

LAW NO. 08/L-132**ON THE EXECUTION OF CRIMINAL SANCTIONS****Assembly of the Republic of Kosovo;**

Based on Article 65 (1) of the Constitution of the Republic of Kosovo,

Adopts:

LAW ON THE EXECUTION OF CRIMINAL SANCTIONS**CHAPTER I
BASIC PROVISIONS****Article 1
Purpose**

The purpose of this Law is the execution of criminal sanctions and measures of compulsory treatment, and the application of detention on remand.

**Article 2
Scope**

1. Criminal sanctions are executed in accordance with this Law.
2. According to this law, criminal sanctions are the principal punishments, alternative punishments, accessory punishments and judicial admonition.
3. Execution of the measures of compulsory rehabilitation treatment is carried out in a special institution in accordance with this law.

**Article 3
Definitions**

1. The terms used in this Law have the following meanings:
 - 1.1. **Convicted person** – a person who has been convicted of a criminal offense by a final court judgment;
 - 1.2. **Detention** – detention on remand is ordered by the pre-trial judge of the competent court based on the written request of the state prosecutor in a hearing;
 - 1.3. **Pre-trial judge** – the judge who has been appointed at the investigation stage;
 - 1.4. **Police or police officer** – any member of the Kosovo Police or other service authorized to conduct criminal investigations;
 - 1.5. **Adult** – a person who has reached the age of eighteen (18) years;
 - 1.6. **Child** – a person who has not attained the age of eighteen (18) years;
 - 1.7. **Juvenile** – a person who is between the ages of fourteen (14) and eighteen (18) years;

1.8. **Family member** – parent, adoptive parent, child, adopted child, brother or sister, spouse, blood relative living in the same house or the person with whom the perpetrator lives in an extramarital union;

1.9. **Money** – coin and banknote, which according to the Law is in circulation in the Republic of Kosovo or in any other jurisdiction;

1.10. **Mental disorder** - means any disability or disorder of the mind or brain, whether permanent or temporary, resulting in impairment or disorder of mental functioning;

1.11. **Mental disability** has the meaning provided in paragraph 1 of Article 18 of the Criminal Code;

1.12. **Reduced mental capacity** has the meaning provided in paragraph 2 of Article 18 of the Criminal Code;

1.13. **Compulsory psychiatric treatment measure** means a measure of compulsory psychiatric treatment and detention in a health care institution or a measure of compulsory psychiatric treatment at liberty;

1.14. **CI** - Correctional Institutions.

Article 4

Execution of criminal sanctions imposed by domestic and foreign courts

The provisions of this law apply to the execution of criminal sanctions imposed by domestic and foreign courts, in accordance with the Code of Criminal Procedure, the Juvenile Justice Code and international agreements.

Article 5

Purpose of execution of criminal sanctions

The execution of criminal sanctions aims at the re-socialization and reintegration of the convicted person into society and his preparation for life, as well as for responsible behaviour. Execution of criminal sanctions also serves to protect society by preventing the commission of other criminal offenses and restraining others from committing criminal offenses.

Article 6

Guiding principles

1. Criminal sanctions are executed in a manner which ensures humane treatment and respect for the dignity of each individual.

2. The convicted person shall not be subjected to torture or to inhumane or degrading treatment or punishment.

3. Criminal sanctions are executed in a completely impartial manner. No one shall be discriminated against on the basis of race, colour, sex, language, religion, political opinion, national or social origin, affiliation with any community, property, economic or social status, sexual orientation, birth, disability or other personal status in the Republic of Kosovo.

4. In order to eliminate the causes of corruption in the Correctional Service, correctional institutions and the Probation Service, in accordance with this Law, the relevant sub-legal acts, which will be adopted for the implementation of this law, must establish provisions against corruption, in particular for the promotion and the existence of a clear system for rewards and sanctions in the implementation of the action plan, the development of ethical standards, etc., as mechanisms for the fight against corruption.

5. During the execution of the criminal sanction, the rights of the convicted person shall always be respected. These rights may be restricted only to the extent necessary for the execution of the criminal sanction in accordance with international law and human rights standards.

6. The execution of criminal sanctions should encourage as much as possible the participation of the convicted person in his re-socialization and social reintegration, through the planning of his sentence and individual plan, as well as the cooperation of society in achieving such goals.

7. The purpose of re-socialization and reintegration of the convicted person in the community should also be met by encouraging and organizing the participation of institutions or public and private bodies, as well as individuals in the reintegration process.

Article 7

Initiation of the execution of criminal sanctions

1. The execution of the criminal sanction begins when the decision by which the criminal sanction was imposed becomes final and if there are no legal obstacles to its execution.

2. The execution of the penal sanction may commence even before the decision imposing the criminal sanction becomes final, but only in cases when this is expressly provided by law.

Article 8

Postponement and suspension of the criminal sanction

The execution of the criminal sanction may be postponed and suspended under the conditions provided by law.

Article 9

Administrative fees for submissions

For submissions, official actions and decisions regarding the implementation of the provisions of this law no administrative fees are paid, unless otherwise provided by law.

Article 10

Record keeping

1. Relevant records are kept for the persons against whom criminal sanctions and detention on remand are executed.

2. The access to and treatment of such registry must be in accordance with the relevant legislation in force.

3. The sub-legal act adopted by the Minister of Justice (hereinafter: Minister), shall govern the keeping and collection of records.

Article 11

Funds for the execution of criminal sanctions

1. The funds for the execution of criminal sanctions are provided from the budget of the Republic of Kosovo.

2. The convicted person shall not pay the costs for the execution of criminal sanctions, unless otherwise provided by law.

CHAPTER II EXECUTION OF IMPRISONMENT AND LIFE IMPRISONMENT

Article 12 Sending convicted persons to correctional facilities

1. Persons sentenced to imprisonment and life imprisonment are sent to the Correctional Institution in the Unit for evaluation and classification of prisoners.
2. Exceptionally, on request of the convicted person, the General Director of the Correctional Service, for justifiable reasons may renounce the act of placement and change the place of execution of the sentence.
3. Against the decision of the General Director of the Correctional Service from paragraph 2 of this Article, an appeal to the Minister of Justice is allowed, within three (3) days from the day the decision was received. The appeal shall not stop the execution of the decision

Article 13 Placement of convicted persons in correctional facilities

1. Convicted persons are placed in correctional facilities in accordance with the individual risk assessment, taking into account the duration of the sentence, age, gender, health status and other characteristic features of the convicted persons. If possible, convicted persons are placed in a correctional facility close to his / her permanent residence.
2. After the evaluation and classification by the respective unit, the General Director or his authorized person through a decision shall determine the placement of the convicted person in the CI where the execution of the sentence will be applied.
3. When placing a convicted person, the possibility of implementing joint re-socialization programs should also be considered, as well as the need to avoid negative impacts.
4. Male and female convicted persons are placed separately. Pregnant women, women giving birth and mothers caring for their children are placed separately from other convicted women.
5. Adults are not placed in a correctional facility, or in a part of a juvenile correctional facility, exceptionally adults may be placed in a separate part of the juvenile correctional institution who perform work of a specific nature or heavy work for the needs of the Institution, which juveniles are not allowed to perform.
6. Convicted persons are not placed in the same part of the institution as detained persons. Persons convicted for the first time are not placed in the same room as convicted recidivists.

Article 14 Actions that precede the sending of convicted persons to correctional facilities

1. If the court that made the decision in the first instance does not have the power to send the convicted person to serve the sentence of imprisonment or life imprisonment, it shall send the final decision together with the personal data of the convicted person, which were collected during the criminal procedure, to the competent court within three (3) days from the day when the decision becomes final.
2. The competent court shall begin the process of sending the convicted person to serve a sentence of imprisonment or life imprisonment within three (3) days of receiving the decision.

Article 15**Competence to send convicted persons to serve their sentence with imprisonment or life imprisonment**

1. The basic court that imposed the sentence is competent to send the convicted person to serve the sentence of imprisonment or life imprisonment.
2. The same court has this jurisdiction even when the place of residence or domicile of the convicted person changes later.

Article 16**The competent court for sending the person to serve the sentence when the residence of the convicted person is unknown**

When the place of residence and domicile of the convicted person are not known, the basic court that rendered the decision on sending the convicted person to serve the imprisonment or life imprisonment shall be the competent court, and if such decision was rendered by the court of appeals, then the basic court which is located in the jurisdiction of the court of appeals shall be the competent court.

Article 17**Court order to appear in an institution for serving a sentence**

1. The competent court shall order in writing the convicted person to appear at the correctional facility on the day scheduled for serving the sentence of imprisonment or life imprisonment.
2. The time period between the receipt of the order and the day of submission must not be shorter than eight (8) days and not longer than fifteen (15) days.
3. The competent court shall inform the Kosovo Correctional Service about the date when the convicted person must appear at the correctional facility and shall deliver the final judgment as well as the order for execution of the sentence.

Article 18**Commencement of the execution of the sentence of imprisonment or life imprisonment**

1. The Kosovo Correctional Service shall inform the competent court if the convicted person has appeared to serve his sentence.
2. The serving of a sentence of imprisonment or life imprisonment is calculated from the day when the convicted person appeared in the correctional facility.

Article 19**Bringing by force of a convicted person for serving a sentence**

1. When the convicted person who has been duly summoned to serve his sentence does not appear before the correctional facility, the court shall order that he is brought by force. If the convicted person is hiding, or is at large, the court shall order the issuing of arrest warrant.
2. Execution of the sentence of imprisonment or life imprisonment is calculated from the day when the convicted person is deprived of liberty and is calculated as a full day.

Article 20**Postponement of execution of imprisonment**

1. The execution of the imprisonment sentence may be postponed at the request of the convicted person or his representative:

- 1.1. until the illness is cured, if the convicted person suffers from a serious acute illness;
 - 1.2. no later than the end of the third year of the child's life, if the convicted female person has completed the sixth month of pregnancy;
 - 1.3. no later than three (3) months from the date of commencement of the postponement of execution, if the spouse, child, adopted child, parent, or adoptive parent of the convicted person has died, or suffers from any serious illness;
 - 1.4. no later than six (6) months from the date of commencement of the postponement of execution, if the wife of the convicted person will give birth in three (3) months, or if less than six (6) months passed from the day she gave birth and has no other family member to help her;
 - 1.5. no later than six (6) months from the date of commencement of the postponement of execution, if the husband, or any other family member of the convicted person is summoned with the convicted person to serve the sentence of imprisonment, or, if any of them is already in prison;
 - 1.6. no later than three (3) months from the day of the commencement of the postponement of execution, if the postponement is requested by the convicted person for performing agricultural or seasonal work that cannot be postponed, or for work as a result of a natural disaster and family of the convicted person does not have proper labour force, as well as when the convicted person is obliged to perform the work already started and its non-performance would cause considerable harm;
 - 1.7. no later than six (6) months from the date of commencement of the postponement of execution, if the convicted person requests a postponement to complete schooling, or to take the exam he/she has prepared.
2. The day when the decision for postponement of execution is taken is considered the day of the beginning of the postponement of execution.
 3. The convicted person may request the postponement of the sentence at most twice for any of the reasons provided by this article.
 4. The execution of the sentence cannot be postponed, if the execution of the sentence, or part of the sentence will become impossible due to the statute of limitations

Article 21

Procedure for postponing the execution of imprisonment

1. The convicted person may submit a request for postponement of the execution of the sentence within seven (7) days from the receipt of the order for serving the imprisonment sentence.
2. If the order cannot be served on the defendant it shall be served on any of the adult family members, or notice is given of the day and time of service. If the convict is not at his address on the particular day and time, the order is affixed to his door. Such delivery is considered regular.
3. If the convicted person's acute illness, or the death of his or her spouse, child, adopted child, parent, or adoptive parent occurs after a period of seven (7) days has elapsed, the request may be filed until the day the person convicted must appear for serving the sentence.
4. The request for postponement of execution must contain the reasons for the postponement, the evidence supporting the postponement and the period of time for which the postponement is requested.

Article 22**Request for postponement of the execution of the sentence**

1. The request for postponement of the execution is submitted to the president of the competent basic court.
2. If the evidence is not attached to the request, the president of the basic court shall order the convicted person to submit the evidence within eight (8) days with a warning that otherwise his request will be rejected.

Article 23**Decision on the request for postponement of the execution of the sentence**

1. The President of the competent basic court shall decide on the request for postponement of the execution of the sentence within three (3) days from the receipt of the request. Prior to the decision, the court may conduct the necessary investigations to establish the facts set forth in the request.
2. The president of the competent basic court shall dismiss the request for postponement of the execution of the sentence if the request:
 - 2.1. is not submitted in time;
 - 2.2. is submitted by an unauthorized person;
 - 2.3. the supporting evidence was not attached in time.

Article 24**Complaint**

1. Against the first instance ruling, the convicted person may file an appeal to the President of the Court of Appeals within three (3) days from the receipt of the ruling.
2. The President of the Court of Appeals shall decide on the appeal within three (3) days from its receipt.

Article 25**Suspension of execution of the sentence due to request for postponing the execution**

1. The request for postponement of the execution shall suspend the execution of the imprisonment sentence, until a final decision is made regarding the request.
2. The President of the competent basic court may decide to postpone the execution up to a final decision if he/she ascertains that there are sufficient reasons for postponement.

Article 26**Report on health status due to serious illness**

The convicted person, whose execution of the sentence has been postponed due to a serious acute illness, must submit a report on his health condition issued by the medical institution where he is being treated once every three (3) months, or with request of the competent court, even more often.

Article 27**Revocation and termination of the postponement of the execution of the imprisonment sentence**

1. The president of the competent basic court shall revoke the postponement of the execution

of the imprisonment sentence, if in the meantime it is ascertained that the reasons for allowing the postponement did not exist, or have ceased to exist, or the convicted person has used the postponement period for purposes other than for those for which it is permitted.

2. If the postponement is allowed to a pregnant woman whose child has not been born alive, the postponement is terminated six (6) months after birth, and if the child dies after birth, the postponement is terminated six (6) months after the death of the child.

3. If the postponement is allowed to the mother of a child younger than one (1) year who dies, the postponement is terminated six (6) months after the death of the child.

Article 28

Appeal against the decision for revocation or termination of the postponement of the execution of the imprisonment sentence

1. A person sentenced to imprisonment has the right to appeal against the decision for revocation or termination of the postponement of the execution of the imprisonment sentence under the same conditions, as well as against the ruling rendered on the request for postponement.

2. The appeal shall postpone the execution of the ruling.

Article 29

Postponement of execution related to extraordinary legal remedies

1. The court that decides on the request for repetition of the criminal procedure filed in favour of the convicted person, may postpone the execution of the imprisonment sentence, even before the entry into force of the ruling which allows the repetition of the criminal procedure.

