



**Republika e Kosovës**  
**Republika Kosovo - Republic of Kosovo**

**Qeveria - Vlada - Government Ministria e Drejtësisë - Ministarstvo Pravde -  
Ministry of Justice**

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**Minister of Justice,**

Pursuant to Article 189 (paragraph 5) of Law no. 08/L-132 on Execution of Criminal Sanctions, based on Article 66 of Law No. 08/L-131, in accordance with Article 11, paragraph 1, subparagraph 1.5 of Law No. 08/L-117 on the Government of the Republic of Kosovo, based on Annex 1 (point 3) of the Regulation (GRK) - NO. 14/2023 on the Areas of Administrative Responsibility of the Office of the Prime Minister and Ministries, Article 38, paragraph 6 of the Regulation 09/2011 of Rules and Procedure of the Government (Official Gazette no. 15, dated 12.09.2011),

Issues:

**ADMINISTRATIVE INSTRUCTION MoJ - No. 08 /2023<sup>1</sup>**  
**ON THE MANNER OF CONDUCTING INTERNAL INSPECTION IN**  
**CORRECTIONAL INSTITUTIONS AND REGIONAL PROBATION**  
**DIRECTORATES**

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<sup>1</sup> Administrative Instruction Moj-No. 08/2023 On the manner of conducting internal inspection in correctional institutions and regional probation directorates, signed by Minister of Justice, date 06.09.2023

**Article 1**  
**Purpose**

This Administrative Instruction regulates the manner of conducting internal inspection in Correctional Institutions and Regional Probation Directorates (hereinafter: Inspectorate).

**Article 2**  
**Scope**

All correctional institutions and regional probation directorates are subject to internal inspection according to this Administrative Instruction.

**Article 3**  
**Working principles of the Inspectorate**

1. Inspectors in the performance of their duties are independent and impartial from any interference that may influence 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 result of the control.
3. In performing the inspection tasks, the inspector is independent and takes actions based on the law and other provisions.
4. During its work, the Inspectorate shall comply with the principle of confidentiality of information and data.
5. During its work, the Inspectorate shall handle confidential documentation in accordance with the legislation in force.

**Article 4**  
**Conducting Inspection**

1. The Inspectorate, in accordance with the legal authorizations, supervises the implementation of the provisions of the Law on Execution of Criminal Sanctions and the sub-legal acts issued in its implementation.
2. The Inspectorate initiates the inspection procedure according to the official duty, or at the initiative of the interested person.
3. The Inspectorate has the following authorizations:

3.1. to enter at any time and without warning in all spaces and premises of the correctional and probation institution for the purpose of inspection;

3.2. to order that the identified omissions and defects be eliminated within the deadline set by the inspector;

3.3. to verify each case separately, each time a legal violation is suspected. The inspector initiates the procedure either by official duty or by the initiative of the interested person;

3.4. to recommend to the responsible entities the undertaking of disciplinary measures in accordance with the hierarchical structure.

4. The Inspectorate carries out its activity based on the annual work plan, which it draws up at the beginning of the calendar year.

5. The Inspectorate, during the drafting of the work plan, is based on the strategic objectives of the Ministry of Justice in order to meet the standards in the Kosovo Correctional Service (hereinafter: KCS) and the Kosovo Probation Service (hereinafter: KPS).

## **Article 5** **Inspection time**

1. The inspection is done based on the annual work plan of the Inspectorate.

2. Notwithstanding paragraph 1 of this Article, the Inspectorate performs the inspection as follows:

2.1. according to the written order of the Minister of Justice;

2.2. at the request of the Director General of KCS or the Director General of KPS, and according to the request given orally, in exceptional cases, which is followed by a written request, without delay.

2.3. at the request of the Director of the Correctional Institution, or the Head of the Regional Probation Directorate through the Director General of KCS, namely KPS.

## **Article 6** **Manner of carrying out inspection**

1. The inspection is carried out by direct inspection of the working conditions and manner of performance by the employees, the working conditions and manner of work and the housing for the prisoners.

2. The inspection is carried out by evaluating the work in the correctional and probation institution in accordance with the legislation in force.

3. In the implementation of supervision, inspectors can talk with convicted persons without the presence of correctional officers, as well as with all employees in the correctional and probation institutions without the presence of their direct supervisors, or the head of the correctional and probation institution.

