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KOS103839.E

Kosovo: The police force, including its structure; procedures to submit a complaint against police and responsiveness to complaints

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

Composition of police force

Sources indicate that the Kosovo police force operates under the authority of the Ministry of Internal Affairs and is composed of approximately 7,000 police officers (Council of Europe 2 July 2009, para. 82; US 8 Apr. 2011, Sec. 1d). Statistics posted on the police website indicate that, in 2009, 85.8 percent of police officers were Albanian, 9.4 percent were Serbian, and 4.8 percent were from other ethnic minorities (Kosovo 2009). The International Crisis Group (Crisis Group) reports that the police have strong representation among Serbs and other minorities (19 May 2010, 5).

In addition, the police statistics show that 85.2 percent of police officers were male and 14.8 percent female and presents the composition of the police force, by rank, as follows: 81.47 percent are police officers; 11.89 percent are sergeants; 4.28 percent are lieutenants; 1.26 percent are captains; and less than 1 percent have the rank of major, lieutenant colonel, colonel, assistant general director, general director, or deputy general director of the police (Kosovo 2009).

A 2011 assessment of the integrity of Kosovan institutions by the Kosova Democratic Institute (KDI), a regional organization that aims to enhance "transparency, accountability and responsiveness of governing institutions" (KDI n.d.), and Transparency International (TI) Kosovo states that senior staff in Kosovo's law enforcement agencies are appointed through a "highly political process" rather than on merit (27 July 2011, 155). The European Union's European Commission similarly notes that the Kosovo police lack a performance-based promotion system (EU 12 Oct. 2011, 57).

Structure of police force

According to the Crisis Group, the structure of the police force is probably too small for the size of the country (19 May 2010, 6). The Kosovo Police is composed of six departments: the Department of Public Order; the Department against Crime; the Department of Border; the Department of Support Services; the Department of Administration and Personnel; and the Crime Laboratory Centre (Kosovo n.d.b). The Council of Europe's Commissioner for Human Rights notes that Kosovo has 33 police stations and six regional police offices (2 July 2009, para. 81). Regional police offices are located in Pristina, Peja (Pejë), Prizren, Gjilan, Ferizaj and Mitrovica (Mitrovice) (Kosovo n.d.a). The Council of Europe explains that while five of the six regional police offices report directly to the police

headquarters in Pristina, the office in northern Kosovo reports to the Police Component of the European Union Rule of Law Mission in Kosovo (EULEX) (2 July 2009, para. 81). The United States (US) Department of State's *Country Reports on Human Rights Practices for 2010* corroborates this information, while noting that EULEX has authority for the police in the Serb-majority areas north of the Ibar River (8 Apr. 2011, Sec. 1d). These areas include the municipalities of Zubin Potok, Zveçen, Leposaviq (Leposavic) and the northern part of Mitrovica (US 8 Apr. 2011, Sec. 1d). The Council of Europe states that the EULEX Police Component comprises approximately 1,400 international police officers whose mandate is to "monitor, mentor and advise" the Kosovo police (2 July 2009, para. 83, 84).

The Crisis Group describes the Kosovo police as "the strongest of Kosovo's rule of law institutions," but also notes that the police have difficulty combating high-level crimes because of "political interference, security problems and limited training" (19 May 2010, 5, 8). Similarly, the European Commission states that the Kosovo police need to improve their ability to combat "complex types of crime" and to prevent political interference (EU 12 Oct. 2011, 57). According to the Crisis Group, officers are poorly paid and poorly equipped (19 May 2010, 6).