2. The court that decides on the request for extraordinary mitigation of sentence may postpone the execution of the sentence, depending on the content of the request.

Article 30

Granting of the postponement of the execution of the imprisonment sentence at the request of the State Prosecutor

1. At the request of the competent State Prosecutor, the postponement the execution of the imprisonment sentence shall always be granted until a decision is made on the use of legal remedy.

2. The decision to postpone the execution of the imprisonment sentence ceases to be valid, if the state prosecutor does not use the legal remedy within thirty (30) days from the receipt of the decision to postpone the execution.

Article 31

Admission of the convicted person to the correctional facility

1. When a convicted person is admitted to a correctional facility, his/her identity, grounds and authorization for imprisonment or life imprisonment are first confirmed and then the convicted person is subject to a medical examination within twenty-four (24) hours of his/her admission, or on the first working day after the admission. In the personal file and register of the convicted person, there shall be recorded: the name of the convicted person, the grounds and authorization for imprisonment, or his life imprisonment, the date and time of his arrival in the correctional facility, the examination and the medical report.

2. Upon admission to the correctional facility, the convicted person shall be notified in writing of his or her rights and obligations while serving the sentence. The convicted person who is illiterate is notified orally.

3. Convicted persons on the occasion of their admission to a correctional facility are allowed certain items in their cells. Anything that is not allowed in their cells will either be stored in secure warehouses by the Correctional Service until the convicted person is released, or may be given to a third person at the convicted person's request.
4. The correctional facility provides the convicted person with immediate contact with family members upon his or her admission. Foreign nationals are offered the opportunity to contact in writing or by telephone the diplomatic representative, or the relevant office of the state of which he is a national.
5. If the convicted person has minor children, or persons for whom he/she has special responsibilities for care, the correctional facility shall inform the custodial body.
6. The convicted person on the occasion of admission to the Correctional Institution must be photographed and his personal file opened.
7. The appearance of the convicted person as in paragraph 6 of this Article must be similar to the photograph of the identification document, exceptionally the photography can be changed depending on the change of physical appearance while serving the sentence.
8. The text of this law and the sub-legal act on house order in correctional facilities are available in the language of convicted persons they understand during the entire period of serving the sentence, in accordance with the law on the use of official languages.

Article 32 **House order**

1. The sub-legal act on house order in correctional institutions (hereinafter: the act on house order), issued by the Minister of Justice, shall govern the organization and way of life of convicted persons and detainees, in particular:
 - 1.1. acceptance and placement;
 - 1.2. familiarity with house rules and other provisions;
 - 1.3. food, health protection and implementation of hygienic measures;
 - 1.4. the manner of meeting religious needs;
 - 1.5. correspondence, receiving visits and packages;
 - 1.6. types and quantities of food products that can be accepted;
 - 1.7. the conditions and manner of keeping the money earned as compensation for work and rewards;
 - 1.8. the manner of using the annual leave;
 - 1.9. maintaining order and discipline;
 - 1.10. system of disciplinary violations and sanctions;
 - 1.11. conditions and manner of application of disciplinary measures, measures of solitary confinement;
 - 1.12. types of benefits, conditions and the manner of using all benefits;
 - 1.13. organization of cultural, educational, sports and entertainment activities;

- 1.14. staying outdoors;
- 1.15. release and assistance in case of release from serving a prison sentence or detention on remand;
- 1.16 providing the list of permitted items.
- 1.17. other issues which are important for the conditions and manner of serving the measure of imprisonment and detention on remand.

Article 33 **Separation from convicted persons**

1. At the request of the convicted person, the director of the correctional facility may allow the convicted person to be separated from other convicted persons in a separate unit of the correctional facility, if the director finds that the reasons set out in the convicted person's request are reasonable and there are no other options for resolving them.
2. The director of the correctional facility may order that the convicted person be separated from other convicted persons even without the request of the convicted person only when this measure is necessary:
 - 2.1. to avoid endangering the life or health of the convicted person or other persons;
 - 2.2. to avoid the security risk in the correctional facility caused by the continued presence of the convicted person among the prisoners and other persons in prison; or
 - 2.3. to ensure the integrity of the investigation of any disciplinary matter.
3. The decision from paragraphs 1 and 2 of this Article is taken after the investigation of all relevant circumstances. Separation may not be ordered for a period exceeding thirty (30) days. Such decision shall be reviewed as necessary, but at least once every ten (10) days.
4. When the separation is ordered to prevent the convicted person from influencing the other convicted person in a serious breach of order within the correctional facility, or to prevent him from committing continued criminal activity in the correctional facility, the convicted person may be placed in a separate unit of the correctional facility when the separation is expected to last a long time.
5. The director of the correctional facility may order the separation of a convicted person who behaves violently from other convicted persons without /her request, insofar as it is necessary to prevent his/her violent behaviour.
6. The convicted person, separated from other convicted persons, shall be granted the same rights, benefits and conditions as those enjoyed by all prisoners, except for those benefits which may be enjoyed only jointly with other prisoners, or which can not be provided due to the limitations of the units of the correctional facility in which the separated convicted person is placed.
7. Qualified health personnel shall check the separated convicted person at least once a day and as needed.
8. The decision to separate the convicted person from other convicted persons is terminated as soon as the reasons for ordering the separation cease to exist, or in cases when qualified health personnel find that the continuation of the separation will be harmful to the health of the convicted person.

Article 34

Searches

1. The convicted person shall not be searched in a way that violates his dignity. The level of harassing the convicted person during the search must be proportionate to its purpose, as provided by this article.

2. If the member of the correctional staff has a reasonable suspicion that the convicted person is in possession of an implement which he is not allowed to possess in accordance with the internal act, and is considered an impermissible implement, the convicted person may be hand-checked, or by technical means while dressed. The manual search must be performed by a member of the correctional staff who is of the same sex as the convicted person.

3. A member of the correctional staff may inspect the naked body of a convicted person through visual inspection when there is no particular suspicion in accordance with the conditions set forth in paragraph 6 of this Article:

3.1. in the circumstances set forth in the order, which are restricted in situations where the convicted person has been in a place where he was likely to have access to an unauthorized implement that may be hidden inside or outside the body;

3.2. when the convicted person enters or leaves the premises of separated convicted persons.

4. If the member of the correctional staff has a reasonable suspicion that the convicted person is in possession of an unauthorized vehicle and has convinced the director of the correctional facility that the examination of the naked body of the convicted person by visual inspection is necessary to find the unauthorized implement, such search may be carried out in accordance with the conditions set forth in paragraph 6 of this Article.

5. If the member of the correctional staff has a reasonable suspicion that the convicted person possesses an unauthorized implement and that the inspection of the naked body of the convicted person by visual inspection is necessary to find the unauthorized implement, he may carry out such inspection in accordance with the conditions set forth in paragraph 6 of this Article without the prior approval of the director of the correctional facility if the delay in seeking such approval would result in a risk to human life or safety.

6. Examination of the naked body of the convicted person by visual inspection:

6.1. is carried out by two (2) correctional workers of the same sex as that of the convicted person and in a separate place, without the presence of other persons;

6.2. is never carried out in the presence of persons of the opposite sex from that of the convicted person; and

6.3. does not involve undressing the upper and lower body parts of the convicted person at the same time.

7. If the member of the correctional staff has a reasonable suspicion that the convicted person possesses an unauthorized implement hidden in the cavities of his body, he shall inform the director of the correctional facility. If the director of the correctional facility is convinced that there is a reasonable suspicion that the convicted person is in possession of an unauthorized implement hidden in the cavities of his body and that a physical search of the cavities of his body is necessary to find the unauthorized implement, the director may issue a written authorization for such physical search, with the consent of the convicted person. Such physical search is carried out only by qualified health personnel of the same sex as that of the convicted person in a secluded place.

8. Any unauthorized implement which is discovered as a result of the inspection, or physical inspection of the body cavities shall be confiscated.

9. The search of the prison cell of the convicted person or of the detainee, shall be carried out by respecting his personal property and in the presence of the convicted person or of the detainee, unless their presence would pose an immediate threat to the staff or security of the facility.

Article 35 **Dwelling conditions of convicted persons**

1. The convicted person has the right to dwelling that meets modern hygienic conditions and local climatic circumstances.

2. The premises in which the convicted person lives and works must have sufficient space so that each convicted person has at least eight (8) square meters of space for a single cell and four (4) square meters for convicted persons in joint cells, and sufficient amounts of natural and artificial light for work and reading, heating and ventilation.

3. Premises shall not have moisture and shall have adequate sanitary facilities and other personal hygiene items.

4. Convicted persons who are suitable to associate with others in such conditions are placed in joint premises.

Article 36 **Exercising**

The convicted person has the right to engage in physical exercise to the extent necessary to maintain his health and to spend at least two (2) hours a day outside the closed premises during his free time. The convicted person can engage in outdoor exercise.

Article 37 **Hygiene**

1. The hygiene of convicted persons and the hygiene of the premises are regularly supervised in the correctional institutions.

2. In order to ensure the hygiene of convicted persons and the hygiene of the premises, convicted persons are provided with a sufficient amount of warm and cold water as well as adequate items for cleaning and toilets. Personal hygiene equipment and tools ensure sufficient privacy and they are properly maintained and cleaned.

3. The convicted person is provided with a separate bed and sufficient layers and covers which must be clean when given to him, must be properly maintained and changed regularly.

4. The doctor in cooperation with the competent health body makes regular check-ups of the correctional facility and notifies the director of the correctional facility in writing about:

4.1. quantity, quality, preparation and serving of food and water;

4.2. hygiene and cleanliness of the correctional facility and of convicted persons;

4.3. hydro-sanitary installations, heating, lighting and ventilation of the correctional facility and

4.4. the suitability and cleanliness of the clothing and of the sheets and coverings of convicted persons.

5. Standards for hygienic-sanitary conditions are regulated by a sub-legal act.

Article 38

Feeding convicted persons

1. The convicted person has the right to adequate food to maintain good health and strength with three meals a day which should be varied and nutritious. The food given to the convicted person must be appropriate to his age and health condition, the nature of the work, season of climatic conditions and, as far as possible, its religious and cultural requirements.
2. A convicted person who performs heavy work, a sick person, a pregnant woman, or one who has given birth have the right to food prescribed by a doctor.
3. The doctor or other food expert inspects the food and notifies the director of the correctional facility before serving each meal of its quality and its findings are recorded in the relevant book.
4. The Minister issues a sub-legal act for a more approximate arrangement for the food of convicted persons.
5. The Correctional Service, as a rule, directly manages the service that provides food to convicted persons in the correctional facility.

Article 39

Continuous availability of drinking water

1. The convicted person must have drinking water available at all times.
2. Medically suitable food and water, implementation of diet charts and preparation of meals are regularly supervised by the medical service in each correctional facility.

Article 40

Clothing of convicted persons

1. The convicted person has the right to free underwear, clothes and shoes, suitable for the local climatic conditions and the season of the year.
2. The convicted person has the right to special clothes, shoes and equipment that are necessary for the work he performs.

Article 41

Wearing the uniform of a correctional facility

1. The convicted person shall wear the uniform of the correctional facility.
2. The clothing of the convicted person must not have a humiliating or degrading effect.
3. The director of the relevant correctional facility may allow persons in the detention centre, in the open correctional facility, or in the open unit of the correctional facility to put on their personal clothes.
4. The director of a correctional facility allows detainees and convicted persons to wear their own clothes when appearing in court, or when leaving prison, unless this increases the risk of escape.

Article 42

Health care and its implementation

1. The convicted person will enjoy the same health care standards that are available in the community.

2. The convicted person should have access to the necessary health services free of charge.
3. Health care in a correctional facility shall be done in accordance with the general rules for health care, health insurance and medical and pharmaceutical services, unless otherwise provided by this law.
4. The relevant health institution at the Ministry of Health (hereinafter: the health institution), provides conditions for basic medical services.
5. The health institution provides medical, care and pharmacy services to meet the health care needs of convicted persons.
6. A convicted person who cannot be provided with proper medical treatment in a correctional facility is sent to the correctional facility hospital, the appropriate psychiatric institution, or any other health care facility.

Article 43
Supervision during medical care outside the Correctional Institution

1. All correctional facilities should provide prompt access to emergency medical care.
2. Convicted persons in need of specialized treatment or surgery will be transferred to relevant specialized health institutions.
3. Correctional institutions review medical care plans that meet the appropriate criteria that allow convicted persons to have supervised release in order to have access to the necessary health services in public health institutions in society.
4. The convicted person is considered to be on supervised release, when the staff member of the correctional facility responsible for security accompanies, monitors and secures the custody of the convicted person.
5. Measures will be taken to address legitimate security requirements with the principle of medical confidentiality.
6. The medical staff makes the final decision on the use of handcuffs or other restraining devices during the medical examination.
7. The medical check-up and medical examination room should be secure, preferably equipped in such a way as to limit the risk of escape.
8. The time spent for medical treatment outside the correctional facility is counted in the sentence of imprisonment or life imprisonment.

Article 44
Specialist medical examination

1. At the request of the convicted person, after the recommendation of the doctor of the correctional facility, the director of the correctional facility may allow specialist medical examination outside the correctional facility.
2. The costs of such check-up shall be borne by the convicted person, unless the director of the correctional facility decides otherwise.

Article 45
Notifying the family when the convicted person is seriously ill

1. When the convicted person is seriously ill, the correctional facility shall inform his/her spouse,

children and adopted children, and if the convicted person does not have such relatives, the correctional facility shall notify his or her parents, adoptive parents, brother, sister, or most distant relatives.

2. At the request of the convicted person, the director of the correctional facility may allow other persons to be notified of the illness.

Article 46

Medical visits and check-ups

1. The doctor visits and examines each convicted person after admission, and if necessary even later, in order to identify possible physical or mental illnesses and to take all necessary measures for medical treatment.

2. A convicted person, while serving imprisonment, or life imprisonment, is provided with health care through regular and occasional check-ups, regardless of whether a request has been made for this.

3. The doctor of the correctional facility visits all sick people, people who complain of any illness or injury and people who are under special care every day. The doctor immediately reports the disease for which special examination or specialist care is needed.

4. When the convicted person manifests behaviour that indicates that he may attempt to injure himself, or commit suicide, the staff shall take all necessary measures to prevent self-harm, or suicide. If the convicted person attempts to injure himself or to commit suicide, a multi-disciplinary professional team shall take the necessary action to assist him in avoiding the causes that compel him to attempt to take such action.

5. A convicted person suspected or diagnosed with an infectious or contagious disease shall be treated immediately. When it is suspected that the convicted person has a mental disorder or emotional distress, appropriate measures shall be taken without delay, in accordance with the relevant legislation and rules regarding psychiatric care and mental health.

