



## RESPONSES TO INFORMATION REQUESTS (RIRs)

[New Search](#) | [About RIRs](#) | [Help](#)

The Board		29 November 2011
About the Board	<b>KOS103840.E</b>	
Biographies		
Organization Chart	Kosovo: Procedures to obtain a copy of a police report; whether a police report can be obtained from abroad through a proxy; if so, requirements and procedures	
Employment		
Legal and Policy	Research Directorate, Immigration and Refugee Board of Canada, Ottawa	
References		
Publications	<b>Reporting a crime</b>	
<b>Tribunal</b>		
Refugee Protection Division	In correspondence with the Research Directorate, an attorney with a Pristina-based law firm stated that the Kosovo police follow a standard procedure when taking a statement from a victim or witness of a crime (Attorney 15 Nov. 2010). He explained that the police officer takes the statement of the injured party or witness, writing down what is said and asking additional questions if something is unclear (ibid.). If interested, the injured party or witness is allowed to read the statement, and then must sign it (ibid.). A sergeant at the Peja police station, in a telephone interview with the Research Directorate, also stated that it is standard for a police officer to take the victim's statement and have the victim sign it (Kosovo 3 Nov. 2011). The Acting Director of the Kosovo Police's International Cooperation for the Rule of Law Directorate, through correspondence with the Research Directorate, similarly noted that a citizen goes to the nearest police station to file a report, which is taken in the form of a statement and forwarded up the chain of command (ibid. 9 Nov. 2011). However, he also noted that the police are required to investigate and respond to the complainant even if the incident is reported through a letter or e-mail (ibid.).	
Immigration Division		
Immigration Appeal Division		
Decisions		
Forms		
Statistics		
<b>Research</b>		
Research Program		
National Documentation Packages		
Issue Papers and Country Fact Sheets	Both the attorney and the police sergeant indicate that the form used for police reports is standard and that it is printed on police letterhead (Attorney 15 Nov. 2011; Kosovo 3 Nov. 2011). According to the attorney, the report includes information on the person filing the report (injured party or witness), the person's statement and any questions asked (Attorney 15 Nov. 2011). The attorney stated that the person making the statement may request a copy of the report at the time of making the complaint, but noted that, in his experience, "this does not happen often" (ibid.). The sergeant said that it is not standard procedure to give the victim a copy of the statement at the time he or she is reporting the incident (Kosovo 3 Nov. 2011).	
Responses to Information Requests		
Recent Research		
<b>Media Centre</b>		
News		
Information Sheets		
Media Relations		
	The sergeant explained that in addition to the victim's statement, the police officer creates a report of the case, which includes a statement from the suspect, for internal use only (ibid.). After all statements have been collected, the information is sent to a prosecutor to determine further action (ibid.).	
Proactive Disclosure		

### **Procedures to obtain a police report**

According to the police directorate acting director, the victim or witness is allowed to obtain a copy of his or her own statement, but not a copy of the police report (ibid. 9 Nov. 2011). However, he also explained that since the person is given a document with the case file and name of the recording police officer when the complaint is made, the victim or witness (or his or her lawyer) may later obtain the police report from the prosecutor or the court (ibid.).

The attorney stated that if an individual wants a copy of his or her police statement at any time after making it, he or she should go back to the police station where the statement was made and request it there (Attorney 15 Nov. 2011). However, he also explained that if the report was forwarded to the prosecutor's office, the person would either need to go to the prosecutor's office or to send someone to the police office with a written request or power of attorney for the report (ibid.).

The police sergeant, in contrast to the attorney, stated that requests for police reports are not made at the station in Peja where he works, but through the government in Prishtina, which then requests a copy of the report from the police station (Kosovo 3 Nov. 2011). The sergeant also suggested that the victim try accessing the report through the prosecutor (ibid.).

### **Procedures to obtain a police report from abroad**

According to the attorney, victims or witnesses of a crime can obtain a copy of the police report from abroad by arranging a power of attorney to authorize any person in Kosovo to act on their behalf (Attorney 15 Nov. 2011). The attorney further explained that the authorized person could be a lawyer, a family member or a friend, and that once authorized, may request the statement and/or other documents from the police or prosecutor's office, provided that the investigation has been completed (ibid.). More specifically, the attorney stated that if the individual in need of the documents is in Canada,

he or she should arrange a power of attorney and have it signed by a notary public in Canada. The person should then send the power of attorney to the person (lawyer, family member or friend) in Kosovo who is being authorized to act on his or her behalf. (ibid.)

This information could not be corroborated among the sources consulted by the Research Directorate.

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.

#### References

Attorney. 15 November 2011. Correspondence with the Research Directorate.

Kosovo. 9 November 2011. Kosovo Police, Directorate for International Cooperation for the Rule of Law. Correspondence from the Acting Director to the Research Directorate.

\_\_\_\_\_. 3 November 2011. Kosovo Police, Peja Police Station. Telephone interview with a sergeant.

#### Additional Sources Consulted

**Oral sources:** Attempts to contact an official at the Canadian embassy in Vienna and representatives of two law firms were unsuccessful. Representatives of the Ombudsperson office, the Kosovo consulate in New York and the Police Inspectorate of Kosovo were unable to provide information within the time constraints of this Response.

**Internet sites, including:** Amnesty International; Balkan Investigative Reporting Network; European Country of Origin Information Network; European Union Rule of Law Mission in Kosovo; Factiva; Human Rights Watch; International Crisis Group; International Federation for Human Rights; Kosovo Democratic Institute; Kosovo Foundation for Open Society; Radio Free Europe/Radio Liberty; Republic of Kosovo Ombudsperson; Transitions Online; United Nations — Refworld, UN Development Programme.

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 [Top of Page](#)

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