Corruption

Sources characterize corruption in Kosovo as "widespread" (KDI and TI 27 July 2011, 52) and as a "serious" problem (Freedom House 2011; EU 12 Oct. 2011, 14) with corruption among law enforcement officials a particular concern (ibid.; US 3 Mar. 2011, Sec. 4). According to the US *International Narcotics Control Strategy Report* for 2011, police officers are susceptible to corruption due to low-paying salaries and insufficient benefits (ibid.). The report identifies as typical, corruption cases in which officers accept bribes to overlook drug-trafficking or smuggling (ibid.). A report on corruption in the western Balkans by the United Nations Office on Drugs and Crime includes a survey of Kosovo that was conducted between November and December 2010 (UN 2011, 67). According to the survey, which was taken by a net sample size of 5,000 people from Kosovo's different regions, approximately 30 percent of respondents who had had contact with the police had paid a bribe to a police officer within the 12 months prior to the survey (ibid., 26).

The European Commission notes that by 2011 Kosovo had made "some progress" in combating corruption by strengthening its anti-corruption task force and the disciplinary structures within law enforcement agencies, as well as by improving its legislative framework (EU 12 Oct. 2011, 13-14). According to the joint KDI and TI report, in February 2010, authorities worked with EULEX to establish a task force against corruption and organized crime that has 30 police officers and 10 special prosecutors (27 July 2011, 151). However, the European Commission notes "significant challenges" in Kosovo's efforts to fight corruption, including "limited" expertise and capacity among law enforcement agencies and insufficient cooperation between the country's anti-corruption agency, police and judiciary (EU 12 Oct. 2011, 13). The KDI and TI also express the opinion that "prosecution of corruption cases by law enforcement agencies is weak mainly as a result of political interference" (27 July 2011, 150).

In the Balkan Investigative Reporting Network's publication *Balkan Insight*, the public relations head of the Kosovo police said that between 1999 and 2007, the police initiated 61 cases against police officers for bribery or corruption (23 Oct. 2009). The Crisis Group also reports that the Kosovo police have taken action against corrupt police officers, citing cases in which officers were arrested for taking bribes, soliciting bribes, and leaking information (19 May 2010, 11). However, the Crisis Group points out that these cases "seem to be exceptions to the rule" (ibid.).

Police misconduct

In a visit to Kosovo in June 2010, the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) received "numerous" complaints from recent detainees that police officers had physically mistreated them while trying to obtain confessions (Council of Europe 6 Oct. 2011, para. 8). Specifically, the allegations accuse the police of, among other things, punching, kicking, slapping, striking with hard objects, and beating the soles

of feet (ibid.). The CPT noted that some of the allegations were severe enough to be classified as "torture" (ibid., para. 9). In many of the cases, the medical records revealed injuries that were consistent with the allegations of police mistreatment (ibid.). However, the European Commission in 2011 stated that the number of torture or ill-treatment cases involving police or prison staff in Kosovo had decreased (EU 12 Oct. 2011, 15).

Sources report on an incident that took place on 12 June 2010, in which the police used tear gas and police batons to disperse a crowd when attempting to arrest the leader of a "'self-determination'" movement at the group's headquarters (US 8 Apr. 2011, Sec. 1c; Kosovo 5 July 2010). According to a report on the incident by the Ombudsperson Institution, members of the organization suffered "serious" injuries, including first- and second-degree burns, and although handcuffed, were subject to physical violence at the police station (ibid.).

Complaints against police

Sources report that individuals can file a complaint against a police officer with the Kosovo police, the Police Inspectorate of Kosovo (Kosovo 11 Nov. 2011; ibid. 9 Nov. 2011; KDI and TI 27 July 2011, 161), the Ombudsperson Institution (ibid.; Kosovo 2011, 127-128), or the legal aid commission (KDI and TI 27 July 2011, 161).

According to the joint report by the KDI and TI, every police station has an "ethics office" at which individuals can report police misconduct (27 July 2011, 161). In correspondence with the Research Directorate, the Police Inspectorate's director of investigations explained that complaints made at police stations are sent to them for analysis, and that they investigate the complaints deemed to be of a criminal nature and forward those requiring disciplinary measures to the Police Standards Unit of the Kosovo police for investigation (Kosovo 11 Nov. 2011). The Police Inspectorate's annual report for 2010 specifies further that if it determines that the alleged violation is a minor disciplinary infraction it is returned to the police for investigation by the Internal Investigation Unit (ibid. 2010, 123). A serious disciplinary violation is investigated by the Inspectorate and if it finds it a criminal offence, notifies the public prosecutor (ibid.).