Article 47

Consent for medical care

1. Medical care, assessment, or psychiatric or psychological treatment may be applied to the convicted person only with his consent.

2. The convicted person may refuse to give consent according to paragraph 1 of this Article. When the convicted person does not give consent, he is required to sign the statement of non-consent.

3. In order to prevent self-harm, injury to others, or damage to property, the correctional institution may use coercive means without the consent of the convicted person. The use of coercive means in any case shall be logged by the responsible official, in line with the relevant guidelines.

Article 48

Medical findings

The convicted person's medical findings are treated as confidential in accordance with medical professional practice and with codes of medical ethics.

Article 49

Notification of the deteriorating physical or mental health of the convicted person

1. The doctor shall notify the director of the correctional facility whenever he or she finds that

the convicted person's physical or mental health has deteriorated, or will deteriorate from continuous imprisonment, or life imprisonment, or from the influence of any of the conditions of imprisonment, or life imprisonment.

2. If the convicted person suffers from a serious health illness, measures are taken to provide him the best possible treatment according to community standards.

Article 50

Prohibition of compulsory food intake by the convicted person

1. Compulsory food intake by the convicted person is prohibited.

2. If a person convicted, in refusing food or medical treatment, endangers his or her life and health, the necessary medical measures may be taken without his or her consent.

Article 51

Provision of health services of health care to pregnant women

1. In the correctional facility for women, the health care services of pregnant women are provided by the health institution.

2. Wherever possible, preparations are made that children are born in a hospital outside the institution. If the child is born in a correctional facility, such a fact is not recorded on the birth certificate.

Article 52

Child custody by the female convicted person

1. A convicted woman who has a child may retain it until she is eighteen (18) months of age and then the child's parents decide whether custody of the child is entrusted to the father, relatives, or other persons.

2. If the parents do not agree on the custody of the child, or if their agreement is harmful to the child, the court which is competent according to the place of residence or stay of the mother at the time of the sentence decides who the child is entrusted to.

3. When a decision is made under paragraph 2 of this Article, the court shall first of all take into account the best interests of the child, including the protection and safety of the child, as well as his or her physical and mental well-being.

4. When the child is kept in a correctional facility with his/her mother, special measures are taken to provide a child room with qualified persons in which the child is placed when he/she is not in the care of his/her mother.

Article 53

Circumstances and special needs for re-socialization in correctional facilities

1. Re-socialization in correctional facilities takes into account the special circumstances and needs of each person related to his re-socialization. To determine all the circumstances and factors important for planning the re-education of the person in the correctional facility and his social reintegration after release, the personality survey is conducted at the beginning of the execution of the sentence and continues throughout the sentence.

2. During the execution of the sentence, the rehabilitation program is included, or changed to suit the progress made and other relevant circumstances. To meet this goal, an appropriate time plan is drafted for the implementation of this program.

3. The convicted person is encouraged to cooperate in the implementation of re-socialization programs and activities in the institution.

Article 54
Individual program for correction and re-socialization

1. The director of the correctional facility shall adopt an individual program for correction and re-socialization of each convicted person based on the recommendations of the professional staff of the correctional facility.
2. The re-socialization program includes at least:
 - 2.1. placement in the institution, or in the sector within the institution;
 - 2.2. participation in educational activities;
 - 2.3. participation in vocational training activities;
 - 2.4. participation in cultural, educational and sports activities;
 - 2.5. work and improvement of professional skills;
 - 2.6. family relations and contacts with the outside world;
 - 2.7. conditions for acquiring the right to leave at home, for parole, or early release; and
 - 2.8. measures aimed at preparing for final release.

Article 55
Reintegration of convicted persons

1. Reintegration of convicted persons into society is also achieved through the promotion and organization of the participation of institutions, or public and private bodies, as well as individuals in correctional and re-socialization activities.
2. Persons who are interested and demonstrate the ability to support contacts between convicted persons in correctional facilities and the outside community are allowed to visit correctional facilities under the supervision of the director.

Article 56
Submissions

1. The convicted person has the right to send submissions to the competent bodies.
2. The foreign citizen has the right to send submissions to the Embassy, the Diplomatic Consular Mission and the liaison office, or to the diplomatic mission of the state of which he is a citizen, or of the state which protects his interests. A foreign citizen who is not under the protection of any state has the right to send submissions to the competent bodies and organizations in the Republic of Kosovo and to the competent international organizations.
3. The convicted person receives and sends submissions through the correctional facility.

Article 57
Correspondence

1. The convicted person enjoys the right to correspondence.
2. The convicted person enjoys the right to privacy of letters and other means of communication.
3. The letter, or other postal delivery may be opened if there is a reasonable suspicion that it contains an unauthorized item.

4. The convicted person is enabled to be present during the opening of the letter, or other postal delivery sent to him, or by him in accordance with paragraph 3 of this Article. In case he is not present, he shall be informed immediately. When the opening of the letter, or other postal delivery is done in accordance with paragraph 3 of this Article, their content is checked only to the extent necessary to draw a conclusion, if the letter or other postal delivery contains any illegal item.

5. The director of the correctional facility may issue a written decision authorizing the opening, reading of the letter, or other postal delivery as the least disturbing measure possible if there is a reasonable suspicion that there is evidence of:

5.1. action that would endanger the safety of the correctional facility, or any person;

5.2. criminal offense, or plan to commit a criminal offense; and

5.3. opening and reading a letter, or postal item, is the least annoying measure possible in those circumstances.

6. When the letter or other postal delivery is opened and read in accordance with paragraph 5 of this Article, the director of the correctional facility shall immediately inform the convicted person in writing of the reasons for such action and enable him to provide clarifications in this regard, unless the adverse information would affect the incomplete investigation, in which case the convicted person shall be informed of the reasons and enabled to provide clarification in this regard upon completion of the investigation.

7. Letters, or postal delivery that have been opened and read in accordance with paragraph 5 of this Article may be prohibited if the safety of the correctional facility or any person is endangered. In such a case, the convicted person shall be informed immediately and, in the case of the seizure of the letter or subsequent postal delivery, he shall be informed of its contents to the extent necessary. The letter that has been seized shall be served on the convicted person as soon as the grounds for its seizure cease to exist and at the latest until the end of the serving of his sentence, unless the competent court decides otherwise. An appeal against the court decision is allowed at the competent court. The appeal shall not postpone the execution of the decision.

8. Letters and other postal deliveries from the convicted person addressed to the Ombudsperson are not checked.

Article 58

Correspondence of the convicted person with the lawyer

1. The convicted person may contact his lawyer without restriction and without supervision of the contents of the correspondence.

2. Exceptionally, the panel composed of three (3) judges of the competent basic court may issue a ruling at the request of the director of the correctional facility that:

2.1. the correspondence of the convicted person with his lawyer can be opened, if the conditions from paragraph 3 of Article 57 of this Law are met. In such a case, paragraph 4 of Article 57 of this law shall apply;

2.2. the director of the correctional facility may open and read the convicted person's correspondence with his lawyer, if the conditions set out in paragraph 5 of Article 57 of this Law are met. In such case, paragraph 6 of Article 57 of this Law shall apply.

3. The decision of the panel of three (3) judges shall be taken within forty-eight (48) hours from the receipt of the request of the director of the correctional facility.

Article 59
Right to phone calls and electronic communication

1. The convicted person has the right to make telephone calls and to communicate in other forms of electronic communication.
2. The provisions of Article 57 of this Law are appropriately applied for the monitoring of telephone calls.
3. The General Director of the Kosovo Correctional Service - KCS shall decide on the forms of electronic communication.

Article 60
Legal aid

The correctional facility shall facilitate the access of the convicted person to legal aid related to the execution of a sentence of imprisonment or life imprisonment and shall take the necessary actions to protect the rights and interests guaranteed by Law.

Article 61
Visits

1. The convicted person has the right to receive visits at least once a month for a period of at least one (1) hour from the spouse, child, adopted child, parent, adoptive parent and other blood relatives in direct line or in an indirect line up to the fourth degree.
2. Such visits take place in special premises under the supervision of the staff of the correctional facility.
3. The director of the correctional facility may allow the convicted person to receive visits from other persons.
4. Special rules apply to visits to convicted mothers by their children, enabling them to visit even more frequently.
5. The president of the competent basic court where the correctional facility is located, or his delegate may visit and speak with the convicted persons at any time, or at his request.
6. Issues related to detailed visitor control of convicted persons, security during visits, procedures for specific categories of visitors and conditions under which visits may be refused or suspended by the director of the correctional facility for reasons of protection and security are regulated by the act on house order.

Article 62
Visit by an authorized representative

1. The convicted person may be visited by his authorized representative who represents him in legal proceedings.
2. The convicted person has the right to confidential oral communication with his authorized representative under supervision, but not by hearing and interception by the staff of the correctional facility.

Article 63
Visit of the foreign citizen by the diplomatic or consular representative

1. A foreign national has the right to be visited by the diplomatic representative, or consul of the state of which he is a citizen, or of the state which protects his interests. A foreign citizen who

is not under the protection of any state has the right to be visited by the competent bodies and organizations of Kosovo and by the competent international organizations.

2. The consular or diplomatic representative of the foreign state and the representative of the competent international organization is obliged to inform the director of the correctional facility of the visit he will make to the prisoners in accordance with the international legal acts applicable in Kosovo.

Article 64 **Spending time in special places**

1. The convicted person has the right to stay with his / her spouse and children for at least once in three (3) months for at least three (3) hours.

2. Time, duration, manner of visit, nature of visits and time spent in specific premises is regulated by the act of house order.

Article 65 **Receipt of packages**

1. The convicted person shall have the right to receive packages that do not contain items once in three (3) months, provided that these items are not served within the institution. Packages cannot be used by other persons except the person the package is dedicated to.

2. Packages shall be checked in the presence of the convicted person before being given to him.

3. The allowable weight and content of the packages shall be regulated by the house order act.

Article 66 **Keeping of items**

1. Convicted persons may not keep items other than those permitted by the house order act.

2. The personal property of convicted persons placed under secure supervision by the director of the correctional facility is kept in good condition. When the destruction of an item is necessary, this action is registered and the convicted person is notified.

3. Any property belonging to the convicted person, which is not claimed for a period longer than one (1) year upon his release or death, may be sold, or thrown away. Proceeds from the sale are deposited in the Kosovo Budget.

4. The money of the prisoner which is in his account, after his release, if they are not withdrawn for a period of one (1) year shall be deposited in the Kosovo Budget.

Article 67 **Money of convicted person**

1. A person sentenced to imprisonment or life imprisonment shall not keep money while serving his sentence.

2. If at the time of admission to the correctional facility the prisoner possesses money, it must be deposited in the savings account in his name, unless he decides otherwise.

3. The act on house order shall determine the amount of funds that the convicted person can freely keep as well as the amount that he can deposit in savings.

Article 68

Work

1. The convicted person capable of work has the right and obligation to work and can be engaged in work in the workshops of economic units within the Kosovo Correctional Service- KCS.
2. The purpose of such work is for the convicted person to acquire, maintain and develop working skills, work habits and professional knowledge for the resumption of normal life as soon as possible after serving the sentence.

Article 69

Working principles and conditions

1. The work of convicted persons must be useful and must not be degrading.
2. Work cannot be imposed as a form of disciplinary punishment.
3. The realization of economic benefit must not be to the detriment of the purpose of the work, or the interests of the convicted persons.
4. If possible, the correctional service should ensure that the convicted person is enabled to work, taking into account the convicted person's physical and mental abilities and skills. If it is impossible to provide the convicted person with a job, the convicted person shall participate in the maintenance of the correctional facility, if possible.
5. In order to provide employment to convicted persons, the correctional facility service may build facilities inside or outside its territory, in order to enable convicted persons to work outside the correctional facility, or require them to participate in the maintenance of correctional facility.
6. The convicted person may be suspended from work, or released from compulsory labour if the convicted person is unable to perform compulsory labour, or if the work endangers the safety of the convicted person, or the correctional facility, or if the work poses a threat to discipline in correctional facility. The Minister of Justice with a sub-legal act determines the procedure for employment of convicted persons, suspension and dismissal of convicted persons.
7. In order to enable convicted persons to work, permission may also be granted for the construction of facilities within the territory of the correctional facility to natural persons, or companies, if these persons or companies enter into a relevant contract with the state, or with a legal entity for obligatory relations, who performs state administrative duties. The Minister of Justice determines the requirements for these contracts.
8. The working conditions of convicted persons must be in accordance with the criteria set by the law on labour protection. The correctional service is required to ensure that convicted persons are guaranteed working conditions according to applicable legislation on labour that are safe for life and health.
9. Convicted persons may be required to work overtime, during their holidays and during official holidays only if this is done with the consent of the convicted persons.
10. Convicted persons participating in the maintenance of a correctional facility are required to work in accordance with the nature of the work decided by the correctional service.
11. By order of the officer of the correctional facility, convicted persons are required to participate in the prevention of natural disasters, epidemics, accidents or catastrophes, or the prevention of their consequences, as well as in cases of other emergencies. In this case, the correctional facility must ensure the security and safety of the convicted person.

Article 70

Work choice

1. The convicted person can choose the type of work he likes if such a choice is applicable and in accordance with the relevant professional program.
2. The professional team at the correctional facility assesses the convicted person's skills and abilities.

Article 71

Employment of the convicted person inside or outside the correctional facility

1. The convicted person may be employed inside or outside the correctional facility.
2. The organization and method of work within the correctional facility should be as close as possible to similar work performed outside the correctional facility.
3. The special conditions and procedures for granting permission to convicted persons to work outside the correctional facility and the procedure for the work of convicted persons outside the correctional facility are determined by a sub-legal act of the Minister of Justice.
4. The provisions of labour laws, including provisions for concluding employment contracts, compensation, and holidays, apply to the unattended work of convicted persons outside correctional facilities. The employment contract entered into with a convicted person should not indicate that he or she is serving the sentence.
5. The employer shall transfer the salary of the convicted person, who works outside the correctional facility, to the bank account of the correctional service.
6. The right to employment outside the correctional facility belongs to the convicted persons who are placed in open and semi-open correctional institutions or are placed in open units in closed correctional institutions.

Article 72

Working hours

1. The convicted person shall work forty (40) hours per week, but the working hours may be longer according to the requirements of the law.
2. A convicted person attending general or vocational education shall work proportionately fewer hours.
3. The convicted person may be ordered to work overtime for up to two (2) hours per day to maintain cleanliness and perform other usual duties in the correctional facility.
4. When, in accordance with the relevant legislation into force, the time spent at work is accepted for the purpose of gaining professional qualification, the time spent in the same type of work for the duration of the sentence with imprisonment, or life imprisonment is also accepted for that qualification.

