or failures to act of public authorities.”* Whereas, Article 135, paragraph 3 stipulates: *“The Ombudsperson is eligible to make recommendations and propose actions when violations of human rights and freedoms by the public administration and other state authorities are observed.”*
4. According to Law No. 05/L-019 on the Ombudsperson, the Ombudsperson has, *inter alia*, the following competencies and responsibilities:
 - *“The Ombudsperson has the power to investigate complaints received from any natural or legal person related to assertions for violation of human rights envisaged by the Constitution, Laws and other acts, as well as international instruments of human rights, particularly the European Convention on Human Rights, including actions or failure to act which present abuse of authority. (Article 16, paragraph 1);*
 - *to draw attention to cases when the institutions violate human rights and to make recommendation to stop such cases and when necessary to express his/her opinion on attitudes and reactions of the relevant institutions relating to such cases; (Article 18, paragraph 1, sub-paragraph 2);*
 - *to publish notifications, opinions, recommendations, proposals and his/her own reports.” (Article 18, paragraph 1, sub-paragraph 1.6).*

Summary of Facts and Actions of the Ombudsperson

5. On the basis of Article 16, paragraph 1, of Law No. 05/L-019 on the Ombudsperson, on December 11, 2023, the Ombudsperson received a complaint from [REDACTED], submitted against the Municipality of Prishtina, regarding the lack of response to his request with prot. no. 09-355/01-0215628/23, dated November 3, 2023.
6. According to the complainant's claims, on November 3, 2023 he submitted a request to the Municipality of Prishtina regarding the disturbance of public order and peace caused by his neighbor, but he did not receive any response or reaction from the Municipality regarding the matter.

7. On February 6, 2024, the Ombudsperson addressed a letter to the Mayor of the Municipality of Prishtina requesting information about the actions taken and those planned in relation to the complainant's request.
8. On March 19, 2024, the Ombudsperson sent a reminder letter to the Mayor of the Municipality.
9. On October 9, 2024, a representative of the Ombudsperson contacted the Office of the Mayor of the Municipality of Prishtina, where an advisor in the Mayor's Office confirmed receipt of the Ombudsperson's letters for this case and pledged that the Mayor would respond to them.
10. Nevertheless, the Ombudsperson did not receive any response to the letters sent to the Mayor of the Municipality of Prishtina.
11. On March 3, 2025, the Ombudsperson's representative contacted the complainant to obtain information about the developments in the case. The complainant stated that he still had not received any response from the Municipality of Prishtina regarding his request.

Assessment of the Ombudsperson

12. The handling of requests by public administration bodies of the Republic of Kosovo is regulated by Law no. 05/L-031 on the General Administrative Procedure (LGAP).
13. The principles of good administration are incorporated in the LGAP, which, among others, oblige administrative bodies to be efficient and effective in fulfilling their functions in a timely and organized manner, to be responsible in handling requests and to clarify their actions, to respect the citizens' rights to be informed and to receive services, to be transparent, and through timely responses and services provided, to build trust between citizens and public administration bodies.
14. The public administration body, in this case the Municipality of Prishtina, must ensure that a decision/response to a submission is issued within a reasonable time frame and without delay.
15. The processing, reviewing, and decision-making on a request is a legal obligation for the public authority and, on the other hand, it is the right of every individual to have their request handled in accordance with the law, through a proper legal procedure and to receive a response or decision based on their legal rights, both procedurally and substantively.
16. Based on the circumstances of the case, the Ombudsperson finds that the Municipality of Prishtina, by failing to process the complainant's request submitted on November 3, 2023, did not act in compliance with the LGAP.
17. In addition, the Municipality of Prishtina also failed to respond to the Ombudsperson's written requests, dated February 6, 2024 and March 19, 2024, regarding information related to the complainant's request. Furthermore, on October 9, 2024, the representative of the Ombudsperson, in the absence of a response, contacted the Office of the Mayor of Prishtina to bring the Ombudsperson's requests to his attention, yet the Municipality of Prishtina has not provided any response.
18. The Ombudsperson finds that the Municipality of Prishtina has failed to act in accordance with the Constitution of the Republic of Kosovo, Article 132, paragraph 3, which states:

“Every organ, institution or other authority exercising legitimate power of the Republic of Kosovo is bound to respond to the requests of the Ombudsperson and shall submit all requested documentation and information in conformity with the law.”

19. Likewise, the Ombudsperson finds that the Municipality of Prishtina failed to act in accordance with Article 25 [Obligation of cooperation and consequences of refusal], paragraph 1, of the Law on the Ombudsperson, which provides: *“All authorities are obliged to respond to the Ombudsperson on his requests on conducting investigations, as well as provide adequate support according to his/her request.”*
20. Furthermore, Article 24, paragraph 4, of the Law on the Ombudsperson stipulates that: *“Refusal or failure to respond to the requirements of Ombudsperson is considered obstruction of Ombudsperson’s work. This does not prevent the Ombudsperson to issue his conclusions and recommendations.”*
21. In addition, Article 24, paragraph 5, of the Law on the Ombudsperson provides that: *“The Ombudsperson may report the actions foreseen in paragraph 4 of this Article in his reports.”*

Based on the circumstances outlined above, the Ombudsperson, in accordance with Article 135, paragraph 3, of the Constitution of the Republic of Kosovo (*“[...] is eligible to make recommendations and propose actions when violations of human rights and freedoms by the public administration and other state authorities are observed.”*), in the capacity of a recommender, hereby

RECOMMENDS

To the Municipality of Prishtina:

- ***To handle citizens’ requests and complaints in accordance with Law no. 05/L-031 on the General Administrative Procedure (LPPA).***
- ***To respond to the Ombudsperson’s requests for documents and information in compliance with the Constitution of the Republic of Kosovo (Article 132, paragraph 3) and Law no. 05/L-019 on the Ombudsperson (Article 25, paragraph 1).***

In accordance with Article 132, paragraph 3, of the Constitution of the Republic of Kosovo (*“Every organ, institution or other authority exercising legitimate power of the Republic of Kosovo is bound to respond to the requests of the Ombudsperson and shall submit all requested documentation and information in conformity with the law.”*) and Article 28 of Law no. 05/L-019 on the Ombudsperson (*“Authorities to which the Ombudsperson has addressed recommendation, request or proposal for undertaking concrete actions, including disciplinary measures, must respond within thirty (30) days. The answer should contain written reasoning regarding actions undertaken about the issue in question.”*), kindly inform us of the actions you will undertake regarding this matter.

Respectfully,
Naim Qelaj
Ombudsperson