4. When deemed necessary, the inspector can obtain a statement in the minutes from the persons from paragraph 3 of this Article.

5. Through the inspection, the annual evaluation of each correctional institution and regional probation directorate is done through:

5.1. determining whether the actions have been carried out effectively, in particular those related to the admission procedures, the implementation of disciplinary punishments, security issues, the provision of health and medical services and the provision of educational and social assistance;

5.2. examining the reliability of financial and management information;

5.3. verification if the assets belonging to the Kosovo Correctional Service are controlled and insured against losses, in particular the maintenance and cleanliness of the facilities;

5.4. evaluating the effective use of human resources;

5.5. supervision if the defined objectives of the programs have been achieved;

5.6. supervision of the operation of security measures and systems in correctional institutions.

6. The entity that has been ordered to eliminate defects and irregularities is obliged to notify the inspectorate after the elimination of defects and irregularities within the deadline set by the Inspectorate, which cannot be longer than eight (8) days.

## **Article 7**

### **Inspection of regional probation directorates**

1. The Inspectorate inspects the probation regional directorates, if:

1.1. social surveys and relevant reports are prepared in accordance with the law and the established deadlines;

1.2. the activities of the program related to educational measures, supervision of alternative sentences and conditional release have been carried out in accordance with the law and the work standards of KCS;

1.3. the execution of diversity measures and educational measures for minors was carried out within the deadline;

1.4.evidence and records for the execution of measures and alternative punishments are kept in accordance with the law and standards.

### **Article 8** **Inspection of specific fields**

The supervision of the work of the correctional institutions and regional directorates of the probation service in relation to the control of financial work, employment relations, protection at work, health and sanitary protection of convicted and detained persons, the conditions and manner of receiving food, is carried out by the bodies authorized in accordance with the specific provisions.

### **Article 9** **Inspection on request**

1. At the request of the staff of the correctional institution, the prisoner and the interested person, the Inspectorate shall start the inspection according to the requested case.
2. If the illegal action against the staff or the prisoner is proven, the inspector, in addition to his official action on the specific issue, will also instruct him on his rights.

### **Article 10** **Inspection minutes**

1. During each inspection, the Inspectorate compiles a separate report.
2. After each inspection, the Inspectorate compiles minutes ordering or recommending the elimination of irregularities and defects found during the inspection.
3. The minutes contain the following data:
  - 3.1. scope and manner of inspection;
  - 3.2. the main content of the inspection;
  - 3.3. proven facts;
  - 3.4. objections from the inspected entity;
  - 3.5. the orders given to remove the detected irregularities;
  - 3.6. recommendations and proposal of measures;
  - 3.7. the deadline for fulfilling orders.

4. The minutes are signed by the members of the Inspectorate team who carried out the inspection.
5. The Inspectorate, after each inspection and finding of violations, discusses them with the responsible officer of the relevant institution.
6. The documentation that makes up the file, which is the subject of the inspection, is attached to the minutes.
7. The minutes related to the performance of the inspection supervision are sent to the Minister, the Director General and the Director of the Correctional Institution, namely the Director General of the Probation Service and the Director of the Regional Probation Directorate where the inspection supervision was carried out.

### **Article 11** **Inspection report**

1. After reporting to the correctional institution for the elimination of defects and irregularities found during the inspection, the Inspectorate verifies the fulfilment of orders found in the minutes.
2. After verification by the Inspectorate for the fulfilment of orders found in the minutes, the Inspectorate notifies the Minister of Justice by means of an official report on the fulfilment of orders by the correctional institution.
3. In the event that the correctional institution has not fulfilled the orders mentioned in the minutes for the findings during the inspection, the Inspectorate notifies the Minister about the non-fulfilment of orders by the correctional institution.

### **Article 12** **Repeal**

With the entry into force of this Administrative Instruction, the Administrative Instruction MoJ-no. 11/2013 on the Manner of Conducting Internal Inspection in Correctional Institutions is repealed.

### **Article 13** **Entry into force**

This Instruction enters into force 7 (seven) days after publication in the Official Gazette of the Republic of Kosovo.

**Albulena Haxhiu**

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**Minister of Justice**

\_\_\_\_.\_\_\_\_.2023