Article 73

Monthly remuneration

The convicted person is entitled to a monthly remuneration for his work. The remuneration for each category is determined in fair value in proportion to the quantity and quality of work performed and the organization of work that is regulated by a sub-legal act issued by the Minister of Justice.

Article 74

Access to remuneration

1. The convicted person may freely keep seventy percent (70%) of the remuneration for the work performed, while the remainder is kept in personal the savings account.
2. The director of the correctional facility may allow the spending of the funds from the savings account, if they are necessary for the convicted person or his family.

Article 75

Right to benefits

1. The convicted person is entitled to benefits, protection measures and health care in his work in accordance with the relevant legislation into force. For the compensation of prisoners against injuries at work, including occupational disease, measures are taken under conditions no less favourable than those provided by law for workers outside correctional institutions.
2. The correctional facility covers the most urgent needs of the convicted person who, through no fault of his own, cannot work and has no means of his own.
3. The Minister of Justice shall issue a sub-legal act on working conditions, including compensation in case of incapacity for work.

Article 76

Maximum daily or weekly working hours for convicted persons

1. The maximum daily or weekly working hours for convicted persons are set in accordance with the relevant legislation into force on labour. This schedule provides one (1) day off per week and sufficient time for education and other activities necessary for the correction and re-socialization of convicted persons.
2. A convicted person who has worked for more than six (6) months during his/her stay in a correctional facility shall be entitled to annual leave in accordance with the relevant legislation into force on labour.
3. The convicted person is compensated during the annual leave period as if he were in employment relations.

Article 77

Labour rights of a convicted woman due to pregnancy, childbirth and maternity

A convicted woman has the right not to work due to pregnancy, childbirth and maternity, in accordance with the relevant legislation into force on labour.

Article 78

Rights related to technical inventions and innovations

1. The convicted person enjoys all rights in accordance with the relevant legislation into force regarding inventions and technical innovations achieved while serving a sentence.
2. Works of art and other creative works realized by the convicted person during his free time are his intellectual property.

Article 79

Vocational training

The correctional facility offers opportunities to convicted persons for continuing vocational training in improving their skills, or acquiring of new skills.

Article 80
Organizing vocational training courses

1. The organization of vocational training courses should be done in accordance with accredited programs.
2. All categories of convicted persons should be included in vocational training programs.

Article 81
Delivery of vocational training courses

Vocational training courses are delivered during working hours. A convicted person who does not work as a result of attending vocational training courses is entitled to financial assistance.

Article 82
Education

1. The convicted person is entitled to primary and secondary education in accordance with the legislation in force.
2. The Correctional Service is responsible for determining the location and infrastructure where the learning will take place.
3. Responsible for primary and secondary education in the correctional facility is the competent Ministry of Education.
4. Special courses are organized for convicted persons who are illiterate.
5. Convicted persons are assisted as much as possible in attending educational courses offered by post, radio, television or internet.
6. The correctional facility also organizes other forms of education for convicted persons.
7. The education of convicted persons is governed by a sub-legal act, issued by the Minister of Education with the consent of the Minister of Justice.

Article 83
Special programs for attending school

1. Through special programs, the director of the correctional facility enables the convicted person to attend primary, secondary, university, or any other education. The costs of such education shall be borne by the convicted person.
2. Volunteers wishing to assist convicted persons to attend secondary and university education in a correctional facility may be authorized by the director of the correctional facility.

Article 84
Attendance of educational courses during working hours

Attendance of educational courses is done during working hours. A convicted person who does not work due to attending educational courses is entitled to compensation.

Article 85
Document after completion of vocational training, or educational courses

1. For each level of education or vocational training a diploma or certificate is issued by the competent institution.

2. The document issued after the completion of vocational training or educational courses does not state that the courses were completed during the stay of the convicted person in the correctional facility.

Article 86 Information

1. The convicted person has the right to have access to the daily and periodical press in his /her mother tongue and to other sources of public information.

2. The convicted person has the right to have access to radio and television programs. When choosing programs, the preferences of convicted persons are taken into account, as well as their educational and recreational needs.

3. All correctional facilities are equipped with a library for use by convicted persons. The library contains books (including basic texts on human rights and criminal legislation), magazines and newspapers in the mother tongue that provide many alternatives to convicted persons.

4. Books, magazines and newspapers in the library are chosen in such a way as to improve the level of knowledge of convicted persons, to develop their skills for a critical attitude towards daily events, as well as to provide recreation.

5. The convicted person has the right to read books from the library of the correctional facility and books provided by him. The Correctional Service may restrict access to literature which is dangerous to the security of the premises of the correctional facility, or to the safety of any person which encourages hatred or violence containing pornographic material, or which in any way influence the display of various disorders or forms of criminality.

Article 87 Cultural, recreational and sports activities

1. Cultural, recreational and sports activities, as well as other activities aimed at the development of the personality of the convicted person are organized within correctional institutions with the assistance of public and private entities interested in the reintegration of convicted persons into society.

2. The active participation of convicted persons in the organization of cultural, recreational and sports activities is encouraged without disturbing the order and security.

Article 88 The right to exercise religion

1. The convicted person has the right to attend religious ceremonies and read religious literature.

2. The right of visit by the competent representative of the respective religion shall not be restricted. The time of visits is determined by the act on house order.

3. At the request of convicted persons, the director of the correctional facility may schedule regular visits of the competent representative of the respective religion to the correctional facility, if the number of convicted persons of the same religion justifies this.

4. The director of the correctional facility may temporarily exclude convicted persons from religious ceremonies, if such exclusion is necessary to maintain order and security, and the competent representative of the religion shall be notified.

5. Religious ceremonies are held in special suitable premises of the correctional facility.

Article 89

Leave on extraordinary cases

1. In case of serious illness, or direct danger of death, or death of a family member, the director of the correctional facility may grant leave to the convicted person in accordance with the act on house order.
2. Exceptionally from paragraph 1 of this Article, extraordinary leave may be granted for serious personal or family occurrences.
3. The convicted person has the right to use the extraordinary leave up to seven (7) days within the year.
4. The director of the correctional facility may set conditions which he or she deems reasonable and necessary for the protection of the social circle when allowing leave in accordance with this article, including the order that the convicted person be accompanied during the leave by a member of correctional personnel, or other persons authorized by the director.

Article 90

Complaints and requests

1. The convicted person shall be informed of the rights and obligations of the prisoners and of the procedures for submitting complaints and requests.
2. The convicted person has the right to appeal the procedure and the decision against the employees in the correctional institutions. The complaint is submitted orally, or in writing through the director of the correctional facility, to the central office of the Correctional Service. The written complaint is sent to the central office in an envelope which the directorate of the correctional facility shall not open.
3. The convicted person should be enabled to file an oral appeal without the presence of an employee of the correctional facility, or without the presence of the person against whose procedures and decisions the appeal was filed.
4. The director of the correctional facility will respond to the submitted complaint within fifteen (15) days, while the central office of the Correctional Service will respond within thirty (30) days. The written complaint will be answered in writing.
5. The convicted person has the right to file a complaint to the director of the correctional facility regarding the violation of his / her rights, or other irregularities committed against him / her in the correctional facility.
6. The director of the correctional facility, or the person authorized by him, is obliged to respond in writing.
7. The director of the correctional facility, or the person authorized by him, is obliged to:
 - 7.1. record all complaints and measures taken to address them;
 - 7.2. review the appeals immediately and submit the decision on the complaint to the convicted person;
 - 7.3. if the complaint relates to the alleged attack, ensure that the convicted person undergoes immediate medical examination and recommended treatment; and
 - 7.4. submit the criminal offenses to the state prosecutor in accordance with the provisions of the relevant chapter on the criminal report of the Criminal Procedure Code.

8. If the convicted person does not receive a response to the complaint, or is not satisfied with the response received, he has the right to submit a written complaint to the Director General of the Correctional Service, which body shall review the complaint and the send the response to the convicted person.

9. The convicted person, dissatisfied with the response received from the Director General of the Correctional Service has the right to file a complaint to the Minister unless otherwise provided by law.

10. Content of the complaint and the request is confidential.

Article 91 **Benefits of convicted persons**

1. For good behaviour and dedication to work, the director of the correctional facility after receiving the recommendation of the team for sentence planning may give the following benefits to the convicted person:

1.1. extended right to receive visits including visits from the wider circle of people;

1.2. accepting visits to the correctional facility in the presence of supervisors, but without being heard by them;

1.3. extended right to spend time in separate premises with the spouse;

1.4. extended right to spend time in separate premises with the children and parents;

1.5. leave outside the correctional facility for up to fourteen (14) days within one (1) year.

2. The right to use the benefits from paragraph 1 sub-paragraph 1.5 of this Article is acquired by the convicted persons who have served one half (1/2) of the sentence, while the other criteria are determined by the relevant sub-legal act issued by the Minister.

Article 92 **Transfer of convicted persons**

1. A convicted person may be transferred from one correctional facility to another, if this is necessary:

1.1. for the implementation of its correctional and re-socialization program, or work program;

1.2. to encourage contacts between the convicted person and his family and social circle, in order to facilitate his final reintegration into society;

1.3. for reasons of protection and security of the convicted person;

1.4. in the interest of maintaining order and discipline within the correctional facility;

1.5. due to health treatment.

2. The decision to transfer a convicted person is made by the General Director of the Correctional Service on the proposal of the director of the correctional facility, or at the request of the convicted person or a close family member.

3. In case of a transfer not requested by the convicted person, the director of the correctional facility shall ensure that the convicted person is notified in writing of the reasons for the transfer within twenty-four (24) hours of the decision.

4. The convicted person's spouse, family member, or any other person designated by the convicted person must be notified of the transfer within twenty-four (24) hours of the decision.

5. The prisoner can not resubmit a request for the transfer, until six (6) months have elapsed from the submission of his last transfer request.

Article 93

Temporary suspension of the execution of a sentence

1. Temporary suspension of the execution of a sentence means any release of the convicted person from the correctional facility, during which, the time of serving the imprisonment sentence is not calculated.

2. At the request of the convicted person, or a close family member, or on the proposal of the director of the Correctional Institution and on the recommendation of the Director General of the Correctional Service, who supports, opposes or abstains from the request, the President of the Basic Court may allow a temporary suspension of a sentence of imprisonment if it has been established that:

2.1. the convicted person suffers from a serious, life-threatening illness;

2.2. medical treatment, which is not otherwise available under the correctional service or public health institutions of Kosovo, is available to the convicted person, if released; and

2.3. there is no serious risk of escape or repetition of the offense which cannot be mitigated under the terms of that suspension.

3. The decision to temporarily suspend the execution of the imprisonment sentence for the reasons mentioned in paragraph 2 of this Article must be based on the medical assessment of a commission, which consists of three (3) doctors appointed by the president of the respective basic court. The treating physician should not be part of this committee, however his / her medical report shall be considered by the committee.

4. In cases where medical treatment can only be done abroad, the request for suspension may be allowed only if:

4.1. there is an international or bilateral agreement with that country, subject to the conditions under which the investigation may be conducted to verify the implementation of the measure; and

4.2. there is no legal impediment to the person being arrested and extradited in the event of the lifting of the suspension.

5. Prior to the ruling, the President of the competent Basic Court may hold hearings to establish the facts and circumstances specified in the request.

6. The suspension of the execution of the sentence shall not last longer than the minimum period necessary for the completion of the medical treatment.

7. The suspension of the execution of the sentence for convicted persons may be done even in cases of natural disasters or pandemic diseases declared by the competent body, whereby upon the proposal of the General Director of the Kosovo Correctional Service, the Minister of Justice recommends the Government to make a decision.

8. The ruling must include the reasoning and duration of the suspension, the reporting and other obligations of the convicted person as well as the responsibilities for the regular review of the existence of the basis referred to in paragraph 2 of this Article. The ruling must be served on the

applicant and the prosecutor of the State concerned, who can both file an appeal against the first instance ruling under this article with the President of the Court of Appeals within three (3) days of receiving the ruling.

9. The President of the Court of Appeals shall decide on the appeal within three (3) days of its receipt, unless there is a need for additional medical opinion of a second commission appointed pursuant to paragraph 3 of this Article. Doctors who participated in the first commission can not be part of the second commission.

10. The appeal stops the execution of the ruling.

11. The duration of the suspension is not counted as part of the duration of the sentence.

12. Except for the criteria defined above, the suspension of the execution of the sentence can be done also for the health reasons of the cases with terminal diagnosis, of incurable diseases which makes it impossible to take care of oneself while serving the sentence.

12.1. in this case the competent Basic Court decides based on the finding of the medical commission established by the Court;

12.2. on the basis of medical reports, the competent Basic Court may convene a session of the medical commission for the evaluation of periodic medical reports, for the continuation or termination of the suspension.

Article 94

Suspension of the execution of the sentence due to extraordinary legal remedies

The competent court which decides on the request for review of the criminal procedure, submitted in favour of the convicted person may suspend the execution of the sentence even before the ruling becomes final which allows the review of criminal procedure.

Article 95

Suspension of the execution of the sentence due to the request of the state prosecutor

1. At the request of the competent state prosecutor, the execution of the sentence may be suspended at any time until a decision is made to exercise the legal remedy.

2. The decision to suspend the execution of the sentence loses its validity if the state prosecutor does not use the legal remedy within thirty (30) days from the decision on the suspension.

Article 96

Monitoring and lifting of temporary suspension of sentence execution

1. The President of the competent basic court shall hold regular hearings to supervise and verify at all times the implementation of the ruling suspending the execution of the sentence and whether the reasons for supporting the suspension still exist, either directly with the police or through the correctional service. The president may appoint doctors to examine convicted persons. The president may modify the conditions imposed by the convicted persons in the suspension decision. The police, the correctional service and the doctors shall inform the president without any delay of any possible reason for lifting the suspension.

2. The competent state prosecutor may request the president of the competent basic court to exercise his powers under paragraph 1 of this Article.

3. Ex officio, or at the request of the competent state prosecutor, the president of the competent basic court revokes the suspension of the execution of the sentence if it is determined that the reasons supporting this suspension cease to exist, or if the convicted person does not comply with the terms of the ruling on the suspension of sentence execution.

4. The convicted person and the competent state prosecutor may file an appeal against the first instance ruling pursuant to this Article to the President of the Court of Appeals within three (3) days after receiving the ruling.

5. The President of the Court of Appeals shall decide on the appeal within three (3) days of its receipt, unless there is a need for additional health opinion of a second commission appointed in accordance with paragraph 3 of Article 94 of this Law. Doctors who participated in the first commission can not be part of the second commission.