Police Inspectorate of Kosovo

According to the Council of Europe's Commissioner for Human Rights, the Police Inspectorate was established in 2006 as an external oversight agency, and it began investigations in 2007 (Council of Europe 2 July 2009, para. 92). The Inspectorate is under the authority of the Ministry of Interior, but is independent of the Kosovo police (ibid. 6 Oct. 2011, para. 15).

The Police Inspectorate's annual report for 2010 provides the following statistics on the number of cases reported to it between January and November 2010 (Kosovo 2010, 169): The total number of cases reported was 1,185, of which 577 were initiated by citizens, 595 internally and 13 by other institutions (ibid.). Classification of the cases determined that 408 (34.4%) were "serious disciplinary violations"; 541 (45.7%) were "minor disciplinary violations"; and 236 (19.9%) were "[g]roundless complaints" (ibid., 170). The serious disciplinary violations were further categorized according to type of breach, of which the top five were

- "[g]rave discrediting behaviour" (20.8 percent);
- "[o]ver use of force" (18.6 percent);
- "[s]erious authorization violation" (15.4 percent);
- "[c]riminal activity" (12.7 percent); and
- "[s]erious disobedience" (9.3 percent) (ibid., 171).

Of the complaints made, 75.2 percent involved police officers; 8.9 percent sergeants; 4.6 percent lieutenants; 4.3 percent captains, majors, lieutenant-colonels or colonels; and the remaining 7 percent attributed to either unknown or civil staff (ibid., 172).

The Council of Europe reports that the Police Inspectorate has structural problems, such as insufficient resources to address the backlog of cases (6 Oct. 2011, para. 15).

Complaints investigated by police

A representative of the Kosovo police reportedly stated that between 1999 and 2008, 480 police officers had been fired due to "abuses of professional standards," 16 officials were demoted, and 850 officers were suspended without pay (BIRN 3 Oct. 2008). The Crisis Group reports that of the 866 minor cases of misconduct that were investigated by the police in 2009, 773 were concluded, resulting in 593 recommendations for disciplinary penalties, including 4 disqualifications (19 May 2010, 10). However, the Crisis Group also notes that of the 218 cases that were initiated by citizens, few resulted in disciplinary actions and more than half were dismissed as "unsupported" (19 May 2010, 10). This was reportedly due in part to a lack of witnesses to the alleged misconduct but also because witnesses withdrew their statements, allegedly as a result of police intimidation (International Crisis Group 19 May 2010, 10).

Ombudsperson Institution

According to the Ombudsperson Institution's annual report for 2010, its mission is to investigate complaints from individuals claiming that their human rights have been violated by public authorities (Kosovo 2011, 13). In addition to their main office in Pristina, there are regional offices in Gjilan, Peja, Mitrovica, Prizren and Graçanicë, as well as a sub-office in the northern part of Mitrovica (ibid., 15). Individuals can file complaints during working hours and, in case of emergency, contact the office outside working hours (ibid., 16). The KDI and TI joint report also points out that individuals can file complaints at the main office or any of the regional offices by filling out a complaint form with basic information about the complainant and details of the issue (27 July 2011, 205). However, the KDI and TI note that many citizens are "not well informed" about the Institution and the procedures to file complaints (27 July 2011, 205).

In 2010, the Ombudsperson Institution received and registered 1,233 citizen complaints, of which 414 were investigated (ibid., 127). Of those that were investigated, 23, approximately 5 percent, were against police officials (ibid., 128, 136). However, KDI and TI indicate that recommendations made by the Institution are often not implemented (27 July 2011, 196). The European Commission notes that the Ombudsperson's recommendations require the support of the Prime Minister's office in order to be implemented, and describe the Institution as "a weak institution, due to the lack of political support to ensure its proper functioning and financial independence" (EU 12 Oct. 2011, 9-10).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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