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Point 1 de l'ordre du jour

Questions d'organisation et de procédure

Note verbale datée du 20 mars 2013 adressée au secrétariat du Conseil des droits de l'homme par la Mission permanente de l'Albanie auprès de l'Office des Nations Unies à Genève

La Mission permanente de la République d'Albanie auprès de l'Office des Nations Unies et des autres organisations internationales à Genève présente ses compliments au secrétariat du Conseil des droits de l'homme et a l'honneur de lui faire tenir ci-joint l'exposé écrit de la République d'Albanie au sujet du discours prononcé par le chef de la délégation serbe, Roksanda Ninčić, Vice-Ministre de la coopération technique, pendant le débat de haut niveau tenu à la vingt-deuxième session du Conseil des droits de l'homme.

Nous serions reconnaissants au secrétariat de faire distribuer la présente note verbale et l'annexe* en tant que document de la vingt-deuxième session du Conseil des droits de l'homme.

* L'exposé écrit est distribué tel qu'il a été reçu, dans la langue originale seulement.

Annexe

[Anglais seulement]

Written statement in reply to the speech of the Chair of the Serbian delegation, Deputy Minister for Cultural Cooperation, Ms. Roksanda Nincic, during the High Level Segment of 22nd Session of the Human Rights Council Geneva

The Republic of Kosovo is an independent and sovereign state recognized by 98 UN member states. According to the Advisory Opinion of the International Court of Justice, the unilateral declaration of Kosovo's declaration of independence is in accordance with the international law. During these 5 years, the country has made a remarkable progress in consolidating its independence, which was also proven by the decision of the International Steering Group to end the international supervision of its independence.

The adoption and implementation of the Constitution, the decentralization of municipalities in the country, the establishment of six new municipalities for Serb-majority communities are some examples of significant developments in Kosovo in the consolidation of the rule of law and protection of human and minority rights. In this framework, we consider that the findings of the Serbian delegation representative on the situation of human rights in Kosovo and the medieval monuments of cultural and religious heritage do not reflect the reality.

Taking into account the reports of different international organizations, we would like to present some findings on the human rights situation in Kosovo, including the situation of non-Albanian communities and that of cultural and religious heritage:

According to the European Commission Working Document (COM (2012), on 10.10.2012), Kosovo has a solid legal basis for the protection of human and minority rights, as well as of cultural heritage. Kosovo's Constitution continues to guarantee the protection of cultural rights and linguistic rights of its minorities, as well as the Serbian Orthodox Church rights. According to this report, at present, minority representatives have 25 seats guaranteed in the Assembly as a result of the system of guaranteed and reserved seats (13 for the Serbian community and 12 for members of other minorities). Persons belonging to minorities are also well represented in the government (reference pages 12, 13, 14 of the EC Document).

Referring to the Report presented to the OSCE Permanent Council on 7 February 2013 by the Head of OSCE Mission in Kosovo, Ambassador Jean-Claude Schlumberger in Vienna, "on September 2012, the Minister for European Affairs Lucinda Creighton in her capacity as representative of the Irish OSCE Chairmanship visited Kosovo, meeting with leaders of Kosovo institutions, Serbian Orthodox Church representatives and those of international organizations. She welcomed the progress that Kosovo institutions have made in the recent years in some important areas, including the protection of minorities and human rights".

Regarding security, the last Report of the UN Secretary-General emphasizes that the overall number of recorded incidents affecting minority communities decreased during 2012 and notes the serious efforts of the Kosovo Police to address and investigate every incident.

The preservation of the religious and cultural heritage remains at the core of Kosovo's Constitution and refers to the «Comprehensive Proposal for the Kosovo Status

Settlement of UN Special Envoy Martti Ahtisaari of 26 March 2007», Annex V «Religious and cultural heritage». Regarding the Security for Religious and Cultural Sites, this Annex provides as follow:

- The Serbian Orthodox Church, its monasteries, churches and other religious and cultural sites of special significance to the Kosovo Serb community shall be provided the necessary security.
- The main responsibility to ensure the security of Kosovo's religious and cultural heritage shall lie with the Kosovo law enforcement agencies in particular the Kosovo Police Service (KPS). The ESDP Rule of Law Mission, in consultation with the International Military Presence (IMP), shall monitor, mentor and advise the KPS in the implementation of this task.

According to the latest Report of the UN Secretary-General, KFOR continues to provide on-site protection at the Visoki Decani Monastery and the Pec Patriarchate. Other Orthodox patrimonial sites are now under the protection of the Kosovo police.

The Report notes that the fresco restoration at the Bogorodica Ljeviska Church in Prezren and the reconstruction work at three UNESCO cultural heritage sites, (the Visoki Decani Monastery, the Gracanica Monastery and the Pec Patriarchate) have been completed by donations from several countries (paragraphs 47,48 of the Report (S/2013/72).

Referring to the EC document on cultural rights and heritage, Kosovo has undertaken steps to implement the Council of Europe and UNESCO conventions on cultural rights. According to the report «The situation in Kosovo and the role of the Council of Europe» prepared by Mr. Björn von Sydow, representative of the Committee on Political Affairs and Democracy» the Kosovo Police provides 24 hour protection for 23 Serbian religious and cultural centers” (Report on 07 January 2013, paragraph 100).

On the issue of return of internal displaced persons (IDP), the Report of the UN Secretary-General underlines that most municipal community committees in Kosovo continue to function and ensure them all the essential needs. Several municipalities amended their status to incorporate the regulation on the establishment of the municipal office for communities and returns (S/2013/72, paragraph 34).

Despite the difficulties for returnees, we underline the fact that “according to the Office of the United Nations High Commissioner for Refugees (UNHCR), since 2010,

24 020 persons have “voluntarily” returned to Kosovo”. On a positive note, Kosovo authorities have allocated €3.4 million to aid repatriated persons, including minority communities (referring to Report of Mr. Bjorn von Sydow, paragraphs 100,106).

Regarding the matter of investigating allegations on organ trafficking raised by Mr. Dick Marty, in his capacity as rapporteur of the Parliamentary Assembly of the Council of Europe, we inform you as follows:

Following the adoption of Dick Marty’s Report, the Albanian authorities immediately expressed their willingness to cooperate quickly and effectively with the EULEX Special Investigative Task Force, for the investigation of the unfounded allegations raised by rapporteur Marty. Taking into account the importance of a full and transparent clarification on the allegations on organ trafficking, the Assembly of the Republic of Albania adopted the law «On jurisdictional relations in criminal matters with the EULEX special investigation unit» in May 2012. Based on this law, EULEX prosecutors are allowed to investigate within the Albanian territory on the alleged implications of Albania in the illicit trafficking of human organs in the Albanian territory.