6. The appeal does not stop the execution of the ruling.

7. If the convicted person does not report to the correctional service after the expiration of the suspension of the execution of the sentence, or its revocation, the correctional service shall immediately notify the police which will bring the convicted person for further serving of the sentence.

Article 97

Effects of suspension of execution of sentences

1. The period of suspension of the execution of the sentence is not counted in the serving of sentence.

2. During the period of suspension of the execution of the sentence, the convicted person does not enjoy the rights provided by this law.

Article 98

Procedure on the occasion of the death of convicted persons

1. In case of death of a convicted person, the correctional service shall immediately notify the Kosovo Police, State Prosecutor, spouse, children and adopted children, and if not applicable, shall notify his/her parents, adoptive parent, brother or sister, or distant relatives.

2. The court that imposed the sentence, the Minister and the Central Civil Registry Office are notified of the death of the convicted person.

Article 99

Delivery of the body and personal belongings to the family

1. The body of the convicted person and his personal belongings are handed over to his family.

2. If the convicted person has no family, or his family does not accept the corpse, the corpse of the convicted person is buried at the expense of the correctional service.

Article 100

Violations and disciplinary punishments

1. The purpose of disciplinary proceedings is to encourage convicted persons to behave in a way that promotes the maintenance of order in the correctional facility through the process of correction and re-socialization of the convicted person and his successful reintegration into society.

2. Disciplinary punishments are imposed on convicted persons only in accordance with the following provisions of this law.

3. The convicted person commits a minor disciplinary violation when he:

3.1. does not comply with the reasonable order of the staff member;

- 3.2. stays without a permit in a restricted area for convicted persons;
 - 3.3. manifests inappropriate behaviour and insults the staff member;
 - 3.4. manifests inappropriate behaviour and insults any person in a way which may provoke the other person to be violent;
 - 3.5. refuses, or avoids work, or does not show up for work without any reasonable cause;
 - 3.6. deals with gambling;
 - 3.7. knowingly disobeys the written rules governing the conduct of convicted persons;
or
 - 3.8. attempts to perform or assist the other person in performing any of the actions referred to in sub-paragraphs 3.1 to 3.7 of this paragraph.
4. A convicted person commits a serious disciplinary violation if he/she:
- 4.1. beats, attacks, or threatens to attack the other person;
 - 4.2. knowingly, or negligently damages, or destroys property that is not his;
 - 4.3. commits theft;
 - 4.4. possesses stolen property;
 - 4.5. offers, gives, or receives bribes, or ransom;
 - 4.6. is in possession, or deals with the unauthorized item;
 - 4.7. consumes narcotics, psychotropic substances, or alcohol without permission;
 - 4.8. creates, or participates in any riot, or any other activity which may endanger the protection and security of the correctional facility;
 - 4.9. performs preparatory actions for the purpose of escape and
 - 4.10. escapes, or leaves the correctional facility, or does not return without permission.

Article 101 **Disciplinary punishments**

1. Disciplinary violations are punishable by disciplinary punishments.
2. Disciplinary punishments are:
 - 2.1. reprimand;
 - 2.2. removal of certain temporary benefit;
 - 2.3. order for compensation; and
 - 2.4. solitary confinement.
3. The disciplinary procedure, classification, and imposition of disciplinary punishments is regulated by an act issued by the Minister of Justice.

Article 102
Imposition of disciplinary punishments

1. The disciplinary punishment should be in proportion to the disciplinary violation committed by the convicted person. A convicted person shall not be convicted twice for the same violation.
2. A reprimand may be imposed when the convicted person commits a minor disciplinary violation.
3. Removal of a certain benefit, or order for compensation may be imposed when the convicted person commits a minor or serious disciplinary violation.
4. Solitary confinement for a period not exceeding fifteen (15) days may be imposed only for serious disciplinary violations, if other disciplinary punishments would not be sufficient to achieve the purpose of the disciplinary punishment. In such a case, solitary confinement shall be imposed for the shortest period necessary to achieve the purpose of the disciplinary sanction.

Article 103
Imposition of a unique disciplinary punishment

1. When a convicted person, through a single or several actions commits several disciplinary violations for which a unique disciplinary procedure is applied (disciplinary violation in association), first a disciplinary sanction is imposed for each disciplinary violation, and then a unique disciplinary punishment is imposed for all disciplinary violations.
2. The total period of solitary confinement imposed on the convicted person may not be longer than sixty (60) days during one (1) calendar year.
3. In case of consecutive violation, the disciplinary punishment of solitary confinement can not be executed without interruption after fifteen (15) days of serving this service.

Article 104
Conditional postponement of the execution of disciplinary punishments

If the purpose of the disciplinary punishment in addition to reprimand can be achieved even without the execution of the disciplinary punishment, the execution of the disciplinary punishment may be conditionally postponed for six (6) months.

Article 105
Reasons for postponing the execution of disciplinary measures

1. The conditional postponement of the execution of the disciplinary punishment is revoked, if during the period of postponement of the execution a new disciplinary punishment is imposed on the convicted person in addition to the reprimand.
2. When the conditional postponement of the execution of the disciplinary punishment is revoked, a unique punishment is imposed for previous disciplinary violation and for the new violation. The previous disciplinary punishment is considered as imposed and the unique disciplinary punishment is imposed by applying the rules for measuring the disciplinary punishment for the concurrent disciplinary violation.
3. When the conditional postponement of the execution of the disciplinary punishment of solitary confinement is revoked, the imposed solitary confinement shall not be longer than twenty (20) days if the removal of certain benefits has been imposed for the last violation, but if solitary confinement has been imposed for the last violation, solitary confinement may be imposed up to a maximum of thirty (30) days.

Article 106

Disciplinary procedure

1. In cases of serious disciplinary violations, the director of the correctional facility implements disciplinary procedures and makes decisions regarding them. In cases of minor disciplinary violations, the senior supervisor in the correctional facility implements disciplinary procedures and makes decisions regarding them.
2. Disciplinary procedures are conducted in a hearing in which the convicted person is heard and his statement verified. An interpreter shall be provided to the convicted person who does not have sufficient knowledge of the language used in the disciplinary proceedings. He is enabled to reasonably call witnesses, question witnesses, present evidence, review material evidence and documents, and file submissions, including submissions regarding disciplinary punishment.
3. Before imposing a disciplinary punishment, the behaviour and work performed by convicted person shall be taken into account.
4. The execution of the disciplinary punishment of solitary confinement shall not begin before obtaining a written medical statement confirming that the convicted person is physically and mentally fit to stay in the solitary confinement room for a specified period of time. The medical staff of the institution is obliged to visit the imprisoned person every day while in solitary confinement.
5. The reasoned decision on the disciplinary punishment is compiled in writing and sent to the convicted person.

Article 107

Appeal against the imposition of solitary confinement

1. The convicted person has the right to appeal against the decision imposing the disciplinary punishment of solitary confinement within three (3) days from the receipt of the decision.
2. The appeal against the decision for imposing the measure of solitary confinement is addressed to the General Director.
3. The appeal does not postpone the execution of the decision.

Article 108

Deciding on the complaint

1. The General Director of the Kosovo Correctional Service - KCS may change or annul the decision on the disciplinary punishment within seventy-two (72) hours of receiving the appeal.
2. The General Director of the Correctional Service decides on the complaint within three (3) days of its receipt.

Article 109

Termination of the execution of disciplinary punishments

1. When the purpose of the disciplinary punishment is reached, the director of the correctional facility may terminate the execution of the disciplinary punishment before the end of the period for which it was imposed.
2. Director of the correctional facility can terminate the execution of the disciplinary punishment of solitary confinement, if based on the written conclusion of the medical staff the continuation of solitary confinement would endanger the health of the convicted person.

Article 110
Execution of the disciplinary punishment of solitary confinement

1. The disciplinary punishment of solitary confinement consists in the continued isolation of the convicted person in a separate room.
2. The room for the execution of solitary confinement has a space of at least eight (8) square meters, sanitary equipment, natural light, drinking water, bed sheet, table, chair and heating.

Article 111
The rights of the convicted person in solitary confinement

1. During the execution of the disciplinary punishment of solitary confinement, the convicted person enjoys the same hygienic and health conditions as other convicted persons in the correctional facility and is allowed to stay outside the closed environment for at least one (1) hour per day for fresh air and for exercises. The convicted person also has the right to be visited once by his / her spouse or other family member within a period of fifteen (15) days.
2. During solitary confinement the convicted person has access to textbooks, books and the daily press.
3. The convicted person in solitary confinement is visited by a doctor every day and by the director of the correctional facility and the social worker once every seven (7) days, or when the need arises even more often.

Article 112
Material responsibility of convicted persons

1. The convicted person is obliged to compensate the damage to the correctional facility caused intentionally, or by gross negligence.
2. The director of the correctional facility decides on the damage, the value of the damage and the period within which the compensation must be paid.
3. Against the decision for compensation of damage, the convicted person may appeal to the General Director of the Correctional Service within eight (8) days from the receipt of the decision.

Article 113
Damage compensation

1. If after the decision of the General Director of the Correctional Service, the convicted person does not pay the damage of less than one hundred (100) Euros, the correctional facility shall be compensated from the account of the convicted person.
2. A person convicted in civil proceedings may claim a refund of the money taken from him for compensation of the damage.
3. Against the final decision in which the convicted person during the execution of the sentence is restricted, or violated any right defined by this Law, the convicted person has the right to judicial protection.

Article 114
Use of force and coercive measures against convicted persons

1. The correctional officer shall use force and coercive measures against the convicted person only when it is necessary to prevent:

- 1.1. escape;

- 1.2. physical assault on another person;
- 1.3. self-injury;
- 1.4. causing material damage;
- 1.5. active, or passive resistance during the execution of legal orders by the correctional officer.

Article 115 Use of firearm

The Correctional Officer can use a firearm as a last resort only when the safety of persons inside and outside the correctional facility is seriously endangered.

Article 116 Conditional release

1. A convicted person may be conditionally released in accordance with the provisions of the Criminal Code of Kosovo.
2. The convicted person has the right to submit a request for conditional release to the panel established by decision of the Kosovo Judicial Council through the correctional facility in which he is serving his sentence.
3. The director of the correctional facility may submit a proposal for conditional release.
4. After the submission of the request for conditional release, the Director of the correctional facility requests the Probation Service to visit the convicted person and sign the agreement for his supervision after the conditional release.
5. After the submission of the request, or the proposal for conditional release, the director of the correctional facility shall immediately submit to the Conditional Release Panel the required documentation and summarized report compiled by the professional team in the correctional facility by means of a cover letter which is signed by the Director of the Correctional Institution.
6. The report from paragraph 5 of this Article includes:
 - 6.1. the type of criminal offense committed by the convicted person;
 - 6.2. the attitude of the convicted person towards the criminal offense, the victim and the victim's family;
 - 6.3. any criminal offense previously committed by him;
 - 6.4. his family circumstances and social past;
 - 6.5. his physical and psychological condition, including risk assessment whenever deemed necessary by a psychiatrist, or psychologist;
 - 6.6. his behaviour in the correctional facility and the success achieved in avoiding the factors of the criminal offense;
 - 6.7. his plans after his release;
 - 6.8. support that may be provided after release; and

6.9. any circumstance indicating that he will not commit a new criminal offense.

7. If the Conditional Release Panel does not have sufficient information, it may request additional information from the correctional facility.

Article 117 **Conditional Release Panel**

1. The Conditional Release Panel appointed by the Kosovo Judicial Council shall consist of three (3) members, with a two (2) year mandate, and without the right of re-election, as follows:

1.1. one (1) Supreme Court Judge, delegated by the President of the Supreme Court;

1.2. one (1) judge of the Court of Appeals delegated by the President of the Court of Appeals; and

1.3. one (1) official of the Ministry of Justice appointed by the Minister of Justice.

2. Judges proposed for member of the Conditional Release Panel must be judges with a permanent mandate, that come from penal field.

3. The official appointed by the Minister of Justice must be a lawyer and expert of penal field.

4. Conditional Release Panel shall be chaired by the judge proposed by the Supreme Court.

5. In cases where the Law provides for the expulsion of a panel member in a particular matter or the replacement in the absence of any other member, the heads of these institutions delegate another person.

6. The Chairperson and members of the Conditional Release Panel shall also have their deputies who act in their absence, who must meet the criteria determined by this Article.

7. When the conditional release is refused, the decision of the Conditional Release Panel shall contain the reasoning of the refusal.

8. The party dissatisfied with the decision of the Conditional Release Panel has the right to appeal against the decisions directly to the Supreme Court of Kosovo, within fifteen (15) days from the date of receipt of the decision.

9. The appeal against the decision of the Conditional Release Panel has a suspensive effect and stops the execution of that decision, until the appeal is reviewed.

10. An appeal may be lodged in the following circumstances:

10.1. in case of incorrect application of the provisions of the Law on execution of the penal sanctions related to the conditional release;

10.2. in case of procedural violation defined by Law;

10.3. in the event of a clear or obvious factual error which affects the substantive rights of the party if it seriously affects the impartiality and integrity of the proceedings.

11. The Supreme Court, in a panel of three (3) members, elected by the President of the Supreme Court, within thirty (30) days, reviews and decides on the appeal. In the event of a conflict of interest, then the selection of members is made by the senior judge of the Supreme Court.

12. After reviewing the appeal, the Supreme Court may confirm the decision of the Conditional Release Panel, change it, or return it for reconsideration.

13. In case the Supreme Court decides to return the case for reconsideration, then the Conditional Release Panel decides within thirty (30) days from the day of the taking of the decision, according to the decision of the Court, and notifies the Court in writing.

14. In case the Supreme Court does not receive notice within thirty (30) days from the date of return of the case for reconsideration, then the Supreme Court shall decide on the case within fifteen (15) days.

15. The decision of the Supreme Court is final.

16. The provisions of this Article shall not apply to cases when the Conditional Release Panel postpones the case for reconsideration from six (6) months onwards.

17. Provisions of this Article for the appointment of the Chairperson, members and deputies of the Conditional Release Panel shall apply *mutatis mutandis* to the Review Panel.

18. In order to avoid conflict of interest, based on the Law on Prevention of Conflict of Interest in the Exercise of Public Function, panel members are obliged to notify in writing the administrative staff of the conditional release panel before the hearing in case the conflict of interest exists, or situations that call into question the objectivity in decision making.

19. Kosovo Judicial Council shall issue regulations on the work of the conditional release panel.

Article 118

Execution of the decision of panel for conditional release

1. The ruling on conditional release shall be served on the convicted person within three (3) days from the day the ruling was rendered, and shall also be recorded in the court that imposed the sentence.

2. The decision of the conditional release panel together with the file of the convicted person conditionally released must be submitted to the probation service within three (3) days after receiving the decision on conditional release.

