



**Ec Ma Ndryshe Civil Emancipation
EC MA NDRYSHE Non-Governmental Organisation**

29 August 2015, Prizren

PRESS RELEASE

No action by the institutions three weeks after the destruction of the Inn and the House of the Mullafazliu Family

Three weeks after the destruction of the Inn and the House of the Mullafazliu family in Prizren – which in the Law on Historic Centre of Prizren i.e. annex thereto on cultural monuments at the Historical Centre of Prizren appears as a residential building at number 13 – the prosecution bodies have failed to initiate an investigation, though the Ministry of Culture, Youth and Sports has announced that it would initiate proceedings in compliance with the law in the forthcoming days. On the other hand, the Municipality of Prizren, namely the Directorate of Inspectorates and the Directorate of Urbanism and Spatial Planning, have given contradictory answers about the existence or inexistence of a destruction permit.

The notification received by the Basic Prosecutors' Office of Prizren reads that the authority “has not received any submission or criminal report yet, from any entity, based on which it would initiate an investigation!”

On the other hand, the notification received from the Department of Cultural Heritage with the MCYS reconfirms the absence of an institutional coordination. The notification received from the MCYS refers to, *inter alia*, Article 19 of the Law on Cultural Heritage of Prizren, which provides that “inspection and oversight shall be carried out in the framework of a cooperation between the municipal inspection authority and the Institute for the Protection of Monuments in Prizren (Regional Cultural Heritage Centre in Prizren), by assigning inspectors (in plural), implying 2 inspectors at least”.

“Municipal Inspectorate, as an action initiator and ordering authority, has sought no cooperation for the inspection. Rather, it has only acted unilaterally, appointing one inspector alone”, the MCYS notification reads.

MCYS has also stated that the notification of the RCHC in Prizren and MCYS Commission does not entail, in any way whatsoever, the right to undertake any unilateral action without a sufficient consultation with the respective authorities. “This indicates that, even following our submission dated 10 April 2015, wherein we request that the parties coordinate all actions in compliance with the legislation in force, the MCYS has not received any other request about the issue under consideration and that only unauthorised actions were taken at a much later stage”, the MCYS notification reads.

Furthermore, another notification – namely a correspondence between the MCYS and the RCHC in Prizren – whose copy was provided to the EC Ma Ndryshe by the MCYS – states – as to the latest developments at the Historic Centre of Prizren i.e. the destruction of the Inn and the House of the Mullafazliu family in the vicinity of... – that the “MCYS/DCH will initiate other proceedings in compliance with the legislation in force” in the forthcoming days.

Unlike MCYS, Directorate of Inspectorates of Prizren has, in the answer given to the EC Ma Ndryshe, asserted that the owner has been supplied with a permit for the destruction of “Mullafazliu’s Inn” and has also mentioned the MCYS’s reference i.e. the decision of the RCHC in Prizren and the request of the RCHC in Prizren to review the Party’s case and other documents.

“Pursuant to Article 16, paragraphs 2, 3 and 6 of the Law on Cultural Centre in Prizren and Article 3.1.28 of the Law on Construction, the Construction Inspectorate maintains that the Party/Investor has acted in accordance with the applicable laws”, the DI report reads.

However, a copy of the record of inspection conducted on 6 August 2015, provided by the DI, contradicts the answer provided, as it reads that the “during the inspection, it was found that the investor does not have a destruction permit issued by the Directorate of Urbanism”. In addition, the DI has also provided a copy of a mandatory fine imposed on the Party in the amount of 500 euros, as “the investor is destructing the building without being supplied with a destruction permit issued by a competent authority”.

In the meanwhile, in the reply received from the DUSP on 7 August 2015, the authority has pointed out that the procedure for issuing the destruction permit has been initiated, as the consent for the destruction of the building was received from the MCYS, but that the consent by the Council of Cultural Heritage of Prizren was missing. “We are waiting for Council’s consent to proceed with other procedures. For the moment, the Party does not possess a DUPH permit to destroy the building/the house”, the letter reads.

Based on the above, the EC Ma Ndryshe finds that absence of an institutional coordination at all levels continues to damage the Cultural Heritage.

The justification of the Basic Prosecutors’ Office about the failure to initiate an investigation due to the lack of a criminal report is also unfounded, because the destruction of the Inn and the House of the Mullafazliu family in Prizren has been mediatised enough, and the Prosecutors’ Office could have authorised an *ex-officio* investigation at least, as it has done in other cases.

EC Ma Ndryshe reiterates the position that Prizren’s cultural and architectonic heritage and collective memory have suffered a considerable damage with the destruction of the buildings of the Inn and the House of the Mullafazliu family.

Accordingly, once again, we call on all institutions, at all levels, to be more accountable, to abide by the law and to punish the perpetrators and those who damage the Cultural Heritage, be they public officials, and renew, in parallel, their efforts to protect, preserve and promote the rare values of the heritage of the town of Prizren.

EC Ma Ndryshe has begun to implement the “Municipal Transparency Reform Index” Project since May 2015, owing to the support of the British Embassy in Pristina. The project will cover the seven main municipalities of Kosovo: Prishtina/Priština, Prizren, Peja/Peć, Mitrovica, Gjilan/Gnjilane, Ferizaj/Uroševac and Gjakovë/Đakovica. The project aims at assisting the municipalities in identifying the major shortcomings as regards transparency and at providing instructions on ways to address and rectify them. The Transparency Index represents a

structured effort to support municipalities of Kosovo in meeting good governance standards set in Kosovo's local governance reform and European Agenda.

Respectfully,

Elmedina Baxhaku, Monitor



British Embassy
Pristina

OJQ EC Ma Ndryshe

Rr. Saraçët, Nr. 5 - Prizren

Bulevardi Nënë Tereza, H 30 B1 Nr. 5, Prishtinë

www.ecmandryshe.org & info@ecmandryshe.org

+381 38 224 967 & +381 29 222 771

"Municipal Transparency Reform Index" Project is supported financially by the British Embassy in Pristina.