3. The ruling granting conditional release includes, *inter alia*, the date on which the convicted person will be released from serving the sentence.

4. If conditional release is not allowed, the ruling shall include, *inter alia*, the date on which the conditional release panel may review the convicted person's request for conditional release. The date for review may not be shorter than three (3) months and not longer than twelve (12) months.

5. If the convicted person is imposed the disciplinary punishment of solitary confinement between the date of rendering the ruling on conditional release and the date of conditional release from serving the sentence, the Conditional Release Panel shall review the ruling.

Article 119

Obligations of the conditionally released person

1. Within five (5) days from the date of release, the conditionally released person is obliged to notify the police and the probation service of his whereabouts during the period of conditional release.

2. The convicted person conditionally released is obliged to report to the probation service during the period of his conditional release.

3. If the convicted person conditionally released changes his/her place of residence, he/she is obliged to inform the police and probation service.

4. If the convicted person released on conditional release does not fulfil the obligations set forth in paragraphs 1, 2 and 3 of this Article, the conditional release panel may revoke the decision on conditional release upon the proposal of the probation service.

5. If the conditional release provided for in paragraph 4 of this Article is revoked, the convicted person shall serve the remainder of the sentence.

6. In case within twenty-four (24) hours, after the submission of the written decision for the revocation of decision on conditional release, the released convicted person does not voluntarily return to serving his sentence, the Kosovo Police shall bring him by force to the Correctional Institution to serve the remainder of his sentence.

7. The Probation Service prepares written reports for the conditional release panel regarding the progress of the supervision of convicted persons conditionally released.

8. The criteria and deadlines for compiling reports and supervising convicted persons conditionally released are regulated by a special sub-legal act issued by the Minister.

Article 120

The effect of conditional release on the rights provided by this law

During the period of conditional release, the convicted person shall not enjoy the rights provided by this law.

Article 121

Release due to termination of sentence

1. The convicted person shall be released from the correctional facility on the day of the end of his imprisonment sentence.

2. If the last day of the sentence is Saturday, Sunday, or official holiday, the convicted person is released on the last working day before that day.

3. The release provided for in paragraph 2 of this Article shall not be executed for a deadline shorter than seven (7) days.

4. The convicted person shall be released from any work or duty at least three (3) days before the day of release.

Article 122

Early release

1. Convicts who follow the rules and take an active part in re-education and re-socialization programs, providing evidence of reintegration into society, may be granted early release.

2. For the granting of this benefit, the behaviours of the convict for the last period of serving the sentence but not longer than the last two (2) years are evaluated.

3. Parole is made by a decision of the court, based on the request of the convict or his representative, or the director of the institution.

4. The competent court may grant early release on the basis of paragraphs 1,2,3 of this Article, if the convicted person has served at least three quarters (3/4) of the imprisonment sentence and if the same have remaining no more than three (3), six (6), respectively nine (9) months of the sentence.

5. Convicted for a period of:

- 5.1. up to five (5) years imprisonment, may benefit up to three (3) months from the date of final release;
- 5.2. from five (5) to a maximum of fifteen (15) years imprisonment, may benefit six (6) months from the date of final release; and
- 5.3. duration over fifteen (15) years of imprisonment, the convict may benefit from early release nine (9) months from the date of final release.
6. For persons sentenced to up to one (1) year of imprisonment parole, the release may be shorter than three (3) months depending on the duration of the sentence.
7. If the competent court decides on the early release of the convicted person, the period of early release may not be shorter than three (3), six (6), respectively (9) months, according to the escalating criteria provided in paragraph 5 of this Article.
8. In cases where detention on remand is imposed on a convicted person in another case, early release may be granted if detention on remand has been replaced by a more lenient measure by the competent court.
9. If the convicted person is imposed a disciplinary sentence of solitary confinement between the date of issuance of the decision for early release and the date for early release from serving the sentence, the competent court shall review the decision.
10. The decision for early release according to this article is delivered to the convicted person within three (3) days from the day of its receipt.
11. The time obtained by amnesty or pardon is not counted in the duration of the sentence served.
12. Against the ruling of the Basic Court for parole, the dissatisfied party has the right to appeal to the Court of Appeals within five (5) days from the receipt of the ruling.

Article 123

Release from serving the sentence due to pardon

A convicted person who has been pardoned shall be released on the same day as the correctional facility receives the pardon decision and no later than twenty-four (24) hours from the receipt of the decision

Article 124

Other provisions for the release of the convicted person from serving the sentence

1. Prior to release, the convicted person is examined by a doctor no more than three (3) working days before the date of release and the medical report is attached to the medical file of the convicted person.
2. When medical treatment is necessary after release, the doctor, in consultation with the director of the correctional facility, shall provide such treatment prior to release. The convicted person is given the necessary amount of medication only for three (3) days after release.
3. A convicted person who is seriously ill, or who is unable to travel due to illness, is sent by the correctional facility to the nearest health care facility.

Article 125

Issuance of the release paper

1. After release from the correctional facility, the convicted person shall be provided with a

release paper which shall contain, inter alia, the personal data of the convicted person, the date of admission to the correctional facility, the date of release and, if necessary, the date the convicted person will report to the station police. A convicted person who has been released on conditional release shall be provided with a release paper containing the obligation not to commit any new criminal offense and the time limit for his conditional release.

2. The director of the Correctional Institution shall issue the release paper which serves as evidence for the completion of the sentence.

Article 126

Personal things and money

1. Upon release, the convicted person is given all the personal belongings and items that have been kept for him by the correctional facility, his savings and the money he has received while serving his sentence.

2. The convicted person is provided with underwear, clothes and shoes by the correctional facility if he does not have these and does not have the financial means to provide them.

Article 127

Transport costs

1. Upon release, the costs of transportation shall be paid to the place of residence or stay for the convicted person. The costs shall not be paid for the convicted person who possesses sufficient funds in the individual account of the correctional facility.

2. Upon release, foreign convicted persons shall be reimbursed for transport to the border crossing point, unless otherwise provided by special provisions.

3. Transportation costs are covered by the correctional facility from which the convicted person is released.

Article 128

Notice before conditional release

1. Prior to release, the correctional facility shall notify the court that imposed the sentence and the nearest police station to the place of residence or stay of the convicted person for his release.

2. In case the convicted person is a juvenile, the correctional facility shall notify his family, the probation service and the Centre for Social Work regarding the release of the convicted person.

3. Preparations for the release of a person with a mental disorder are made in consultation with the director of the correctional facility, the psychiatrist who treated the convicted person in the correctional facility, and the relevant mental health authorities in the community.

Article 129

Assistance after release from prison

1. If after release the convicted person needs help, the correctional facility shall notify the Centre for Social Work, which is competent according to the place of residence or stay of the convicted person, at least three (3) months before release.

2. The correctional facility shall notify the Centre for Social Work of the type of assistance requested by the convicted person.

CHAPTER III EXECUTION OF A FINE

Article 130 Competence and procedure for execution of a fine

1. The court which imposes the fine shall order its execution.
2. The provisions of the Law on Enforcement Procedure in force apply to the competence and procedure of execution of a fine, unless otherwise provided by this law.

Article 131 The effect of substituting a fine with imprisonment

A convicted person, whose fine sentence has been replaced by imprisonment, according to the provisions of the Criminal Code of Kosovo, is treated as a person serving a prison sentence.

Article 132 The ratio between the execution of the fine, the costs of the criminal proceedings and property claims of the injured parties

1. When the costs of the criminal proceedings and the fine are to be executed simultaneously, the costs of the criminal proceedings are executed first.
2. If the property of the convicted person is reduced due to the payment of the fine to the extent that the property claim of the injured party can not be realized, the property claim is realized by the fine paid, but only to the extent of the value of the fine.

Article 133 Costs of execution of a fine

1. The convicted person shall pay the costs of the execution of a fine by force.
2. The funds paid from the fine shall be deposited in the Kosovo Budget.

CHAPTER IV GENERAL PROVISIONS ON THE EXECUTION OF ALTERNATIVE PUNISHMENTS

Article 134 Commencement of the execution of the alternative punishment

1. Execution of the alternative punishment shall begin after the decision becomes final.
2. An alternative punishment is executed against the convicted person at his/her place of residence or stay.
3. The execution of alternative punishment is prepared, managed and supervised by the Probation Service.

Article 135 Manner of execution of alternative punishments

1. The alternative punishment is executed in a way which ensures respect for the dignity and rights, fundamental freedoms of the convicted person and his family.
2. The convicted person, whose dignity or fundamental rights and freedoms have been violated during the execution of the alternative punishment, has the right to appeal.

3. Against the final decision by which the convicted person during the execution of the alternative punishment has been restricted, or any right defined by this law has been violated, the convicted person has the right to judicial protection.

Article 136

Report before the imposition of an alternative punishment

1. Before imposing an alternative punishment, the court may request a report from the probation service. The probation service submits the report to the court before the punishment is imposed, within three (3) weeks from filing such a request.

2. The report given before punishment is imposed shall determine the punishment, or alternative punishments appropriate for the convicted person taking into account the objectives of re-socialization and prevention of future criminal offenses.

Article 137

Report on the revocation of the alternative punishment

1. When the court accepts the report of the Probation Service, which contains data on the violation of the conditions of the alternative punishment, or the non-fulfilment of any obligation, the court shall examine the possibility of revoking the alternative punishment and notify the convicted person about the content of the report by giving him the right to respond to the report. The convicted person is informed that he / she has the right to hire a lawyer at his/her own expense.

2. During the review period of the revocation of the alternative punishment, its execution is suspended.

3. After the court reviews the report of the probation service and the answers received from the convicted person, or his defence counsel, it decides whether to revoke the alternative punishment, or take further action in accordance with the Criminal Code of Kosovo.

4. The court makes a reasoned decision in writing within thirty (30) days after receiving the report from the probation service. This decision is sent to the convicted person, his defence counsel, the probation service and the state prosecutor.

5. The convicted person may appeal against the decision within eight (8) days of its receipt.

CHAPTER V

EXECUTION OF ALTERNATIVE PUNISHMENTS

Article 138

Manner of execution of the conditional sentence

1. When the court imposes a suspended punishment, it sends the verdict with all the data it possesses to the probation service for the execution of this alternative punishment.

2. If the convicted person is detained, the court also sends the decision to the detention facility where he is being held. The director of the detention facility shall release the convicted person in order to ensure the execution of this alternative punishment.

Article 139

Supervision of the fulfilment of obligations

1. When the court imposes a suspended punishment and orders the fulfilment of any obligation under the provisions of the Criminal Code of Kosovo, the probation service supervises the fulfilment of the obligation.

2. If the convicted person does not fulfil the obligation ordered by the court, according to paragraph 1 of this Article, the Probation Service notifies the court after verifying the facts and reasons for non-fulfilment of the obligation.

Article 140**The manner of execution of the conditional punishment with an order for compulsory rehabilitation treatment**

1. The conditional release with an order for compulsory rehabilitation treatment is executed in the health care institution or in any other relevant institution.
2. When the court imposes a suspended punishment with an order for compulsory rehabilitation treatment, it shall immediately send the judgment and all the information in its possession to the competent probation service and the competent health care institution, or the relevant institution for the execution of this punishment.
3. If the convicted person is held in detention on remand, the court shall also send the decision to the detention facility where he is being held. The director of the detention facility shall release the convicted person in order for this alternative punishment to be executed.

Article 141**Rehabilitation treatment program**

1. The competent health care institution, or the relevant institution, in cooperation with the probation service, determines the rehabilitation treatment program for the person who undergoes the conditional punishment with an order for compulsory rehabilitation treatment. The probation service in cooperation with the competent health care institution, or with the relevant institution shall supervise whether such person adheres to the rehabilitation treatment program.
2. Every four (4) months the probation service shall submit to the court reports on the progress made in rehabilitation treatment program, based on data provided by the competent health care institution, or by another relevant institution.
3. The competent health care institution, or other relevant institution shall immediately notify the probation service for non-fulfilment of the rehabilitation treatment program by the convicted person. Failure of the convicted person to complete the rehabilitation treatment program is assessed by the probation service and reported to the court.
4. Upon notification by the competent health institution of the successful completion of the rehabilitation treatment program, such report shall be sent to the court by the probation service.

Article 142**The manner of execution of the conditional sentence with an order for supervision by the probation service**

1. When the court imposes a suspended punishment, with an order for supervision by the probation service, according to the provisions of the Criminal Code of Kosovo, it shall immediately send the judgment and all the data in its possession to the probation service competent for the execution of this alternative punishment.
2. If the convicted person is held in detention on remand, the court shall also send the judgment to the relevant correctional facility where he is being held. The director of the respective correctional facility shall release the convicted person by decision in order to execute this alternative punishment.

Article 143**Supervision by the probation service**

1. The probation service shall supervise the execution of the conditional punishment with an order for supervision by the probation service.
2. If the convicted person does not contact the probation service, the probation service shall notify the court after verifying the facts and reasons for not maintaining such contact.

Article 144
Supervision of the fulfilment of obligations

1. When the court imposes a suspended punishment with an order for supervision by the probation service and orders the fulfilment of any obligation, according to the provisions of the Criminal Code of Kosovo, the probation service shall supervise the fulfilment of this obligation.
2. If the convicted person does not fulfil the obligation ordered by the court, the probation service shall notify the court after verifying the facts and reasons for non-fulfilment of such obligation.

Article 145
Reporting by Probation Service

The successful completion of the verification period of the execution of this alternative punishment of convicted persons is reported to the court by the probation service. After receiving such a report, the court makes a decision confirming the serving of the alternative punishment. A copy of the decision is sent to the probation service.

Article 146
The manner of execution of the punishment with an order for community service work

1. When the court imposes the punishment with the order for community service work, according to the provisions of the Criminal Code of Kosovo, it immediately sends the judgment with all the data in its possession to the probation service competent for the execution of this alternative punishment.
2. If the convicted person is detained, the court also sends the decision to the detention facility where he is being held. The director of the relevant correctional facility shall release the convicted person in order for this alternative punishment to be executed.

Article 147
Program of community service work

1. The Probation Service shall develop the program for community service work for the convicted person in accordance with the provisions of the Criminal Code of Kosovo and based on his abilities, skills and background.
2. The probation service shall oversee the execution of the punishment with the order of community service work.
3. The probation service, in coordination with the organization where the community service work will be performed, shall establish the security rules for cases of injury in the workplace or illness, general conduct in the workplace and other relevant issues before starting the community service work. The sub-legal act on working hours, vacations, weekly vacations and protection at the workplace are applied during community service work.

Article 148
Supervision of the performance of community service work

1. When the court imposes the punishment with an order for community service work and orders the convicted person to contact the probation service, or to fulfil one or more obligations according to the provisions of the Criminal Code of Kosovo, the probation service shall supervise the keeping of contact, or the fulfilment of the obligation.
2. If the convicted person does not keep in touch with the probation service, or does not fulfil the obligation ordered by the court, the probation service shall notify the court after verifying the facts and reasons for not keeping of contact, or not fulfilling the obligation.

- 3 The administration bodies at central and local level, institutions and other legal entities, as well

as natural persons are obliged to cooperate with the probation service and regional probation offices in the execution of the punishment with an order for community service work.

4. The Minister shall conclude cooperation agreements on the execution of the punishment for community service work from paragraph 3 of this Article. Mutual rights and obligations are defined by cooperation agreements.

Article 149 Notice

1. The organization in which the community service work will be performed shall immediately notify the probation service if the convicted person is not performing community service work to a satisfactory level. Failure to perform the community service work at a satisfactory level is assessed by the probation service and reported to the court.

2. Failure to perform the community service work at a satisfactory level means late arrival at work, unauthorized absences from work, non-compliance with work rules.

Article 150 Correction of the program for community service work

1. If the convicted person is unable to perform community service work due to changed circumstances, the probation service may adjust the program of community service work.

2. Execution of the order on community service work with punishment may be postponed or suspended due to:

2.1. sudden illness of the convicted person, which requires medical treatment and makes it impossible for him to perform community service work;

2.2. the death of a family member, which obliges him / her to assume the role of primary guardian over other family members and prevents him / her from performing community service work;

2.3. other exceptional circumstances, which require the permanent presence of a person convicted for humanitarian reasons and render him unable to perform community service work.

3. A request for postponement or suspension of the execution of a community service work may be submitted to the court by the convicted person, defence counsel, or representative of the probation service. The submission of the request shall suspend the obligation to perform community service work until the court decides on the request.

4. The court decides on the postponement or suspension of the execution of the order for community service work, ordered with a punishment within three (3) days from the receipt of the request. If the court approves the postponement, or suspension of the execution of the order for community service work, it shall determine the period of postponement, or suspension.

5. Postponement, or suspension of execution of the order for community service work may last:

5.1. until the cure of the disease, in the cases from sub-paragraph 2.1 of paragraph 2 of this Article;

5.2. up to twenty (20) days, in the cases from sub-paragraph 2.2. and 2.3 of paragraph 2 of this Article.

Article 151 **Reporting**

Successful completion of community service work is reported to the court by the probation service. After receiving such a report, the court makes a decision confirming the serving of the alternative punishment. A copy of the decision is sent to the Probation Service.

Article 152 **The manner of execution of punishment in semi-liberty**

1. When the court imposes the sentence of imprisonment and orders the execution of the sentence in semi-liberty, it shall immediately send the judgment and all the information in its possession to the competent probation service and the correctional facility for the execution of this alternative punishment.

2. The General Director of the Correctional Service determines the correctional facility where the order for semi-liberty will be executed, taking into account the place of work, or other obligations and responsibilities of the convicted person and other acting factors.

Article 153 **Supervision of the convicted person in semi-liberty**

1. The director of the correctional facility shall supervise the convicted person during his imprisonment, while the competent probation service shall supervise him during his semi-liberty.

2. If the convicted person does not return to the correctional facility after performing his or her duties, the director of the correctional facility shall notify the court after verifying the facts and reasons for not returning to the correctional facility.

3. If the convicted person does not fulfil his / her obligations related to work, education, qualification or vocational training, family responsibilities, or the need for treatment or medical rehabilitation, the probation service notifies the court after verifying the facts and reasons for non-fulfilment of such obligations.

CHAPTER VI **ACCESSORY PUNISHMENTS**

Article 154 **The manner of execution of the deprivation of the right to be elected**

1. When the court decides to deprive the perpetrator of the right to be elected according to the provisions of the Criminal Code of Kosovo, it shall immediately send the judgment and all the data in its possession to the police station in whose territory the convicted person resides for the execution of this accessory punishment.

2. The administrative unit of the police station shall notify the Central Election Commission of Kosovo and the Local Election Commission where the convicted person resides, that the convicted person has been deprived of the right to be elected by a final court act.

3. If the convicted person changes residence, he / she shall notify the court and the police of his / her new residence. The police station in whose territory the convicted person previously resided shall notify the police station of the convicted person's new residence.

Article 155 **The manner of execution of the prohibition of exercising functions in the public administration, or in the public service**

1. When the court decides to prohibit the perpetrator from exercising functions in the public

administration, or in the public service, according to the provisions of the Criminal Code of Kosovo, it shall immediately send the judgment and all the data it possesses to the respective Ministry of Public Administration for the execution of this accessory punishment.

2. If the convicted person does not comply with the prohibition on exercising functions in the public administration, or in the public service, the respective Ministry of Public Administration shall notify the court of non-compliance with the prohibition.

Article 156

Execution of the prohibition to exercise a profession, activity, or duty

When the court decides to prohibit the perpetrator from exercising the profession, independent activity, managerial or administrative position, according to the provisions of the Criminal Code of Kosovo, it shall immediately send the judgment and all data it possesses to the public or private enterprise where the convicted person was employed, the body authorized to grant permission to practice the profession or activity and the respective Ministry of Labour and Social Welfare for the execution of this accessory punishment.

Article 157

Revocation of permit

1. When the precondition for exercising the profession, activity or duty is the permit granted by the authorized body, this accessory punishment is executed by revoking the permit, or by stopping the issuance of the permit while the accessory sentence is in force.

2. In other cases, the respective Ministry of Labour and Social Welfare undertakes appropriate actions to prevent the convicted person from exercising his profession, activity or duty.

3. The public or private enterprise, the responsible body, or the respective Ministry of Labour and Social Welfare shall notify the court, which has imposed the accessory punishment when such punishment has been executed.

Article 158

Court notice

If the convicted person does not comply with the prohibition of exercising the profession, activity, or duty, the public or private enterprise, the responsible body, or the respective Ministry of Labour and Social Welfare shall notify the court of non-compliance with the prohibition.

Article 159

Execution of prohibition of driving the vehicle

1. When the court decides to prohibit the perpetrator from driving, according to the provisions of the Criminal Code of Kosovo, it shall immediately send the judgment and all the data it possesses to the competent body for issuing driving licenses in the territory where the convicted person resides, for the execution of this accessory punishment.

2. If the residence of the convicted person is not known, the competent body authorized to issue driving licenses in the territory where the convicted person resides shall execute this accessory punishment.

3. If the convicted person has no place of residence in Kosovo, the judgment shall be sent to the competent body authorized to issue driving licenses in the territory where the criminal offense was committed.

Article 160

Invalidity of driving license

1. The competent body authorized for issuing driving licenses shall execute this punishment by

summoning the convicted person and rendering his driving license invalid during the execution of this accessory punishment for a certain type and category of vehicle.

2. If the convicted person does not have a driving license, or has a permit issued by the competent body of the foreign state, this accessory punishment is executed by registering the punishment in the register of the competent body for issuing driving licenses. The competent public body registers the data of the convicted person, the accessory punishment imposed and its duration.

3. After the completion of the accessory punishment, the convicted person may request the issuance of a new driving license by the competent body.

Article 161

Failure to comply with the prohibition on driving the vehicle

If the convicted person does not comply with the driving prohibition, the competent body authorized to issue the driving license shall notify the court of non-compliance with such a prohibition.

Article 162

Execution of seizure of a driving license

1. When the court decides to seize the driving license from the perpetrator, according to the provisions of the Criminal Code of Kosovo, it shall immediately send the judgment and all the data it possesses to the police station in the territory where the convicted person resides for the execution of this accessory punishment.

2. If the residence of the convicted person is not known, the police station in the territory where the convicted person has his residence shall execute this accessory punishment.

Article 163

Execution procedure for seizing a driving license

1. If the convicted person possesses a driving license, the police shall execute this accessory punishment by summoning the convicted person and seizing the driving license for the duration of the punishment.

2. If the convicted person does not possess a driving license, this accessory punishment is executed by registering the punishment in the register of the administrative body competent for issuing the driving license. The competent body shall record the data of the convicted person, the accessory punishment imposed and its duration.

3. The execution of this accessory punishment begins on the day of seizure of the driving license, or the registration of the punishment in the register of the body competent for issuing the driving license.

Article 164

Execution of seizure of an item

1. The accessory punishment of seizure of an item, according to the provisions of the Criminal Code of Kosovo, is executed by the court which has imposed the punishment in the first instance.

2. The court shall decide whether the item will be sold according to the provisions of the law on enforcement procedure, will be handed over to the competent body, the museum of criminology, or the relevant institution, or whether it will be destroyed.

3. Proceeds from the sale of the item are deposited in the Kosovo Budget.

Article 165
Publication of the judgment

When the court orders the publication of the judgment, in accordance with the provisions of the Criminal Code of Kosovo, it shall immediately send the enforceable judgment for publication in one or more newspapers, or for broadcast on a radio or television channel.

Article 166
Deciding on the expulsion of foreign nationals

When the court decides on the expulsion of a foreign citizen from the territory of Kosovo, according to the provisions of the Criminal Code of Kosovo, it shall immediately send the judgment and all the data in its possession to the police station in the territory where the convicted person has his residence for execution of this accessory punishment.

CHAPTER VII
EXECUTION OF COMPULSORY TREATMENT MEASURES

Article 167
The manner of execution of compulsory rehabilitation treatment for perpetrators addicted to drugs or alcohol

1. The measure of compulsory rehabilitation treatment for perpetrators addicted to drugs or alcohol is executed in the health care institution, or in another relevant institution. If this measure is imposed together with the imprisonment, it is applied in the health institution.
2. The court shall decide on the health care institution, the correctional facility, or other relevant institution where the measure of compulsory treatment should be executed.
3. When the court imposes the measure of compulsory rehabilitation treatment, it shall immediately send the decision and all other data it possesses to the competent probation service and the health care institution, correctional institution, or relevant institution for the execution of this measure.
4. If the convicted person is being held in detention on remand, the court shall also send the decision to the detention centre where he is being held. The director of the detention centre releases the person convicted for the execution of this measure.

Article 168
Rehabilitation treatment program

1. The health institution, correctional institution, or relevant institution, in cooperation with the probation service, determines the rehabilitation treatment program for the person who undergoes the measure of compulsory rehabilitation treatment. The probation service shall supervise whether the person acts in accordance with the rehabilitation treatment program, in cooperation with the health institution, correctional institution, or relevant institution.
2. The probation service shall send every two (2) months a report to the court on the progress achieved in the rehabilitation treatment program based on the information provided by the health institution, the correctional institution, or another relevant institution.
3. The health institution, correctional facility, or relevant institution shall immediately inform the probation service if the convicted person does not adhere to the rehabilitation treatment program. Failure to complete the rehabilitation treatment program by the convicted person is assessed by the probation service and reported to the court.
4. Successful completion of the rehabilitation treatment program is reported to the court by

the probation service. After receiving such a report, the court makes a decision confirming the retention of such measure.

Article 169

Manner of execution of the measure of compulsory psychiatric treatment with custody in health care institution

1. Compulsory psychiatric treatment with custody is executed in the health institution, or in another special institution located in the permanent residence, or residence of the defendant, or if such institution is not located in that location, in the institution closest to the location where the defendant has a permanent residence, or place of residence, or at the place where the criminal proceedings were conducted.
2. The court shall decide on the health institution, or other relevant institution where the measure of compulsory psychiatric treatment with custody shall be executed. When deciding on a health care institution, the court takes into account the risk that the defendant poses to his environment, his permanent residence, or his place of residence and his needs for treatment.
3. When the court imposes the measure of compulsory psychiatric treatment with custody, it shall immediately send the decision and all the data in its possession to the competent probation service and the health institution, correctional institution, or relevant institution for the execution of this measure.
4. If the measure is imposed together with the imprisonment sentence, the perpetrator is first sent to the health care institution for treatment.

Article 170

Transfer of the person to whom the measure of compulsory psychiatric treatment at liberty with custody in a health care institution has been imposed

1. If the person to whom the measure of compulsory psychiatric treatment with custody has been imposed is at liberty, the court shall order his transfer to the health care institution, or shall order the issuance of a warrant, but if the person is in detention, the staff of Kosovo correctional service shall accompany him to the health care institution.
2. The person to whom this measure is imposed, is transferred to the health care institution accompanied by health care employees.
3. The person against whom this measure is executed has the same rights and obligations as a person serving a prison sentence, unless the needs of treatment require otherwise.
4. Upon the proposal of the health care institution where this measure is executed, for the duration of the measure the court may decide on the transfer of the person from one health care institution to another.
5. The court which imposed the measure in the first instance shall monitor the legality of its execution. The public body competent for health shall monitor the professional treatment ability, which is provided during the execution of the measure.

Article 171

Reporting of the health care institution

1. The health care institution shall send a report to the court that imposed the measure in the first instance on the state of health and success of the treatment of the person against whom the measure is executed, at least once every six (6) months and more often at the request of the court.
2. When the health care institution, or the doctor responsible for mental treatment, finds that it

is no longer necessary to treat or detain the perpetrator in the health care institution, the court that has imposed the measure in the first instance shall be immediately informed.

3. Every six (6) months, the court that has imposed the measure in the first instance, shall review the need to continue the measure after the review by the health institution and the opinion of the independent expert, who is not employed in the health care institution where the measure is being executed.

4. Ex officio, or on the proposal of the defendant, defence counsel of the health care institution or the custodial body that is competent on the basis of the temporary or permanent residence of the person at the time when the order imposing the measure entered into force, the court which has imposed the measure in the first instance shall terminate the measure if it finds that it is no longer necessary for the perpetrator to be treated, or detained in that institution. When the measure ceases, the court may impose the measure of compulsory treatment at liberty if there are reasons for imposing such a measure.

5. The decision according to paragraph 4 of this Article is taken after hearing the state prosecutor, defense counsel and the perpetrator of the criminal offense if his condition allows this and after reviewing the opinion of the expert.

6. When the court terminates the measure, it shall inform the health care institution, and shall release the person against whom the measure has been imposed immediately after the decision is made.

Article 172

Providing assistance after release from health care

1. After the person is released from the health institution, the competent custodial body is responsible for the person against whom the measure has been executed in providing assistance after release from the health institution.

2. If the perpetrator who has committed a criminal offense in a state of reduced mental capacity is released from the health institution, and if he has spent less time in the health institution than the duration of the specified imprisonment, the court shall consider conditional release for that person.

3. When deciding on conditional release, the court shall particularly take into account the success of the treatment of the convicted person, his health condition, the time spent in the health institution and the remaining time of the sentence.

4. If the court decides on conditional release, it may also impose a measure of compulsory psychiatric treatment at liberty, if there are grounds for imposing such a measure.

5. If the court decides that the convicted person will serve the remainder of the prison sentence, the Kosovo Correctional Service staff shall refer him or her to the correctional facility.

Article 173

Execution of the measure of compulsory psychiatric treatment at liberty

1. The measure of compulsory psychiatric treatment at liberty is executed in the health institution designated by the court that imposed the measure in the first instance.

2. The court shall inform the health institution about the date when the person against whom the measure has been imposed must appear for treatment.

3. The person against whom the measure has been imposed is obliged to appear at the health institution for treatment within the time set by the court.

Article 174
Reporting to the health care institution

1. The health institution shall send to the court that has imposed the measure in the first instance a report on the health condition and success of the treatment of the person against whom the measure was executed, at least once in six (6) months, and more often at the request of court.
2. When the health institution deems that it is no longer necessary to treat the person against whom the measure has been imposed, it shall immediately inform the court which has imposed the measure in the first instance.
3. The court which has imposed the measure in the first instance, *ex officio*, or upon the proposal of the defendant, the defense counsel, the health institution, or the competent custodial body, shall terminate the measure if it finds that it is no longer necessary to treat the person against whom such measure was imposed.
4. The decision to terminate the measure is taken after hearing the state prosecutor, defense counsel and the person against whom the measure has been imposed, if his condition allows and after reviewing the opinion of the expert.

Article 175
Measure of treatment

1. The health institution shall immediately notify the court that imposed the measure in the first instance, when the person against whom the measure was imposed has not been subjected to treatment at liberty, if he has arbitrarily terminated the treatment, or if it considers that the treatment has been unsuccessful.
2. *Ex officio*, or on the proposal of the health institution in which the person is treated, or should be treated, the court may prescribe compulsory psychiatric treatment with custody if:
 - 2.1. the perpetrator has not been subjected to treatment at liberty, has terminated treatment arbitrarily, or when the treatment has been deemed unsuccessful by the health care institution;
 - 2.2. there are reasons for imposing such a measure.
3. The decision to impose the measure of compulsory psychiatric treatment with custody is taken after hearing the state prosecutor, defense counsel and the person against whom the measure has been imposed, if his condition allows and after reviewing the opinion of the independent expert, who is not employed in the health care institution where the measure is executed.
4. After the person no longer needs treatment in the health institution, the competent custodial body is responsible for providing help to the person against whom the measure was executed after the termination of compulsory treatment at liberty.

CHAPTER VIII
EXECUTION OF THE DETENTION MEASURE

Article 176
Manner of execution of the detention measure

1. The detention measure according to the rulings of the competent courts is executed in the relevant correctional institutions.
2. In dealing with persons in detention on remand, the relevant provisions of the Code of Criminal Procedure and the provisions of this law shall apply.

3. At the request of the prosecutor and if it is in the interest of justice, the court may order that certain rights of the person in detention be restricted.

Article 177
Detention of a detainee

1. The person for whom the competent court has issued a decision on detention on remand may be placed in the relevant correctional facility. Along with the ruling on detention on remand, a written order for the admission of the detainee is sent to the relevant correctional facility.

2. The relevant correctional facility shall issue a written certificate of admission of the detainee, stating, inter alia, the day and hour of admission, the name and surname of the person who brought the detainee.

Article 178
Medical examination and notification of his rights

1. Immediately after admission to the relevant correctional facility, the detainee undergoes a medical examination, while the doctor's statement and opinion are recorded on the detainee's health record.

2. Upon admission to the relevant correctional facility, the detainee shall be notified with the sub-legal act on internal house rules, the execution of the detention measure, other rights and obligations during the application of the detention measure.

3. Detainees who together participated in the commission of a criminal offense are placed in separate premises.

Article 179
Conditions for persons in detention on remand

1. Detainees in the relevant correctional facility are held under the same conditions as convicted persons in connection with accommodation, food, health care, use of coercive measures, special measures to maintain order and security, and compensation for damage caused during the time of the application of the detention measure.

2. In the event of the need to secure the detainee while outside the correctional facility on any grounds, the security is performed by Kosovo Correctional Service - KCS, in special cases in cooperation with the Kosovo Police.

Article 180
The right of detainee to work

1. The detainee may be engaged in workshops, workshops of economic units which are located in the surroundings of the respective correctional institution, after obtaining the consent of the competent court.

2. A detainee who works has the right to compensation and other work-based rights that convicted persons are entitled to in accordance with this Law.

Article 181
Disciplinary violations during detention

1. If during the execution of the measure, the detainee commits a disciplinary violation, or any minor offense, the director of the correctional facility shall conduct and decide on the disciplinary procedure and shall inform the court about it.

2. The competent court is also notified in the case of the escape of the detained person. The

court shall issue an order announcing the arrest warrant for finding and bringing the detainee.

3. Supervision over the execution of the detention measure is performed by the president of the competent court in accordance with the Code of Criminal Procedure.

Article 182
Release from detention

The release of the detainee from the correctional facility is carried out on the basis of the ruling on the abrogation of the detention of the competent court, or after the expiration of period of detention.

Article 183
Sending of convicted person to serve a prison sentence

A detainee who, in accordance with the provisions of the Code of Criminal Procedure, upon his request, is sent to serve a prison sentence before the final decision is rendered, has equal rights and obligations as other convicted persons.

Article 184
Act on house order

1. The act on house order in correctional institutions shall specify in particular:

- 1.1. admission and accommodation of detainees;
- 1.2. hygienic-health measures and food;
- 1.3. acceptance of visits;
- 1.4. receipt of deliveries and press;
- 1.5. work and behaviour of detainees, maintaining order and discipline;
- 1.6. procedures in case of escape or death of the detainee;
- 1.7. behaviour of the detainee, release; and
- 1.8. other issues relevant to the execution of the detention measure.

CHAPTER IX
SUPERVISION OF THE WORK OF CORRECTIONAL INSTITUTIONS

Article 185
Administrative supervision

1. Administrative supervision of the work of correctional institutions is performed by the General Directorate of the Correctional Service in accordance with legal provisions.

2. In the implementation of administrative supervision, the legality of work and action, the legality of acts by the competence of the director of the correctional facility, the efficiency and suitability of the work in performing the work within the scope of correctional institutions are supervised in particular.

3. Supervision regarding the provision of health care to prisoners is performed by the competent ministry for health affairs, while for the education programs of convicted persons and for their implementation the ministry competent for education affairs.

Article 186

Professional Council

1. In order to monitor, research and advance the system of execution of criminal sanctions a professional council shall be established from scientific institutions, courts, administrative bodies, professional associations, civil society and other institutions which deal with issues of criminality and education of convicted persons.
2. The appointment, composition and role of this new body that is established to be regulated by a sub-legal act issued by the Minister of Justice.

Article 187

Internal inspection of correctional facilities and Regional Probation Directorates

1. The Minister shall establish the Inspectorate for the supervision of the work of correctional institutions and Regional Probation Directorates (hereinafter: the inspectorate).
2. The Inspectorate is an executive agency and operates within the Ministry of Justice. The Inspectorate is headed by the Chief Inspector.
3. The appointment and dismissal of the Chief Inspector and inspectors is done in accordance with the provisions of the Law on Public Officials.
4. Inspection activities according to this law and sub-legal acts issued for its implementation, are conducted by the Ministry through inspectors.
5. A person who has a university degree and has at least eight (8) years of professional work experience, four (4) years of work experience in managerial positions can be elected Chief Inspector.
6. A person who has a university degree and has at least three (3) years of professional work experience may be elected as an inspector.

Article 188

Rights and duties of inspectors

1. The Ministry shall oversee the implementation of the provisions and the professional work of the correctional Institutions and Regional probation directorates in order to provide a unique system of execution of criminal sanctions, transfer of positive experiences, analysis and monitoring of the work of several organizational units of the correctional facility and the provision of professional assistance to those units.
2. The inspector shall supervise the application of the provisions of this Law, sub-legal acts adopted for its implementation and has the authority:
 - 2.1. to enter at any time and without notice into all spaces and premises of correctional institutions and Regional Probation Directorates for the purpose of inspection;
 - 2.2. to order that the omissions and shortcomings identified are eliminated within the deadline he sets;
 - 2.3. to verify each case separately, each time a legal violation is suspected. The inspector shall initiate the procedure either ex officio, or at the initiative of the interested person;
 - 2.4. to recommend the responsible entities to undertake the disciplinary measures in accordance with the hierarchical structure.

3. The entity that has been ordered to eliminate the shortcomings and irregularities according to paragraph 2, sub-paragraph 2.2 of this Article, is obliged that after the elimination of shortcomings and irregularities to notify the inspector within the deadline set by the inspector and which can not be longer than eight (8) days.

4. The inspector is obliged:

4.1. to compile minutes related to the performance of inspection supervision;

4.2. to keep secret all records for which he is notified during the performance of inspection works, which by internal acts are considered confidential. Disclosure of such information is provided only to the authorities designated by law;

4.3. in identifying cases or complaints for non-provision of health treatment and inadequate sanitary-hygienic conditions for prisoners, the inspectorate is obliged to refer these cases to the competent body for inspection in the competent Ministry.

4.4. to draft regular reports to the Minister of Justice regarding his findings and to inform the Secretary General.

5. Supervision of the work of correctional institutions regarding the control of financial work, employment relationship, occupational safety, health and sanitary protection of convicted and detained persons, conditions and manner of receiving food is performed by authorized bodies in accordance with special provisions.

Article 189 Independence and impartiality

1. Inspectors in the performance of their duties are independent and impartial from any interference which may affect them directly or indirectly.

2. Inspectors must perform their duties with professional skills and full responsibility and are free from any interference that may affect their fair judgment or the outcome of the inspection.

3. In performing the duties of inspection supervision, the inspector is independent and undertakes actions in accordance with the law and other provisions. Due to the risk, importance, as well as special working conditions, the Minister with a decision determines the additional allowance in personal income of the inspectors.

4. Through the inspection is also made the annual evaluation of each correctional institution and Regional probation directorates through:

4.1. determining whether actions have been carried out effectively, in particular those relating to admission procedures, enforcement of disciplinary sanctions, security matters, provision of health and medical services and provision of educational and social assistance;

4.2. reviewing the reliability of financial and management information;

4.3. certifying if the assets belonging to the Kosovo Correctional Service are audited and insured against losses, in particular the maintenance and cleanliness of facilities;

4.4. evaluating the effective use of human resources;

4.5. overseeing whether the defined program objectives have been achieved.

5. The sub-legal act on the manner of conducting inspection supervision for the work of correctional institutions is issued by the Minister.

Article 190

Cooperation with Inspectors

1. In performing the supervision, the director of the correctional facility and all employees are obliged to cooperate with the inspectors in fulfilling their authorizations and obligations, to make available all the necessary documentation and data and to enable them to work unhindered.
2. In exercising supervision, inspectors may talk to convicted persons without the presence of correctional facility staff, as well as with all correctional facility employees without the presence of their direct supervisors or the head of the correctional facility.
3. When deeming necessary, the inspector may take a statement from the persons from paragraph 2 of this Article in the minutes.

Article 191

Minutes related to the Inspection

1. Minutes related to the inspection supervision are sent to the Minister, the General Director and the Director of the Correctional Institution where the inspection supervision was performed.
2. The correctional facility is obliged to act according to the ordered measures and deadlines given and to inform the Inspectorate in writing.
3. In the ordered measures and deadlines provided, the director of the Correctional Institution may submit to the Minister an objection against the ordered measures, within eight (8) days from the date of receipt of the minutes.
4. In accordance with the content of the objection, the Minister may suspend or set other deadlines for the execution of ordered measures or order other measures to eliminate the observed shortcomings.
5. The objection postpones the execution of the ordered measures except in the case when in the report it is assessed that in that way the direct risk for life and health or property is not avoided and when this is in the interest of the security of the Correctional Institution.
6. The recommendations of the Inspectorate of the Ministry of Justice after the approval of the Minister of Justice are mandatory.

Article 192

Supervision of health, hygiene and safety conditions

If in the supervision procedure by the competent body it is confirmed that the Correctional Institution does not meet the foreseen health and hygienic conditions or if the safety is inherently endangered, the Minister may issue a decision on the temporary cessation of the work of the Correctional Institution and apply the transfer of convicted persons or persons in detention on remand to another correctional institution.

Article 193

Supervision of human rights

1. Supervision regarding the protection and status of human rights and the conditions, in which criminal sanctions and other measures imposed in criminal proceedings are executed, is performed by the official for prisoner's rights in the Ministry's office of human rights.
2. The officer for prisoners' rights shall oversee the protection and status of human rights and the conditions under which criminal sanctions and other measures imposed in criminal proceedings are executed in correctional facilities independently, or in cooperation with competent inspectors, or with international institutions, or other institutions which are competent for the monitoring and

realization of human rights and fundamental freedoms, in accordance with the Law and relevant international documents.

3. The officer for prisoners' rights is independent in his work, and the competent bodies and institutions are obliged to provide all relevant information for his work.

4. The officer for prisoners' rights shall report his work to the head of the office of human rights at the Ministry of Justice and to the Secretary General.

CHAPTER X TRANSITIONAL AND FINAL PROVISIONS

Article 194 Sub-legal acts

1. The Minister shall adopt sub-legal acts for the implementation of this law within twelve (12) months after the entry into force of the law.

2. Sub-legal acts into force shall continue to be implemented, until the issuance of new acts, provided that they are not in contradiction with this Law.

3. The Minister of Education, with the consent of the Minister of Justice, within six (6) months from the entry into force of this law, shall adopt a sub-legal act which governs the education of convicted persons.

Article 195 Execution of punishments commenced before the date of entry into force of this law

Execution of punishments commenced before the date of entry into force of this Law, but which have not been completed by that date shall be continued and completed in accordance with the provisions of the previous Law, unless the provisions of this Law are more favourable to the person convicted.

Article 196 Calculation of the time period

After the entry into force of this law, if the foreseen time period is running, this period is calculated in accordance with the provisions of this Law, unless the previous period was longer, or unless otherwise provided by the provisions of this Chapter.

Article 197 Transitional Provisions

Current members of the Conditional Release Panel shall remain in duty until the end of their mandate.

Article 198 Repealing provisions

With the entry into force of this Law, Law No. 04/L-149 on the Execution of Penal Sanctions and the Law No. 05/L-129 on Amending and Supplementing the Law No.04/L-149 on the Execution of Penal Sanctions shall be repealed.

Article 199
Entry into force

This Law shall enter into force fifteen (15) days after its publication in the Official Gazette of the Republic of Kosovo.

Law No. 08/L-132
14 July 2022

Promulgated by Decree No. DL-249/2022 dated 01.08.2022 President of the Republic of Kosovo Vjosa Osmani-Sadriu